

Wednesday, 8 October 2025

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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 Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB on **Monday, 20 October 2025 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, Mike Baggaley, Andrew Beaney, Adam Clements, Genny Early, Roger Faulkner, Andy Goodwin, David Jackson, Elizabeth Poskitt, and 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 5 - 10)**  
To approve the minutes of the previous meeting, held on Monday 15 September 2025.
4. **Applications for Development (Pages 11 - 90)**  
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 Head of Planning.

| <u>Pages</u> | <u>Application No.</u> | <u>Address</u>                                              | <u>Planning Officer</u> |
|--------------|------------------------|-------------------------------------------------------------|-------------------------|
| 13-46        | 24/02901/OUT           | Land North of Holliers Crescent, Middle Barton.             | Stephanie Eldridge      |
| 47-60        | 25/00805/FUL           | Enstone Quarry, Oxford Road, Enstone.                       | Stephanie Eldridge      |
| 61-73        | 25/01525/FUL           | Stable to the rear of Valhalla, Church Street, Stonesfield. | Emile Baldauf-Clark     |
| 74-90        | 25/01567/FUL           | Land East of 4 Meadow End, Fulbrook.                        | Stephanie Eldridge      |

- 4.1 24/02901/OUT Land North of Holliers Crescent, Middle Barton.
- 4.2 25/00805/FUL Enstone Quarry, Oxford Road, Enstone
- 4.3 25/01525/FUL Stable to the rear of Vahalla, Church Street, Stonesfield.
- 4.4 25/01567/FUL Land East of 4 Meadow End, Fulbrook.

5. **Applications Determined under Delegated Powers (Pages 91 - 106)**  
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** (Pages 107 - 108)

Purpose:

To inform the Sub-Committee of any appeal decisions.

Recommendation:

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

7. **Progress on Enforcement Cases** (Pages 109 - 116)

Purpose:

To provide an update on progress in respect of priority enforcement investigations.

Recommendation:

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

8. **Discharge of S52 Agreement** (Pages 117 - 120)

Purpose

To notify Members of your officers resolution to discharge the legal agreement.

Recommendation

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

(END)

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## 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, 15 September 2025**

#### PRESENT

Councillors: Julian Cooper (Chair), Mark Walker (Vice-Chair), Lidia Arciszewska, Mike Baggaley, Andrew Beaney, Genny Early, Roger Faulkner, David Jackson, Elizabeth Poskitt and Geoff Saul

Officers: Stephanie Eldridge (Principal Planner), Emile Baldauf-Clark (Planner), Nathan Harris (Planner), Andrew Brown (Head of Democratic and Electoral Services), Ana Prelici (Senior Democratic Services Officer), Mathew Taylor (Democratic Services Officer) and Anne Learmonth (Democratic Services Officer).

Other Councillors in attendance: None.

#### **33 Apologies for Absence**

Apologies were received from Councillors Goodwin and Clements.

#### **34 Declarations of Interest**

Declarations of Interest were received as follows:

Page 17 – 25/01100/FUL Land South of Milwood End, Long Hanborough.

Councillor Mike Baggaley declared that he had lived on Milwood End and was a member of the resident's association but he was not predetermined.

Page 34 – 25/01315/FUL Storage Land, Horseshoe Lane, Chadlington.

Councillor Elizabeth Poskitt declared that she knew the agent Huw Mellor as he had been an advisor to a committee with Woodstock Town Council. Councillor Poskitt was not predetermined.

#### **35 Minutes of Previous Meeting**

Page 11 -Councillor Poskitt advised there was a typo which needed to be corrected from "hoe" to "homes".

Page 12 – Councillor Mark Walker advised that he had not seconded the proposal for the application 25/00333/OUT Land East of Wroslyn Road. Councillor Mike Baggaley confirmed he had seconded the proposal.

The Chair proposed that the minutes of the previous meeting held on Monday 18 August 2025 be agreed by the Sub-Committee as a true and accurate record. This was seconded by Councillor Elizabeth Poskitt, was put to the vote and agreed by the Sub-Committee.

The Sub-Committee Resolved to:

- I. Agree the minutes of the previous meeting held on Monday 18 August 2025 as a true and accurate record.

**36 Applications for Development**

**37 25/01 100/FUL Land South of Milwood End, Long Hanborough**

Emile Baldauf-Clark, Planner, presented the application for the erection of a self-build dwelling and detached garage with associated access and landscaping.

The Planner's presentation addressed the following points:

- The Parish Council objected to the application and their comments had been included in the additional representations report.
- The site was situated next to a plot that had planning permission approved. The access to the plots led to a Market Garden.
- The Council was unable to demonstrate a 5 year housing land supply. The application was supported by policies in the Local Plan as the application was for a self-build dwelling.
- The design was appropriate to the plot size and was considered to be of high quality.
- There were no long term harms to the wider setting and no technical objections. There was provision for bat and bird boxes and planting of hedgerows.
- The limited harms of the site did not outweigh the benefits and the application was recommended for approval.

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

- Members raised concerns about driving and parking in the area due to the narrow road.
- Members commented on the high quality, sustainable design and materials for the application and the provision for family housing. The materials fitted well into the surrounding area and the site was well screened from the Cotswold National Landscape.
- It was confirmed that no trees would be removed from the site and the trees to be planted were beech and hornbeam species.
- The members asked for a construction traffic management plan to be included in the proposal as the road was narrow and the objections raised highlighted the concerns regarding neighbouring properties access and parking as well as pedestrian safety.

Councillor Lidia Arciszewska proposed that the Sub-Committee approve the application in line with officers' recommendation and to include an additional condition for a Construction Management Plan. This was seconded by Councillor Roger Faulkner and put to the vote.

Voting record – the vote for the proposal was unanimous.

The Sub-Committee resolved to:

1. Approve the application in line with the officer's recommendation and to include an additional condition for a Construction Management Plan.

**38 25/01315/FUL Storage Land, Horseshoe Lane, Chadlington**

Emile Baldauf-Clark, Planner presented the application for the erection of 2 commercial buildings for mixed use classes B2/B8/E(g). With provision of car parking, cycle parking and landscaping. Also, for an erection of a security entrance gate.

The Planner's presentation addressed the following points:

- The Parish Council objected to the application and their comments had been included in the Additional Representations report.
- The planning history of the site and the current use of storage and a lorry park.
- The new plans included two barns either side of the site. One barn would be slightly larger than the other and would be of a traditional Dutch style design built from a mixture of cladding and stone. The site would also include a security gate and planting.

Ann Gate, local resident spoke in objection to the application and raised the following points: The Parish Council had objected, there were concerns about the habitat of local wildlife and the disturbance of the badger sets around the site including exposed tunnels. This had been reported to Thames Valley Police.

Cllr Prakash Kelshiker, Parish Councillor for Chadlington addressed the Sub-Committee and raised the following points: concerns about the wildlife and disturbance of the badger sets, impacts on the surrounding landscape and Cotswold National Landscape. Impact on landscape with artificial security lighting and the range of commercial uses. Screening should be considered and hedgerows as well as operational hours on the site.

Huw Mellor, Agent, addressed the Sub-Committee and raised the following points:

The design of the barns were modest in size and of a high quality for commercial use, the site did not extend into the surrounding countryside, the employment supported the rural economy. There were no objections from the statutory consultees.

The Planner continued with the presentation and addressed the following points:

- The benefits of the application included the well-established site for commercial use.
- The proposed design was modest in scale and traditional in appearance which complimented the rural location. The proposed materials included stone and cladding which would soften the appearance next to the surrounding character of the area.
- The proposal would not result in any harms to the character of the area.
- A condition had been recommended to limit the use of the external lighting regarding the hours of operation to protect the night skies in the rural area. This would also reduce the number of HGV vehicles accessing the site.
- There were no objections from Oxfordshire County Council Highways.
- The biodiversity officer had not identified any badger sets on the site however a condition was recommended requiring a pre-commencement badger survey and implication of mitigation to safeguard other species and maintain wildlife corridors.

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- The proposal would provide flexible business space use and support local employment opportunities.

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

- Members asked for clarification on the use of lighting on the site and position of rooflights. The Planner confirmed the skylights faced the road.
- The protection of the badger sets and the work done on the site before the application had been approved. The Principal Planner confirmed that the damage to badger sets was dealt with by separate legislation and the approval of the application would include conditions to protect wildlife.
- Members asked if the provision of bird boxes be included to help mitigate the disturbance of the badger sets.
- Members asked why solar panels were not included in the application.
- Members raised concerns about the lighting when the building is in use, the Planner advised that the report covered the working times.

Councillor Geoff Saul proposed that the Sub-Committee approve the application in line with the officers' recommendations. This was seconded by Councillor David Jackson and put to the vote.

Voting Record – the vote for the proposal was unanimous.

The Sub-Committee Resolved to:

1. Approve the application in line with the officers' recommendations.

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## **25/01834/HHD 29 Oxford Road, Woodstock**

Nathan Harris, Planner presented the application for the erection of both single and two storey rear extensions.

The Planner's presentation addressed the following points:

- The Planner brought the Sub-Committee's attention to the additional representation report which included the objections from the Town Council.
- The planner highlighted the red line on the site plan and explained the Tree with the protection order would not be affected by the proposed extensions.
- The property shared a boundary with Blenheim Palace, a World Heritage Site, but the application would not impact the boundary.
- The proposal would be a modest increase to the footprint of the site and the first floor extension would align with the side elevation of the existing building.
- The design was in keeping with the current property and neighbouring properties.

Hardip Boparai spoke in objection to the application which raised the following points: There were objections from the Town Council, the extensions would not fit in with the character of the street and the proposal would be over development, the design was of an industrial theme and not in keeping with the original house and there was a Tree Protection Order within the property.

Mr Whitfield, the application addressed the sub-committee which raised the following points: The house was purchased less than 2 years ago, the protected tree would not be near the construction works and there were conditions included to protect the tree, there would be little impact to the street view and surrounding houses.

The Planner continued with the presentation and addressed the following points:

- The proposed materials would match the rendering with a tiled roof and aluminium frame glazing would be used for the rear glazing.
- The site was well screened by mature trees from the A44 Oxford Road and there would be no harm to the character and appearance of the street scene.
- The separation distances and the residential context of the site, the proposal was not considered to result in any harm to the setting of the adjacent conservation area, the grey two listed boundary wall or the wider World Heritage site.
- There were no windows proposed on the side elevation and the flat roof on the ground floor extension will not be used as a balcony.
- Conditions were recommended to prevent the use of flat roof as an amenity space thereby safeguarding the privacy of the neighbouring occupiers.
- The tree officer confirmed the proposal would not adversely affect the protected tree at number 31 subject to a condition ensuring that no works occurred within the root protection area.
- The recommendation was for approval with conditions as set out in the officer's report.

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

- Members raised concerns over the protection of the cedar tree and acknowledged that over the past few years many of the houses along the street had been extended.
- Members asked how condition 4 would be enforced. The planner confirmed that enforcement action could be taken if there were reports of a breach of use.
- Members raised concerns regarding traffic levels, the Planner confirmed that due to the scale of development a traffic management plan was not needed.

Councillor Elizabeth Poskitt proposed that the Sub-Committee approve the application in line with the officer's recommendations. This was seconded by the Chair and put to the vote.

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Voting Record – the vote for the proposal was unanimous.

The Sub-Committee Resolved to:

- I. Approve the application in line with the officers' recommendations.

**40 Applications Determined under Delegated Powers**

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

**41 Appeal Decisions**

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

**42 Site Visits**

The Principal Planner confirmed there were no site visit reports to consider.

The Meeting closed at 3.10 pm

CHAIR

## **WEST OXFORDSHIRE DISTRICT COUNCIL**

### **UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 20th October 2025**

#### **REPORT OF THE HEAD OF PLANNING**



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 Head of Planning. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

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

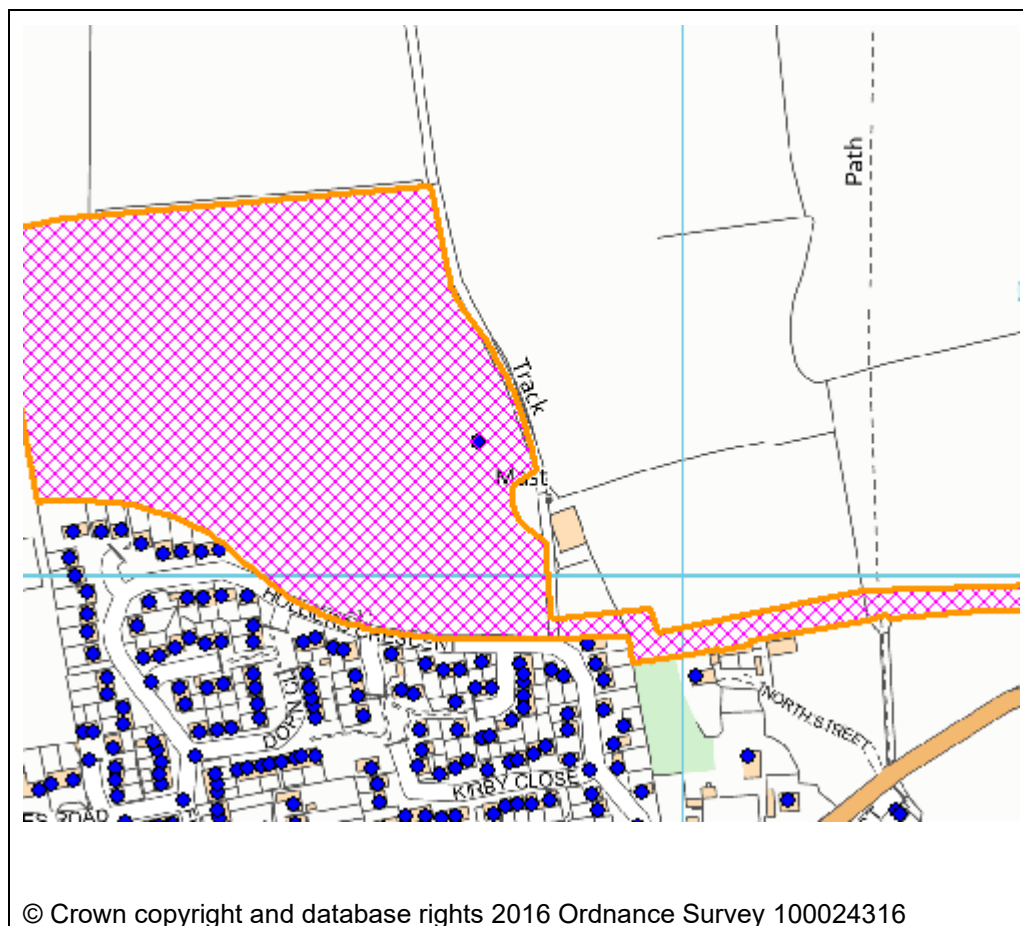
Please note that:

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

| <b>Item</b> | <b>Application Number</b> | <b>Address</b>                                  | <b>Officer</b>      |
|-------------|---------------------------|-------------------------------------------------|---------------------|
| 1           | 24/02901/OUT              | <a href="#">Land North Of Holliers Crescent</a> | Stephanie Eldridge  |
| 2           | 25/00805/FUL              | <a href="#">Enstone Quarry Oxford Road</a>      | Stephanie Eldridge  |
| 3           | 25/01525/FUL              | <a href="#">Stable To The Rear Of Valhalla</a>  | Emile Baldauf-Clark |
| 4           | 25/01567/FUL              | <a href="#">Land East Of 4 Meadow End</a>       | Stephanie Eldridge  |

|                         |                                                                    |
|-------------------------|--------------------------------------------------------------------|
| Application Number      | 24/02901/OUT                                                       |
| Site Address            | Land North Of<br>Holliers Crescent<br>Middle Barton<br>Oxfordshire |
| Date                    | 8th October 2025                                                   |
| Officer                 | Stephanie Eldridge                                                 |
| Officer Recommendations | Approve subject to Legal Agreement                                 |
| Parish                  | Steeple Barton Parish Council                                      |
| Grid Reference          | 443865 E 226088 N                                                  |
| Committee Date          | 20th October 2025                                                  |

### Location Map



### Application Details:

Outline planning 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 (additional info received)

## **Applicant Details:**

C/o Agent

## **I CONSULTATIONS**

Designing Out Crime Officer      A full detailed response raised concerns regarding a number of detailed design issues has been received and is available to view on the Council's website. These relate to matters which will be considered at the Reserved Matters stage.

