

Friday, 1 December 2023

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UPLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Uplands Area Planning Sub-Committee which will be held in the Committee Room 1, Woodgreen, Witney OX28 1NB on **Monday, 11 December 2023 at 2.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Uplands Area Planning Sub-Committee

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

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As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

AGENDA

- 1. Apologies for Absence and Temporary Appointments**
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 3 - 6)**
To approve the minutes of the meeting held on 13 November 2023.
- 4. Applications for Development (Pages 7 - 60)**
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
9 - 33	22/01147/FUL	Land North of End Green	James Nelson
34 - 49	23/01569/FUL	Land And Building (E) 439518 (N) 226211 Enstone Airfield North	James Nelson
50 - 56	23/02619/HHD	19 Park Lane Woodstock	Sarah Hegerty
57 - 60	23/02620/LBC	19 Park Lane Woodstock	Sarah Hegerty

- 5. Applications Determined under Delegated Powers and Appeal Decisions (Pages 61 - 62)**
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 Enforcement Cases (Pages 63 - 70)**
Purpose:
To provide an update on progress in respect of priority enforcement investigations.

(END)

WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in Committee Room One, Woodgreen, Witney, Oxfordshire OX28 1NB at 2.00pm on
Monday 13 November 2023.

PRESENT

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

Officers: Andrew Brown (Business Manager, Democratic Services), Max Thompson (Senior Democratic Services Officer), Joan Desmond (Principal Planner), James Nelson (Planning Officer) and Abby Fettes (Development Manager).

Other Councillors in attendance: Nil.

102 Apologies for Absence and Temporary Appointments

Apologies for Absence were received from Councillors Andrew Beaney and Hugo Ashton.
Councillor Tim Sumner substituted for Councillor Hugo Ashton.

103 Declarations of Interest

There were no Declarations of Interest made by Members of the sub-Committee.

104 Minutes of Previous Meeting

Councillor Rizvana Poole proposed that the minutes of the previous meeting, held on Monday 16 October 2023, be agreed by the sub-Committee as a true and accurate record, and signed by the Chair.

This was seconded by Councillor Mark Walker and was put to a vote.

There were 8 votes in favour, no votes against, and two abstentions. The vote was carried.

The Sub-Committee **Resolved** to:

1. Agree the minutes of the previous meeting, held on Monday 16 October 2023, as a true and accurate record.

105 23/00818/OUT Land North Of Holliers Crescent, Middle Barton.

Joan Desmond, Principal Planner, introduced the outline application, with some matters reserved, for residential and associated development (up to 80 dwellings) including means of access, access roads, green infrastructure, drainage, and other infrastructure.

Jane McRobie addressed the Sub-Committee on behalf of Steeple Barton Parish Council.

Andy Birch addressed the Sub-Committee on behalf of the applicant, which raised a point of clarification surrounding growth of the development within the Chipping Norton area, in line with local needs, and also regarding local waiting lists.

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

- Identifying housing needs – No evidence of housing or community need had been provided;

Uplands Area Planning Sub-Committee

13/November2023

- Housing location within Chipping Norton sub-area strategy – Development limited to meeting local community and business needs;
- The Council' ability to demonstrate a 5 Year Housing Land Supply, using the standard method calculation;
- The development would be poorly related to adjoining development in the area and would not form a logical compliment to the existing pattern of development and the character of the area;
- The development would fail to protect or enhance the local landscape and setting of the village;
- The development would have a negligible impact on the conservation area but no archaeological field evaluation had been completed;
- Limitations of public transport provisions in the area – The proposed site would lie within an area where there are insufficient public transport options, and residents would be reliant on using private transport;
- Further clarification was still required regarding Biodiversity Impacts of the site including potential significant effects on the Middle Barton SSSI.

The Chair then invited the Sub-Committee to discuss the application, which raised the following points:

- The projected 15% increase in size of the development within a perceived smaller District Council ward;
- The Sub-Committee's appreciation for objection comments received and submitted by Steeple Barton Parish Council;
- Differences between a previously refused application – A previous application was deemed to be 'more discreet';
- Limited access to the proposed site, and a lack of public transport options;
- Related site impacts to current residents in the area, such as land being taken away from dog-walkers and younger persons for recreational purposes;
- Proposed infrastructure implications, such as sewage treatment works and wastewater management;
- A lack of associated Section 106 agreements, including access to healthcare provisions, and the contribution to levels of affordable housing within the development. Councillor David Jackson proposed that application 23/00818/OUT be refused, in line with officer recommendations. This was seconded by Councillor Alaa Al-Yousuf, was put to a vote, and was agreed unanimously by the sub-Committee.

The Sub-Committee **Resolved** to:

- I. Refuse the outline application, in line with officer recommendations.

106 23/01569/FUL Land And Building (E) 439518 (N) 226211, Enstone Airfield North, Banbury Road, Enstone.

James Nelson, Planning Officer, introduced the application for the erection of detached, single and two storey air traffic control facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle (amended plans).

Max Thompson, Senior Democratic Services Officer, read out a pre-submitted statement to the Sub-Committee on behalf of Michael Ergatoudis of the Great Tew Estate, in objection to the application, which raised clarification points surrounding the merits of applications submitted on land that is not owned by applicants.

John Pritchard addressed the Sub-Committee in objection the application, which raised a point of clarification surrounding limitations of activity within the aerodrome.

Huw Mellor addressed the Sub-Committee on behalf of the Agent for the application, which raised points of clarification surrounding the intended use of the proposed building, potential increases in flying activity, and safety provisions related to flying activity within the aerodrome.

Councillor Julian Cooper proposed that application 23/01569/FUL be deferred for a site visit by the sub-Committee. This was seconded by Councillor Jeff Haine and was put to a vote. There were 6 votes in favour, 2 against and 2 abstentions. The vote was carried.

The Sub-Committee **Resolved** to:

1. Defer the application for a site visit by the Committee, to take place on 7 December 2023 at 9.30am.

107 Applications Determined under Delegated Powers and Appeal Decisions

The report giving details of applications, determined under delegated powers, and decisions taken to appeal, was received and noted by the Sub-Committee.

108 Appeal at Hill Rise, Woodstock

Councillor Julian Cooper introduced the item, stating that the exempt report contained within the agenda reports pack need not be considered on its own merit.

Councillor Cooper stated he believed that the best course of action would be that the Sub-Committee request that, for the forthcoming Local Plan, a full and comprehensive report on the Blenheim World Heritage Site is produced with comparisons made to other World Heritage Sites.

In debate, Officers stated that the proposal would be best represented by the Local Plan Cross-Party Member Working Group, and that representations would need to be made by Members to the Council's Planning Policy Manager.

Councillor Julian Cooper proposed that the Sub-Committee note the exempt report, and request that for the forthcoming Local Plan, a full and comprehensive report of the Blenheim World Heritage Site is produced with comparisons made to other World Heritage Sites. This was seconded by Councillor Tim Sumner, and was put to a vote. There were 6 votes in favour, 1 vote against with 3 abstentions. The vote was carried.

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The Sub-Committee **Resolved** to:

1. Note the exempt report;
2. Request that planning policy officers produce a full and comprehensive report on the Blenheim World Heritage Site, with comparisons made to other World Heritage Sites, to inform the Local Plan review process.

The Meeting closed at 3.05pm.

CHAIR

WEST OXFORDSHIRE DISTRICT COUNCIL UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th 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.

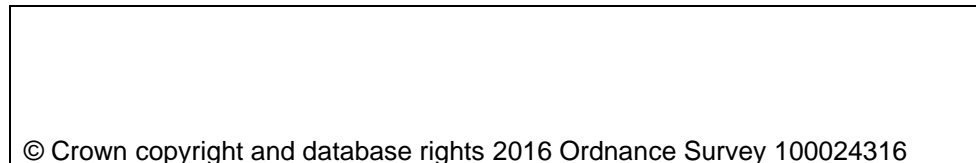
Please note that:

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

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Application Number	22/01147/FUL
Site Address	Land North Of Green End Chadlington Oxfordshire
Date	29th November 2023
Officer	James Nelson
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chadlington Parish Council
Grid Reference	430963 E 221598 N
Committee Date	11th December 2023

Location Map



Application Details:

Proposed Single Dwelling (Para 80e house), detached gatehouse, garage, office and pumphouse building, landscape enhancements, SuDs/ephemeral ponds, landscaped mounds and associated works (Amended Plans).

Applicant Details:

Mr Phil Dobson
C/O Ridge and Partners LLP
3rd Floor Regents House
65 Rodney Road
Cheltenham
GL50 1HX
United Kingdom

I CONSULTATIONS

District Ecologist

Please note off-site BNG will need to be secured via a S106.

The submitted report has confirmed the presence of a disused badger sett located at the south western corner of the site within hawthorn and elder scrub and nesting barn owls within the existing barn. Subsequently, mitigation outlined in Section 7 of the submitted consultancy report and WODC's method of working document will need to be adhered to. In addition to protected species, the submitted report also identified Japanese Knotweed, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). As a result, an invasive species method removal

statement will need to be submitted to the LPA, detailing an appropriate removal method which will need to be implemented and completed prior to the commencement of works.

Due to the presence of nocturnal species, any external lighting should be sensitively designed to minimise light spill towards the disused badger sett (which could be re-occupied), retained vegetation and biodiversity enhancement features.

The planning system should aim to deliver overall net gains for biodiversity as laid out in Chapter 15 of the revised NPPF and local plan policy EH3. The inclusion of integrated bat and bird boxes will aid in connecting the proposed site to the wider ecological network. In addition, the demolition of the barn will result in the loss of a barn owl roosting site therefore, a suitable compensatory nesting box will need to be incorporated into the scheme to ensure suitable nesting sites remain available.

The applicant has submitted the Defra 3.0 BNG metric, demonstrating a measurable biodiversity net gain can be achieved in habitat and hedgerow units by enhancing and creating new habitats both on and off-site. A biodiversity management and monitoring plan is recommended to ensure both on and off-site habitats as described in the submitted metric are secured and maintained for the required 30-year period.

