

Friday, 8 November 2024

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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 Committee Room 1, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB on **Monday, 18 November 2024 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Uplands Area Planning Sub-Committee

Councillors: Julian Cooper (Chair), Mark Walker (Vice-Chair), Lidia Arciszewska, Andrew Beaney, Adam Clements, Roger Faulkner, David Jackson, Rosie Pearson, Elizabeth Poskitt, Geoff Saul.

Recording of Proceedings – The law allows the public proceedings of Council, Executive, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

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

# AGENDA

1. **Apologies for Absence**  
To receive any apologies for absence from members of Sub-Committee.  
The quorum for the Sub-Committee is 3 members.
2. **Declarations of Interest**  
To receive any declarations of interest from members of the Sub-Committee on any items to be considered at the meeting.
3. **Minutes of Previous Meeting (Pages 3 - 6)**  
To approve the minutes of the previous meeting, held on Monday 21 October 2024.
4. **Applications for Development (Pages 7 - 22)**  
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.

<u>Pages</u>	<u>Application No.</u>	<u>Address</u>	<u>Planning Officer</u>
9-13	24/01876/FUL	Swan Inn, Swinbrook.	Rebekah Orriss
14-21	24/02203/FUL	The Old Surgery The Sands, Milton under Wychwood.	Sarah Hegerty

- 4.1 24/01876/FUL Swan Inn, Swinbrook
- 4.2 24/02203/FUL The Old Surgery, The Sands, Milton under Wychwood
5. **Applications Determined under Delegated Powers (Pages 23 - 30)**  
Purpose:  
To inform the Sub-Committee of applications determined under delegated powers.

Recommendation:

- I. That the report be noted by the Sub-Committee.

6. **Appeal Decisions**  
There are no appeal decisions since the previous Lowlands Planning Sub-Committee.

(END)

## WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB  
at 2.00 pm on **Monday, 21 October 2024**

#### PRESENT

Councillors: Julian Cooper (Chair), Mark Walker (Vice-Chair), Lidia Arciszewska, Andrew Beaney, Adam Clements, Roger Faulkner, David Jackson, Rosie Pearson, Elizabeth Poskitt, Geoff Saul.

Officers: Abby Fettes (Development Manager), Rebekah Orriss (Planning Officer), Anne Learmonth (Democratic Services Officer), Ella Gray (Reception and Administration Officer).

Other Councillors in attendance: None.

#### **46 Apologies for Absence**

There were no apologies for absence.

#### **47 Declarations of Interest**

24/01876/FUL Swan Inn.

Councillor Rosie Pearson declared that she knew the pub well however was not pre-determined and would remain for the application to be heard.

#### **48 Minutes of Previous Meeting**

The Chair proposed that the minutes of the meeting held on Monday 19 August 2024, were approved and signed subject to amendments agreed by the Sub-Committee:

1. Page 6, 24/01272/OUT Land (E) 426217 (N) 218672. Church Road, Milton under Wychwood.
  - Characteristics of the village – ‘Closure’ of the village green would have a detrimental impact on the character of the village.
  - The planning authority was not able to demonstrate a 5 Year Housing Land Supply.
2. Page 8, Amendments to Section 106 agreement of the application ref. 22/02429/FUL- Play Area, Walterbush Road, Chipping Norton.

Councillor Mark Walker proposed that the Sub-Committee agree the recommendation as listed on the officer’s report.

3. Page 8, Progress on Enforcement Cases.

Members requested that an officer of the Estates Team is invited to the Sub-Committee to present an update to Members.

This was seconded by Councillor Andrew Beaney, was put to the vote, and unanimously agreed by the Sub-Committee.

The Sub-Committee **Resolved** to:

1. Agree the minutes of the previous meeting held on Monday 19 August 2024, as a true and accurate record.

**49 Applications for Development**

**50 24/02203/FUL The Old Surgery, The Sands, Milton under Wychwood.**

Abby Fettes, Development Manager, presented the application for conversion and extension of existing garage to create a dwelling.

Jane Potter the applicant and Matthew Colledge, the agent spoke in support of the application which raised clarification points regarding ownership of the land.

The Planning Officer's presentation clarified the following points:

- The Parish Council and Oxfordshire County Council Highways did not object to the application however there were concerns regarding the narrow access to the site and a usable parking space.
- The application in principle met with policy H2, it did not meet policy OS2 which stated the development should be proportionate and appropriate in scale and form a logical compliment to the existing development.
- The proposed development failed to demonstrate a high-quality design and would appear overdeveloped. The proposed development would not fit the character of the surrounding area or the street scene, as well as limited outdoor space.
- The development would be contrary to polices OS2, OS4 and H2 of the West Oxfordshire Local Plan 2031 and officers proposed refusal of the application.

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

- The design did not fit with the surrounding areas. Concerns were raised about the development overlooking other properties.
- Safety concerns regarding access to the site and the safety of other road users and pedestrians. Would the development cause parking problems.
- The Parish Council had conducted a site visit which had given a better understanding of the site and surrounding area.

Councillor Clements proposed that the application be deferred for a site visit by members of the Sub-Committee. This was seconded by the Councillor Beaney, was put to the vote and was agreed unanimously.

The Sub-Committee **Resolved** to:

- I. Defer the application for a site visit by members, to be held at 10.15am on Thursday 14 November 2024.