Major Planning Applications Team      First Response:

Transport: Holding objection. Further information required.

LLFA: No objections, subject to conditions.

Education: No objection, subject to financial contribution towards special school provision.

Archaeology: Holding objection. Further information required.

Minerals and Waste: No objections.

Waste Management: No objection, subject to financial contributions.

Major Planning Applications Team      Reconsultation 1:

Transport: Objection for the following reasons:

- Current proposals fail to demonstrate a safe and suitable access for all users contrary to NPPF 115(b). Access plans must be revised so that they are LTN 120 compliant and are of suitable dimension for refuse access.
- It must be demonstrated that the required splays for both the junction and the crossing are achievable for the proposed highway improvement works on North Street.

Archaeology: No objection, subject to conditions.

Major Planning Applications Team      Reconsultation 2:

Transport:

Following a review of the revised documents and a review of the previously submitted comments. OCC Highway Agreements are satisfied that the majority of previously raised objections have been

addressed.

However, there are some small amendments to the tracking that must be addressed before OCC Highway Agreements agree that all objections relating to the vehicle access have been resolved.

A condition is proposed to deal with this matter and to secure the submission of a CTMP.

A number of S106 contributions and obligations and a S278 agreement are also required.

Major Planning Applications  
Team

Reconsultation 3:

LLFA:

The proposed drainage system follows the same principles as that previously reviewed, however the site layout changes have meant that the attenuation storage provided by the basins has been combined into one basin.

The comments and conditions proposed in our initial response remain valid and should be considered as part of this response.

Parish Council

The Parish Council strongly object to the proposals. A summary of the points raised follows. A full version of their objection with photos and additional detail is available to view online.

Steeple Barton Parish Council strongly object to the proposal to develop land north of Holliers Crescent, Middle Barton, as we did for the previous proposals, application Ref: 23/00818/OUT as almost nothing has been changed.

The 'New' proposals are not required to meet housing land requirements or local need, and the site still fails to demonstrate that it can be satisfactorily accommodated without significant harm to the landscape given its sensitive elevated landform.

Significant harm to the environment is predicted, especially the Cockley Brook SSSI. The development does not form a logical complement to the character of the area.

Furthermore, the area still does not benefit from a commuter frequency public transport service. In many cases we believe that the latest documents gloss over a number of points raised by Statutory Authorities and we advise reading the documents thoroughly before taking any decision.

In summary, we believe this proposal is inappropriate for the site and

its location within Middle Barton for the following reasons (in no particular order):

a) The surface water from the site is proposed to be directed into Cockley Brook. The latest proposal deflects the point of entry into the brook, but the fact remains that almost all of the surface water from the development will be directed into Cockley Brook: a SSSI of significant importance. SBPC have significant concerns regarding this as: . In recent months we have had significant flood events, which caused considerable damage to homes in the conservation area (see photos), and in such events, water from Cockley Brook will flow into the Dorn River, whose capacity is already limited at peak flow times such as heavy rainfall. This proposal thus has real potential to exacerbate an existing flooding problem . Should the water level rise suddenly and significantly, water will flow over the B4030 and cause access issues into the village . Cockley Brook is an SSSI and as such offers a rare habitat environment. WODC claim to care about environmental issues, this proposal is directly at odds with the 'Nature recovery plan' which claims to 'protect, enhance, and expand wildlife habitats, increase awareness of biodiversity, and promote community involvement in local wildlife enhancement projects.' OCC and WODC Flood Risk officers are already engaging with several Parishes along the River Dorn to implement mitigation measures.

b) The access to the site is too narrow for construction traffic, and disruption to existing residents will be considerable during the construction phase. Once the 80 homes are occupied, the existing roads and specifically access to the B4030 will be cause traffic problems.

c) There are two species of bird found to be using this site which are on the 'red list'. The latest documents from Hallam try to gloss over this as this is not mentioned in the summary statement, however their own report shows that the birds are there, with many sightings recorded by residents this year. The report mentions that "other species are likely to be nesting" and that "only a few birds were spotted", but we emphasise, some of these birds are on the red list, and therefore their numbers are few and their breeding capacity fragile. It is an offence to disturb species on the red list when breeding.

d) The proposed SUDS system to capture rainfall will be topographically higher than the existing development, and represents large expanses of open water, leading to both potential for danger to children, and new flooding in existing homes. The proposed on street parking spaces to the north side of Holliers Crescent are sited below the SUDS basin and therefore will flow into the existing Holliers development.

e) The development does not offer a significant benefit to the village, being disproportionate to the growth requirements outlined in the WODC plan. Benefits offered by Hallam such as Orchards etc offer

nothing over and above what is already present. Middle Barton School would benefit from increased numbers of children, but a development of this size would bring in numbers beyond the capacity of the school.

f) Middle Barton does not benefit from commuter frequency public transport and future residents will need their own car, this goes against the Local Plan 2031 and WODC's espoused commitment to Sustainable Development

g) There are already significant issues in getting transport to local senior schools from Middle Barton, enlarging the village will exacerbate this transport issue

h) The potential for planning drift is quite high, as the site has the capacity for many more houses than 80.

In summary, Hallam have proposed minor alterations to the previous proposal which was rejected. Their own report indicates that mitigation strategies for both water management and wildlife protection are inadequate. The objections which were raised previously still apply.

#### Thames Water

#### Waste Comments:

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

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

#### Water Comments:

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As such Thames Water request that the following condition be added to any planning permission.

No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The

development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development"

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Agency           | No objections, subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| District Ecologist           | Holding objections. Further information required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Wildlife Trust               | <p>Objection. Insufficient information submitted in respect of:</p> <ol style="list-style-type: none"><li>1. Impact on priority species including skylark</li><li>2. Application does not provide evidence of a net gain in biodiversity</li><li>3. The importance of a net gain in biodiversity being in perpetuity</li><li>4. Potential impact on Middle Barton Fen SSSI</li><li>5. Management of hedgerows in order to achieve biodiversity net gain</li><li>6. Orchard Management</li><li>7. Green roofs</li><li>8. Lighting</li></ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| ERS Air Quality              | No objection, subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Env Health Contamination     | No objections, subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Env Health Noise And Amenity | No objection, subject to construction hours condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| WODC Housing Enabler         | <p>The Council's system for managing rented affordable housing lettings shows that there are 22 households indicating the Bartons as an area of preference (applicants typically express 3 areas of preference and this should be taken into account when considering demand).</p> <p>The bedroom need of these households is weighted towards 1 and 2 bed homes. The application details state that 50% of the dwellings are to be provided as Affordable Housing, which is in accordance with requirements for high value areas as set out in Policy H3 of the local plan.</p> <p>The application details do not provide mix proposals for the affordable housing. The Council would welcome engagement with the applicant to establish the mix. I request a mix compliant with policy H3 including a good representation of 1 bed homes, and with rental homes provided at Social Rent tenure.</p> <p>I request that the applicant provides a layout and schedule showing location of accessible/adaptable homes provided to building regs M4(2) and (3) in accordance with policy H4 of the local plan.</p> <p>I would further request that affordable homes are built to nationally described space standards as set out in the MHCLG 2015 Technical Standards as a minimum.</p> |

The district-wide number of applicants for rented affordable housing is 2008 at the time of writing. Affordable Housing provided through this development would make a significant contribution to local housing need.

Natural England

Further information required.

Natural England

Reconsultation:

No objection, subject to condition.

Natural England considers that without appropriate mitigation the application would damage or destroy the interest features for which Middle Barton Fen Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

Mitigation is to be provided as detailed within the Ecological Enhancement Plan- Drainage Ditch as submitted with the application.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

District Ecologist

Final reconsultation:

Acceptable, subject to conditions and informative.

Additional information has been submitted that sufficiently addresses my previous comments.

1. Off-site compensation area for breeding skylarks and outline proposals for this. The amended Bird mitigation Strategy provides describes the options being explored to compensate for impacts to breeding skylarks. The options include the enhancement of habitat for skylarks within an arable or species-rich grassland field within west Oxfordshire. If neither option can be delivered, a third option for a commuted sum is identified. Information on the options being explored is sufficient for outline stage, and full details of the final bird mitigation strategy can be confirmed by condition.

2. Amendment to landscaping strategy to reduce the number of trees to provide more open grassland areas - a joined-up approach to breeding bird mitigation, Biodiversity Net Gain and landscaping is required, and this needs to be checked and re-submitted. The bird mitigation strategy includes onsite enhancements that align with the BNG proposals, including hedgerow, tree, scrub and grassland habitats.

3. Updated information about trees and watercourse is required to provide an accurate BNG baseline (number of trees and condition of watercourse). The watercourse was recorded in good condition at baseline and no changes in condition are expected to have occurred. An update assessment is therefore not required. The BNG information has been amended to account for 2 no. trees along the southern boundary that will be impacted as part of the development.

4. Justification for the residual loss of 12 no. grassland area habitat units including consideration of whether additional areas could be retained and enhanced. The northern grassland area of the site that will become the nature reserves will be retained and enhanced rather than lost as part of the development and this is positive. An additional green corridor is shown to be created through the main housing development area providing additional habitat units. Allowing access to the eastern Nature Reserve area for people is welcomed and the reduced the target condition accounts for the increase in human disturbance. Although this increases the residual loss of habitat onsite, the proposed off-site options within West Oxfordshire are considered acceptable for meeting the statutory requirement.

5. Additional assessment of impacts on the watercourse, including the discharge of water as part of the drainage strategy, and amendments to the BNG proposals to take account of these impacts. The piped network headwall is over 10 metres from the brook and is therefore outside of the riparian zone. Water discharge will then flow via a planted channel to brook and will not impact the bank of the brook. As the submitted information confirms that no impact to the watercourse will occur, the recording of this feature as retained is considered acceptable. Natural England has provided comments on the scheme in relation to the adjacent SSSI and proposed drainage and the ecological enhancement plan of the drainage ditch should be secured by condition.

6. Further assessment of hedgerow loss to proposed pedestrian pathways and whether these can be reduced further or re-located into less sensitive areas (e.g. existing gaps). The pedestrian pathways are confirmed to be a single gap of 3 metres created through the western hedgerow and this is not considered to have a significant impact on the long-term viability and functionality of the hedgerows as biodiversity features.

7. Consideration of operational impacts to hedgerows and how this could be mitigated, including specific enhancements and management practices to increase resilience. Supplementary planting of the existing hedgerows will infill gaps in the canopy and be managed to promote their value for biodiversity.

8. Amendments to the BNG proposals to make them more realistic and achievable in the long term, including a reduction in the number of

residual grassland units that would need to be purchased off-site. The retention of habitat at baseline has reduced the number of grassland units required to meet the trading rules. Reducing the target condition of the "other Neutral Grassland" habitat within the accessible eastern nature reserve area reduces the number of units delivered onsite. To allow the development to meet the 10% BNG requirement, the BNG assessment report describes that off-site options within west Oxfordshire are being considered. It is positive that access for people to the nature reserve will be provided, and the use of off-site units to meet the statutory BNG requirements is considered acceptable.

District Ecologist

Further information required.

Parish Council

Reconsultation:

The strong objections raised in the previous response were resubmitted in full.

WODC - Sports

No objections.

The Council seeks to secure, by way of planning obligations the following contributions:

- a. Outdoor pitch provision of £158,257.60 towards enhancements and improvements to sports pitches and ancillary facilities within the catchment area.
- b. Sport hall/ indoor sports provision of £36,925 toward the cost of an enhancement or improvement to sports halls/ indoor sports provision in the catchment area.
- c. Swimming pool provision of £44,545 towards the cost of an enhancement or improvement to pools in the catchment area.
- d. Tennis Court provision of £2,844 towards the cost of an enhancement or improvement to tennis courts in the catchment area.

WODC - Arts

No Comment Received.

Buckinghamshire, Oxfordshire & Berkshire West ICB

The ICB would like to raise an objection to the proposed development unless a developer contribution of £72,495 towards the creation of additional clinical capacity at Deddington HC or an identified primary care estates project in the local area to serve the development is secured through a Section 106 Agreement.

Parish Council

No Comment Received.

## 2 REPRESENTATIONS

2.1 97 letters of objection have been received in respect of this application. The key issues raised relate to:

- Concerns that the scale and density of the proposed development (up to 80 dwellings) is disproportionate to the size of Middle Barton.
- Fears that the development would urbanise a rural village, harming its character and setting.
- Visual intrusion into the open countryside, especially from elevated viewpoints.
- Increased traffic volumes on Holliers Crescent and surrounding roads, which are narrow and already congested.
- Concerns about pedestrian safety, especially for children walking to school.
- Lack of sufficient infrastructure to accommodate additional vehicle movements.
- Localised flooding issues already present in the area.
- Concerns that the development could exacerbate surface water flooding, especially if drainage infrastructure is not robust.
- Doubts about the effectiveness of proposed Sustainable Drainage Systems (SuDS).
- Potential harm to local wildlife habitats, including hedgerows and grassland.
- Insufficient ecological surveys or mitigation measures.
- Loss of greenfield land with biodiversity value.
- Pressure on local services, including schools, healthcare, and utilities.
- Middle Barton Primary School may not have capacity for additional pupils.
- Lack of clarity on how infrastructure will be funded or phased.
- Claims that the proposal is contrary to the West Oxfordshire Local Plan, particularly policies on rural housing and landscape protection.
- Concerns about precedent for further development in the area.
- Questioning whether the site is a sustainable location for growth.
- Some residents felt the consultation process was inadequate or poorly communicated.
- Requests for more meaningful engagement with the local community.

2.2 Five letters of support were received from local residents. The key points raised are as follows:

- Need for additional housing in the area, particularly affordable homes for young families and local residents who are currently priced out of the market.
- New housing could help sustain local services and amenities, such as shops, schools, and public transport, by increasing the population and demand.
- Inclusion of green infrastructure, open space, and landscaping within the proposal are beneficial to the community and environment.
- Application represents a planned and appropriate expansion of the village, helping to meet housing targets while maintaining a balance with the rural setting.