Parish Council

Initial Response

Chadlington Parish Council wish to object to this planning application. The Council is concerned that this development would have a harmful impact on the environment and the local area. The Council believes that this development in the open landscape of the AONB is contrary to: a) WODC Local Plan 2031 policies including: OS2- Locating development in the right places, "development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area." H2- Delivery of new homes - The council is concerned that this application does not meet the "circumstances" as set out for Small villages, hamlets and open countryside. EH1 - Cotswolds Area of Outstanding Natural Beauty, "In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage." EH2- Landscape character, "The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced... Special attention and protection will be given to the landscape and biodiversity of ... the Wychwood Project Area." b) Cotswolds AONB Management Plan 2018-2023 policies including: CE1 - Landscape, "Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB should have regard to, and be

compatible with, and reinforce the landscape character of the location as described by the Cotswold Conservation Board's Landscape Character Assessment and Landscape Strategy Guidelines. Proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to the scenic quality of the location and ensure that views - including those into and out of the AONB - and visual amenity are conserved and enhanced." CE3- Local distinctiveness "Proposals that are likely to impact on the local distinctiveness of the Cotswolds AONB should have regard to, be compatible with and reinforce this local distinctiveness." The Council believes that this development will have a detrimental effect on the wildlife and biodiversity of the area, and notes as a concern that there is a proposal to remove an active badger sett (Disused Quarry, Chadlington: Preliminary Ecological Assessment and Bat Survey, page 15, paragraph 6.15), and is contrary to WODC Local Plan 2031 policies including: EH3- Biodiversity and geodiversity, "The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity." The Council believes that this development does not meet the criteria of paragraph 80 e of the National Planning Policy Framework, "the design is of exceptional quality, in that it: would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area", as it would be in the open landscape of the Cotswolds AONB.

Re-consultation Response

Chadlington Parish Council has resolved at the meeting on 13 November 2023 to maintain its previous objection and to raise its concern about the impact of the proposed glazing.

OCC Highways

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

Recommendation:

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

- G28 parking as plan
- G11 access specification
- G25 drive etc specification

INFORMATIVE

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

WODC Drainage

No Comment Received.

ERS Contamination

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

The proposed development site is located in the vicinity of a former quarry and unknown filled ground. 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 - Uplands

No objection.

Thames Water

Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.

Environment Agency

No comment.

District Ecologist

See above.

Conservation And Design
Officer

Initial Response

I have now had time to go over the various documentation. And I must say, it would have been helpful if there had been less information on the architect's previous work, and on their previous experimentation, which, whilst undoubtedly laudable, is not particularly relevant. It is, of course, their work on this project, that is most relevant, and that should speak for itself.

Anyway, they have gone for a particularly low-lying approach, with a good proportion of the accommodation set into the quarry face, and with the higher level forms being single-storey. This will certainly reduce the impact in longer views - and noting that the site is set somewhat below the highest contour of the hill, and noting that there would be shelter planting to the north-west, north and north-east, it should not be prominent against the skyline. Arguably, this proposal would be less assertive than the typical Paragraph 80 house - and I think that this is demonstrated pretty well in their landscape visuals.

With respect to the architecture, this is very much a house of two parts. The lower level accommodation is playful - and the crinkly wall gives very interesting spaces, with the proposed rocky walling referencing the quarry. This is a strong idea, and it relates the building to this very particular site. By contrast, the upper level block is almost brutally rectilinear, long and flat-roofed. I do think that this contrast is a useful device though, and I like the way the two parts are pinned together by an atrium - and as previously mentioned, the single storey form of the upper level block is welcome. But I am not sure that the upper level block is entirely successful architecturally - giving an almost entirely glazed and lengthy strip to the south-east, and an unbroken horizontal line. However, design is to a degree subjective, the whole affair would not be that prominent, and I am not sure that the proposal would be refusable on that basis - although we do note that Paragraph 80 requires a design to be sensitive to the defining characteristics of the local area, and it is hard to think of any kind of precedent for the proposed form, or to know what it references.

Interestingly, I note that the third, final, report of the Design Review Panel, states that the proposal meets the requirements of Paragraph 80, but curiously qualifies the statement by saying that this is 'subject to demonstrating the building would sit appropriately within the wider landscape sitting'. So, it appears that this had not been demonstrated at that point. It isn't clear what deficiencies they identified, but it is tempting to think that the form of the upper level block, being the only part really visible beyond the immediate site,

may have been an issue. A fourth review by the Design Review Panel might have been helpful, as this feels like unfinished business, as matters stand.

With respect to climate issues, I note that our Sustainability Officer has raised certain issues - although I have little doubt that these can be resolved. With respect to energy in use, they seem to have achieved Passivhaus standards before, and with respect to embodied carbon they seem to be looking at low carbon materials - and if they can indeed use the stone from the site, that would be a major plus.

With respect to significant enhancement of the immediate setting (Paragraph 80), I do note that whilst the existing quarry is untidy and rubbish-filled, being overgrown and wooded, and of no great size, it doesn't make a great impact on the landscape - and indeed, these overgrown shallow delves are fairly common. So, as Nick has already pointed out, there wouldn't be any great enhancement in this respect. This begs the question - would the architecture itself represent an enhancement?

To summarise, I think that the architects have put a great deal of thought into this project, and have made good use of the excavated, sunken nature of the site. But in terms of Paragraph 80, is the design 'truly outstanding, reflecting the highest standards in architecture', and would it 'help to raise standards of design more generally in rural areas' ? As discussed above, design is to a degree subjective, and I would not like to argue against the design quality here.

Nonetheless, I would welcome the opportunity to work with the architects on the form of the upper level block. In my view, it would benefit from some softening, perhaps looking at low pitched mono or duo-pitched roofing (suiting integral PVs, which look less like afterthoughts), lower eaves on the glazed south-east elevation, and breaking the strong single line on plan, perhaps by cranking it, or subdividing it.

Response to amended plans

Stepping the upper storey on plan helps a great deal - giving a less harsh skyline, and more interest.

This pretty much addresses my concerns - although it would be preferable for the slightly lower dark coloured roof to run through over the master bedroom, with a cranked form on plan. Also, a single row of PVs, continuous and set parallel to the front edge of the roof, not too far back, would give a stronger, less apologetic form.

Advice incorporated into revised plans received 24.10.2023

Climate

Please see tabulated comments on Council website.

WODC Landscape And
Forestry Officer

Para 80 e) the design is of exceptional quality, in that it:
- Is truly outstanding, reflecting the highest standards in architecture, AND would help raise standards of design more generally in rural areas, AND
- Would SIGNIFICANTLY ENHANCE its immediate setting, AND be sensitive to the defining characteristics of the local area.

From what I can see the proposals do not 'significantly enhance' the setting in which the site sits. The wider landscape is the 'open limestone wolds' landscape type. The WODC Landscape Assessment describes this type as the following;

- Large-scale, smoothly rolling farmland occupying the limestone plateau and dipslope;
- Typically large or very large fields, with rectilinear pattern of dry-stone walls (typical of later enclosures and often in poor condition) and weak hedgerows, with frequent gaps and very few trees;
- Productive farmland predominantly under intensive arable cultivation;
- Thin, well drained calcareous soils and sparse natural vegetation cover and a somewhat impoverished 'upland' character;
- Very open and exposed character;
- Distinctive elevated and expansive character in higher areas, with dominant sky and sweeping views across surrounding areas;
- High intervisibility.

The site and surrounding landscape exhibit these features. The surroundings do not appear to be in particular need of 'significant enhancement'. There are no detracting features or influences that are to be removed and no proposals to change the landscape from something at odds with local characteristics to something that would be more in tune with local character. The proposals for the wider landscape in the applicant's ownership are fairly mainstream and include repairing or replacing some drystone walls, planting some hedgerows and clumps of trees and species-rich field margins. All this type of work is commonplace and the local landscape is not in need of it, nor will it make a 'significant enhancement' to the local scene.

It could be argued that the proposals do not meet the requirements of paragraph 80(e) in that they do not meet the test of 'significantly enhancing the immediate setting'. This is assuming 'immediate setting' is interpreted as the setting in which the house and garden sits, rather than the garden immediately adjacent to the house.

A counter argument could be that all the positive features in the proposals are listed in various landscape character assessments. It is true that we would generally support the restoration of stone walls and hedgerows and planting the right trees in the right places but implementing those works on this site hardly seems to be a 'significant enhancement' to the local landscape, especially if they are to be used

as a trigger to permit development of isolated residential properties in open countryside which would be quite rightly contrary to planning policy.

2 REPRESENTATIONS

2.1 A total of five third party comments have been received, unanimously opposed to the scheme. The following planning matters are raised:

- Proposed development will not significantly enhance its immediate setting
- Disturbance to local habitats
- Unacceptable light pollution
- Encroachment of large houses and associated suburbanisation
- Inappropriate design and out of character with the surrounding countryside
- Harm to landscape and scenic beauty exacerbated by exposed/elevated location

3 APPLICANT'S CASE

3.2 The applicants have submitted a Planning Statement in support of their case, the key points of which are summarised as follows:

3.3 "This Planning Statement has been prepared by Ridge and Partners LLP on behalf of the Applicant, Mr P Dobson, in support of a full planning application for the erection of an open market dwelling of exceptional quality design at Chadlington Quarry, Land North of Greenend Road, Greenend, Chadlington, Chipping Norton, OX7 3NQ.

3.4 The site is situated in the open countryside in planning policy terms; however, the development plan sets out certain exceptions where residential development is acceptable, including residential development of exceptional quality or innovative design. This circumstance reflects part e) of Paragraph 80 of the NPPF, which allows for isolated dwellings in the countryside if they are, amongst others, of exceptional quality design. Such a dwelling must meet the criteria set out at Paragraph 80e):

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

3.5 The new dwelling has benefited from an innovative, sympathetic design which responds to its landscape setting. The exceptional design of the scheme including the use of the latest technologies in renewable energy and its positive impact on the surrounding landscape ensures that it meets the tests as outlined at Paragraph 80 of the NPPF. This has been agreed by the Design Review Panel.

3.6 It has been demonstrated that the development proposal constitutes as sustainable development, as it meets the three dimensions of the NPPF paragraph 8.

3.7 There are no other material considerations identified that weigh against the proposals."

3.8 This Statement has demonstrated that the proposal accords with the strict criteria set out in paragraph 80e) and the proposals are acceptable in line with all other development plan policies. In this context, development should be approved without delay."

3.9 The full document is available to view on the Council's website.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

T2NEW Highway improvement schemes

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

EH13 Historic landscape character

West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of a single dwelling (Para 80e house), detached gatehouse, garage, office and pumphouse building, landscape enhancements, SuDs/ephemeral ponds, landscaped mounds and associated works at Land North of Green End, Chadlington.

5.2 The application site is located approximately 1.3km west of the village of Chadlington and is comprised of a former quarry and associated access running on a north-south axis off Greenend Road. The site is surrounded by agricultural land in common ownership. The submission indicates that the quarry was formed towards the end of the 19th Century and has since been used for agricultural purposes, a dilapidated barn/storage building is located within the site. The northern and western bounds of the site are enclosed by traditional drystone walling in a poor state of repair. Unmanaged hedgerow/shrubbery contextualise the northern and eastern boundary, becoming increasingly sparse to the south.

5.3 The site lies within the Cotswolds National Landscape ('CNL') and Flood Risk Zone 1.

5.4 The application has been amended through the submission of amended plans and necessary public re-consultation carried out.

5.5 There is no relevant planning history at the site.

Development plan

5.6 In October 2023 the Levelling-Up and Regeneration Act ("LURA") received royal ascent. The LURA 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 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.8 In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP'). There is no made neighbourhood plan for the area.