**51 24/01876/FUL Swan Inn, Swinbrook, Burford.**

Rebekah Orriss, Planning Officer, presented the application for construction of an outbuilding and associated paved area. (Retrospect).

21/October2024

Mark Doodes, the agent, spoke in support of the application which raised clarification points regarding the pre-application process, materials used for the roof and building and whether the roof was visible. Also, what functions would be held at the building.

The Planning Officer's presentation clarified the following points:

- The Parish Council had agreed to the application.
- The design of the outbuilding impacted the heritage of the surrounding buildings. Policy OS4 stated that development should respect historic, architectural and landscape character of the locality.
- Materials used were not in keeping with the character of the surrounding area and did not respect the adjoining dwellings.
- The raised patio was not in keeping with the garden and the materials used did not compliment the surrounding buildings.
- The recommendation was for refusal of the application by reason that the design, form and materials of the outbuilding and patio area would appear contrived. The design would have a harmful impact on the character and setting of the grade II listed pub.

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

- The design of the outbuilding was out of keeping with the surrounding properties and did not fit in with the rural area.
- When considering harms each application was decided on its own merit.
- The patio materials were deemed to be garish and would not weather well.
- Refusal of the application would result in loss of income therefore what timeframe could be worked with for the applicant to honour bookings already taken.
- The possibility of using planting and landscaping to soften the materials used on both the outbuilding and patio.
- The visibility of the outbuilding from the surrounding area, would a site visit give a better idea of the location of the outbuilding in relation to other properties.

Councillor Beaney proposed that the application be refused in line with officer recommendations. This was seconded by the Chair, was put to the vote, 3 for the proposal, 6 against, 1 abstention, the vote was not carried.

Councillor Poskitt proposed that the application be deferred for a site visit by members of the Sub-Committee. This was seconded by the Chair, was put to the vote, 7 for the proposal, 2 against, the vote was carried.

The Sub-Committee **Resolved** to:

1. Defer the application for a site visit by members, to be held at 9.30am on Thursday 14 November 2024.

**52 Applications Determined under Delegated Powers**

The report giving details of applications determined under delegated powers was received, explained by the planning officers and noted by the Sub-Committee.

**53 Appeal Decisions**

The report giving details of appeals decisions was received, explained by the planning officers and noted by the Sub-Committee.

Members inquired as to how many applications for self-build properties were made. The Planning Manager advised that more applications would be made in the future due to the exemption of mandatory biodiversity net gain. Training would be offered to Members on biodiversity net gain in the coming months.

The Meeting closed at 3.11 pm

CHAIR

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

**Date: 18th November 2024**

### 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:

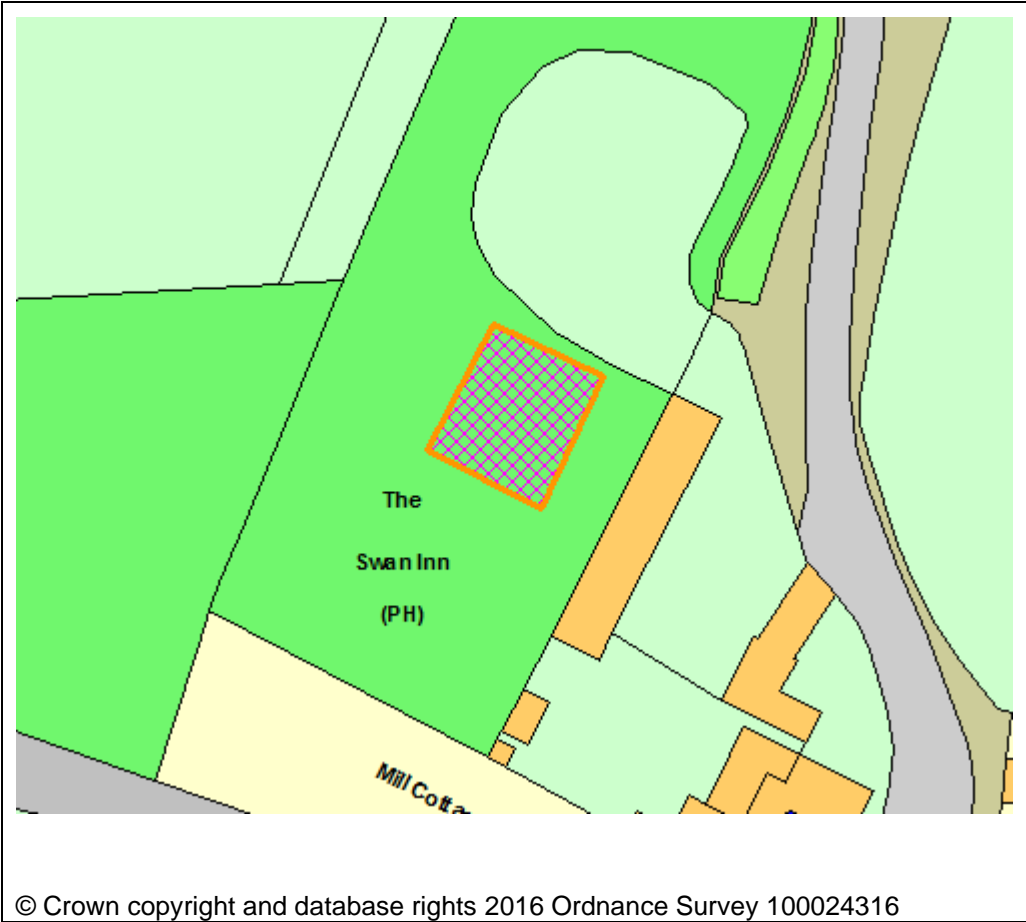
1. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