2.3 A letter of support has also been submitted on behalf of Middle Barton Primary School stating:

Middle Barton School would benefit significantly from a development of this scale within the village.

Pupil numbers are currently at an all time low and the viability of the school would need to be questioned should numbers continue to decline at this rate. Within the last 5 years pupil numbers have dropped from c.140 to just 106 in September 2024. Reducing numbers are in part due to falling birth rates nationally but also exacerbated by the lack of any significant housing developments within the village aimed at families wishing to move within or into the village.

The school has the capacity within its existing buildings for pupil numbers to expand considerably up to c.200 pupils.

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

#### **3.1 The Planning Statement is concluded as follows:**

The overall conclusion is that the proposed development is sustainable and should be granted planning permission.

There is no conflict with the Development Plan as a whole. Ipso facto, a determination in accordance with the Development Plan means that planning permission should be granted.

Notwithstanding, and without prejudice to, the foregoing, even if there were adduced to be some limited conflict with the Development Plan, given the shortfall in the supply of deliverable housing land, policies which are most important for determining the application are deemed to be out of date. Therefore, in accordance with NPPF, paragraph 11(d), planning permission should be granted absent either clear reasons for refusing it upon application of Framework policies that protect areas or assets of particular importance, or adverse impacts that significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

There is no conflict with specific policies in the Framework that protect areas or assets of particular importance. Moreover, considered against the policies in the Framework as a whole, the weight of benefits is overwhelming and there is no countervailing weight of disbenefits that approximates to the former, let alone 'significantly and demonstrably' outweighs it.

The application proposals will deliver, simultaneously, economic, social and environmental benefits, as follows:

**Economic:** the proposals will contribute to building a strong and competitive economy by delivering housing land of the right type in the right place and at the right time to support urgent and compelling growth requirements. It will also provide construction jobs, and support for allied trades, and therefore have positive impacts for the local economy. This is particularly important in the context of the new Labour Government's priority commitment to enhancing economic growth.

**Social:** the proposals will contribute to supporting a strong, vibrant and healthy community, by contributing to the supply of housing required to meet the needs of present and future generations in a context of an acute shortage of deliverable land and affordable homes to meet both. Again, in the context of the new Labour Government's commitment to increasing the delivery of additional homes, this is of accentuated importance.

**Environmental:** the proposals will contribute to this objective through avoiding designated areas, heritage assets, areas at risk of flooding and high value landscapes, and through extending and formalising community access to the land where existing rights are extremely limited and restricted by the agricultural regime.

For the above reasons the proposals are positively aligned in relation to the three objectives of sustainable development set out in the NPPF, and will further them in a mutually supportive way.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 H2NEW Delivery of new homes  
 H3NEW Affordable Housing  
 H4NEW Type and mix of new homes  
 EH2 Landscape character  
 EH3 Biodiversity and Geodiversity  
 EH7 Flood risk  
 EH8 Environmental protection  
 T1NEW Sustainable transport  
 T2NEW Highway improvement schemes  
 T3NEW Public transport, walking and cycling  
 T4NEW Parking provision  
 NPPF 2024  
 DESGUI West Oxfordshire Design Guide  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks outline consent with some matters reserved for a residential development of up to 80 dwellings (50% affordable) including means of access, access roads, green infrastructure, drainage and other associated infrastructure.
- 5.2 The appearance, layout, landscaping and scale of the development are reserved matters.
- 5.3 The site is an undeveloped, greenfield plot located on the northern edge of the village adjoining Holliers Crescent to the south and the Barton Memorial Sports Ground to the west. A bridleway (365/11/20) passes along the eastern boundary running north to south and a public footpath (365/13/10) runs through the western part of the site again running north to south. The site occupies an elevated position above the village.
- 5.4 The Bartons Conservation Area lies to the south of the site the other side of the properties in Holliers Crescent, Dorn Close and Kirby Close. The boundary of the Conservation Area typically includes the properties that face onto North Street.
- 5.5 This application is before Members of the sub-committee for consideration as the views of the Parish Council are clearly contrary to the recommendations of your officers.

### **Relevant Planning History**

- 5.6 23/00818/OUT - Outline planning 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 - Refused for the following reasons:
- I. The proposal is for housing development on a greenfield site on the edge of the settlement of Middle Barton. The development is not required to meet Local Plan housing requirements or local community needs and would not constitute an acceptable windfall opportunity in the context of the location and site characteristics. The proposed development fails to demonstrate that the

proposed development can be satisfactorily accommodated on the site without significant landscape harm given the proposed land uses, building heights and its sensitive elevated landform and would not form a logical complement to the existing form and pattern of development or the character of the area and would not protect the setting of Middle Barton. There are no material considerations that indicate that the development plan should not be followed. The proposed development therefore conflicts with Policies H1, H2, CN2, OS2, OS4 and EH2 of the West Oxfordshire Local Plan to 2031, the West Oxfordshire Design Guide, relevant paragraphs of the NPPF and the National Design Guide.

2. Insufficient information has been submitted to demonstrate the proposal will result in a Biodiversity Net Gain and fails to provide on-site compensatory nesting sites or suitable alternative off-site provisions for skylark. In addition, insufficient information has been submitted to demonstrate that the proposed development will not damage or destroy the interest features of Middle Barton Fen SSSI. Therefore, the proposal conflicts with Policy EH3 of the West Oxfordshire Local Plan 2031 and advice in the National Planning Policy Framework.
3. The development site is in an area which does not benefit from a commuter frequency public transport service. This will result in heavy reliance on private vehicles for journeys to destinations outside of Middle Barton. In transport terms the development site is therefore considered to be in an unsustainable location. The proposal is therefore contrary to policies OS2, T1 and T3 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.
4. The archaeological potential of the site is largely unknown and no archaeological field evaluation has been undertaken, in conflict with Policy EH16 of the West Oxfordshire Local Plan 2031 and guidance in the NPPF.
5. The applicant has not entered into a legal agreement to provide affordable housing, recreation, play facilities and open space and the required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, EH5 and T3 and the relevant paragraphs of the NPPF.

5.7 This application was refused when the Council were able to confidently demonstrate a 5 year housing land supply.

5.8 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
- Layout and scale
- Housing mix
- Impact on Landscape
- Impact on Heritage Assets
- Highways
- Flood Risk/Drainage/Water Supply
- Residential Amenity/Noise/Air Quality
- Trees/Biodiversity

- Sustainability/Climate Change
- S106 Contributions

## Principle

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

5.10 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.

5.11 Middle Barton is classified in the Local Plan as a Village. In the Council's Settlement Sustainability Report (2016) it ranks Freeland 11th (out of the 32 settlements categorised as villages) on an 'unweighted' basis and 10th (out of the 32 villages) on a 'weighted' basis.

5.12 The application site is considered to be undeveloped land adjoining the built-up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages...on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.

5.13 Policy OS2 advises that villages would be suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. The Policy also sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- e) Conserve and enhance the natural, historic and built environment; and
- f) Be supported by all the necessary infrastructure.

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

5.14 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England)

Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- Paragraph 78 inter alia re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.15 For a combination of reasons relating to the changes identified above, your officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, your officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, your officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

#### *Conclusions on the principle of residential development*

5.16 In view of the above, unlike the previously refused application, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

#### **Layout and Scale**

5.17 The application seeks outline planning permission with all matters except access reserved for consideration at a later date and as such, the design proposals are not for consideration as part of this proposal. Nevertheless, the application is supported with plans including revised Land Use, and Access and Movement Parameter Plans, a revised illustrative masterplan, site sections and a revised Design and Access Statement (DAS).

5.18 The application site comprises a single arable field parcel that is positioned on a south east facing slope, oriented towards the village. The southern boundary adjoins Holliers Crescent (and in-part

existing housing) and has relatively strong visual ties with the settlement edge. The site boundaries are formed by a combination of hedgerows and hedgerow trees to the north, east and west and a post and wire fence to the south. It is proposed to retain and strengthen the vegetation along these boundaries.

- 5.19 The proposal includes a new vehicular access alongside two new parking bays on Holliers Crescent.
- 5.20 The submitted land use parameter plans identify that the proposed build form would be located in the south eastern part of the site with two key areas of surface water attenuation provided within the green infrastructure along the southern boundary. There is a new 'village green' area located in the middle of the site on the highest point of the land to minimise visual impact.
- 5.21 Significant areas of green infrastructure are located in the western and northern portions of the site to include a new community orchard, a dedicated wildlife area, new and retained structural planting, a multi-functional green edge with active travel routes and natural play opportunities, and a new Local Play Area (LAP) located alongside a public right of way.
- 5.22 The illustrative masterplan also identifies opportunities for potential footpath connections to the adjoining sports pitches and play areas.
- 5.23 The indicative site sections demonstrate how the proposals will respond to the existing development off Holliers Crescent through land remodelling. The proposals intend to drop the frontage towards the south-eastern corner of the site by bringing finished floor levels down with retaining walls to adjoining rear boundaries. Not only does this allow the dwellings to better relate to the attenuation basin, it also helps reduce the developments perceived impact on the existing dwellings off Holliers Crescent to the south.
- 5.24 The previous application was refused on the grounds that the proposed development did not relate well to the existing housing along Holliers Crescent and formed an isolated 'island' of housing which failed to form a logical complement to the existing pattern of development.
- 5.25 The proposal, the subject of this application, has been subject to some minor revisions which has sought to move the built form closer to the frontage along Holliers Crescent so that it relates more successfully with this existing housing. However, there is still a gap of around 20-25m between the road and the built form due to the need to provide the drainage attenuation in this part of the site which is located within areas of green infrastructure.
- 5.26 Middle Barton is within the Chipping Norton Sub-Area, which is intended to accommodate a minimum of 2,047 homes from an overall minimum housing requirement of 15,950 homes. In accordance with the sub-area strategy set out in Policy CN2, the focus of new housing will be Chipping Norton, with new development in the rest of the sub-area limited to meeting local community and business needs and will be steered towards the larger villages. Allowing for existing commitments, it is anticipated that residual housing delivery in the remainder of the sub-area away from Chipping Norton will be a minimum of 188 dwellings through windfalls. This reflects the fact that no allocations for housing are made in the WOLP for the Chipping Norton Sub-Area other than at the main service centre of Chipping Norton itself. Therefore the focus for meeting the residual sub-area requirement to be accommodated through windfalls, must fall on the four village settlements (Great Rollright / Over Norton / Enstone / Middle Barton).
- 5.27 Middle Barton and Enstone are the two most sustainable villages according to the WO Sustainability Statement document.

5.28 In terms of the scale of the development, the applicant has provided detailed information and analysis relating to the number of houses provided and population increases with reference to a number of planning applications and appeal decisions within the district. This recognises that there are no existing commitments or planning permissions for significant new housing sites in Middle Barton and that there has been no significant growth here in recent years - this is disproportionately low compared with the other village settlements in the Chipping Norton sub-area which are not constrained by the Cotswolds National Landscape. Up to 80 additional homes at Middle Barton as currently proposed would increase the number of households by 12.4% in isolation. In combination with other completed and committed plan period mid-point housing growth in Middle Barton there would be a total population growth of 18.1%. The applicant states that:

*'Enstone, the only other village in the Chipping Norton Sub-Area that is not constrained by the AONB, has witnessed growth of 22.3%. Therefore, proportionate growth at Middle Barton would remain significantly below Enstone even with the 80 additional dwellings proposed, and notwithstanding their close ranking in the Village Settlement Sustainability assessment'.*

5.29 In light of the detailed analysis carried out, your officers consider that, on balance, the development would be considered 'limited' in this context.

5.30 A number of comments have been raised by the Thames Valley Police Designing Out Crime officer. These relate to the detailed design and layout of the proposal so should be considered ahead of the preparation of any Reserved Matters application.

### **Impact on Heritage Assets**

5.31 The Bartons Conservation Area lies to the south of the site, principally to the south of North Street. Within the Conservation Area, there are several listed buildings. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10 and EH11 of the Local Plan reflect these duties and Policy EH13 of the Local Plan seeks to protect the historic landscape character of the district.

5.32 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 212 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.33 The submitted Historic Environment Desk-Based Assessment concludes that impacts upon the 39 Listed Buildings and The Bartons Conservation Area within the 1km search area are not anticipated as a result of the proposed development.

5.34 In the consideration of the previous application, the Councils Conservation Officer commented that:

*'having visited the site it is not considered that any of the listed buildings in the settlement are close enough to the site to be affected in any significant way, including their settings. From the very great majority of views within and around the conservation area the site cannot be seen and is separated from the north boundary of the conservation area by modern buildings... and any views would be limited and the development would be seen against the backdrop of modern development. The impact is thus considered to be negligible.'*

5.35 Your officers do not consider that there are any material changes to the local area since this assessment and that this conclusion is relevant and accurate to this proposal.

5.36 In terms of archaeology, following the submission of additional information, the County Archaeologist has removed their objection and raise no concerns, subject to the imposition of conditions to ensure that an Archaeological Written Scheme of Investigation is properly carried out and any relevant findings properly monitored and recorded.

5.37 As such, the application is considered to be acceptable in heritage impact terms.

### **Impact on Landscape**

5.38 The site is characterised as an agricultural field bound by a combination of hedgerow, trees, post and wire fencing and a variety of residential boundary features to the south west boundary (close board fencing and dry stone walling present). To the north and east of the site is a continuation of the agricultural character within the site with further fields and hedgerow present. To the south is the existing settlement edge. This is comprised of residential development along Holliers Crescent. To the west is the Barton Memorial Sports Club facility.

5.39 The site is relatively flat with gently sloping landform. Plans indicate the highest point (133m AOD ) within the site is in the north west corner. The elevation of the landform then drops to the low point (122m AOD approx) in the south east. Before reaching the lower ground in the south east there is a rise in the topography to form a small elevated feature (128m AOD approx). The change in elevation continues beyond the site boundaries with the land continuing to rise to the north and west and fall to the south and east.

5.40 The Oxfordshire Wildlife & Landscape Study (OWLS) identifies eighteen Landscape Types (LTs). The site and much of the surrounding landscape lies in the extensive Farmland Plateau (LT), which covers the more elevated northern part of the county extending across the landscape between Chipping Norton and Banbury and dissected by the Rivers Evenlode, Glyme and Dorn. The West Oxfordshire Landscape Character Assessment identifies the site as lying solely within the large Ironstone Valleys and Ridges and in the subsequent Semi Enclosed Limestone Wolds LT.