5.9 Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.10 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.

5.11 WOLP Policy OS1 reflects the policies of the National Planning Policy Framework ('NPPF') with regard to sustainable development, Policy OS2 sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site is located outside of an existing settlement and for the purposes of Policy OS2, is considered the open countryside.

5.12 WOLP Policy OS2 outlines that:

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2."

5.13 WOLP Policy OS2 also sets out a series of general principles with which all development should comply. Those relevant in this case are that new development should:

- 'Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- 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;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty'.

5.14 WOLP Policy OS3 is also relevant and states:

'All development proposals will be required to show consideration of the efficient and prudent use and management of natural resources'.

5.15 Policy OS4 states:

'New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings'.

5.16 WOLP Policy H1 sets out the LPA's approach to the distribution of residential development in the District. WOLP Policy H2 expands on H1 and sets out that in open countryside locations, new dwellings will only be permitted where they comply with the general principles set out in Policy OS2 and in an exhaustive list of circumstances. The relevant criterion is this case being:

"Residential development of exceptional quality or innovative design".

5.17 WOLP Policy T2 states that:

"All development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network".

5.18 Policy EH1 states:

'In determining development proposals within the Cotswold Area of Outstanding Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage... Proposals that support the economy and social wellbeing of communities located in the AONB, will be supported, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.'

5.19 WOLP Policy EH2 deals with landscape character and is also directly relevant in this case. It states:

"The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced. New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds... Proposals which would result in the loss of features, important for their visual, amenity, or historic value will not be permitted unless the loss can be justified by appropriate mitigation and/or compensatory measures which can be secured to the satisfaction of the Council."

5.20 The supporting text to EH2 is at paragraphs 8.5-8.11. Paragraph 8.6 states:

'The West Oxfordshire Landscape Assessment together with guidance in the West Oxfordshire Design Guide SPD, the Cotswolds AONB Landscape Character Assessment, Strategy and Guidelines, detailed appraisals of the landscape setting of the main towns (undertaken to inform strategic site allocations), the Historic Landscape Character Assessment (HLC) for Oxfordshire and the Oxfordshire Wildlife and Landscape Study (OWLS), should be used to inform development proposals and to ensure they respect the distinctive landscape character areas.'

5.21 WOLP Policy EH3 states that:

'The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity'.

5.22 Policy EH8 outlines the LPA's approach to environmental protection including contaminated land and artificial light setting out that:

'The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- the elevations of buildings, particularly roofs, are designed to limit light spill;
- the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.'

5.23 WOLP Policy EH13 relates to applications affecting the historic character of the landscape.

National Policy/Guidance

5.24 The NPPF sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.25 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.

5.26 Key with regard to this application is Paragraph 80 which states:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential building; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area".

5.27 In this case, the application is brought forward seeking to demonstrate compliance with criteria 'e', which aligns with the criteria of WOLP Policy H2 in open countryside locations as outlined above.

5.28 Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 126) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.29 Paragraph 133 outlines:

'Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements...In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.'

5.30 Paragraph 174 sets out that planning policies and decisions should contribute to and enhance the natural and local environment including by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from

natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

5.31 Paragraph 176 states:

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

5.32 Taking into account planning policy, other material considerations and the representations of interested parties, officers consider that the key considerations in this assessment are:

- Principle;
- Design Quality;
- Landscape and Visual Impact;
- Ecological Impact;
- Sustainability/Climate Change;
- Highways Impact; and
- Conclusion on Compliance with Paragraph 80e

5.33 Each will be considered against local and national policy and guidance in this report.

Principle

5.34 The starting point in the assessment of the principle of development is Policy OS2, which limits development in the open countryside to that which requires and is appropriate for a rural location, and which respects the intrinsic character of the area. Residential development is required to align with the housing locational strategy of Policy H2 which adopts a restrictive approach to residential development in the open countryside, stating proposals will only be permitted where they comply with the general principles set out in Policy OS2, and in certain circumstances including where residential development is of exceptional quality or innovative design. Therefore, in order for the application to be considered acceptable in principle in accordance with Policy H2, the proposal is required to demonstrate the proposal comprises residential development of exceptional quality or innovative design. Exceptional quality must be demonstrated in accordance with the requirements of NPPF paragraph 80e in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

5.35 The initial test of paragraph 80 is that the site is located in an 'isolated' location. In this case, officers consider that this test is met given the location and context of the site as outlined. Therefore, the proposal is considered acceptable in principle subject to demonstrating compliance with the bullet points of paragraph 80 and relevant local and national policies as set out. This will be assessed in the remainder of this report.

Design Quality

5.36 The proposed dwelling would be sited in the northern portion of the site and composed of two distinct elements. The building would be cut in to the sloping site with angular Cotswold stone walling expressing the existing quarry face at ground floor level, providing an expression of the historic use of the site, and an overly modern pavilion finished in dark zinc panels and timber at first floor level. The height of the façade would be around 7.5m in total, albeit reduced in terms of its perception by the recessed nature of the lower floor, in terms of length, it would run approximately 41m. The design of the main building has been amended following negotiation with the LPA's Conservation and Design Architect to step the upper storey on plan. The existing barn would be renovated and retained as a home office, with flat roofed garage and gatehouse also set around the perimeter of the site. Each would employ materials in keeping with the main building such as Cotswold stone, zinc/metal panels, timber panels, metal microlouvres and grey powder coated aluminium triple glazed doors and windows. Each outbuilding would take a recessive and modest form set down against boundary walling. In terms of landscaping, a series of terraces and ponds would contextualise the built form with earth mounds and soft, rural access track and wildflower planting with irregular shrub/tree planting.

5.37 The proposed development has been subject to four rounds of review from 'The Design Review Panel', a nationwide, impartial and multi-disciplinary expert panel. Feedback from the Design Review Panel is a material consideration in this assessment as stated in NPPF paragraph 133.

5.38 The proposal explains in detail how at each iteration, the design has evolved to incorporate the specialist and multi-disciplinary advice received, including amendments to landscaping, sustainability matters and the design of the buildings themselves. The advice of the LPA's Conservation and Design Architect has also been fully integrated into the design, amending the upper block to increase visual interest and avoid a harsh roofline as originally proposed.

5.39 In terms of the first bullet point of paragraph 80e, to meet this test, the scheme must show that it is 'truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas'. Officers note that the tests set out by paragraph 80e represents an extremely 'high bar'.

5.40 In this regard, the application has been furnished with an Analysis and Design Planning Document and Landscape and Visual Appraisal which cite the following rationale as to how this proposal meets this test (as summarised in the Planning Statement):

- Extensive research has been undertaken into the site's location and its context, and requirements of the Applicants;
- The proposed building is the result of close collaboration between architects, landscape architects and specialist consultants, reflecting the highest standards in design and would help to raise standards of design more generally in rural areas;
- The proposed development represents a holistic proposal which responds to its site while addressing all considerations presented by the site including its wider and immediate context, orientation, solar radiation, ecology, biodiversity and landscape character;
- The proposals will be contained within an existing former quarry, taking cues from the site's history as well as other local quarries. It is stated that landscape enhancements and the building design would significantly enhance the immediate setting of this site;
- The dwelling has been designed with Passivhaus principles;
- The proposals include a bespoke combination of renewable energy technology systems to

produce heat and power.

5.41 The application was submitting following three stages of design review, during the course of the application, a further stage has been carried out. The responses of the Design Review Panel indicate that in their specialist opinion, the proposal would meet the test set out in the first bullet point of paragraph 80e. Officers acknowledge this opinion is a material consideration in this assessment.

5.42 In terms of achieving the highest standards in architecture, the design is expressly of two parts. The lower level accommodation is playful, and the crinkly wall gives very interesting spaces, with the proposed rocky walling referencing the quarry and reusing stone from on site. The LPA's Conservation and Design Architect has expressed support for this concept, as it relates the building explicitly to this site. The upper floor is pinned to the lower floor with an atrium but clearly modern and differentiated. This device is a considered response to the site, referencing modern agricultural buildings. The amended design softens the previously brutally rectilinear form, obviating its perceived harshness. Officers consider that the amended scheme has made innovative use of the excavated, sunken nature of the site. The proposal also includes extracts of an embodied carbon study which demonstrates an Energy Performance Certificate score of III could be achieved. In sum, officers agree with the recommendations of the Design Panel that the scheme is truly outstanding, reflecting the highest standards in architecture. Further, methods for disseminating learning outcomes on sustainability have been outlined in the submission, in particular relating to the application of dynamic solar shading using microlouvres as proposed, demonstrating how the scheme would lead to raising the standards of design more generally in the area.

5.43 Turning to the final bullet point of paragraph 80e, this requires proposals to significantly enhance their immediate setting, and be sensitive to the defining characteristics of the local area.

5.44 The application includes proposals to repair and repoint existing walls, reinforce existing hedgerows, retain and repair existing barn and use existing, weathered stone where possible. Various biodiversity and planting enhancements are proposed, as will be discussed later in this report. Further, measures to screen/mitigate artificial light are proposed as well as minimising domesticating impacts in landscape/track design. The built form has also been integrated into its landscape and topographic context to avoid impacting the skyline.

5.45 The fourth stage of design review was undertaken on officer advice largely due to the following qualified statement provided by the Design Review Panel at third review stage stating:

'Subject to demonstrating the building would sit appropriately within the wider landscape setting, the proposals do meet the policy requirements of para 80(e) of the NPPF.'

5.46 Officers sought further clarification in this regard given the impact of the proposal upon its wider landscape setting is considered fundamental to overcoming the tests of paragraph 80e. The fourth review confirmed that the Design Review Panel were satisfied that the proposal would sit appropriately within the wider landscape setting when viewed in the context of the landscaping proposals. Further, the Design Review Panel has stated their view that:

'In terms of the landscape design, the Panel is supportive and considers that the landscape design proposals have demonstrated a sensitivity to the defining characteristics of the local area and will result in a significant enhancement to the setting.'

5.47 Given the overlap between the second bullet point of paragraph 80e and landscape and visual impacts, this will be fully considered in the following section.

Landscape and Visual Impact

5.48 As detailed above, the site is located within the CNL. Section 85 of the Countryside and Rights of Way Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the CNL. This duty is enshrined in the general principles of WOLP Policy OS2 as well as Policy EH1 and Paragraph 176 of the NPPF. The requirements of paragraph 80e with regard to the scheme enhancing its immediate setting and being sensitive to the defining characteristics of the local area are also recognised in this assessment.