<b>Pages</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
9-13	24/01876/FUL	<a href="#">Swan Inn Swinbrook</a>	Rebekah Orriss
14-21	24/02203/FUL	<a href="#">The Old Surgery, The Sands, Milton under Wychwood</a>	Sarah Hegerty



Application Number	24/01876/FUL
Site Address	Swan Inn Swinbrook Burford Oxfordshire OX18 4DY
Date	6th November 2024
Officer	Rebekah Orriss
Officer Recommendations	Refuse
Parish	Swinbrook Parish Council
Grid Reference	428209 E 211876 N
Committee Date	18th November 2024

**Location Map**



**Application Details:**

Construction of an incidental outbuilding and associated paved area. (Retrospective).

**Applicant Details:**

Mr Stephen Cook

C/o Agent

**I CONSULTATIONS**

WODC Drainage

No Comment Received.

Parish Council

Swinford and Widford Parish Council are pleased to see that a retrospective planning application has been submitted and have reviewed the planning proposal and conducted an onsite visit where the Parish Council noted that the build had been completed to a high standard and the materials were in keeping with the surroundings. The Parish Council raises no objections.

Conservation And Design  
Officer

The current proposal does not preserve the character of this area; the platform is incongruous in this location and structure is poorly made and the materials used (e.g. corrugated Perspex) are not in-keeping with the area. I'm not sure what materials the 'buff' paving stones are (and they may eventually tone down), but currently, they are quite garish.

With regard to the platform, I recommend that the top layer of paving stones are removed, that the stone walls could be retained in situ, and then the whole platform is lowered, with the paving at the bottom - so that it becomes - almost like - a walled pub garden area. Any ancillary bar structure will then sit automatically lower.

I recommend that the current bar structure itself needs to be modified with better materials, the roof (Perspex) should be removed and replaced with a more appropriate material in-keeping with our design guidance.

**2 REPRESENTATIONS**

2.1 2 letters of representation have been received and are summarised as follows:

- A nice addition to the Pub, well built and in keeping.

**3 APPLICANT'S CASE**

3.1 The Planning and Heritage Statement is concluded as follows:

The proposal is for a small, incidental, outbuilding and associated paved area. Taking everything together, this does not result in harm to the historic environment, preserving the developed setting of The Swan Inn and the rural village character of the wider CA. Additionally, the development does not encroach beyond the limits of this pocket of development and has no effect on any of the key landscape features of this part of the Cotswolds National Landscape. There is no other harm resulting from any of the other technical planning matters assessed.

Overall, the proposal should be approved without delay as it is in accordance with the development plan as a whole and there are no other considerations which outweigh this finding.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

NPPF 2023

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

#### **5. PLANNING ASSESSMENT**

##### **Background**

- 5.1. The application seeks retrospective planning permission for the Construction of an incidental outbuilding and associated paved area at the Swan Inn, Swinbrook a grade II listed pub.
- 5.2. The pub garden is L-shaped with the section close to the pub building used for outside tables. The bar and associated paving is located around the corner of the converted barns on an area which was previously open with no built form. The garden slopes up gently from the south.
- 5.3. The site lies within the Cotswolds National Landscape (formerly AONB) and the Swinbrook Conservation Area. The pub and adjoining dwellings, and the converted barns are all grade II listed. The site is within Flood zone I.
- 5.4. There is no relevant planning history.
- 5.5. Officers note there is a second outside bar within the pub garden, a view is currently being taken as to whether this requires planning permission.
- 5.6. The application is before Members for the second time following a site visit.
- 5.7. The application is before the sub-committee because officers' views differ from the view of the Parish Council.

##### **Principle of Development**

- 5.8. Within the West Oxfordshire Local Plan 2031 pubs are considered under policy E5: Local services and community facilities. This policy supports development to meet local needs and promote social wellbeing.
- 5.9. Policy OS2 supports development that forms a logical complement to the existing scale and pattern of development and/or the character of the area; and conserves and enhance the natural, historic and built environment.
- 5.10. The proposal to provide an outside bar is acceptable with regard to the impact on the character and appearance of the listed buildings, conservation area, Cotswolds National Landscape, and residential amenities.

## **Design, Form and Siting**

- 5.11. Policy OS4 states that development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings, and should conserve or enhance areas, buildings and features of historic, architectural and environmental significance, including both designated and non-designated heritage assets and habitats of biodiversity value.
- 5.12. The outside bar is located on a raised platform which is constructed with buff paving slabs and stone supporting walls. The paving is set into the slope of the garden so that the rear is level with the surrounding land and the front is raised. The paving is accessed by a set of steps at the front.
- 5.13. The bar is set at the back of the paved area. It is constructed with shiplap horizontal timber boarding in an off-white colour, and a corrugated Perspex roof in grey.
- 5.14. Officers consider the bar to be of poor-quality materials that are not in-keeping with the area and do not respect the architectural character of the listed buildings. Further the raised patio is incongruous with the landscape character of the pub garden and appears as a stark feature which is visually at odds with the otherwise semi-rural nature of the pub setting.
- 5.15. As such, officers consider the proposal to be unacceptable with regard to design and contrary to policies, OS2 and OS4 of the West Oxfordshire Plan.