5.41 The submitted Landscape and Visual Impact Assessment (LVIA) concludes as follows:

*'The GI proposals seek to mitigate landscape and visual effects through: the careful siting of development in the lower level of the site where it has a strong visual relationship with the open settlement edge and is partly screened from surrounding elevated land; including wide green corridors to the north, east and west where close range and distance views of the site are available; adding a range of functional and recreation landscape features for use by the local community to integrate the development with the village; introducing substantial amounts of structural planting within the green corridors to filter and soften views of the scheme from the*

*surrounding landscape; and providing new links to the surrounding area from these routes; and the creation of a variety of new habitats and biodiversity enhancements across the site.*

*The site is generally visually contained to most of the surrounding area and, where it is visible across the valley landscape, it is seen in the context of the existing settlement. Whilst there would inevitably be some adverse landscape and visual effects at completion, it is judged that the effects of the proposed development would be localised and limited in their geographical extent and will not result in any unacceptable long-term harm.'*

5.42 Your officers raised concerns in the consideration of the previous application regarding landscape impact due to its elevated position and advised that further thought was needed to be given to the layout in order to reduce the overall visual impact of the development in the wider landscape. Although the previous application was also an outline application, it was recommended that it would be beneficial to agree a number of parameters if minded to permit, such as:

- maximum storey heights should be agreed across the site due to the changes in topography;
- relocation of 'bulkier' structures such as apartment blocks away from prominent parts of the site would be beneficial;
- planting buffers are proposed around the development area as well as at what is being referred to as a 'green corridor' within the site. If these vegetative features were to be appropriately applied then in time, the roofscape would be broken up and the site better assimilated within the receiving landscape.

5.43 In this case, the applicants have sought to address these concerns by providing detailed cross sections of the proposed development across the site, details of building heights including 1.5 storey dwellings to overlook the northern boundary, green space provided on the highest point of the site to soften the development skyline, and new structural planting along the boundaries of the site.

5.44 Your officers consider that the site clearly occupies an elevated position above the village and is thus highly sensitive to development from a landscape perspective. However, it is noted from the cross sections that the development would sit below existing built form along Worton Road. Development in this location would create a skyline development that is visible and would need effective mitigation through the use of structural landscaping and thoughtful layout design and building heights which are matters that are covered at the RM stage.

## **Housing Mix**

5.45 Policy H4 of the Local Plan seeks to ensure a balanced mix of property types and sizes in the District, to meet the needs of a range of different groups and have regard to specific local needs.

5.46 Policy H3 states residential development of 11 units or more will be required to provide affordable housing on-site. Middle Barton is within the "High Value Zone" therefore 50% affordable housing provision is required. In addition, the affordable housing mix and tenure is required to respond to identified housing needs and site specific opportunities.

5.47 In accordance with Policy H3, 50% affordable housing provision is proposed. Based on a total of up to 80 dwellings, this equates to up to 40 affordable dwellings. This will be secured by way of a S106 agreement.

5.48 The Council's Housing Enabling Officer stated at the time of writing their response that the Council's system for managing rented affordable housing lettings shows that there are 22 households indicating

the Bartons as an area of preference. They also advise that the district-wide number of applicants for rented affordable housing was 2008 at the time of writing. Affordable Housing provided through this development would make a significant contribution to local housing need.

- 5.49 As this application is for outline consent, details of the exact mix of housing have not been provided and will be considered as part of the reserved matters application if this is approved. However, the applicant has acknowledged the relevant housing mix policies and officers are satisfied that an appropriate mix can be delivered and comfortably accommodated on the site.
- 5.50 The 'headlines' of the mix of affordable housing can be agreed with the Councils Housing team and secured as part of the S106 agreement with greater detail to follow.

### **Highways Safety and Accessibility**

- 5.51 The Local Highway Authority acknowledges that the site is on the northern fringes of Middle Barton on Holliers Crescent, but that it is a short walking distance to the facilities and services within the village i.e. post office/ convenience store, pubs, primary school - noting that all of these are well within a 1km walking distance. However, inevitably, employment opportunities are very scarce though and there is no secondary school in the village. Therefore, there will be heavy reliance for residents on use of the private car. This is exacerbated by the poor public transport options.
- 5.52 A financial contribution of £90,640 is requested towards improvements to the frequency of existing public transport services. Further, the highways officer has advised that while they are concerned about the bus availability and other sustainable travel options for residents, there are mitigating measures mentioned within the travel plan, that if implemented, will increase choices. Therefore, the provision of a car club vehicle, E bike hub, puffin crossing on the B4030, and an improved footway connection is welcomed.
- 5.53 The NPPF acknowledges that:
- "Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making."
- 5.54 This means that while more urban areas may support more extensive public transport networks, rural areas require a more flexible and context-sensitive approach. These matters will need to be factored in the overall planning balance when making a decision.
- 5.55 There are no other technical highways objections, subject to conditions to secure a Construction Traffic Management Plan and details of the access/vision sprints, and financial contributions (outlined in detail in the S106/Infrastructure section below).

### **Ecology and Trees**

- 5.56 The submitted Arboricultural Assessment, concludes that to achieve the proposed development as per the illustrative layout, no significant tree loss will be required. The proposed built element of the development is to be positioned centrally to the site which is devoid of tree cover and the existing trees which by virtue of their locations around the perimeters of the site are to be retained and reinforced with new tree and hedgerow planting as part of the landscape buffers of the Green Infrastructure proposals. There may be a need to remove a short section of hedgerow to create an opening along the western boundary for a future footpath link to the sports ground however any

losses would be kept to a minimum as to only that which would be required and if possible, utilising existing natural breaks. The new development would also provide an ideal opportunity to increase the overall tree cover in the area through new tree planting, which would secure a future generation of trees to replace those rapidly maturing specimens and create new amenity for the housing area and local landscape alike. This would be a gain from an arboricultural perspective.

5.57 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. From 12th Feb 2024, it is also mandatory for all development (other than some exemptions) to deliver 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

5.58 There is one Site of Special Scientific Interest (SSSI) within 2km of the site boundary (Middle Barton Fen SSSI). The SSSI is located approximately 330m east of the site at its closest point and is designated for its calcareous fen meadow in association with a small tributary of the River Glyme with adjacent limestone grassland and hedgerows. One small section of a non-statutory site is located within 1km of the site, Glyme and DornValleys Conservation Target Area (CTA), which includes the whole of the Glyme Valley and extends in a large swathe to the east, west and south of the site and incorporates the above SSSI.

5.59 Concerns were initially raised by the Council's Ecologist and BBOWT with regard to the BNG proposals, impact on protected species (including Skylarks) and the impact on the SSSI. A series of details revisions have been submitted over the course of the application to address these concerns and the Council's Ecologist is now satisfied that the development will deal with these matters appropriately subject to a number of conditions and obligations within a S106 agreement to secure the appropriate monitoring fees for the BNG provision.

### **Flood Risk and Water Supply**

5.60 The site lies within Flood Zone 1. The Lead Local Flood Authority has raised no objections to the application, subject to the imposition of conditions to secure the submission and record of a detailed surface water drainage strategy for the site.

5.61 Thames Water has raised no objections to the proposals with regard to foul water or surface water. However, they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As such, a Grampian condition has been recommended to ensure that the necessary infrastructure upgrades are carried out before the development is occupied and any additional pressure is put on the system.

### **Land Contamination**

5.62 A Phase I Geo-Environmental Desk Study has been submitted in support of the application. The Council's Contamination Officer has raised no objections to the application, subject to the imposition of conditions.

### **Residential Amenity/Noise/Air Quality**

5.63 As this is an outline application, the size, position, orientation of dwellings are not being assessed. Impacts on residential amenity including suitable interface distances and relationships as regards adequate light would be fully assessed and taken account of at reserved matters stage. However, noise and disturbance can be considered.

5.64 The ERS (Noise and Amenities) Officer has raised no objection to the application subject to conditions being attached to any permission granted relating to construction hours of working. Your officers have also recommended the imposition of condition to secure a Construction Environmental Management Plan (CEMP).

5.65 In terms of air quality, no objection has been raised with the inclusion of EV charging and promotion of active travel welcomed. Conditions are recommended to ensure the provision of EV charging; proposed pedestrian routes as detailed in the TA and the proposed e-bike hub. The wording of these conditions will be confirmed in the Report of Additional Representations circulated to Members before the meeting.

5.66 Improvements to the public rights of way could be secured by a S106 agreement (see S106/Infrastructure section below). The provision of the proposed electric car club vehicle and on-site e-bike hub could also be secured via a S106.

#### **S106 matters**

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

5.68 Financial contributions for highway improvements, public transport, public rights of way, education, leisure facilities, waste management and NHS primary care infrastructure and the provision and management of affordable housing provision, play areas and open spaces and Biodiversity Net Gain provision and monitoring is sought to be secured, in accordance with the recommendations set out by the relevant statutory consultees, via a S106 legal agreement.

5.69 The financial contribution requests are set out as follows:

##### County Council:

- Special Education - ££44,871 - towards special school education capacity serving the development;
- Waste Management - £8,150 - towards the expansion and efficiency of Household Waste Recycling Centres;
- Public transport services - £90,640 - towards improvements to existing bus services serving Middle Barton;
- Travel Plan Monitoring - £1,985 - towards enabling the travel plan to be monitored for a period of five years;
- Public Rights of Way - £30,000 - towards off-site improvement to PRow infrastructure.

Other OCC Transport obligations:

- Off-site highway works - A new Puffin crossing proposed at the junction of North Street with Mill Lane.
- Provide a pedestrian link from the site to Worton Road as per drawing 008 P1.

An obligation to enter into a S278 Agreement will also be required to secure mitigation/improvement works to the highway.

### NHS

Primary Healthcare - £72,495 - towards the creation of additional clinical capacity at Deddington HC or an identified primary care estates project in the local area to serve the development;

### WODC

Outdoor pitch provision - £158,257.60 - towards enhancements and improvements to sports pitches and ancillary facilities within the catchment area;

Sport hall/ indoor sports provision - £36,925 - toward the cost of an enhancement or improvement to sports halls/ indoor sports provision in the catchment area;

Swimming pool provision - £44,545 - towards the cost of an enhancement or improvement to pools in the catchment area;

Tennis Court provision - £2,844 towards the cost of an enhancement or improvement to tennis courts in the catchment area.

BNG monitoring costs - £9000 towards the monitoring of onsite BNG provision

### **Conclusion**

5.70 In accordance with paragraph 11d of the National Planning Policy Framework (NPPF), the presumption in favour of sustainable development is engaged due to the Council's current housing land supply shortfall.

5.71 With regard to criterion i) of paragraph 11d, there are no identified harms to designated protected areas or assets of particular importance that would provide a clear reason for refusing the development. The site does not fall within the Cotswolds National Landscape, it will not result in any harm to the setting of the Conservation Area and does not affect any listed buildings or other heritage assets.

5.72 In considering criterion ii), while the proposal does give rise to some modest harms, particularly in relation to the illustrative layout, its relationship with the existing village form, the wider landscape impact, and accessibility concerns, these are not considered to significantly or demonstrably outweigh the benefits of the scheme.

5.73 The development would deliver:

- 80 new homes, including 40 affordable units (50% provision),
- A meaningful contribution to addressing the Council's housing land supply deficit,

- 10% Biodiversity Net Gain through a mix of on-site and off-site measures,
- A new local play area and improved pedestrian connections to adjacent recreational facilities,
- A community orchard,
- Potential support for the local primary school through population growth,
- And both short- and long-term economic benefits associated with the construction process.

5.74 On balance, the benefits of the proposed development are considered to outweigh the modest level of harm identified. Therefore, the application is recommended for approval, subject to appropriate conditions and planning obligations.

## 6 CONDITIONS

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Details of the appearance, landscaping, layout and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. 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.

4. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

5. Following the approval of the Written Scheme of Investigation referred to in condition 4, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

6. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway including position, layout, and vision splays on Holliers Crescent shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall also include:

- Prioritisation of pedestrians and cyclists at the access junction in accordance with LTN 1/20.
- lengths of shared footway/cycleway along the north side of Holliers Crescent and how they terminate onto the existing infrastructure.

Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment to deliveries only arriving at or leaving the site between 0930 and 1630 and only to and from the site. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.

8. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems SuDS

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

9. As Built and Maintenance Details Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

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

10. No development shall take place until a site investigation of the nature and extent of contamination has been 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 report 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 ensure any contamination of the site is identified and appropriately remediated.

11. The Remediation Scheme referred to in condition 10, 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 written confirmation 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 ensure any contamination of the site is identified and appropriately remediated.

12. No development shall be occupied until confirmation has been provided that either:
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
  - a development and infrastructure phasing plan has been agreed by the Local Planning Authority with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

13. Construction should be subject to suitable times for noisy activity. Noise emissions from the site during the development of the site, i.e. the demolition, clearance and redevelopment of the site, shall not occur outside of the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri 08.00 - 18.00  
Sat 08.00 - 13.00

At all other times, including Sundays, Bank and Public Holidays, there shall be no such noise generating activities.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

14. Prior to the commencement of development, a suitable Construction Environmental Management Plan (CEMP) showing how noise and dust is to be minimised and controlled during site clearance and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

15. The development shall be carried out in accordance with the submitted flood risk assessment (ref 27413-FLD-0101 Rev I dated November 2024) and the following mitigation measures it details:

- There shall be no residential development, including access or egress to the development, within Flood Zones 2 or 3, in accordance with 3.1 of the Flood Risk Assessment (27413-FLD-0101 Rev I dated November 2024)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: In accordance with paragraph 181 of the NPPF (2024) and adopted policy EH7 in the West Oxfordshire Local Plan 2031:

- To reduce the risk of flooding to the proposed development and future occupants
- To ensure that during a flood event there is not an unacceptable risk to the health and safety of the occupants and an increased burden is not placed on the emergency services.

16. No development shall take place until an Ecological Drainage (or SUDs) Management Plan , including long-term design objectives, management responsibilities and maintenance schedules for the features associated, has been submitted to, and approved in writing by, the local planning authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

- Scaled Diagrams of all drainage infrastructure. This should include planting plans (native species only, ideally of local provenance), bank and bed gradients (along both latitudinal and longitudinal planes). This should include diagrams for the:
  - Attenuation basin
  - Swales (the longitudinal gradient throughout the swale network should also be shown to indicate how quickly surface run off is likely to pass through these features).
  - 12 meters of planted channel before the Cockley brook
  - Outfall and headwall
  - Pipe between swales and 12 meter planted channel
  - Substrate of the bed of the brook, vegetated swales and attenuation basin (this should include existing geology and any intended substrate dressing)
  - Details of the measures in place to protect the protect from any adverse impacts. The following considerations should guide the design:
    - Erosion Control.
    - Environmental Impact.
    - Hydraulic Efficiency.
    - Structural Integrity.
    - Maintenance.
- Details of maintenance regimes for the formal drainage infrastructure (i.e., road drains, headwall and pipe between swales and 12 meters of planted channel) and the ecological features (attenuation basin, swales and planted channel). This should include methods (i.e., how built up fine sediment is to be removed), frequency of the work, adequate financial provision, and named responsible body.

REASON: To avoid significant harm to watercourse and its corridor in accordance with paragraphs 180 and 186 of the National Planning Policy Framework (NPPF 2024).

17. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

18. The development shall be completed in strict accordance with the details of ecological mitigation and enhancement measures and features specified within the following documents and drawings subject to final confirmation as part of the reserved matters application, and as modified by a relevant European Protected Species Licence issued by Natural England, unless otherwise agreed with the local planning authority:
  - i. Sections 6 and 7 of the Ecological Appraisal Rev C prepared by FPCR dated 05/06/2025;
  - ii. Ecological Enhancement Plan - Drainage Ditch prepared by FPCR dated February 2025; and
  - iii. Biodiversity Net Gain details as follows (subject to modification in the approved Biodiversity Gain Plan):
    - a. Biodiversity Impact Assessment Rev D prepared by FPCR dated 25/09/2025;

- b. Figure 2,3 and 5 prepared by FPCR dated 16/09/2025;
- c. Statutory Biodiversity Metric calculations dated 16/09/2025; and
- d. Indicative Green Infrastructure Strategy Plan prepared by FPCR dated 09/05/2025

All the biodiversity mitigation measures shall be implemented in full according to the specified timescales or at least before the development hereby approved is first brought into use and all the biodiversity mitigation and enhancement features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 19. Before any works to tree T9 commence, a detailed bat mitigation strategy (based on the measures described in section 6.21 of the Ecological Appraisal Rev C prepared by FPCR dated 05/06/2025 and including the potential need for update surveys) shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To provide details mitigation for the protection of bats in accordance with Local Plan Policy EH3, Paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

- 20. Notwithstanding the submitted details, before above ground works commence, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
- v. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To protect roosting, foraging/commuting bats 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 187, 192 and 193 of the National Planning Policy Framework (December 2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

21. Notwithstanding the submitted details, and before works on the development hereby approved commence, a final bird mitigation strategy, including full details of off-site measures for skylarks based on the Bird Mitigation Strategy Rev E prepared by FPCR dated 26/09/2025 and comprehensive monitoring, shall be submitted to an approved in writing by the Local Planning Authority. The final bird mitigation strategy shall be implemented in full.

REASON: To provide full details and secure implementation of mitigation for nesting birds including Skylarks in accordance with Wildlife and Countryside Act 1981 (as amended), paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

22. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until an amended Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i. Risk assessment of potentially damaging construction activities;
  - ii. Identification of 'biodiversity protection zones' (including the biodiversity/nature reserve area in order to retain grassland [no levelling or storage compound etc]);
  - iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
  - v. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
  - vi. The times during construction when specialists ecologists need to be present on site to oversee works;
  - vii. Responsible persons and lines of communication;
  - viii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
  - ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and
  - x. The submission of a verification report by the ECoW or similarly competent person(s) to the LPA at the end of the construction period.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that the SSSI, protected and priority species (bats and nesting birds) and priority and retained habitats (hedgerows and Other Neutral Grassland) and retained habitats for BNG are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework, and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

23. A report prepared by a competent ecologist, the Ecological Clerk of Works or similarly competent person certifying that the required biodiversity mitigation and/or compensation

measures identified in the approved Construction and Environmental Management Plan (CEMP) have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 12 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner and before the development hereby approved is first brought into use. Any approved remedial works shall subsequently be carried out under the strict supervision of a competent ecologist, Ecological Clerk of Works or similarly competent person following that approval.

REASON: To confirm that all mitigation measures within the CEMP have been successfully implemented in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

24. Notwithstanding the submitted details and prior to above ground works a detailed hard and soft landscaping scheme (incorporating existing flora) including the means of enclosure and the materials to be used for hard surfacing, shall be submitted to and approved by the Local Planning Authority in accordance with the final biodiversity net gain details as part of the approved Biodiversity Gain Plan. The scheme shall include, but not necessarily be limited to, the following:

- i. A plan showing the existing vegetation/habitats to be retained and safeguarded during construction which shall be consistent with any Construction Environmental Management Plan for the development;
- ii. A plan showing the areas to be managed as public open space including a final state topography plan, where appropriate;
- iii. A landscaping implementation phasing plan, where appropriate;
- iv. Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and methods of weed control; and
- v. Details of surfacing, boundary treatments and landscaping structures including design, location, hedgehog accessibility, size, colour, materials and openings.

Development shall be carried out in accordance with the approved scheme and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: To secure full details of the proposed landscaping scheme and to ensure that this is in accordance with the Biodiversity Net Gain proposals for the site.

25. In the event of any trees, shrubs, bulbs, wildflowers or grasses dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree/shrub/bulb/wildflower or grass of equivalent number/area and species composition shall be planted as a replacement within a single growing season or within 6 months, whichever is the shorter, and thereafter maintained in accordance with the approved Habitat Management and Monitoring Plan.

REASON: To secure the effective delivery of the proposed landscaping scheme, Biodiversity Net Gain habitat creation and enhancement works, and associated biodiversity enhancements

26. Before occupation, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the HMMP shall include, but not necessarily be limited, to the following:
- i. Full details of all the 'habitat creation and enhancement works' that will be implemented in accordance with the with the final biodiversity net gain details as part of the approved Biodiversity Gain Plan;
  - ii. Description and evaluation of habitats and other biodiversity features to be managed for at least 30 years;
  - iii. Aims and objectives of management (including those relating to species); iv. Appropriate management options for achieving aims and objectives, including an adaptive management approach;
  - iv. Detailed specifications for management actions;
  - v. Management schedule matrix based on actions that are required annually, biennially or another specified timeframe(s);
  - vi. Details of the body or organisation responsible for implementation of the plan;
  - vii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
  - viii. Monitoring strategy incorporating the identification of potential remedial measures that may be required within the 30-year period and how these will be confirmed, agreed and implemented (i.e. where monitoring results show that the aims and objectives of the HMMP are not being met);
  - ix. Submission of Habitat Monitoring Reports to the Local Planning Authority for approval at specific intervals (depending on the types of habitats and the 'time to target condition' timeframe);
  - x. Submission of a final audit report to the Local Planning Authority for approval no later than 12 months following the end of the agreed 30-year period;
  - xi. Details about how the plan will be reviewed according to an adaptive management approach and shared and agreed with the Local Planning Authority; and
  - xii. Details of how the aims and objectives of the HMMP will be communicated to the occupiers of the development and the subsequent responsible person, organisation or body (e.g. management company). The approved plan will be implemented in full.

REASON: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 180, 185 and 186 of the NPPF, and Local Plan Policy EH3.

27. Biodiversity Monitoring Reports shall be submitted to the Local Planning Authority for approval in accordance with the timeframe in the approved Habitat Management and Monitoring Plan (HMMP) up to the end of the agreed 30-year period and including the final audit report. These reports shall provide full details of the progress being made towards the confirmed Biodiversity Net Gain outcomes in the approved Biodiversity Gain Plan and any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All remedial actions shall be submitted to, and approved in writing by, the Local Planning Authority.

REASON: to ensure the success of the Biodiversity Net Gain proposals and the submission of regular monitoring reports to the LPA with remedial actions implemented where necessary and to enable the LPA to report to Defra on BNG

28. Notice in writing shall be given to the Local Planning Authority when the habitat creation and enhancement works (i.e. the capital works required to establish the new habitats) as set out in the

HMMP have commenced and when these habitat creation and enhancement works have been completed to agree the start of the 30- year management and monitoring period.

REASON: To agree when the 30-year period of management and monitoring starts (after the initial habitat creation and enhancement works with a 12 months aftercare period have been completed).

29. Notwithstanding the submitted details, before above ground works commence, a scheme for biodiversity enhancement, including integrated and externally mounted bat roosting feature(s) and bird nesting opportunities, hedgehog homes, habitat piles, and hedgehog gaps, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented before the development hereby approved is first brought into use, and thereafter, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

REASON: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

## Notes to applicant

1. This proposal represents a rare and valuable opportunity for enhancement work to the Cockley brook and associated designated site, Middle Barton Fen SSSI. This would support the mitigation of the discharge into the watercourse and also support the scheme in meeting the trading rules of DEFRA's 4.0 Metric.

We are aware of historical records of protected aquatic species in close proximity to the drainage outlet. Therefore, considered enhancement work at this location would be very valuable both for legally protected habitat and species.

Advisors from the Fisheries and Biodiversity team of the Environment Agency would be happy to conduct a visit to the development site to walk the area of the Cockley brook where the discharge is proposed and prescribe appropriate mitigation measures designed to protect and enhance the watercourse and SSSI.

The implementation of mitigation measures would also support compliance with Policy EH3 of West Oxfordshire District Council's (2031) local plan which requires development to protect and enhance local biodiversity.

2. Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:
  - Low carbon heating (fossil fuel free) and renewable energy generation, for example heat

- pumps and solar photovoltaic panels
- Wall, floor and roof insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling
- Materials with low embodied carbon

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/planning-application-supporting-information/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

3. **IMPORTANT:** the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be West Oxfordshire District Council. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

The Habitat Management and Monitoring Plan (HMMP) required by condition of planning permission should follow the same format of the template found here:

<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

To successfully discharge the relevant conditions:

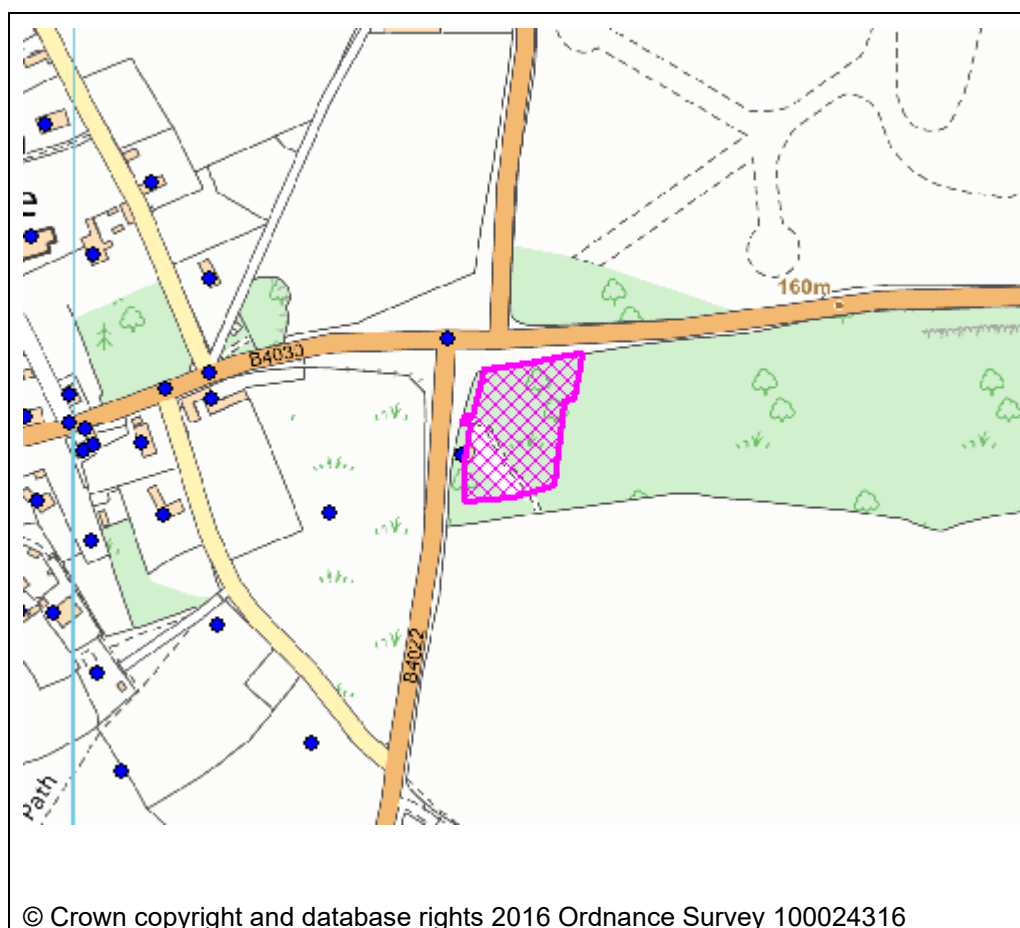
- i. The green infrastructure plan needs to be consistent with the BNG proposals.
- ii. The HMMP should include an adaptive management approach with monitoring in year 5 and 10 to assess how habitats have established and whether they are on track to reach target condition. Remedial measures should include a review of the BNG scheme and alternative options for delivering BNG if the targets are not achieved.
- iii. The green infrastructure / landscaping strategy should include planting to create natural barriers and guide people around the nature reserve area. These should be consistent with BNG plans submitted to discharge the BGP. Guidance on lighting issues in relation to bats can be found in the Bat Conservation Trusts Guidance Note 08/23 Bats and artificial lighting at night: Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals

**Contact Officer:** Stephanie Eldridge

**Date:** 8th October 2025

|                         |                                                                                       |
|-------------------------|---------------------------------------------------------------------------------------|
| Application Number      | 25/00805/FUL                                                                          |
| Site Address            | Enstone Quarry<br>Oxford Road<br>Enstone<br>Chipping Norton<br>Oxfordshire<br>OX7 4HL |
| Date                    | 8th October 2025                                                                      |
| Officer                 | Stephanie Eldridge                                                                    |
| Officer Recommendations | Approve                                                                               |
| Parish                  | Enstone Parish Council                                                                |
| Grid Reference          | 438257 E    224979 N                                                                  |
| Committee Date          | 20th October 2025                                                                     |

### Location Map



### Application Details:

Proposed Vehicle Depot (Additional information received)

**Applicant Details:**

Smiths (Gloucester) Ltd  
Brook Farm  
Moreton Valence  
Gloucester  
GL2 7ND

**I CONSULTATIONS**

Parish Council

Reconsultation response:

**Road Safety**

During a site visit and when Smiths attended one of the Parish Council meetings to present their proposals, the parish council strongly advised that we have concerns with regards to the proximity of the site entrance and the B4030 / B4022 junction. Unfortunately, it appears that our concerns have not received the attention / review that we believe is required to ensure that this busy junction is satisfactory reviewed to ensure that the additional vehicle movements do not add any risks.

For the record, we have notated our concerns below and would very much appreciate if highways could review and advise accordingly. When vehicles turn left from B4030 into B4022, the said vehicle is approximately 25-30m away from the junction when it comes into sight. (Green Line on image below) The B4022 is a 40 MPH road so technically the vehicle could be up to that speed, with less than 25m to react if a large vehicle has pulled out of the Quarry junction and is obstructing the road.

Most of the traffic is traveling on the B4022 and stops at the junction with the B4030. The vehicles then accelerate (Fairly quickly sometimes) to get across the B4030. Image below shows the route taken by the vehicles (red line). As can be seen this is a staggered junction, with the B4030 layout at this junction allowing the entrance to the B4022 to be used as a slip road allowing traffic to move swiftly and accelerate toward the quarry junction. See image with green oval indicating how the layout is used as a 'slip' road.

Similarly, traffic travelling down the B4030, that then turns left into the B4022, uses the area indicated in green as a slip road, maintaining a reasonable speed. (Photos can be viewed online)

The county Council has stated that.....

County Councils Response to consultation dated 19th May 2025.  
It is not clear from scale of the plans submitted how wide the access is and whether it can accommodate a HGV entering the site whilst another is waiting to exit. It is also unclear what the maximum sized vehicle is which will need to access the site. A swept path analysis should be provided to show that two maximum sized HGV's can

simultaneously enter and exit the access.

Smith's response is .....

Smith's response to consultation comments 24/07/2025.

Smiths do not consider it is necessary to improve the access for two way lorry traffic.

It is therefore that we respectfully requested that planning permission is not granted for the depot proposals at the land at the former Enstone Quarry on the basis that a holistic approach has not been taken with regards to maintaining or improving road safety.