5.49 The West Oxfordshire Landscape Assessment 1998 ('WOLA') is listed in the supporting text to WOLP Policy EH2 and forms a material consideration in this assessment. Officers consider that the weight to be given to the advice in the WOLA is increased by the references in the NPPF to the importance of having such guidance available in attempting to achieve high quality design outcomes as well as its clear role as a supporting document to WOLP Policy EH2. In terms of the existing landscape character of the area, the application site lies within the 'open limestone wolds' (Enstone Uplands) landscape type. The WOLA describes this landscape type as demonstrating:

- 'Large-scale, smoothly rolling farmland occupying the limestone plateau and dip slope;
- Typically large or very large fields, with rectilinear pattern of dry-stone walls (typical of later enclosures and often in poor condition) and weak hedgerows, with frequent gaps and very few trees;
- Productive farmland predominantly under intensive arable cultivation;
- Thin, well drained calcareous soils and sparse natural vegetation cover and a somewhat impoverished 'upland' character;
- Very open and exposed character;
- Distinctive elevated and expansive character in higher areas, with dominant sky and sweeping views across surrounding areas;
- High intervisibility.'

5.50 The LPA's Landscape and Forestry Officer has reviewed the scheme and concluded that the site and surrounding landscape exhibit these features. This response recognises that the positive features in the proposals are listed in the WOLA as well as adopted Cotswolds AONB Management Plan although questions whether the proposals represent a 'significant enhancement' to the local landscape. Conversely, as outlined above, the Design Review Panel has expressed the view that the scheme would meet the tests of paragraph 80e.

5.51 Officers acknowledge the restoration and enhancement proposals would accord with the aims of the WOLA as well as adopted Cotswolds AONB Management Plan. The proposed built form would be sensitive to the historic use of the land, expressing this through its design whilst resulting in a betterment to its immediate setting which, whilst not prominent in the landscape, appears in a somewhat degraded state. Further, the proposed development would be well integrated within an enhanced landscape structure of planting and biodiversity enhancements, avoiding impacting the skyline and minimising light pollution to assimilate discretely within the landscape whilst not seeking to 'hide' the development as demonstrated in the submitted LVA and visualisations. The application is therefore considered to accord with the above policy, guidance and legislation as outlined above.

Ecological Impact

5.52 WOLP Policy EH3 seeks to protect and enhance biodiversity and geodiversity to achieve an overall net gain in biodiversity. Chapter 15 of the NPPF also outlines that the planning system should aim to deliver overall net gains for biodiversity.

5.53 The application has been furnished with a Preliminary Ecological Appraisal, which has been updated during the course of the application. The submitted report has confirmed the presence of a disused badger sett located at the south western corner of the site within hawthorn and elder scrub and nesting barn owls within the existing barn. The LPA's ecologist has confirmed that the mitigation outlined in Section 7 of the submitted report and WODC's method of working document will need to be adhered to.

5.54 The submitted report also identified Japanese Knotweed, an invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). As a result, an invasive species removal statement will need to be submitted to the LPA, detailing an appropriate removal method which will need to be implemented and completed prior to the commencement of works.

5.55 Due to the presence of nocturnal species, any external lighting should be sensitively designed to minimise light spill towards the disused badger sett (which could be re-occupied), retained vegetation and biodiversity enhancement features.

5.56 In accordance with WOLP Policy EH3 and the NPPF, the inclusion of integrated bat and bird boxes and compensatory nesting box to offset the loss of a barn owl roosting site within the existing barn will need to be incorporated into the scheme to ensure suitable nesting sites remain available. This is sought through planning condition.

5.57 The applicant has submitted a biodiversity net gain metric, demonstrating a measurable biodiversity net gain can be achieved in habitat and hedgerow units by enhancing and creating new habitats both on and off-site. A biodiversity management and monitoring plan is recommended to ensure both on and off-site habitats as described in the submitted metric are secured and maintained for the required 30-year period. Officers consider that it is necessary to secure the off-site enhancement via legal agreement in order for the resultant ecological benefits of the scheme to weigh in favour of the proposal. Officers are in the process of negotiating a Section 106 agreement and request delegated authority to resolve this if Members are minded to approve the application. Therefore, subject to the recommended conditions and the applicant entering into a legal agreement to secure the proposed biodiversity net gain, the application is considered acceptable in ecological terms.

Sustainability/Climate Change

5.58 Policy OS3 states that all development proposals will be required to show consideration of the efficient and prudent use and management of natural resources.

5.59 An Analysis and Design Planning Document has been submitted in support of the application. This document sets out that the scheme has adopted principles of energy efficiency and sustainable construction as key design principles informing the scheme such as:

- 'Fabric First Principles
- Maximising the opportunities for passive solar gains, as well as the installation of a microlouvre system to regulate the amount of passive solar gain.
- Integrated renewable technology to heat and power the dwelling, including a PV Array

- combined with a Tesla Powerwall, Zappi station for electric vehicles and Eddi Power Diverter.
- Emerging energy saving technologies such as Mixergy tanks and longwave IR infrared heating.'

5.60 The LPA's Sustainability Officer has reviewed the scheme and recommended that water usage complies with RIBA 2030 Climate Challenge Version 2 document in order to demonstrate the highest standards in terms of water efficiency. Details of the proposed solar array, Tesla Powerwall and Edi Power Diverter are also sought through planning condition to ensure delivery. Officers are satisfied that the proposal will therefore raise the standards of residential design and innovation within West Oxfordshire.

Highways Impact

5.61 In this case, whilst the proposed development would utilise an upgraded existing access, which is considered capable of sustaining the comings and goings associated with the proposed use. The Highways Authority have been consulted on the application and confirmed no objection to the scheme subject to the imposition of planning conditions. The application is therefore considered acceptable in highways terms.

Conclusion on Compliance with Paragraph 80e

5.62 The site is situated in an isolated location in policy terms, where residential development must accord with the strict requirements of WOLP Policy H2, including residential development of exceptional quality or innovative design, which reflects the aims of paragraph 80e of the NPPF. This assessment has found that, having due regard to the responses of technical consultees and specialist design advice, the extremely 'high bar' presented by WOLP Policy H2 and NPPF paragraph 80e has been surmounted in this case as the scheme would be truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Other Matters

5.63 The site lies within Flood Risk Zone I in an area at very low risk from fluvial flooding officers consider that there are no significant constraints to the scheme in this regard.

5.64 No material impact with regard to neighbourliness is identified given the isolated position of the site.

Recommendation

5.65 In light of this assessment, the application is considered to accord with WOLP 2031 Policies as outlined above, the NPPF 2023, the West Oxfordshire Design Guide 2016 and all relevant material considerations. The application is therefore recommended to Members for provisional approval subject to the signing of a Section 106 agreement to secure off-site biodiversity enhancements as set out in the application, to be agreed at officer's discretion.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 24.10.2023.

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

3 The dwelling hereby approved shall not be occupied until the means to ensure a maximum water consumption of 95 litres use per person per day, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031 and to reflect the highest standards in architecture in accordance with NPPF paragraph 80.

4 The landscaping serving the development shall be completed in accordance with the following drawings:

- 3005 (REV A) PROPOSED WIDER LANDSCAPE PLAN
- 3006 (REV A) PROPOSED LANDSCAPE MASTERPLAN (1 OF 2)
- 3007 (REV A) PROPOSED LANDSCAPE MASTERPLAN (2 OF 2)
- 3008 (REV A) SUDS STRATEGY

All the recommendations shall be implemented in full, prior to first occupation of the dwelling hereby approved, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

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

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

REASON: Control is needed to ensure the design integrity of the dwelling and surrounding landscape is protected.

6 The development shall be completed in accordance with the recommendations in Section 7 of the consultancy report (Preliminary Ecological Assessment Update, Reptile and Badger Survey, 4 Acre Ecology, dated 25th October 2022) and West Oxfordshire District Council's precautionary method of working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To ensure badgers and barn owls are protected in accordance with the Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 Prior to the commencement of development, an invasive non-native species removal method statement shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

REASON: Japanese knotweed is listed in the Wildlife and Countryside Act 1981 (as amended) under Schedule 9 part 11, which makes it an offence to plant or otherwise cause this species to grow in the wild. In addition, under Environmental Protection Act 1990, this species is classed as 'controlled waste' and must be disposed of safely at a licensed landfill site.

8 A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The Plan shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including ensuring the delivery of the 5.07 habitat units and 1.39 hedgerow units on site and 92.75 habitat units and 0.88 hedgerow units off-site;
- iv. Appropriate management options for achieving the aims and objectives;
- v. Prescriptions for all management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- ix. Timeframe for reviewing the plan;
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

9 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.

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

10 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.

11 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

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

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

13 Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14 Prior to the erection of external walls, details of the provision of integrated bat roosting features (bat tubes/boxes/bricks), integrated nesting opportunities for birds (swift bricks, house martin nest cups, starling boxes, house sparrow terraces), and compensatory barn owl nest boxes shall be submitted to the local planning authority for approval, including a technical drawing(s) showing the types of features, their locations within the site and their positions and elevations. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of West Oxfordshire District Local Plan 2011-2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

15 Prior to first occupation of the dwelling hereby approved, Rapid EV charging points shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of air quality and to reduce greenhouse gases.

16 Prior to first occupation of the dwelling hereby approved, details of a renewable energy technology system to produce heat and power serving the dwelling hereby approved shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of air quality and to reduce greenhouse gases.

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

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

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

REASON: To ensure a safe and adequate access.

19 The dwelling hereby approved shall not be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

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

INFORMATIVES :-

1. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
2. West Oxfordshire District Council's Precautionary Method of Working document can be found here: <https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>
3. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

Notes to applicant

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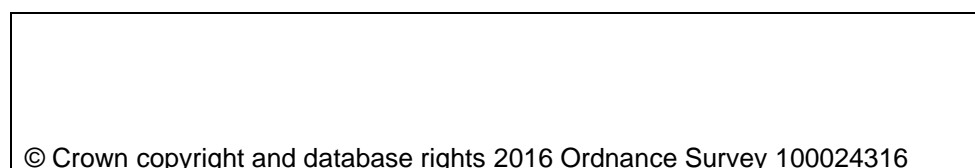
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 29th November 2023

Application Number	23/01569/FUL
Site Address	Land And Building (E) 439518 (N) 226211 Enstone Airfield North Banbury Road Enstone Oxfordshire
Date	29th November 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	439518 E 226212 N
Committee Date	11th December 2023

Location Map



Application Details:

Erection of detached, single and two storey viewing/instruction facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle (amended plans and description).

Applicant Details:

Mr Tom Gilbert
Land And Building (E) 439518 (N) 226211
Enstone Airfield North
Banbury Road
Enstone
Oxfordshire

I CONSULTATIONS

Oxford London Airport	No Comment Received.
OCC Highways	No objection.
Env Health - Uplands	No objection.
WODC Drainage	No objection subject to surface water drainage condition as set out in Section 6.

Adjacent Parish Council

No Comment Received.