## **Listed Building and Conservation Area**

- 5.16. Officers are required to take account of section 16(2) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. Policy EH11 also states proposals for development within the curtilage of a Listed Building... will be permitted where it can be shown to: conserve or enhance the special architectural or historic interest of the appearance or character and setting.
- 5.17. Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.18. With regard to the impact on the listed building, in light of the above assessment which found the proposal unacceptable with regard to design Officers are of the view that the proposal does not preserve the setting of the listed buildings through appearing as a contrived feature in the landscape, with materials that are discordant with the listed buildings and the conservation area.
- 5.19. The applicant has outlined that the bar has public benefits in allowing customers to appreciate the pub garden and the listed buildings. However, the site was already part of the pub garden and officers consider this a wholly private benefit that does not weigh against the identified harm to the heritage assets.

5.20. The proposed development does not respect the special qualities and historic context of the listed buildings and would not maintain the setting of the listed buildings or the conservation area and as such, the proposed development would not conform to policy EH11 and EH10.

### **Impact on Cotswolds National Landscape**

5.21. Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. Policy OS2 of the West Oxfordshire Local Plan 2031 also states to give great weight to conserving the landscape and scenic beauty similarly to the NPPF states. It is considered that the bar and patio would only be viewed in its immediate context which is enclosed and will therefore conserve the wider Cotswold AONB and complies with policy EH1.

### **Residential Amenities**

5.22. Although the bar is to the rear of the holiday accommodation, in light of the existing pub use Officers do not consider the bar likely to give rise to unacceptable levels of noise.

### **Conclusion**

5.23. In summary the proposed outside bar with associated paved area is considered to be unacceptable with regard to the impact on the heritage assets and does not comply with policies, OS2, OS4, EH10 and EH11. Therefore, your officers are recommending refusal of the application.

## **6 REASONS FOR REFUSAL**

1. By reason of the design, form and materials of the bar and paved area, the proposal would appear as contrived and incongruous within the pub garden, as such the proposal will have a harmful impact on the character and setting of the grade II listed pub, surrounding listed buildings and conservation area. The impact of the development is considered to result in less than substantial harm for which no public benefit is derived that outweighs this harm and the viability of the optimal use is not at risk. The development does not, therefore, preserve the special architectural or historical interest of the listed building or its setting in conflict with policies OS2, OS4, EH10 and EH11 of the West Oxfordshire Local Plan 2031, section 16 of the NPPF and the West Oxfordshire Design Guide.