#### Contaminated Land

There are a number of issues that relate to the land contamination and the possibility of impacting the quality of the water in the stream adjacent to the eastern boundary. As the stream is generated on the site, it has the potential to rapidly transport any contamination off the site. We have referenced our concerns below :-

Statement below from WODC flood risk Manager.....

WODC Flood Risk Management Officer - Kevin Jack

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques, SUDs/interceptor with Soakaway.

Smiths reply, stating that the development will be hard surfaced.

Extract from Lucy Binnie e-mail dated 23rd June 2025:

The development will be hard surfaced and therefore any rainwater falling on the area will be collected and the discharge controlled via drains and soakaways. So, it will not percolate through any fill thereby reducing the risk of leachate being generated and protecting groundwater and preventing run off from entering the stream c.500m to the west on the other side of raised ground.

and.....

Smith's response to consultation comments 24/07/2025.

The proposed development will be hard surfaced and therefore any rainwater falling on the area will be collected and the discharge controlled via drains and soakaways.

The Smiths statements do not appear to reflect the WODC comments, as highlighted in yellow below:-

Also comments with regards to SUDS, and clarification that no drainage recommendation will be made until it is ruled out, albeit Smiths have not recognised this in their statements. Green highlighted

text.

WODC Flood Risk Management Officer - Kevin Jack

There is a requirement for surface water and groundwater monitoring to be completed. Due to the moderately high sensitivity of the watercourse to the east, high vulnerability of the principal aquifer and moderately high sensitivity of the groundwater, infiltration, as proposed, cannot be implemented as part of a s/w drainage strategy until the monitoring is complete and the results have been discussed with the EA/LA. As infiltration should be considered initially in accordance with SUDS hierarchy, no drainage recommendation will be made until it has been ruled out.

With regards to the risk of impacting the quality of water in the stream adjacent to the eastern boundary and the Principal Aquifer, we have highlighted the risk profile mentioned by the WODC Flood Risk Management Officer below:-

WODC Flood Risk Management Officer - Kevin Jack

The land is known to be potentially contaminated. The site investigation report states that the site is considered to pose a High Risk to both groundwater and the local surface water network. No groundwater monitoring has been possible, but the current ongoing surface water monitoring exercise has indicated that the site is impacting the quality of the water in the stream adjacent to the eastern boundary. As the stream is generated on the site, it has the potential to rapidly transport any contamination off the site, so it has been deemed to have a Moderately High sensitivity. The bedrock has been classified by the Environment Agency as a Principal Aquifer, which has a high vulnerability and may provide a pathway to surface watercourses. The groundwater's sensitivity is also considered to be at a Moderately High. The report (dated November 2024 ) states that the surface water monitoring should be completed and the results assessed and discussed with the Environment Agency and Local Authority to agree the next steps for further investigations.

And below is an extract from Forge Environmental recommending further monitoring. They have mentioned a possible laboratory error, but on the basis that this identifies two petroleum hydrocarbons, their suggestion of further monitoring appears to be very valid.

Extract from Forge Environmental - Surface Water Monitoring report  
25th January

However, on one occasion the hydrocarbons (PAH & TPH) concentrations in the stream were grossly elevated, although as the low flow rate on that occasion has not been repeated it has not been possible to determine if this was actually due to the discharge from the landfill or laboratory error. Therefore, to determine if the landfill is impacting upon the water quality in the stream further

monitoring should be undertaken during a period of dry weather.

In light of the above, we would call into question the statement that 'The Forge report confirms there are no human health issues with the proposal'.

Smith's Planning, design and Access Statement for Depot - March 24:  
Whilst the site is part of a larger site which constitutes previously developed land, subject to previous quarrying and waste operations, the Forge Report confirms there are no human health issues with the proposals.

It is therefore that we respectfully requested that planning permission is not granted for the depot proposals at the land at the former Enstone Quarry on the basis that a holistic approach has not been taken with regards to mitigating the risks to with regards to the possible risk of impacting the quality of water in the stream adjacent to the eastern boundary and the Principal Aquifer.

Piecemeal Planning Approach.

There is a concern that a piecemeal approach is been used that will set precedents for the future, particularly with regards to the issues raised above.

Smith's Planning, design and Access Statement for Depot - March 24  
The development proposals do not impact any existing watercourses or features and the site itself lies in an area with the lowest flood risk.  
It is therefore that we respectfully requested that planning permission is not granted for the depot proposals at the land at the former Enstone Quarry on the basis that a holistic approach has not been taken with regards to mitigating the risks identified above.

Parish Council

Enstone Parish Council **OBJECTS** to this Planning Application as there is insufficient information provided in order to make an informed decision.

Additionally, there is no report from the Highways Department at OCC regarding the safety of this proposed application.

Major Planning Applications  
Team

Reconsultation response:

Highways

No objection subject to conditions

Oxfordshire Fire and Rescue Service have the following comment:  
It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service where applicable, to ensure compliance with the functional

|                              |                                                                                                                                                                                                                                                                                                                                            |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | requirements of The Building Regulations 2010.                                                                                                                                                                                                                                                                                             |
| Env Health Contamination     | Reconsultation:<br><br>No objection subject to condition.                                                                                                                                                                                                                                                                                  |
| Env Health Noise And Amenity | Reconsultation:<br><br>No objections, subject to an informative relating to noise and dust disturbance.                                                                                                                                                                                                                                    |
| District Ecologist           | Reconsultation:<br><br>No objections, subject to conditions and an informative.                                                                                                                                                                                                                                                            |
| Economic Development Manager | Supporting Local Jobs and Employment Opportunities<br>Enabling Business Growth and Improving Efficiency<br>Bringing Brownfield Land Back into Use<br>Supporting the Rural Economy<br>Making Use of Existing Infrastructure<br>Kickstarting Wider Regeneration and Environmental Management<br>Fully Aligned with Local and National Policy |
| WODC Drainage                | Further information required.                                                                                                                                                                                                                                                                                                              |
| Env Health Contamination     | Further info required.                                                                                                                                                                                                                                                                                                                     |
| District Ecologist           | Further information required.                                                                                                                                                                                                                                                                                                              |
| Enstone Aerodrome            | We are writing to advise that we have no objection to this application,<br>For and on behalf of Oxfordshire Sportflying Ltd                                                                                                                                                                                                                |
| WODC Drainage                | Reconsultation – outstanding.                                                                                                                                                                                                                                                                                                              |

## 2 REPRESENTATIONS

2.1 Nine representations have been received, including Enstone Conservation Trust, objecting on the following grounds:

- No transport assessment
- Access to site is dangerous
- Dangerous for cyclists and pedestrians
- HGVs cannot turn right and then into the village, nor turn left immediately out of the gate to proceed along B4022 to the A44
- Lorries not suitable for a B road
- Too many parking spaces
- Not a local company
- Industrial Estate unsuitable for Church Enstone

- Difficult to monitor use
- Lighting intrusive
- Not providing local employment
- Contrary to NPPF
- Carbon emissions will increase
- Have not interpreted EIA regulations correctly
- Future use of site
- Enstone Airfield more appropriate location
- No social benefits to local community
- Concerns about water contamination of River Glyme and local private borehole
- Concerns about ecology
- Hedgehogs on site

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

3.1 The conclusion of the supporting Design and Access statement is as follows:

The proposal seeks to establish a small vehicle depot which will allow the applicant to efficiently and sustainably manage his existing business operations in this part of Oxfordshire.

The proposals are highly sustainable developing an area of previously developed land with minimal operational development and no adverse impacts to local amenity.

The proposal is considered to be in accordance with the NPPF and relevant approved development plan policies with no conflict identified with any policies for particular important areas or assets.

It is therefore respectfully requested that planning permission is granted for the depot proposals at the land at the former Enstone Quarry.

### **4 PLANNING POLICIES**

CN2 Chipping Norton sub-area Strategy  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 EI1NEW Land for employment  
 E2NEW Supporting the rural economy  
 T1NEW Sustainable transport  
 EH2 Landscape character  
 EH3 Biodiversity and Geodiversity  
 EH8 Environmental protection  
 OS2NEW Locating development in the right places  
 EI1NEW Land for employment  
 E2NEW Supporting the rural economy  
 EH2 Landscape character  
 EH3 Biodiversity and Geodiversity  
 EH7 Flood risk  
 EH8 Environmental protection  
 T1NEW Sustainable transport  
 T2NEW Highway improvement schemes

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the change of use of the former Enstone Quarry to a proposed vehicle depot to aid Smiths (Gloucester) Limited with the logistics of their Oxfordshire based operations. This will include a welfare/office building and parking for staff and HGV vehicles.
- 5.2 The former quarry site is located on the corner of the B4030 and B4022 to the east of Church Enstone and is bounded by agricultural land to the south and east. The site is accessed via a vehicular gate onto the B4022. There is substantial hedgerow screening along the boundaries adjacent to the two main roads. There is an area of existing hardstanding and an old dilapidated barn on the western part of the site.
- 5.3 The site does not fall within any special designated areas of control.
- 5.4 This application is before members of the sub-committee for consideration as the views of the Parish Council are clearly contrary to your officers recommendations.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### **Principle**

- 5.6 In terms of the principle of development, Policy E1 (Land for Employment) emphasises the need to support business investment, job creation, and economic diversification, particularly in rural areas. This development would provide local employment opportunities while making productive use of previously developed land. With reference to Policy E2 (Supporting the Rural Economy), the reuse of the former quarry aligns with the council's commitment to enabling rural businesses to grow in a sustainable manner. By maintaining employment in the area and reducing the need for long commutes to the businesses other depots, the proposal contributes to a balanced rural economy and investment to the district. Further, Policy OS2 (Locating Development in the Right Places) supports development that makes effective use of previously developed land while minimising the impact on surrounding landscapes. This proposal repurposes an existing brownfield site rather than developing a new greenfield one, in line with sustainable growth principles.
- 5.7 The Council's Economic Development team are supportive of the application and confirm that Smiths' proposal to establish a depot in Enstone demonstrates a commitment to expanding operations within West Oxfordshire, thereby contributing to the district's economic vitality. By providing a base for their vehicles and drivers, the company enhances its service efficiency in the region, aligning with the Plan's goal of supporting business growth and resilience.
- 5.8 In light of the above, the application is considered to be acceptable in principle, subject to the consideration of the other material planning considerations.

## **Visual Impact**

- 5.9 As mentioned above, the site is not located within any special designated areas of control, but it is sited on corner of the B4030 and B4022 in a prominent location. The site is bounded to the north, south and west by significant, well-established tree belts - apart from a gap for the existing vehicular entrance into the site.
- 5.10 The proposed office/welfare space will be provided within a double stacked portacabin structure. While this is not considered to be particularly attractive in design terms, it is functional and not uncommon in this type of commercial context. Further, due to its location tucked behind the existing landscaping, your officers do not anticipate that there will be any public views of this.
- 5.11 Similarly, while there may be some views through the single access point, the parking/storage of HGV vehicles will be largely screened by the existing landscaping and will be contained within this western portion of the former quarry site.
- 5.12 A condition has been included to ensure any external lighting comes under the control of the LPA so that any potential light spillage can be properly considered and controlled.
- 5.13 The application site area (the red line) is tight around the proposed area to be used for the business and the delivery of BNG, so planning permission would be required for any expansion of the use.
- 5.14 As such, your officers do not consider that there will be any harmful, adverse impacts on the visual amenity of the area or wider landscape.

## **Highways**

- 5.15 Your officers note the concerns raised by the Parish Council and local residents regarding the impact of this development on highways safety. While this is not a 'major development' by definition, the Local Highway Authority referred it to their 'majors' team for consideration due to the impact this development could have on the local road network - and particularly given its proximity to the adjacent junction.
- 5.16 Following the submission of additional information, the Local Highway Authority has raised no objections to the application, subject to a condition.
- 5.17 The Highways Officer has confirmed that a swept path analysis of an 11.5m refuse vehicle has been undertaken to show that the vehicle can enter and exit the site access, and turn within the site to egress in a forward gear. Whilst it was requested that the swept path analysis demonstrated that two maximum sized HGV's could simultaneously enter and exit the access, the applicant has clarified that the pattern of traffic movements will be consistent with vehicles either all leaving or all entering the site at similar times (at the start and end of working day respectively) which the LHA is satisfied with.
- 5.18 The LHA also raised concerns that the proposal to provide 16 car parking spaces for staff was likely to be an overprovision of parking and it was requested that the site layout plan was amended to show a reduced level of parking on site. Whilst the site plan has not been amended, the applicant has expressed a willingness to accept a condition to limit the amount of parking for cars to 8 spaces and provide a revised layout plan if considered necessary. A condition has been recommended to secure this.

## **Ecology**

5.19 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. From 12th Feb 2024, it is also mandatory for all development (other than some exemptions) to deliver 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

5.20 In this case, following the submission of additional information, the Council's Ecologist is satisfied that the required 10% BNG can be delivered and precautionary measures, mitigation and enhancements for protected species secured through the imposition of conditions and an informative.

5.21 As such, the application is considered to be acceptable in these terms.

## **Contamination**

5.22 The Council's Environmental Protection Officer has considered the application having regard to contaminated land. They have raised no objections to the application subject to two conditions. The first condition requires the applicant to submit full details of proposed building construction techniques to be incorporated into the development to prevent the ingress of landfill gas prior to the commencement of development. The second condition requires that 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 and an appropriate investigation and risk assessment must be undertaken.

## **Flood Risk**

5.23 The site is located within Flood Zone 1 and is at low risk of flooding. However, the Council's Flood Risk Management officer has requested additional information as the land is known to be potentially contaminated and the site investigation report states that the site is considered to pose a high risk to both groundwater and the local surface water network. Further information has been submitted to address this and your officers are just waiting for final confirmation from the Flood Risk Management team that a pre-commencement surface water drainage condition can be imposed on the consent to deal with this matter properly. Your officers will update Members on this matter either within the Report of Additional Representations or verbally at the meeting.

## **Residential Amenities**

5.24 The nearest residential dwelling to the site is 'Barnmead' which is located over 130m to the west of the site on the other side of the main road. Given this distance, and the nature of the operations, your officers do not consider that the development will result in any adverse impacts in terms of noise and disturbance to their detriment.

5.25 This is agreed by the Council's Environmental Health team who have raised no objections to this application in terms of noise and amenities. An informative has been recommended to advise the applicants to take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust arising from the site. The granting of this planning

permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received.

## **Conclusion**

5.26 In light of the above, subject to the final comments from the Council's Flood Risk Management Officer and the conditions outlined in this report, the application is considered to be acceptable and compliant with policies OS2, E1, E2, EH2, EH3, EH7, EH8, T1 and T4 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.

## **6 CONDITIONS**

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

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

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

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

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

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

4. Prior to occupation of the development details shall be submitted for the approval of the Local Planning Authority for a scheme for parking and manoeuvring for 8 members of staff. The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

REASON: To enable vehicles to draw off and park clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

5. Before the development hereby permitted commences, the developer shall submit to the Local Planning Authority full details of proposed building construction techniques to be incorporated into the development to prevent the ingress of landfill gas. The development shall be constructed in accordance with details approved in writing by the Local Planning Authority. The developer shall demonstrate to the satisfaction of the Local Planning Authority that the agreed measures have been completed before the approved development is first occupied and used.