Civil Aviation

Initial Response

Enstone Airfield is a former RAF station which is now a general aviation site. In unusual circumstances, the full extent of the former RAF site is now operated or owned by multiple entities which has led to a complex operating environment. On Thursday 3rd August 2023, we met with representatives from Oxfordshire Sports Flying (OSF) at Enstone Airfield. OSF operate both as a flying club / flight training organisation and as the aerodrome authority and have been on the site since the 1980s. They operate under a lease from the landowners. OSF provide an air ground communication service (AGCS) and basic rescue and firefighting service (RFFS) to aviation users of the site. We understand that in recent years the applicant of this proposal has acquired land immediately adjacent to the land leased and ran by OSF. We believe that the applicants' land holding includes a grass runway which runs parallel to the paved runway operated by OSF. We understand too that the applicant also provides aviation maintenance services, and that flight training is undertaken out of their site. It would be very useful to obtain a full understanding of the applicant's intentions, particularly associated with the proposed air traffic control facility and infrastructure associated with fire and rescue facilities. If the applicant is planning to provide a separate air traffic service provision, the very reasonable safety concerns of OSF are entirely justified. Such an outcome would essentially create two separate aerodromes collocated, sharing the same airspace and associated circuit tracks but not in cooperative communication with each other as a result of operating on independent frequencies.

Follow-up response

The AAT met with representatives from Enstone Hangar (the applicant) and Take Flight Aviation, an operator based on the applicant's land which provide flight training services. During the meeting, we reflected on the wording of the planning application proposal, "Erection of detached, single and two storey, air traffic control facility, including associated offices for staff and flying school users, wc facilities and garage for fire and rescue vehicle" with the intention of obtaining a full understanding of the applicants' intentions. We (AAT) explained that OSF were understandably concerned that the application appeared to signal that the applicant planned to establish an air traffic service provision which would of course, be in addition to the air ground communication service (AGCS) already provided to the wider site by OSF. The applicant made perfectly clear that this is not their intention. Instead, they explained that the plan is to erect such a facility to enable observation of their students from an elevated position in similar fashion to other flight training organisations on the wider aerodrome site. The applicant also explained that the facility would enable them to optimally locate an

AGCS service of their own in the event that the present service is withdrawn for any reason by OSF. Furthermore, the applicant suggested that the assurance sought, could perhaps be obtained through conditioning the approval of the application should the planning officer deem it beneficial.

Providing the applicant doesn't intend to operate a form of air traffic service, whilst the existing service, or another (aerodrome flight information service (AFIS) for example) is provided by OSF, then it is reasonable to assume the concerns set out in our previous commentary been addressed satisfactorily by the applicant. The applicant explains that the new structure will enable them to better serve their customers and future proof their operation. Additionally, it will enhance their ability to observe flight movements. The AAT plan to liaise with OSF and the applicant as required going forward. Additionally, we remain available to West Oxfordshire Council should any further independent advice be required.

Parish Council

Enstone Parish Council unanimously objects to this planning application on the basis of the safety concerns raised by the Director of Oxfordshire Sportflying Ltd, particularly in relation to the Tower/Air Traffic Control Facility.

Enstone Parish Council recommends that the Civil Aviation Authority is consulted on this planning application.

Enstone Aerodrome

Initial Response

Oxfordshire Sportflying Ltd (OSF) objects to the full planning proposal 23/01569/FUL on all the grounds stated below, which includes a short explanation of the negative effects of the proposal. The application appears to be a re-worked, re-presentation of the refused previous application(s) 22/01915, so it should be refused for the same reasons already given by the Local Planning Authority (LPA). In addition, there appears to be several deficient/inaccurate statements in the current application which OSF objects to. These are :-

- There appears to be no design access statement or, dimensions on building drawings.
- The hours of opening of the building are particularly relevant, as they will influence when pilots arrive, plan and depart. This open-ended availability of the premises, is very likely to facilitate activity day and/or night or even residence. To prevent disruption and nuisance to local residents, controls should be in place to prevent 24/7 operation and certainly to prevent any form of residency.
- The applicant is a "Member" of the Parish Council, contrary to what is stated.
- A previously considered, part retrospective application (21/02022/FUL), was for a car park to the north-side of the

maintenance hanger. The current application (23/01569 FUL) relies on the previous application for access and parking, however, the land utilised for parking and part of a one-way access has been submitted without the owner (Tew Estates knowledge and consent.) This is contrary to that stated and shown on drawings, the land is not in the sole ownership of the applicant.

- The plan(s) shows 'airside & ground side" with an attempt to restrict access by means of a form of barrier. "Airside" generally conveys to pilots, aircraft operators, aviation vehicles that it is for their use only. As there is an established use with a right of pass and re-pass by OSF for it's clients/customers between adjacent area's of land, such restriction is erroneous, needs to be removed and no physical barrier allowed to be constructed.

Two clubhouses already exist on the Enstone site (even one on the north-side) providing appropriate aviation facilities in balance with the surrounding on and off airfield local environment.

There already exists a 'visual room' (tower) which through qualified air/ground operators provide information to pilots of all runway areas so there is no need for an additional tower. There cannot be two aeronautical radio frequencies providing an air/ground facility when the sites are immediately adjacent to each other and being operated by two stand-alone organisations. This at best would create considerable confusion and a likely major safety concern/issue. The radio facility provided by OSF is and has been adequate for many years at the current number/amount of activity provided with the CAA/Ofcom approval.

It is believed that the LPA, in granting any further development, has a duty of care/safety obligation to protect existing infrastructure.

Concern has been expressed and investigated on several occasions to, and by the CAA about the low/inappropriate overflying of aircraft approaches to land on the northern grass strip over current infrastructure. This includes parked aircraft, public viewing area, clubhouse, public & member parking area and even north-side grass hangers and parked aircraft. This increased risk will be further worsened (refer below) if further development of the northside site is to be granted.

It is known that the northern grass strip has no current planning regulation attached to it as far as the number of aircraft movements, type, size/weight, times of operation are concerned. When provision was given for a relatively small amount of activity, it was many years ago and was obtained under a CLEUDS - the situation is much different today. If further development were to be approved it is clear that it has been designed to attract further activity which it must be

stressed will be total unregulated. in ways of :-

- Much more aircraft/aviation related movement of visiting aircraft at any time of day (or even night!)
- Likely increases to the flight training which now takes place (e.g. Other organisations operating training from the northern grass strip). Training circuits, as reported by locals as some, showing little adherence to noise sensitivity and noise sensitive village locations and it being undertaken at unsociable times of day.

Further, the current level of activity, which undoubtedly will increase as a result of this application being approved is now believed to be vastly outside the case made for the CLEUDS as approved in July 2004. At the time the appellant stated "the business comprises aircraft maintenance and repairs. Aircraft movements using the appeal site grass runway, including some leisure flight, have mostly been associated in some way with this business. Test flying and the collection and delivery of aircraft for servicing have always been an integral activity in connection with the business" This did not include for recognition/approval on this land for training and other training organisations etc.

All the issues outlined above, and a snapshot of ongoing and future consequences seeks to undermine the current regulated activity that takes place on the immediately adjacent tarmac and south-side grass runway which does have and has had for some 35 years planning conditions.

Follow-up response

I write further to my letter and the letter of Objection from Oxfordshire Sportflying (OSF) dated the 25th of July 2023.

Both of those letters in the main or in part referred to that section of the application that referred to the provision of an air traffic control facility. We subsequently referred the matter to the Civil Aviation Authority. James Head (Airfield Advisory Team Principal) responded to you on the 11th of August 2023.

Mr. Head and his team have subsequently visited the site and on separate occasions met with ourselves and the planning applicant. Following a video conference, we had with the CAA on the 13th of September 2023, you will have, or will very shortly, receive the official response from the CAA and provided that the LPL fully adopt the CAA's recommendations then we are satisfied that our concerns regarding the provision of a separate air traffic control facility have, for the time being, been satisfied.

During our video conference with the CAA we took the opportunity

to discuss the potential safety implications associated with applicants failure to properly identify the difference between airside and ground-side.

In defining on the plan that area of or as "Airside" there is a gross error on the plan to ignore access rights through the area (refer further below) by other users of the adjacent facilities which have been enjoyed for many years and remains "a right of pass and re-pass" to this day.

It is clear to us that Airside should not be defined as such at this location and that access be clearly signed by the applicant with a route shown through this area being made at least a "Planning Condition".

The CAA were sympathetic to our potential safety concern if this point is left unchallenged. Pilots manoeuvring aircraft in an "Airside" defined area would not expect to have to deal with non-associated access rights of others. The CAA suggested that you could contact them on this topic should you wish to obtain any clarification or an independent view on this matter.

We have previously raised this concern in correspondence as an objection with you.

For clarity this right of pass and re-pass has been for many years the only access to our site and as it was considered in the past to be "Groundside", it represented a relatively safe means for vehicles and people to gain access to OSF. We do now have separate access which does not cross any land owned or occupied by the applicant, but the initial access does now represent our secondary means of access and continues to be used, not only by visitors to OSF but by people using the applicant's site.

If you wish to discuss this matter further, please let me know and we may well be able to involve the CAA again at that time.

In closing I note with interest the submission made by Wansbroughs dated 22nd August 2023 on behalf of the Great Tew Estate showing encroachment upon Great Tew land. It is widely understood that this has been done without the Applicant seeking their consent, with no agreement in place, and if consent were to be issued, it is done so not affecting/including the land owned by the Great Tew Estate. I cannot see how this application on this point alone can be accepted.

2 REPRESENTATIONS

2.1 The application has attracted a large number of comments, both in favour of and opposing the scheme.

2.2 A total of 67 objection comments have been received, which cover the following points:

- Failure to address reasons for refusal of 22/01915/FUL
- Safety issues regarding two control towers
- Noise, pollution and disruption to residents
- Lack of information accompanying the application (e.g. D&A statement, pollution, drainage, contamination, lighting)
- Cumulative impact of development of the airfield
- Danger of crashing
- Poor design/out of character with the area/domestic appearance
- Increase in CO2 emissions
- Impact on local ecology
- Poor outlook from ATC facility
- Access rights/civil legal matters

2.3 A total of 239 support comments have also been received, which cover the following points:

- Needed enhancement of facilities for users/engineers/support pilot development
- Increase economic activity/competition
- Increase safety due to briefing space and better views for instructors/ATC operator
- High quality design
- Highway safety benefits
- Lead to the removal of portacabins
- Increase disabled accessibility
- Planning policy to support aviation
- Limited visual perception/landscape impact
- Increase in movements negligible
- Some disturbance expected in close proximity to airfield
- Support historic use of the land important during WWII
- No ecological or flooding impact
- Increased provision for female visitors
- No change to the radio frequency or additional radio frequency
- Help to reverse long term decline in airfields

3 APPLICANT'S CASE

3.1 The planning statement is summarised as follows:

3.2 "The proposal represents a most carefully conceived development that is produced fully mindful of its overall site and wider landscape context.