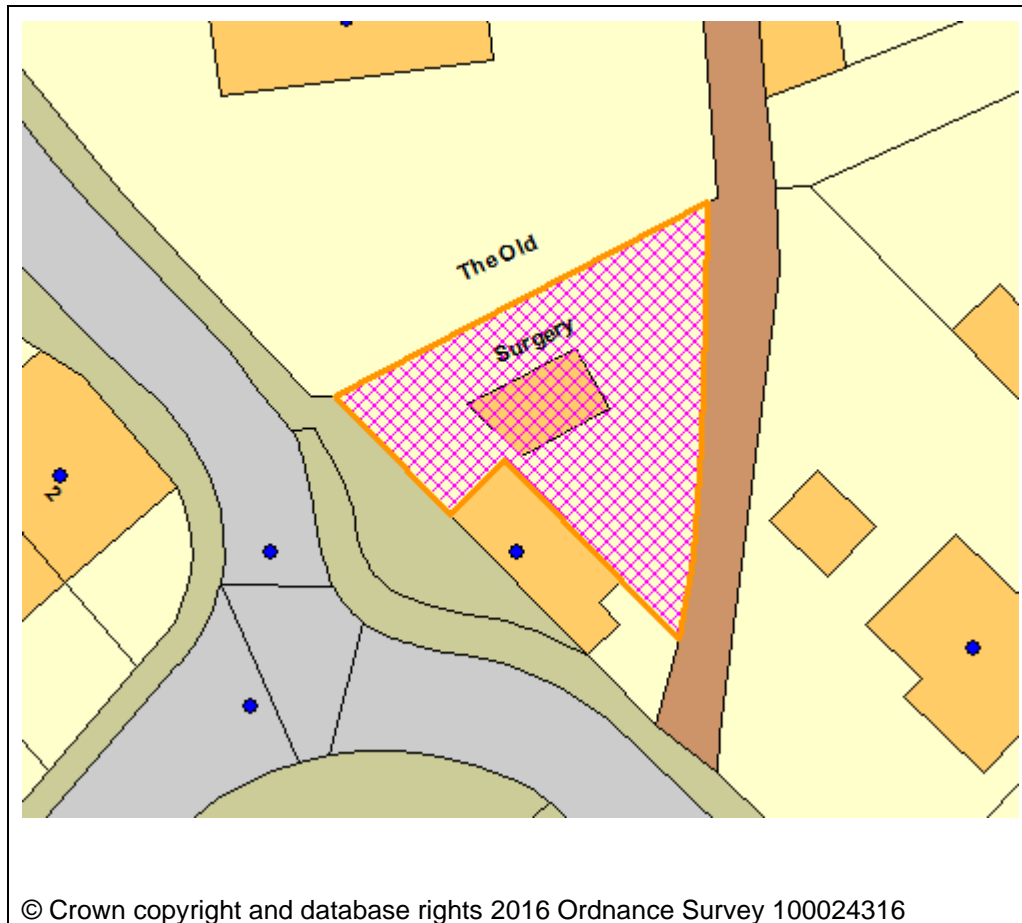
**Contact Officer:** Rebekah Orriss

**Telephone Number:**

**Date:** 6th November 2024

Application Number	24/02203/FUL
Site Address	The Old Surgery The Sands Milton Under Wychwood Chipping Norton Oxfordshire OX7 6ER
Date	6th November 2024
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426618 E 218114 N
Committee Date	18th November 2024

**Location Map**



**Application Details:**

Conversion and extension of existing garage to create a dwelling

**Applicant Details:**

Mrs Jane Potter  
8 Home Farm Cottages  
Breurn  
West Oxfordshire  
OX7 6QG

**I CONSULTATIONS**

Ecology Biodiversity Net Gain	Acceptable subject to conditions and informative.
Parish Council	Milton under Wychwood Parish Council have no objection to this planning application.
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, subject to the following condition
WODC Drainage	More information is required - Further information on the existing drainage is required, in case infiltration is proved to be impractical.
Env Health Contamination	<p>Thank you for notifying my team of the proposal to convert and extend an existing garage to create a dwelling at the above address.</p> <p>From the information submitted with the application it appears that the existing building is a former domestic garage later used for the storage of building materials. Given the proposed residential development please consider adding the following condition to any grant of permission as a precaution:</p> <p>I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Land Contamination: Risk Management (LCRM), and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.</p> <p>REASON: To prevent pollution of the environment in the interests of the amenity.</p>
Thames Water	No Comment Received.

## **2 REPRESENTATIONS**

2.1 One general comment has been received

- There seems to be no boundary fence separating the rear and side of the surgery from the new build for maintenance if needed
- Also the corner of the surgery is very close to the extended part
- My main concern is I will literally be in their garden and any noise would cause stress to me and my dog.

## **3 APPLICANT'S CASE**

3.1 The Planning Statement is concluded as follows:

This supporting statement confirms that:

- The conversion of the existing building on the site to a new dwelling is acceptable in this location in principle and accords with the policies in the development plan;
- The site has an existing lawful use and is previously developed. The proposal would be a general improvement over the existing appearance of the building and would be a use that more compatible with the location and neighbouring occupiers;
- The traditional vernacular design is considered to be more appropriate and will enhance the character of the area compared to the existing buildings;
- The proposed dwelling would not have any harmful impact on the scenic beauty of the AONB or the dispersed settlement character of Milton under Wychwood;
- The existing use has the potential to create vehicle movements of a greater frequency and with much larger vehicles than the proposed use of the site
- adequate visibility can be provided at the site entrance and on balance the proposals would be of net benefit to highway safety in the locality.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 Planning permission is sought for Conversion and extension of existing garage to create a dwelling of The Old Surgery, The Sands, Milton Under Wychwood.

5.2 The site is located in the village of Milton under Wychwood which is within the Cotswold National Landscape (formerly the AONB). The site itself is a small broadly triangular plot the last lawful use of which is unclear however, as stated within the Planning Statement that the site comprises a formerly domestic garage which has for a number of years been used for storage purposes by a local builder.



- 5.3 Therefore officers for the purposes of this application assume that the lawful use is likely to be domestic use given the wholly residential context of the site and the lack of any information to dispute this.
- 5.4 The site is bound by a fence on all sides with a no through access way running roughly north to south along the eastern boundary. There is an existing dwelling on the southwestern boundary of the site which has a small courtyard area and access from the no through access.
- 5.5 The application is back before the sub-Committee following a members site visit.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Siting, Design and Massing
  - Residential Amenity
  - Impacts on Cotswolds National Landscape

### **Principle**

- 5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan so far as they are material to the application and any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.8 The revised National Planning Policy Framework (NPPF) is a material consideration. It reiterates the pre-eminence of the local plan as the starting point for decision-making. It makes clear 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. Development is, therefore, to be determined in accordance with the Local Development Plan, which is the West Oxfordshire Local Plan 2031 (WOLP).  
Regarding the principle of development, Policy OS2 of the Local Plan provides an overall strategy for the location of development within the District. Within the supporting text of OS2 It sets out a 'settlement hierarchy' that Milton Under Wychwood is a village.
- 5.9 Policy OS2 itself states that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. A number of site allocations are proposed to ensure identified needs are met. Further allocations may be made through Neighbourhood Plans. Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan.
- 5.10 Policy OS2 further states that proposals for residential development will be considered in accordance with Policy H2 which permits new dwellings within the main service centres and rural service centres, "On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2."
- 5.11 Policy OS2 also provides the General Principles to which all development must adhere; these require that development: -

- 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;
- Conserve and enhance the natural, historic and built environment;

5.12 Regarding the principle of development, the application proposal would meet policy H2 of the Local Plan. However, the general principles set out in policy OS2 are not considered to be met, and therefore, the principle of development is not considered to be acceptable.

#### *National Policy/Guidance*

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

5.14 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

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

5.15 The NPPF requires local planning authorities to demonstrate an up-to-date five-year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF is engaged.