REASON: In the interests of the safety of future occupants/users of the development

6. 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.

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

7. No development shall be undertaken (including any site and/or vegetation clearance) until a Construction Environmental Management Plan (CEMP) which contains full details of the recommended measures outlined in section 5 of the Preliminary Ecological Appraisal (Eco Consult, December 2024) and the recommendations of the Japanese Knotweed Survey (BRD Environmental, June 2024) associated with the planning application has been submitted to and approved in writing by the local planning authority. The CEMP shall include consideration of the following:

- Retained tree protection measures in accordance with BS5837:2012;
- An invasive non-native species (INNS) protocol for onsite Japanese knotweed;
- Specific measures (which may be presented as a series of method statements) to avoid impacts to reptiles, nesting birds, hedgehogs and badgers;
- The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- The submission of a statement of good practice by a suitably qualified ecologist at the end of the construction period.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

REASON: To protect biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

8. Notwithstanding the submitted details and prior to first use of the approved development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall accord with the details of the approved Biodiversity Gain Plan and include, but not necessarily be limited to, the following:
- i. Description and evaluation of features to be managed;
  - ii. Landscape and ecological trends and constraints on site that might influence management;
  - iii. Aims and objectives of management (including those related to species);
  - iv. Appropriate management options for achieving aims and objectives, including appropriate enhancement measures;
  - v. Prescriptions for management actions;
  - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward up to a 30-year period);
  - vii. Details of the body or organisation responsible for implementation of the plan;
  - viii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
  - ix. Timeframe and process for reviewing the plan; and
  - x. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified,

agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented in accordance with the approved details.

**REASON:** To protect biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework, and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

9. Notwithstanding the submitted details, before above ground works commence, an External Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The scheme shall include, but not limited to, the following:
  - i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
  - ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
  - iii. A description of the luminosity of lights and their light colour;
  - iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
  - v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
  - vi. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved scheme before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

**REASON:** In the interest of visual amenity and to protect roosting, foraging/commuting bats 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 187, 192 and 193 of the National Planning Policy Framework (December 2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

### **Notes to applicant**

1. Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

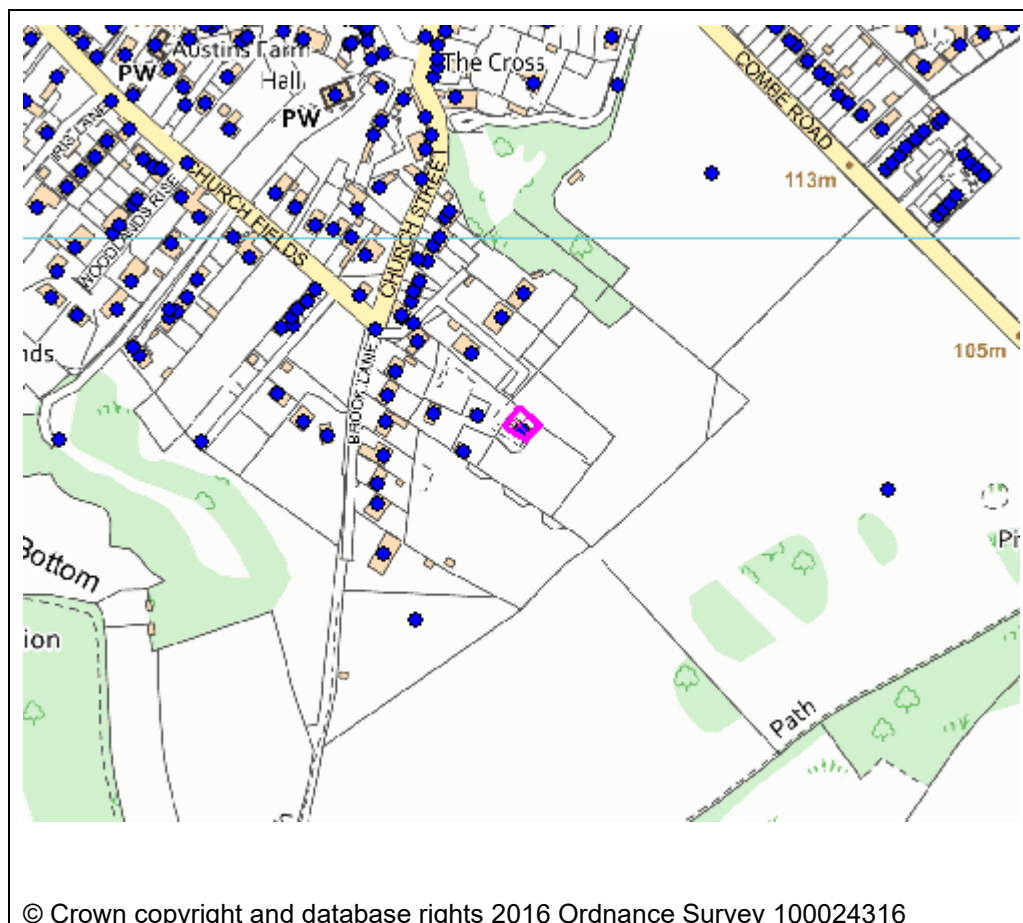
2. The applicant should take all relevant precautions to minimise the potential for disturbance to the occupiers of neighbouring properties in terms of noise and dust arising from the site. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the environmental health service.

**Contact Officer:** Stephanie Eldridge

**Date:** 8th October 2025

|                         |                                                                                  |
|-------------------------|----------------------------------------------------------------------------------|
| Application Number      | 25/01525/FUL                                                                     |
| Site Address            | Stable To The Rear Of<br>Valhalla<br>Church Street<br>Stonesfield<br>Oxfordshire |
| Date                    | 8th October 2025                                                                 |
| Officer                 | Emile Baldauf-Clark                                                              |
| Officer Recommendations | Approve                                                                          |
| Parish                  | Stonesfield Parish Council                                                       |
| Grid Reference          | 439470 E 216874 N                                                                |
| Committee Date          | 20th October 2025                                                                |

### Location Map



### Application Details:

Conversion of existing home office and art studio/gym (former stable building) into an independent residential dwelling, including extension to create first floor accommodation, modification of external appearance, landscaping and amenity space.

## Applicant Details:

Mr Derek Hobbs  
C/O Agent

## I CONSULTATIONS

|                              |                                                   |
|------------------------------|---------------------------------------------------|
| Env Health Noise And Amenity | No objection.                                     |
| OCC Highways                 | No objection, subject to condition.               |
| District Ecologist           | Acceptable subject to conditions and informative. |
| Parish Council               | Objects to the Planning Application               |

Pattern of Incremental Overdevelopment: This site has seen a long pattern of piecemeal expansion, which cumulatively amounts to significant intensification:

- Originally a single dwelling.
- Followed by construction of two further houses (Skyfall and Valhalla).
- Extensions to those dwellings, with one now dominating the neighbouring bungalow.
- Garages subsequently converted to holiday lets, and then changed to permanent residential use.
- The "old stables" already converted to residential, now proposed to become a full two-storey dwelling.
- A further new one-bedroom holiday let proposed, which raises concern about likely future expansion to full residential use.

Encroachment into Rural Landscape: These proposals push the built environment further beyond the recognised housing boundary and risk forming a small, unplanned estate within a cul-de-sac layout, contributing to creeping urbanisation in a rural setting within the AONB.

Access and Parking Issues: Access to the site is via a single-track, unregulated road with no traffic calming or pedestrian protections. Traffic generation from cumulative development is now visibly impacting Brook Lane, Churchfields, and Church Street, areas already under parking and safety pressure, particularly for pedestrians.

Inaccurate or Lacking Plans: The submitted drawings and documentation do not clearly show the cumulative layout of all buildings on the site, the pinch points, existing and proposed parking arrangements, or traffic flow. This makes proper assessment difficult.

Council's Position: The Council shares concerns raised by local residents about the ongoing intensification of this site. The cumulative development appears inconsistent with the village's rural

character and planning intent.

## **2 REPRESENTATIONS**

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

2.2 6 responses have been received supporting this application on the following grounds:

- The proposed conversion is modest and reuses an existing building, limiting environmental impact
- Timber cladding will improve the visual appearance of the structure
- Minimal impact on views and surrounding Area of Outstanding Natural Beauty
- Additional traffic and noise post-construction will be negligible
- Existing private lane is sufficient to accommodate the modest increase in use
- Supports local amenities such as the village pub, shop and school

2.3 13 responses have been received objecting to this application on the following grounds:

- Inaccuracies in the application documents including site boundaries and access details
- Incremental development strategy misrepresents the cumulative impact of multiple applications
- Development is out of character with the village and erodes its rural setting
- Contrary to policies in the West Oxfordshire Local Plan and emerging Stonesfield Neighbourhood Plan
- Insufficient road infrastructure, with narrow lanes and poor visibility creating safety hazards
- Shared access track already serves more dwellings than permitted under Oxfordshire County Council guidance
- Increased traffic poses risks to pedestrians, cyclists and children
- Noise pollution from construction and increased residential use impacts tranquillity and home working
- Loss of privacy and amenity for neighbouring properties
- Visual harm to the Cotswolds Area of Outstanding Natural Beauty
- No demonstrable public benefit to outweigh the harm caused
- Concerns over creeping urbanisation and unplanned estate development
- Potential for further infill development if this application is approved
- Impact on biodiversity and local ecology
- Loss of countryside views and green space
- Concerns over neighbourliness and the precedent set for future applications
- Perceived prioritisation of private gain over community wellbeing

## **3 APPLICANT'S CASE**

3.1 The applicant seeks full planning permission for the change of use of a former stable building, currently in ancillary residential use, to an independent dwelling. The proposal includes a modest vertical extension, external alterations, and associated landscaping. The building is located within the built-up area of Stonesfield, a sustainable settlement within the Council's hierarchy, and benefits from existing access and potential for private amenity space.

- 3.2 The applicant contends that the principle of development is acceptable under both local and national policy. The scheme represents the re-use of an existing building on previously developed land, consistent with Policies OS2 and H2 of the West Oxfordshire Local Plan and the NPPF's objective to make effective use of land. The proposal would make a small but valuable contribution to housing supply at a time when the Council cannot demonstrate a five-year housing land supply.
- 3.3 In terms of design and landscape impact, the footprint of the building remains unchanged, with only a modest increase in ridge height to accommodate first-floor accommodation. The new roofline would remain subservient to surrounding dwellings, and proposed materials will ensure the building is sympathetic to local character. The applicant argues that the development will not harm the scenic beauty of the Cotswolds National Landscape, in line with Policy EH1, and that a Landscape Assessment is unnecessary given the limited scale of change.
- 3.4 The proposal will not adversely affect biodiversity or the setting of the Stonesfield Conservation Area. Enhancements, including new planting within the curtilage, will deliver a modest net gain in habitat quality, consistent with Policy EH3. Two off-street parking spaces are proposed, meeting the requirements of Policy T4.
- 3.5 The applicant concludes that the development accords with the relevant provisions of the Local Plan and the NPPF, will have no unacceptable impacts on the character of the area or the Cotswolds National Landscape, and should therefore be granted planning permission.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

NPPF 2024

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

- 5.1 The application seeks planning permission for the conversion of existing home office and art studio/gym (former stable building) into an independent residential dwelling, including extension to create first floor accommodation, modification of external appearance, landscaping and amenity space at Stable To the Rear Of, Valhalla, Church Street in Stonesfield.
- 5.2 The application site relates to an existing ancillary outbuilding associated with the dwelling know as Skyfall located at the edge of the built-up area of the village Stonesfield. The outbuilding is a former stable building subsequently converted under a previous planning permission.

- 5.3 The site sits approximately 90 metres away from the boundary of the Stonesfield Conservation Area and sits within the Cotswolds National Landscape (CNL), formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 5.4 The application is before members of the sub-committee as the views of the Parish Council are clearly contrary to those of officers.

### **Planning History**

- 5.5 There have been numerous planning application on the site with those relating to the former stable shown below:
- 18/02225/FUL - Retrospective application for the change of use of a stable building into basic residential accommodation for a temporary period in connection with the construction works at Valhalla (ref. 15/01198/FUL). - APPROVED
  - 20/00276/FUL - Change of use of stable building into home office and arts studio/gym to serve Valhalla and Skyfall. - REFUSED AND ALLOWED AT APPEAL

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

- 5.6 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:
- 5.7 Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- 5.8 Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- 5.9 Paragraph 78 *inter alia* re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).
- 5.10 For a combination of reasons relating to the changes identified above, officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this

application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

#### *Conclusions on the principle of residential development*

5.11 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

#### **Principle**

5.12 The starting point for assessing new residential development proposals is the West Oxfordshire Local Plan 2031 (WOLP), which sets out the spatial strategy and policies for housing delivery across the district. The application site lies within the built-up area of Stonesfield, a designated village within the settlement hierarchy, where residential development is supported in principle under Policies OS2 and H2, subject to compliance with other relevant policies.

5.13 Policy OS2 confirms that "a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton," but also 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." The policy goes on to support "re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting," which is directly applicable to the current proposal involving the conversion of a former stable building already in domestic use.

5.14 Policy H2 (Delivery of new homes) further supports the principle of development in villages such as Stonesfield, stating that "new dwellings will be permitted at the main service centres, rural service centres and villages... on previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan." The building in question is located within the built-up area, is previously developed, and its conversion would not result in the loss of any existing use that conflicts with other policies.

5.15 The proposal also aligns with Policy H6 (Existing housing), which supports the subdivision of existing dwellings where it would not adversely affect the character of the area or the amenity of neighbouring properties. While the proposal does not involve subdivision in the conventional sense, it does represent the separation of an ancillary residential unit into an independent dwelling. Policy H6 states that "sub-division of existing dwellings in the open countryside and small villages will be limited to large properties where continued residential use cannot be secured in any other way." In this case, the building is already in residential use and is of sufficient scale to operate independently, with separate access, parking, and amenity space proposed. The proposal would not result in harm to the character of the area or the amenity of neighbouring properties and would contribute positively to housing supply in a sustainable location.

5.16 In view of the above, the principle of development is considered acceptable, subject to further assessment of other material planning considerations explored in subsequent sections of this report.

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

5.17 The proposal seeks to extend the footprint and ridge height of the existing outbuilding to form the new 1.5 storey 1 bed dwelling. The footprint of the building is measuring a total of 5.8 x 11.4 metres. The ridgeline of the roof is to be increased by 1.7 metres to 6.2 metres with an eave's height of just under 3 metres.

5.18 New ground floor windows are proposed on each of the elevations with new first floor pitched roofed dormers proposed on the front roof slope along with a singular roof light proposed on the rear elevation and first floor window on the SE gable end.

5.19 The walls of the dwelling and dormers are to be finished in rustic timber boarding with timber windows and doors all under a Sunnyside Cotswold tiled roof.

5.20 The proposed alterations are considered to be proportionate and sympathetic to the existing building and its context. The increase in ridge height is modest and remains subservient to surrounding built form, ensuring the building does not appear dominant or incongruous within the wider setting. The use of pitched roof dormers and a single rooflight is restrained and avoids visual clutter, contributing to a coherent and balanced roofscape.