3.3 There are a raft of planning policies at both national and local level that combine in positive support of the proposal.

3.4 Importantly it would deliver identified and required improvements to the safer operation of the airfield.

3.5 it would also deliver significant improvements to the existing flying school business and facilities generally at the Airfield.

3.6 The accompanying LVIA demonstrates that the proposed siting and form of the new building would not cause any material impact to local landscape character nor visual environment impact.

3.7 The proposal is of course an identified form of sustainable development in itself, where a positive presumption in favour of such development exists.

3.8 Government advice requires local planning authorities to apply its policies in a positive and flexible way, in order to support business related development, and the proposal as submitted is just the sort of development this advice contemplates.

3.9 In all of these circumstances it is very much hoped that the submitted application can be approved and planning permission granted as applied for.”

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

EH2 Landscape character

West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of detached, single and two storey viewing/instruction facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle at Land and Building (E) 439518 (N) 226211, Enstone Airfield North, Banbury Road, Enstone. The applicant has agreed to remove the reference to an air traffic control facility from the description of development in the interests of clarity. Officers are satisfied that this change would not prejudice any parties.

5.2 The application site does not lie within any areas of specially designated planning control and lies adjacent to a range of hangar/warehouse buildings associated with the use of the land as an active airfield.

5.3 The application is brought before Members due to a conflict between officer recommendation and the views of the Enstone Parish Council, who have objected to the application as set out in the summary of consultee comments. The application is brought back to Members following deferral for site visit.

5.4 The scheme has undergone revision to remove four dormer windows to the principle (southern) elevation and install rooflights in their place.

Relevant Planning History

5.5 Enstone Airfield has an extensive planning history, not all of which is directly relevant to this application. Recent applications relating to the application site and adjacent land are cited below.

13/0394/P/FP- Erection of new aircraft hangar for storage and maintenance. Approved.

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

21/01303/FUL- Erection of Hangar (Retrospective). Approved.

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

21/03722/FUL- Erection of a detached building to provide administration, welfare and storage facilities for aircraft maintenance business, flying school and resident pilots. Withdrawn.

22/01915/FUL- Erection of a detached building to provide administration, welfare and storage facilities for the aircraft maintenance business, flying school and resident pilots. Refused.

5.6 Taking into account planning policy, history and the representations of interested parties, your officers consider that the key considerations in this assessment are:

- Principle
- Siting, Scale and Appearance
- Landscape and Visual Impact
- Neighbourliness Impact

Principle

5.8 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.

5.9 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly'

outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.10 In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP").

5.11 Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.12 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.

5.13 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site sites in a somewhat isolated location, which for the purposes of Policy OS2, is considered the open countryside.

5.14 WOLP Policy OS2 outlines that:

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.

5.15 Proposals for non-residential development that is regarded as appropriate will include:

- Proposals to support the effectiveness of existing businesses".

5.16 Policy E1 of the WOLP states that: "proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses."

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

5.18 In this case, officers recognise that the character of the area is dominated by Enstone Airfield, where low-lying, hangar-type buildings dominate the built form. The proposal would relate to an established flying school and provide a viewing facility allowing sight of the entire related runway. A control office and planning space for pilots/instructors would also be provided as well as storage and garage functions. An existing toilet building and flying club portacabin, which are currently relied upon to provide facilities, will be removed as part of the scheme. Officers are therefore satisfied that the proposed building is reasonably required to support the operation of the site.

5.19 WOLP Policy OS2 also sets out a series of general principles with which all development should comply. Those relevant in this case are that new development should:

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

5.20 As such, the principle of development to support the established lawful use of the land is considered acceptable subject to assessment against the above general principles with regard to design, landscape impact, neighbourliness and other relevant material considerations.

Siting, Design and Appearance

5.21 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the National Planning Policy Framework ("the NPPF") reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 126) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134). The general principles of WOLP Policy OS2 require all development to 'be of a proportionate and appropriate scale to its context' and 'form a logical complement to the existing scale and pattern of development and/or the character of the area'.

5.22 The proposed building would be sited 6 metres (m) south of an existing maintenance hangar (extended under ref. 21/00879/FUL) on an area currently laid to grass. The building would be set over a linear plan with main block of 15m by 7.5m with side element comprising garage with viewing terrace above. The building would take a duo-pitched form set over two stories with glazed cross gable and four rooflights. The ridge height of the building would be 6.3m with an eaves measurement of 2.6m. The building would be clad in dark green profiled steel.

5.23 The proposed building would exhibit a fairly utilitarian design akin to existing development in the locality, using materials in keeping with adjacent built form. In terms of siting, the building would be well-related to existing built form, with its siting influenced by the need to view the existing runway from the upper floor. Officers therefore consider that, on balance, the building would form a logical complement to the existing scale and pattern of development and the character of the area. The landscape and visual impact of the proposal is considered in the following section of this report.

Landscape and Visual Impact

5.24 WOLP Policy EH2 deals with landscape character and is also directly relevant in this case. It states:

"The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced. New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape".

5.25 The supporting text to EH2 is at paragraphs 8.5-8.11. Paragraph 8.6 states:

"The West Oxfordshire Landscape Assessment together with guidance in the West Oxfordshire Design Guide SPD, the Cotswolds AONB Landscape Character Assessment, Strategy and Guidelines, detailed appraisals of the landscape setting of the main towns (undertaken to inform strategic site allocations), the Historic Landscape Character Assessment (HLC) for Oxfordshire and the Oxfordshire Wildlife and Landscape Study (OWLS), should be used to inform development proposals and to ensure they respect the distinctive landscape character areas".

5.26 The West Oxfordshire Landscape Assessment 1998 ("the WOLA") is listed in the supporting text to WOLP Policy EH2 and forms a material consideration in this assessment. In terms of the existing landscape character of the area, the application site lies within the 'Enstone Uplands' Character Area ("LCA") as identified in the WOLA and within the 'Airfields and MOD Land' Landscape Type ("the LT").

5.27 The WOLA describes the key landscape and visual features of the LCA as: "dominated by its limestone geology, forming the typically largescale, open and elevated landscape of the limestone wolds. However, there is a sharp contrast between this and the heavily wooded and enclosed parkland and estate character around Heythrop House which dominates the northern part of the plateau and the minor river valleys."

5.28 At a granular level, the WOLA then lists characteristics of the LT as including:

- active or disused airfield sites that typically occupy flat, exposed and prominent locations;
- open, expansive and bleak character with very weak landscape structure;
- visually prominent buildings and features (e.g. large hangars, sheds, high security fencing, aircraft etc.)
- air of dereliction and neglect on disused sites;
- high intervisibility.

5.29 Officers consider that the application site shares these characteristics as it is clearly within the Airfield and within an elevated position within the landscape.

5.30 Any analysis of landscape effects needs to take account of magnitude of effect and sensitivity of receiving landscape. The WOLA outlines that Enstone Airfield itself is identified as 'potentially more tolerant of development but prominent plateaux location and rural context are limiting factors...development should be set within a strong landscape infrastructure to minimise landscape and visual impacts...the introduction of urbanising influences (e.g. style of buildings) would be potentially damaging to the rural landscape character of the surrounding landscape'.

5.31 The proposed development would be set against the backdrop of existing built form, largely of low-lying and utilitarian character with 'Apple Pie Wood' providing a strong landscape structure to the north of the Airfield. To the south of the site, lie three runways and a generally open area of improved grassland and hardstanding. Officers acknowledge that the opportunities for additional screening within the applicant's landownership are extremely limited by the nature of the land use.

5.32 In visual impact terms, officers consider that the main affected public viewpoints would be to the south and south east of the site as set out in the LVIA accompanying the application. The proposed building would be located in close proximity to existing built form and would be modest in terms of height and viewed with the backdrop of existing built form and mature woodland to the north. Further,

the proposed amended plans have addressed officers' concerns regarding the character and appearance of the building through removing dormer windows, an overtly residential feature. As such, the building would appear in keeping with the general character and appearance of existing buildings and would not result in a significant urbanising impact in visual terms. Officers are therefore satisfied that the proposed development would accord with WOLP Policy EH2 and the guidance contained in the WOLA and NPPF and is therefore acceptable in this regard.

Neighbourliness

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

5.34 The application has attracted significant opposition on the grounds of increased noise and disturbance that may result from the development of facilities at the Airfield. Your officers consider that the Airfield is a long-standing land use, the operation of which necessitates some relatively low-level noise disturbance. The number of aircraft movements at the Airfield are controlled by planning conditions attached to historical consents. Your enforcement officers have undertaken monitoring of the site during the past few years and officers understand that the Airfield operates far below the number of movements permitted. As such, officers consider that given the relevant conditions would remain in place, and there appears capacity to accommodate a marginal increase in movements that could theoretically result from the proposal over time, there is no reason to conclude that the proposed development would adversely impact the amenity of nearby residents.

Response to Objection Comments

5.35 A key theme in the objection comments received related to the perceived danger that could result from the operation of a second Air Traffic Control facility at the wider Airfield, as one service is currently provided by Oxfordshire Sportsflying. The Civil Aviation Authority have been consulted on the application to advise in this regard and following discussions with the applicant, it has been clarified that no such facility would be provided. Instead, the proposal would enable observation of their students from an elevated position in similar fashion to other flight training organisations on the wider Airfield site, whilst providing a possible back-up location for such a facility should the present service be withdrawn for any reason by Oxfordshire Sportsflying. Officers have recommended a planning condition to ensure that no second Air Traffic Control facility is provided in the interests of aviation safety.

5.36 Objection comments raise the issue of carbon dioxide emissions. However, officers do not consider that such concerns would warrant refusal of the application given that the NPPF recognises the 'importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time - taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy' (Para. 106 (f)).

5.37 Objection has also been raised on the grounds of land ownership and rights of access. Officers consider that these concerns are largely civil matters and would not warrant refusal of the application.

Other Matters

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

5.39 There are considered to be no ecological constraints to the scheme given the application site is laid to grass with active use by planes and supporting activity.

Recommendation

5.40 In light of this assessment, the application is considered to accord with WOLP 2031 Policies OS1, OS2, OS4, E1, E2 and EH2, the NPPF 2023 and the West Oxfordshire Design Guide 2016. The application is therefore recommended for conditional approval.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 25.10.2023 and 30.10.2023.

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

3 That, prior to the commencement of development, 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 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.

4 The external walls and roofs of the building hereby approved shall be constructed with dark green profiled steel cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before the erection external walls.

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

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

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

6 Within six months of the substantial completion of the building hereby approved, all buildings, structures or other chattels shown to be demolished/removed on Drawing 03A received by the Local Planning Authority on 30.10.2023 shall have been removed from the site in their entirety.

REASON: In order to safeguard the character and appearance of the area.

7 The use of the building hereby approved shall remain ancillary to the existing lawful use of the land as an airfield and shall not be used for any other purpose whatsoever.