In its current 5-year Housing Land Supply Position Statement, the Council states that a formal review of the West Oxfordshire Local Plan 2031 was undertaken in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following this assessment, Policies H1 and H2 were considered to be out of date.

5.16 However, in a recent appeal decision relating to Land south of Burford Road, Minster Lovell (Appeal Ref: APP/D3125/W/23/3331279) dated 28th March 2024, the Inspector concluded that the Council had a 4.38 years supply and as such could not demonstrate a five-year supply of housing land.

5.17 As such, the provisions of paragraph 11d) of the NPPF is engaged and the policies that are most important for determining the application are out of date.

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

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

5.19 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly, Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

5.20 As noted above the site is triangular in shape and of limited size. The scheme seeks to replace the garage with a single storey one bedroom dwelling comprising of a dual pitched and flat roof elements finished in wooden cladding with both concrete tiles. There is also parking for one vehicle.

5.21 Due to the limited size of the plot and its unusual shape the resulting scheme is considered to be over development, cramped and contrived in nature. The available space for future occupants is poor (both internal and external) and due to the surrounding development the very limited outdoor space will be shaded for a large portion of the day. The material choices are also uncharacteristic for the site and the wider area.

Therefore, the scheme is not considered to form a logical compliment to the scale and pattern of development and is considered to be overdevelopment of the plot which is not considered to be high quality design where the quality of the public realm is enhanced.

5.22 Chapter 4 of The West Oxfordshire Design Guide notes that the site lies in the Limestone Wolds region of the district. This region is characterised by Distinctive building features include the famous, creamy limestone, which, together with the extensive use of limestone slates for roofs, creates built environments of strong local character and consistency. Long fronts, narrow gables, and steeply pitched roofs are typical.

5.23 The proposed scheme features walls wholly finished in wooden cladding until a tile roof. Whilst the site is located in a residential area it is visually prominent within the streetscene and officers consider that the materials and design are not in keeping with the character of the area which is primarily brick (both red and reconstituted Cotswold stone) with a small amount of render. The scheme is therefore considered the negatively impact on the visual amenity of the streetscene.

### **Highways**

5.24 In terms of parking available for the site this again is a concern. The plot is located close to a dead-end point on a very narrow access way which appears to also be used for storage of domestic refuse bins and acts as well utilised pedestrian access through to Shipton Road to the north. Whilst there is no technical objection from County Highways Officers query the usability of the parking space and

ease with which any vehicle could access/egress the site and also the safety of pedestrians and cyclists given the very narrow access.

### **Residential Amenities**

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

5.26 Use of the site and access would intensify, with increased comings and goings in close proximity to the existing adjacent dwelling. Furthermore, the proposed amenity space would be substandard in size and given the orientation and position of the adjacent dwelling future occupants of the proposed dwelling would be likely to experience shading in the evening resulting poor-quality external amenities.

### **Impacts on CNL**

5.27 The site is located within the CNL wherein great weight should be given to conserving landscape and scenic beauty. The proposal would have no material effect on the character of the landscape given the site's location within the residential envelope of the modern village development.

### **Conclusion**

5.28 As the Council cannot demonstrate evidence of a five-year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission. Where policies for the supply of housing are out of date, para. I d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.29 In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the economic, social and environmental planning roles. With regards to the economic and social dimensions of sustainability, the proposal would provide an extra dwelling and would have some economic benefit through the provision of construction jobs and local investment during construction. However, given the limited scale of the development, I consider that limited weight should be afforded to these benefits.

5.30 In terms of the environmental dimension, the development is likely to have a significant harmful impact on the residential area in which it sits. The cramped and contrived nature of the site fails to form a logical compliment to the pattern, scale and character of the area.

5.31 Considering the scale of the development, which comprises a dwelling, access, and parking arrangement, the proposed development appears to be 'shoehorned' into the site. This would result in a cramped and contrived appearance and overdevelopment of the site which fails to form a logical compliment to the pattern of the area. Given the prominence of the site within the street, the proposed development would detract from the character and appearance of the site and locality. Overall, it is my opinion that the benefit of a single dwellinghouse to contribute to the Council's 5-year housing land supply is not outweighed by the harms associated with the provision of a dwelling in this location.

## **6 REASONS FOR REFUSAL**

- I. The proposed development due to its design, form, footprint, orientation and the awkward shape of the site, fails to demonstrate high-quality design and would appear as overdevelopment, cramped and contrived form of development which fails to respect the scale, pattern and character of the surrounding built form, eroding the character and appearance of the area and would appear as an incongruent feature within the street scene. The development would, therefore, be contrary to policies OS2, OS4, and H2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF

**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 6th November 2024

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# Agenda Item 5

## West Oxfordshire District Council – DELEGATED ITEMS

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### Application Types Key

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

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

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## West Oxfordshire District Council – DELEGATED ITEMS Week Ending 28th October 2024

	Application Number.	Ward.	Decision.
I.	<b>24/00186/FUL</b>	Chadlington and Churchill	APP
	Extension and alterations to an existing stone barn to create a single dwelling together with associated works. (Part retrospective). <b>Land At Green End Chadlington</b> Mr Chris Wilsdon		

2. **24/00759/FUL** Kingham, Rollright and Enstone APP  
 Change of use of caravan (previously approved as a mess facility during lambing and turkey season) to allow use as rural worker's dwelling for a temporary period of three years. (Retrospective).  
**Netherby Farm Banbury Road Swerford**  
 Mr And Mrs J And L Sealey
3. **24/00933/HHD** Burford APP  
 Affecting a Conservation Area  
 Construction of detached garage building with attached bin/log store and self contained annexe above for staff use (revised plans)  
**The Standing Barn Taynton Burford**  
 C/O Agent
4. **24/00949/FUL** Ascott and Shipton APP  
 Affecting a Conservation Area  
 Change of use of part site to residential garden, replacement of stables with home office and associated landscape proposals  
**Land North East Of Simons Croft Upper End Shipton Under Wychwood**  
 Mr Michael Scott
5. **24/01647/LBC** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Replacement of 3no windows to match existing.  
**The Old Vicarage Witney Road Finstock**  
 Mrs Felicity Goldsmith
6. **24/01703/LBC** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Replace existing frosted single glazed skylight with clear double glazed slimlite skylight.  
**The Old Vicarage Witney Road Finstock**  
 Mrs Felicity Goldsmith
7. **24/01834/FUL** Freeland and Hanborough APP  
 Change of Use from Class E (doctors surgery) to Class C3 to create 5 dwellings including external alterations to include 2 x dormers to match existing dormer, alterations to the fenestration, new render to all elevations and new bike stores.  
**Long Hanborough Surgery 56 Churchill Way Long Hanborough**  
 Mr Ben Richards



8. **24/01990/ADV** Woodstock and Bladon APP  
Affecting a Conservation Area
- Installation of barbers candy twist pole and flat circular name plate sign.  
**48 High Street Woodstock Oxfordshire**  
Mr L Bushi
9. **24/02006/S73** Charlbury and Finstock APP  
Affecting a Conservation Area
- Variation of condition I of Planning Permission 23/03112/HHD to retain existing concreted drive  
**14 Hill Close Charlbury Chipping Norton**  
Ms Elaine Kazimierczuk
10. **24/02024/CLE** Kingham, Rollright and Enstone APP
- Certificate of Lawfulness (use of land as residential garden with garage outbuilding in connection with dwelling house use).  
**Chalford Paddocks Oxford Road Old Chalford**  
Mr James George
11. **24/02035/LBC** Chipping Norton APP  
Affecting a Conservation Area
- Replacement shop front door, two windows and a rear door  
**14 New Street Chipping Norton Oxfordshire**  
Tom Scanlan
12. **24/02054/HHD** Stonesfield and Tackley APP
- Erection of a garage (part retrospective)  
**84 St Johns Road Tackley Kidlington**  
MR A Stylianou
13. **24/02101/HHD** Kingham, Rollright and Enstone APP
- Erection of single storey extension of outbuilding  
**Kingham Hill House Kingham Hill Kingham**  
The KFH Trust
14. **24/02111/LBC** Chadlington and Churchill APP
- Removal and disposal of asbestos containing materials within the basement  
**Cornbury House Cornbury Park Charlbury**  
Mr John Jaques

15. **24/02112/HHD** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Demolish existing conservatory and erection of a single storey side extension  
**Cornerstone House South End Great Rollright**  
Mr Nigel Carter
16. **24/02124/HHD** Chipping Norton APP
- Proposed garage conversion and single storey rear extension  
**1 The Green Chipping Norton Oxfordshire**  
Mr Lee Smith
17. **24/02128/HHD** The Bartons APP  
Affecting a Conservation Area
- Addition of two air source heat pumps  
**Appletree House Ledwell Chipping Norton**  
Mr Niel Nicholson
18. **24/02129/LBC** The Bartons APP  
Affecting a Conservation Area
- Addition of two air source heat pumps, removal of oil tank, new internal cylinder, and associated pipe work.  
**Appletree House Ledwell Chipping Norton**  
Mr Niel Nicholson
19. **24/02147/HHD** Milton Under Wychwood APP
- Installation of an air-source heat pump  
**12 Jubilee Lane Milton Under Wychwood Chipping Norton**  
Graham Nield
20. **24/02149/HHD** The Bartons APP
- Erection of a boundary wall (part-retrospective) (amended description and plans).  
**41 Worton Road Middle Barton Chipping Norton**  
Mr Mark Bowerman
21. **24/02150/HHD** Stonesfield and Tackley APP  
Affecting a Conservation Area
- Conversion of existing detached garage to create an additional bedroom with bathroom  
**Rough Tor The Ridings Stonesfield**  
Mr Tom Walker