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

8 The building hereby approved shall not be used to operate an air ground communication service unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of aviation safety.

Notes to applicant

- I The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 – 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th

August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.

- Non-statutory technical standards for sustainable drainage systems (March 2015)

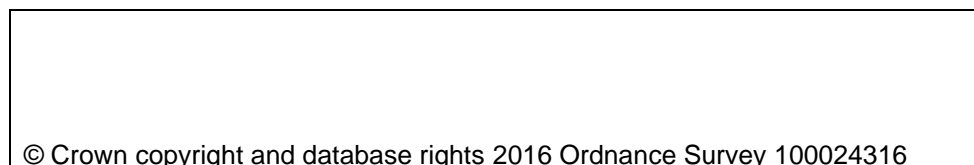
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 29th November 2023

Application Number	23/02619/HHD
Site Address	19 Park Lane Woodstock Oxfordshire OX20 1UD
Date	29th November 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444490 E 216628 N
Committee Date	11th December 2023

Location Map



Application Details:

Erection of two storey and single storey rear extension, raise height of eastern boundary wall and construction of replacement garage together with associated landscaping works.

Applicant Details:

Dr Michael Mckie
19 Park Lane
Woodstock
Oxfordshire
OX20 1UD

I CONSULTATIONS

Parish Council

The Woodstock Town Council has no objections to this application

Conservation And Design
Officer

Overall, I concur with the assessment undertaken by the applicant. That said, however, I do not agree that there is no harm to the character of the listed building. In my opinion, there is some harm - that is less than substantial harm. No harm would be the removal of all later extensions from this building that negatively affect its character and return it to its original character and scale as 18th century cottages. However, as this is unrealistic option, the applicant has provided a solution that attempts to consolidate all of the extensions, resulting in the restoration of a former element of the listed building - the western rear wing built at right- angles to the frontage cottages as per the 1929 aerial photograph.

Therefore, I raise no objections to this proposal because it would

result in the restoration of a former element of the listed building, and although it would result in a slightly enlarged footprint, overall, it would enhance the appearance of the rear elevation of this listed building.

Adjacent Parish Council

No Comment Received.

OCC Highways

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

2 2 REPRESENTATIONS

2.1 There are 2 objection comments

1- I am the next door but one neighbour of 19 Park Lane. I have looked at the proposed plans for no.19. I strongly feel that the plans are an over development of the property and grounds. The two storey extension protrudes into the garden way more than any of the other properties and will seriously affect the light into our west facing ground floor window. The trees in the garden at No. 19 already take a huge amount of light from our and (more affected) Angela Marshall at no. 17. We have asked the residents at No.19 to prune them on a number of occasions but nothing has ever been done. I am aware of the legislation covering ' Right to Light', and we feel that the lack of maintenance to the trees and the proposed extension already and will further breach this legislation. One fir tree in particular reaches across the garden at No. 17 and is clearly out of control.

The proposed raising of the outside garden wall also concerns us. It is fairly high already and the tree roots are pushing on it causing it to bulge quite visibly. A higher wall would only exacerbate this problem unless the tree and roots are removed and the wall rebuilt entirely. Having it higher than it is already would only serve to reduce visibility on the bend in the road and make the area look weirdly out of proportion.

2- The planning application proposes a large 2-story extension to the rear of the property which exceeds the building line of adjoining properties in Park Lane, i.e. number 17 and number 13, blocking the westerly aspect from these properties.

3 APPLICANT'S CASE

No case submitted

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

NPPF 2023

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

5 PLANNING ASSESSMENT

The application seeks permission for the erection of two storey and single storey rear extension, raise height of eastern boundary wall and construction of replacement garage together with associated landscaping works.

Background Information

The application is brought before Members of the Uplands Area Sub Planning Committee after being called in by Cllr Poskitt over design concerns and overdevelopment on a listed building within the conservation area.

The property is a Grade II Listed, two storey end of terrace dwelling constructed out of natural stone under a tile roof and is within the Woodstock Conservation Area.

There have been various alterations to the dwelling and to the site as a whole which are outlined in the Heritage statement submitted with the application however the most recent are as follows:

"No.19 forms the western end of an irregular stone-built terrace of mainly two-storey properties on the south side of Park Lane; these have evidently developed piecemeal rather than being planned as a consistent entity. No.19 itself is made up of two former dwellings, the front sections of which (A1 and A2) survive - though much altered."

Historic England describes the dwelling as the below and the adjoining properties are also Listed.
<https://historicengland.org.uk/listing/the-list/list-entry/1252761?section=official-list-entry>

WOODSTOCK PARK LANE SP4416NW (South side) 9/204 No.19 22/09/75 (Formerly listed as Nos.13-19 (odd)) GV II House. Mid C18, with C17 origins. Coursed limestone rubble; ashlar front to left. Gabled artificial stone slate roof; brick end stack and C17 stone right end stack. 2-unit plan. 2 storeys; 2-window range. Flat stone arch over central C20 panelled door. Flat stone arches, and timber lintel to left, over late C18 six-pane sashes. C20 extensions to rear and right. Interior not inspected but likely to be of interest.

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 the Heritage Assets
- Impact on Neighbouring amenity

Principle

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).

The proposed alterations and extensions are to be associated with the residential property of 19 Park Lane. 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 Form

The applicant engaged with the council through the pre application process and a site visit was completed by the Planning Officer and the Conservation Officer. During this site meeting suggestions were made to improve and simplify the scheme which have been taken onboard as part of this scheme.

There are multiple elements of the scheme and whilst these have been assessed in a holistic manner, they have been broken down below to clarity.

Firstly considering the alterations to the main dwelling:

The existing rear elevation lacks cohesiveness and the historic fabric on the rear facade is completely obscured by newer development by way of flat roof extensions both single and two storey elements. The proposed single and two storey elements introduces a more traditional dual pitch element which when viewed from within the site and also the streetscene obscures the uncharacteristic flat roof existing development.

Secondly the alterations to the garage:

The proposal seeks to rebuild the garage in the same position and form as existing. The external materials are natural stone within the streetscene and timber cladding on the side elevation as viewed within the site. The natural timber cladding blends and softens the garage within the garden setting therefore officers consider that the proposed improves the appearance of building which is within the setting of the Listed Building.

Thirdly the alterations to the boundary wall:

The existing natural stone boundary wall is proposed to be raised a small amount extending around from the existing ambulance building to the access to the front of the garage. This increase will be negligible and consistent in form of both the existing wall and the adjacent wall on the other side of Park Lane which has a high boundary wall.

Overall as outlined by the Conservation Officer it is considered that the proposed works would result in the restoration of a former traditional element of the listed building and would enhance the appearance of the rear elevation of this listed building which currently is a mix of many differing elements.

Officers consider that the scheme represents an enhancement to the Listed building and its setting and is in keeping with the traditional character of the original building obscuring the more uncharacteristic additions to the property by restoring a more traditional feature. The works therefore are considered compliant with Local Plan Policies OS2, OS4, H6, EH9, EH10 and EH11.

Impact on Heritage Assets

The Council must have regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal which affects a listed building or its setting. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations are not considered

to have a detrimental impact to the character or setting of the listed building, given the nature of what is proposed and its location. As such, the character or setting of the listed building is preserved.

In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200).

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

Officers consider that the less than substantial harm is outweighed by a public benefit by introducing a traditional feature which obscures the characteristic flat roof element on the rear elevation. Therefore improving the rear façade from both within and outside of the site.

The Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations are not considered to have a detrimental impact on the character or historic interest of the Conservation Area, given the traditional form of the proposed and its location. As such, the Conservation Area is not materially impacted and is therefore preserved.

The Conservation Officer was also consulted both during the pre application process and the application process. The applicant took on board the officers requests during the pre application meeting and made the requested amendments to the scheme. No objection has been raised by the Conservation officer who has stated that:

"the applicant has provided a solution that attempts to consolidate all of the extensions, resulting in the restoration of a former element of the listed building - the western rear wing built at right- angles to the frontage cottages as per the 1929 aerial photograph.

Therefore, I raise no objections to this proposal because it would result in the restoration of a former element of the listed building, and although it would result in a slightly enlarged footprint, overall, it would enhance the appearance of the rear elevation of this listed building."

The works are therefore considered compliant with EH9, EH10, EH11 and relevant sections of the NPPF.

Residential Amenities

Officers note the objections from neighbouring properties regarding impact on light into ground floor windows and loss of aspect out of windows.

In terms of loss of aspect, the views into and out of a Listed Building are a material consideration. Given the traditional form of the extension of the limited protrusion, whilst the extension may be visible from the neighbouring property windows officers do not consider that the view of the two storey addition will create a negative outlook or impact and is therefore considered acceptable.

In terms of loss of light, officers have calculated the 45 degree angle and the proposed two storey extension does not impinge on this. Also given that the two storey element is set away from the boundary with the adjoining property and is adjacent to the existing flat roof addition officers consider that the proposed will not negatively impacts on the adjoining properties by way of overbearing. Therefore the proposed is considered acceptable in this regard and compliant with the Local Plan policies OS2 and OS4.

Officers also note the comments regarding the tree's within the site blocking light. Whilst officers are sympathetic to the neighbouring properties the pruning of tree's is not a material consideration for planning applications and therefore cannot form part of the assessment.

Conclusion

In light of this assessment, taking in consideration the design, heritage impacts, neighbouring amenity and layout, this proposal is considered acceptable in accordance with policies OS2, OS4, H6, EH9, EH10, EH11 and T4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

Recommendation is approval subject to condition.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

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

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

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

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

4 Before above ground building work commences, a schedule of materials (including samples) to be used in all elevations (extension, garage and boundary wall) of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

REASON: To safeguard the character and appearance of the Listed Building and Conservation Area.

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

REASON: Control is needed to safeguard the character and appearance of the Listed Building and the Amenity of the neighbouring properties.

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

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

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 29th November 2023

Application Number	23/02620/LBC
Site Address	19 Park Lane Woodstock Oxfordshire OX20 1UD
Date	29th November 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444490 E 216628 N
Committee Date	11th December 2023

Location Map



Application Details:

Internal and external works to include erection of two storey and single storey rear extension with amended fenestration and changes to internal layout. Raise height of Eastern boundary wall and construction of replacement garage together with associated landscaping works.

Applicant Details:

Dr Michael Mckie
19 Park Lane
Woodstock
Oxfordshire
OX20 1UD

I CONSULTATIONS

Conservation And Design
Officer

Overall, I concur with the assessment undertaken by the applicant. That said, however, I do not agree that there is no harm to the character of the listed building. In my opinion, there is some harm - that is less than substantial harm. No harm would be the removal of all later extensions from this building that negatively affect its character and return it to its original character and scale as 18th century cottages. However, as this is unrealistic option, the applicant has provided a solution that attempts to consolidate all of the extensions, resulting in the restoration of a former element of the listed building - the western rear wing built at right- angles to the frontage cottages as per the 1929 aerial photograph.