22. **24/02155/HHD** Burford APP  
Affecting a Conservation Area
- Erection of a detached summerhouse  
**Roche House 29 Sheep Street Burford**  
Mrs Corinne Hoge
23. **24/02168/FUL** Chipping Norton APP  
Affecting a Conservation Area
- Construction of an external staircase, increase in the depth of a proposed lightwell, elevation repairs to No.1-4 Hitchmans Mews, the re-roofing of no. 2-3 Hitchman's Mews and fabric alterations to the Basement of No.5 Hitchmans Mews  
**Hitchmans Mews Albion Street Chipping Norton**  
Mr Nick Grant
24. **24/02169/LBC** Chipping Norton APP  
Affecting a Conservation Area
- Construction of an external staircase, increase in the depth of a proposed lightwell elevation repairs to No.1-4 Hitchmans Mews, the re-roofing of no. 2-3 Hitchman's Mews and fabric alterations to the Basement of No.5 Hitchmans Mews  
**Hitchmans Mews Albion Street Chipping Norton**  
Mr Nick Grant
25. **24/02138/HHD** The Bartons APP  
Affecting a Conservation Area
- Erection of a rear first floor extension  
**28 Church Lane Middle Barton Chipping Norton**  
Mr And Mrs Fellowes And Newing
26. **24/02182/S73** Brize Norton and Shilton APP  
Affecting a Conservation Area
- Variation of condition I of Planning Permission 23/02072/FUL to allow for amendments to the design  
**Allens Barn Swin Lane Swinbrook**  
Mr and Mrs Best
27. **24/02200/LBC** Burford APP  
Affecting a Conservation Area
- Structural repair and reinforcement works to existing kitchen roof and ground floor chimney breast  
**154 The Hill Burford Oxfordshire**  
Mr R Alexander and Mr S Cawte

28. **24/02202/LBC** Chadlington and Churchill APP  
Affecting a Conservation Area
- Internal and external alterations to replace three steel framed windows on ground floor  
**The Gables Hackers Lane Churchill**  
Mr John Clarke
29. **24/02206/FUL** Kingham, Rollright and Enstone APP  
Erection of test building together with associated development.  
**Whiteways Technical Centre Enstone Chipping Norton**  
Alpine Racing Ltd
30. **24/02211/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Formation of a new driveway onto private road including associated engineering operations to reduce existing ground levels (part retrospective)  
**2 Charlbury Road Fawler Chipping Norton**  
Sean And Flora Finneron And Gibb
31. **24/02237/HHD** Chipping Norton APP  
Affecting a Conservation Area
- Replacement windows and front door  
**44 New Street Chipping Norton Oxfordshire**  
Mr Matthew Hancocks And Alison Wright
32. **24/02177/HHD** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Internal and external reordering to include, erection of single storey front and rear extensions, replacement of front porch with an oak canopy and conversion of existing garage to create additional living space. Alterations to include the installation of a veranda and canopy to rear elevation and changes to fenestration along with construction of a new dormer.  
**Tyte Orchard Tyte End Great Rollright**  
Ms Holmes
33. **24/02241/CND** Chipping Norton APP  
Affecting a Conservation Area
- Discharge of condition 10 (landscaping plan) of permission 23/00843/FUL  
**Land To The Rear Of 17 - 18 High Street Chipping Norton**  
Mr Tim Carpenter

34. **24/02242/CND** Chipping Norton APP  
Affecting a Conservation Area
- Discharge of condition 2 (details of materials to be used ) of listed building consent  
23/00844/LBC  
**Land To The Rear Of 17 - 18 High Street Chipping Norton**  
Mr Tim Carpenter
35. **24/02296/S73** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Variation of condition 2 of permission 22/00610/HHD to allow changes to proposed fenestration and design and height of roofs to include the addition of dormer windows and changes to first floor plans to create a bedroom (amended plans).  
**Water Lane House Waters Lane Little Tew**  
Mr And Mrs J And L Hawker
36. **24/02301/LBC** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Internal and external alterations to remove existing timber extensions and garden room. Changes to internal layout and erection of single storey extensions to create new garden room and kitchen/breakfast room with bedroom in roof space above. (amendments to approved consents 22/00610/HHD and 22/00758/LBC- amended plans).  
**Water Lane House Waters Lane Little Tew**  
Mr And Mrs J And L Hawker
37. **24/02324/HHD** Kingham, Rollright and Enstone APP  
Affecting a Conservation Area
- Part conversion of existing garage along with a single storey extension to create a self contained unit for staff use  
**The Yews Chapel End Swerford**  
Mrs Olga Allen
38. **24/02332/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Works to replace existing windows and insertion of additional window to both first floor side and rear elevations.  
**Holly House Park Street Charlbury**  
MS Alison Roeses

- |     |  |                                |     |
|-----|--|--------------------------------|-----|
| 39. | <b>24/02361/HHD</b>  | Stonesfield and Tackley        | APP |
|     | Erection of a front extension and conversion of garage with associated internal alterations and external alterations to facade<br><b>Stonemead Chatterpie Lane Combe</b><br>Mr AND Mrs S Wallsworth  |                                |     |
| 40. | <b>24/02390/PIP</b>  | Stonesfield and Tackley        | REF |
|     | Permission in principle for the construction of one dwelling<br><b>Land South Of Evenlode Edge Brook Lane Stonesfield</b><br>Mr And Mrs P Melrose  |                                |     |
| 41. | <b>24/02553/NMA</b>  | Chadlington and Churchill      | APP |
|     | Erection of two storey side extension along with conversion of roof space with installation of roof lights (non-material amendment to change approved dormer windows to conservation rooflights)<br><b>Park View Sarsden Chipping Norton</b><br>Mr And Mrs Adrian Briden |                                |     |
| 42. | <b>24/02684/CND</b>  | Kingham, Rollright and Enstone | APP |
|     | Discharge of condition 9 (Construction Environmental Management Plan) of Planning Permission 22/03311/FUL<br><b>Mill House Hotel Station Road Kingham</b><br>-   |                                |     |