Therefore, I raise no objections to this proposal because it would result in the restoration of a former element of the listed building, and although it would result in a slightly enlarged footprint, overall, it would enhance the appearance of the rear elevation of this listed

building.

Parish Council

The Woodstock Town Council has no objections to this application

Adjacent Parish Council

No Comment Received.

2 REPRESENTATIONS

2.1 No representations received

3 APPLICANT'S CASE

No case submitted

4 PLANNING POLICIES

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

NPPF 2023

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

PLANNING ASSESSMENT

Background Information

The application seeks permission for the erection of two storey and single storey rear extension, raise height of eastern boundary wall and construction of replacement garage together with associated landscaping works.

The application is brought before Members of the Uplands Area Sub Planning Committee after being called in by Cllr Poskitt over design concerns and overdevelopment on a listed building within the conservation area.

The property is a Grade II Listed, two storey end of terrace dwelling constructed out of natural stone under a tile roof and is within the Woodstock Conservation Area.

There have been various alterations to the dwelling and to the site as a whole which are outlined in the Heritage statement submitted with the application however the most recent are as follows:

"No.19 forms the western end of an irregular stone-built terrace of mainly two-storey properties on the south side of Park Lane; these have evidently developed piecemeal rather than being planned as a consistent entity. No.19 itself is made up of two former dwellings, the front sections of which (A1 and A2) survive - though much altered."

Historic England describes the dwelling as the below and the adjoining properties are also Listed.

<https://historicengland.org.uk/listing/the-list/list-entry/1252761?section=official-list-entry>

WOODSTOCK PARK LANE SP4416NW (South side) 9/204 No.19 22/09/75 (Formerly listed as Nos.13-19 (odd)) GV II House. Mid C18, with C17 origins. Coursed limestone rubble; ashlar front to left. Gabled artificial stone slate roof; brick end stack and C17 stone right end stack. 2-unit plan. 2 storeys; 2-window range. Flat stone arch over central C20 panelled door. Flat stone arches, and timber

lintel to left, over late C18 six-pane sashes. C20 extensions to rear and right. Interior not inspected but likely to be of interest.

Design and Impact on Heritage Assets

The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets.

In particular, paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. In this instance, the significance of the building is made up of various elements including age, design, and previous function as the historical ambulance house.

The Conservation Officer has commented as follows:

Overall, I concur with the assessment undertaken by the applicant. That said, however, I do not agree that there is no harm to the character of the listed building. In my opinion, there is some harm - that is less than substantial harm. No harm would be the removal of all later extensions from this building that negatively affect its character and return it to its original character and scale as 18th century cottages. However, as this is unrealistic option, the applicant has provided a solution that attempts to consolidate all of the extensions, resulting in the restoration of a former element of the listed building - the western rear wing built at right- angles to the frontage cottages as per the 1929 aerial photograph.

Therefore, I raise no objections to this proposal because it would result in the restoration of a former element of the listed building, and although it would result in a slightly enlarged footprint, overall, it would enhance the appearance of the rear elevation of this listed building.

In this case Officers consider that the less than substantial harm is outweighed by a public benefit by introducing a traditional feature which obscures the characteristic flat roof element on the rear elevation. Therefore improving the rear façade from both within and outside of the site.

In light of the balancing exercise as directed by Paragraph 202 of the NPPF, officers are satisfied that the works proposed will preserve the special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage asset will be sustained, in accordance with Section 16 of the NPPF.

Conclusion

The Local Planning Authority has had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance of the area.

The works are considered to preserve the special character, setting and significance of the listed building.

As such, listed building consent should be GRANTED.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

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

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

Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 29th November 2023

Uplands Appeal Decisions

[APP/D3125/D/23/3321201](#)

22/03430/HHD 10 Glovers close, Woodstock, Oxfordshire, OX20 1NS

Single and two storey flat roof extensions to front and single two storey bay windows to rear

Dismissed

[APP/D3125/D/23/3324037](#)


23/00598/HHD High Ridge, 46 High Street, Milton-Under-Wychwood, OX7 6LE

renovation of existing garden building

Allowed

You can click on the appeal number to view the Inspectors decision

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 WEST OXFORDSHIRE DISTRICT COUNCIL	WEST OXFORDSHIRE DISTRICT COUNCIL
Name and date of Committee	Uplands Area Planning Sub-Committee: Monday 11 December 2023
Subject	Progress on priority enforcement cases
Wards affected	As specified in Annex A
Accountable officer	Abby Fettes, Development Manager Email: abby.fettes@publicagroup.uk
Author	Kelly Murray, Principal Planner (Enforcement and Appeals) Tel: 01993 861674 Email: kelly.murray@westoxon.gov.uk
Summary/Purpose	To provide an update on progress in respect of priority enforcement investigations.
Annex	Annex A – Schedule of cases (Sections A to C)
Recommendation	That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A be noted.
Corporate priorities	N/A
Key Decision	N/A
Exempt	No

I. BACKGROUND AND MAIN POINTS

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 270 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 13% of the total caseload.

2. FINANCIAL IMPLICATIONS

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

3. ALTERNATIVE OPTIONS

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

4. BACKGROUND PAPERS

- 4.1. None

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

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Unicorn Public House, Great Rollright	Listed building allowed to fall into a state of disrepair	<p>The pub has been closed for many years and is the subject of on-going complaint regarding its appearance/state of repair.</p> <p>The condition of the building is being monitored by Building Control with overview by the Council's conservation officers. The Council's consultant structural engineer inspected in February 2023 following the installation of further scaffold bracing.</p> <p>The matter is no longer with the Enforcement Team and is now with Property Services.</p>	A report was presented to the Executive in October at which Members decided that the Council would not pursue its discretionary powers under the Planning (Listed Buildings and Conservation Areas) Act 1990 due to the high costs involved and the likelihood of these being irrecoverable.
Land to the East of the Slade Charlbury	Change of use of part of site to storage of building materials and machinery	The Council served an enforcement notice in 2022 that was appealed but the appeal was later withdrawn.	Following several site visits Officers consider the enforcement notice has been satisfactorily complied with. The case has been closed.

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

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Netherby Farm, Swerford	Unauthorised residential occupation of caravan	Members resolved to refuse planning permission for temporary residential use. The Council served an Enforcement Notice in May 2022 which was appealed.	The appeal was dismissed in September however the inspector extended the deadline for compliance from 6 to 9 months, which means the mobile unit can be retained until June 2024.
Brothertons Brasserie 1 High Street, Woodstock	Unauthorised awning	An enforcement notice was served in 2022 following refusal of a retrospective application. This was appealed.	At the time of writing, the appeal decision is still awaited.

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
The Beeches, Old London Road, Chipping Norton	Car park extension. Additional caravans located on the periphery of the site. Extension of the site to the south of the site access.	There are ongoing non-planning issues on the site that are being investigated by other services within the Council and other agencies.	Officers continue to attempt to negotiate with the owner of a caravan that has been placed on the boundary and which is highly visible from the road. Further action is on hold for the present.
Burford House Hotel 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building. Applications for part retrospective works were approved under 19/01293/FUL and 19/01294/LBC but were not implemented and subsequently lapsed.	Applications were made earlier this year for planning permission and listed building consent for both external and internal works. These were considered at Committee and approved. Since the unauthorised works have now been regularised, the case has been closed.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed. The Council's Conservation Officer was satisfied with the re- thatching of the roof which was	The house remains vacant and its condition continues to be monitored. The Conservation Officer is due to revisit at the time of writing.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		carried out on a "like-for-like" basis.	
121 High Street Burford	Listed building in poor state of repair		Officers have recently met with the owner to discuss the future of the property. Following this meeting, consideration of formal action will be deferred until the owner has been given a chance to carry out repair works, as he says he intends to do, in spring next year.
Track at Tracey Lane Great Tew	Unauthorised track created	Amended retrospective application seeking to address archaeological and landscape issues was approved under reference 18/02236/FUL and then varied by a subsequent permission 21/03357/S73.	The track has been observed to be in use by vehicles however the top dressing required by the 2021 permission has not been applied in full. A PCN has been served as a precursor to further formal action.
Enstone Airfield	Use of compound as a lorry park and for the siting of residential caravans Scaffolding Business, porta loo hire business and storage of containers	Many of the historic breaches have now been regularised. There remains unauthorised storage of waste material in respect of which an application was submitted to OCC for a temporary use of the land for the storage and sorting of waste. This is a matter for OCC and the Environment Agency. Monitoring of the number of flights has been undertaken and this falls well within the amount of flying activity that is allowed from the site.	There are no breaches that are considered to justify action at this stage, however, periodic monitoring continues to be carried out.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
14 Park Street Woodstock	Internal and external operations being carried out without consent.	Listed building being converted to residential user. Former Barclays bank.	Officers are monitoring replacement of the previous windows that were removed and discarded without consent having been granted. An application for consent for single-glazed windows has been approved but not to date implemented.
Wychwood Grange, Fordwells	Alleged unauthorised material change of use from two dwellings to a single 'party house'	The site formerly consisted of two dwellings which are now capable of being used as a single unit accommodating up to 30 people	A retrospective application to allow use of the garage as accommodation ancillary to the dwelling was given consent earlier this year. There is no evidence at present to demonstrate a material change of use and on this basis the case has been closed.
Barwood Homes, Tackley	Elevated footpath	Officers negotiated an amended landscape scheme in order to ameliorate the impact of the footpath	Officers have inspected the site and discussed compliance with the company responsible for maintaining the landscaping scheme. The company has agreed to replace the dead and dying trees and a further inspection is due by the end of the planting season, early next year.
West End Farm, Chipping Norton	Unauthorised hard standing	The hardstanding was originally built without permission as the base for a new barn. It is considered to cause landscape harm and to impact adversely on the setting of Bliss Mill.	Authorisation has been given to commence formal action and service of an enforcement notice is imminent.
Diddly Squat Farm, Chipping Norton Road, Chadlington	Unlawful material change of use causing harm to the AONB	An Enforcement notice was served in August 2022 which was part upheld and part dismissed following a hearing in March this year.	A condition of the temporary permission granted by the inspector on appeal required the submission of a site development scheme for approval. This has been submitted and is in the course of negotiation.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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.
Land at Field Assarts	Material change of use of land adjacent to a former barn under conversion for Class E use.	Temporary consent was granted earlier this year to allow conditioned business use for the duration of conversion works to the barn.	The Council has received complaints about breaches of the temporary consent and is monitoring these.
The Bull Inn Charlbury	Erection of new flue on the building, canopy over seating area, changes to car parking.	This is a listed building that has in the recent past been subject to enforcement action. ERS has become involved due to fire pits in the outdoor area creating smoke.	Retrospective applications have very recently been received and these are under consideration.