5.21 The choice of materials reflects the rural character of the site and surrounding area, with timber cladding and natural roof tiles providing a soft and recessive palette that integrates well with the landscape. The building retains a simple form and agricultural character, which is consistent with its origins and the wider pattern of development in this part of Stonesfield.

5.22 The proposal includes the removal of an existing shed and the introduction of soft landscaping and amenity space, which will enhance the immediate setting of the building.

5.23 In design terms, the proposal is considered to accord with the requirements of Policy OS4 of the West Oxfordshire Local Plan 2031, which seeks high quality, inclusive and sustainable design that respects the character of the locality and contributes to local distinctiveness. The development also aligns with the principles set out in the West Oxfordshire Design Guide, which encourages contextually responsive design and the use of appropriate materials and detailing.

### **Heritage Impacts**

5.24 The site lies approximately 100 metres to the southeast of the Stonesfield Conservation Area (CA) but there are no other nearby heritage constraints. As such officers consider that the conversion to a dwelling, given the nature of the works, the distance and lack of intervisibility between it and the CA, would not give rise to any harms and is therefore acceptable in this regard.

## **CNL impacts**

- 5.25 The site falls within the Cotswolds National Landscape (CNL) and lies at the edge of the built up area of the village of Stonesfield. As such Officers must, as per the NPPF, give great weight to conserving and enhancing landscape and scenic beauty in such areas. This is back up by policy EH1 of the WOLP which states that "great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage".
- 5.26 The site falls within the Semi-enclosed Limestone Wolds - large scale character region within the wider Lower Evenlode Valley as per the West Oxfordshire Landscape Assessment 1998. This landscape is described as comprising large-scale, smoothly rolling farmland occupying the limestone plateau and dip slope. The land use is dominated by intensive arable cultivation with only occasional pasture, and the overall pattern is one of generally large-scale fields with rectilinear boundaries formed by stone walls and intermittent hedgerows, interspersed with occasional trees. The character is further defined by a sense of openness, elevated landform, and a strong visual relationship with the surrounding countryside, creating a distinctive rural setting.
- 5.27 The Assessment notes that the semi-enclosed nature of this landscape is provided by large blocks and belts of woodland, which contrast with the otherwise open character. Hedgerows, where present, are often intermittent and gappy, and the overall impression is of a managed agricultural landscape with a somewhat improved visual character. The area is also noted for its elevated and exposed qualities, with long views across the valley and a dominant sky, contributing to its scenic value.
- 5.28 Officers acknowledge that since the publication of the 1998 Assessment, the character of this part of the settlement edge has evolved. The immediate context of the site has been influenced by recent residential development and the conversion of the existing building to residential use, which has introduced a more domestic character to this part of the village edge. As a result, the transition between the built form and the open countryside is now more defined by existing dwellings and associated curtilages, rather than by an abrupt change from agricultural land to open landscape.
- 5.29 In this context, the proposal would not extend the built form further into the open countryside, nor would it introduce an isolated or visually intrusive element within the Cotswolds National Landscape. The development remains contained within the established residential envelope and does not project beyond the existing pattern of development. Given the existing residential use of the site and its relationship with adjacent dwellings, the proposal would not result in any unacceptable level of harm to the character, scenic beauty, or special qualities of the CNL. The proposal is therefore considered to conserve the landscape character in accordance with paragraph 189 of the NPPF and Policy EH1 of the West Oxfordshire Local Plan.

## **Highways**

- 5.30 The site benefits from an existing highways access sharing this with the dwellings of Skyfall and Valhalla. The proposal for the site includes retaining the existing agricultural access to the south of the dwelling to access the fields behind and proposed a new access along the NW boundary along with parking spaces for 2 vehicles to serve the dwelling.
- 5.31 Oxfordshire County Council Highways Officers have been consulted as part of this application and have raised no objection to the proposal subject to a condition requiring the parking to be retained as

per the approved plans. As such the proposal is considered acceptable in Highways terms and complies with Policy T4 of the WOLP.

## **Amenity**

5.32 Section 12 of the NPPF expects a high standard of amenity for existing and future occupiers. Starting with the amenity for future occupiers of the dwelling, the proposal seeks to provide a single 1-bedroom dwelling and as per the "Technical housing standards - nationally described space standard" such a dwelling must provide a minimum of 79 square metres of living space. The proposed dwelling provides 53 sqm on the ground floor and an additional 28 sqm at first floor level and as such this exceeds the prescribed standards, and the dwelling is therefore considered to provide sufficient internal amenity space for future occupiers.

5.33 Turning to external amenity space, whilst there are no prescribed standards for the amount of external amenity space dwellings need to provide, officers must still take regard of the relevant sections of the NPPF and Policy OS4 of the WOLP that outlines that new development should not "harm the use or enjoyment of land and buildings nearby including living conditions in residential properties". In this regard whilst the plans don't indicate any areas of garden area, there is sufficient space within the plot for sufficient private garden to be provided.

5.34 Therefore, officers consider the proposal is considered acceptable in this regard and will provide both sufficient internal and external amenity for future occupiers of the dwelling.

5.35 Turning to the impacts on neighbouring amenity, given the detached nature of the proposed dwelling located away from neighbouring properties, the proposal is not considered to give rise to any impacts in regard to overlooking nor any other privacy concerns. Officers have also sought comments from the Environmental Protection - Noise and Amenity Officers who have raised no objection to the proposal.

5.36 Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

## **Biodiversity**

5.37 Officers have consulted with WODC Biodiversity Officers, who agree with the applicant's stance that the proposal is exempt from the statutory 10% Biodiversity Net Gain requirement as it meets the de minimis exemption. The submitted information confirms that the development will impact less than 25m<sup>2</sup> of habitat with a biodiversity value greater than zero, less than 5m of linear habitat, and no priority habitats. All existing vegetation on site will be retained post-development, and the works are confined to previously developed land.

5.38 The Council's Ecologist has also considered the potential for impacts on protected species. While local records indicate the presence of species such as slow worm, common lizard, hedgehog, and nesting birds in the wider area, the site itself is of low ecological value, being largely sealed surface with no suitable habitat affected by the works. The building is in good condition with no features suitable for roosting bats, and the risk to amphibians, reptiles, and Great Crested Newts is considered low. As such, no further surveys are required, and an informative will be added to advise the applicant of their legal obligations should any protected species be encountered during works.

5.39 Although exempt from statutory BNG, the proposal includes biodiversity enhancements in line with Local Plan Policy EH3 and the NPPF. These will be secured by condition and include the integration of at least two swift bricks into the building and the implementation of a soft landscaping scheme incorporating a flowering lawn mix and a minimum of two ornamental fruit trees. These measures will provide localised habitat improvements and opportunities for foraging pollinators, contributing positively to the site's ecological value.

## **Planning Balance**

5.40 In accordance with paragraph 11(d) of the NPPF, the Council cannot currently demonstrate a five-year housing land supply, and the presumption in favour of sustainable development is therefore engaged. The proposal would deliver one additional dwelling in a sustainable village location, making a modest but positive contribution to housing supply. The development involves the re-use of an existing building within the built-up area, which aligns with the spatial strategy of the West Oxfordshire Local Plan and national policy objectives to make effective use of land.

5.41 The proposal is considered acceptable in design terms, respecting the character of the site and surrounding area, and would not result in harm to the setting of the Stonesfield Conservation Area. The site lies within the Cotswolds National Landscape; however, given the existing residential use and the containment of the proposal within the established built form, the development would not result in any unacceptable harm to landscape character or scenic beauty. The scheme provides adequate internal and external amenity for future occupiers and would not adversely affect neighbouring amenity. Highways impacts are acceptable, and biodiversity enhancements will be secured by condition.

5.42 No technical objections have been raised by statutory consultees, and the proposal is considered to comply with the relevant policies of the West Oxfordshire Local Plan, including OS2, OS4, H2, EH1, EH3, and T4, as well as the provisions of the NPPF.

## **Conclusion**

5.43 Taking the above into account, the benefits of the proposal, including the contribution to housing supply and the re-use of an existing building in a sustainable location, are considered to outweigh any limited adverse impacts. The development is acceptable in principle and in all other respects, subject to the recommended conditions. Accordingly, the application is recommended for approval.

## **6 CONDITIONS**

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

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

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

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

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

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

4. The 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.

5. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

6. 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 I, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the area and CNL.

7. At least 2 no. swift bricks to be integrated / built-in to the northern or eastern elevation wall of the new building at 1 metre intervals and in accordance with the council's Biodiversity Specification #3 before the development hereby approved is first brought into use, unless otherwise agreed in writing by the local planning authority. All the features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192, and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Notwithstanding the submitted details and prior to above ground works, a soft landscaping scheme incorporating a diverse garden lawn seed mix and at least two fruit trees as additional biodiversity enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following:
  - i. A plan showing existing vegetation to be retained and safeguarded during construction;
  - ii. A plan showing the areas to be managed for biodiversity; and
  - iii. Detailed planting and sowing specifications, including species, size, density spacing, cultivation protection (fencing, staking, guards) and non-chemical methods of weed control.

The development shall be carried out in accordance with the approved scheme and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

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

REASON: To safeguard the character and appearance of the area and to protect the dark skies of the CNL.

### **Notes to applicant**

1. **IMPORTANT:** The statutory Biodiversity Gain Plan deemed planning condition does NOT apply to this planning permission. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. There are statutory exemptions and transitional arrangements that mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one that will not require the approval of a biodiversity gain plan before development is begun because The permission which has been granted is for development which is exempt being:

Development below the de minimis threshold, meaning development which:

- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Direct lighting of bat roost features and boundary vegetation should be avoided to minimise disturbance to light-sensitive species. Guidance on lighting issues in relation to bats can be found in the Bat Conservation Trust's Guidance Note 08/23 Bats and artificial lighting at night: Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals

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.

There is a low risk that bats may be present at the development site. The Council considers it would be unreasonable to require the applicant to submit a bat survey because this could be considered disproportionate to the scale of development. Furthermore, given the particular proposals for the site, the Council considers that if bats were found, mitigation would probably not require further planning permission and a Natural England Licence would be forthcoming. Nevertheless, anyone undertaking this development should be aware that bats and their roosting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a bat licence if an offence is likely. Consideration should be given to obtaining a survey from a professional ecologist before commencing work (visit <https://cieem.net/i-need/finding-a-consultant/> to search a directory of professional ecological consultants and download a 'householder's guide to engaging an Ecologist' and 'what to expect from a bat survey - a guide for UK homeowners').

If bats or evidence of bats is found at any stage of development, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

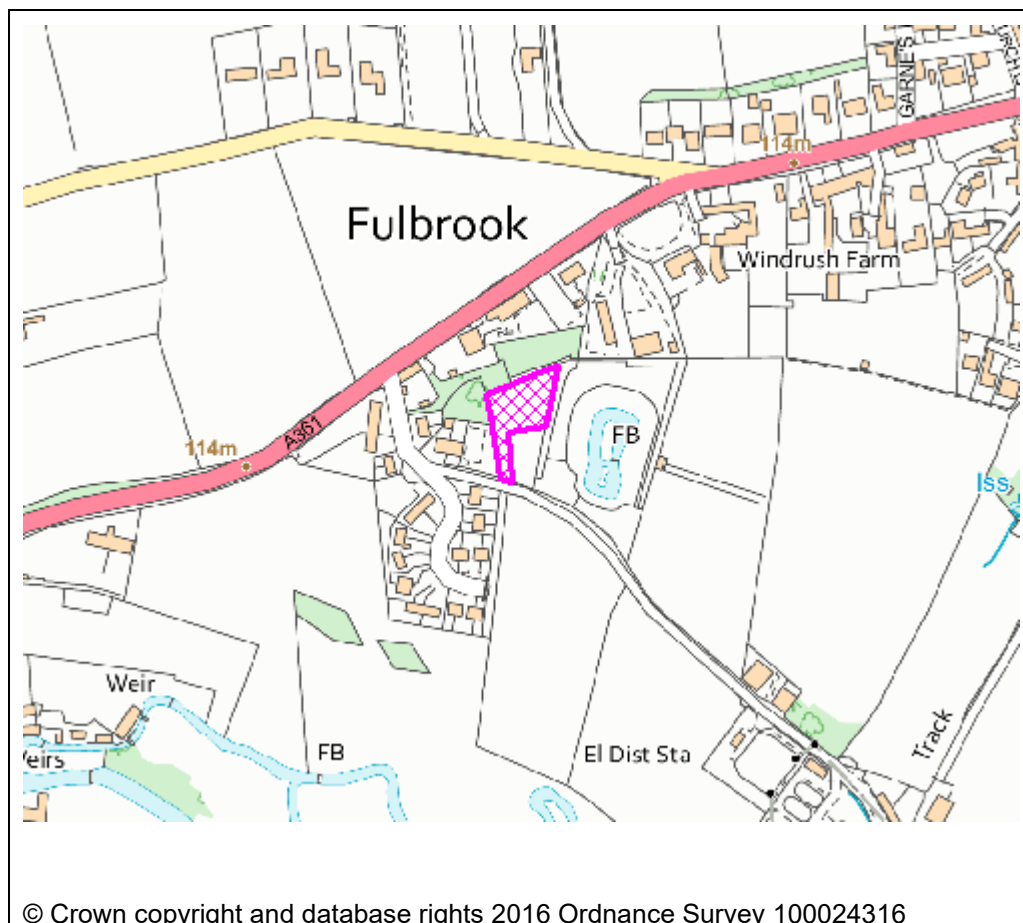
Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February, or after the young have fledged and left the nest.

**Contact Officer:** Emile Baldauf-Clark

**Date:** 8th October 2025

|                         |                                                                    |
|-------------------------|--------------------------------------------------------------------|
| Application Number      | 25/01567/FUL                                                       |
| Site Address            | Land East Of 4<br>Meadow End<br>Fulbrook<br>Burford<br>Oxfordshire |
| Date                    | 8th October 2025                                                   |
| Officer                 | Stephanie Eldridge                                                 |
| Officer Recommendations | Approve                                                            |
| Parish                  | Fulbrook Parish Council                                            |
| Grid Reference          | 425524 E 212726 N                                                  |
| Committee Date          | 20th October 2025                                                  |

### Location Map



### Application Details:

Erection of four dwellings including associated access, landscape, drainage and other works (revised drawing received)

## **Applicant Details:**

Ms Newport  
Woodgrove House  
Fulbrook  
Oxfordshire  
OX18 4BH

## **I CONSULTATIONS**

OCC Highways

No objections, subject to conditions.

District Ecologist

The submitted BNG assessment describes the 0.14ha site as being composed of modified grassland with areas of tall forbs. Much of the site will be either developed or converted to private gardens, although an area of modified grassland is being retained and planted with 15 rural trees. This tree planting is anticipated to deliver an overall 15% BNG onsite.

The presence of a rabbit warren onsite is confirmed (in the north-west corner of the field) and a single pond 30m east of the site has been found to have 'excellent' suitability for great crested newts (GCN), a European protected species.

Confirmation that the applicant is eligible for the GCN District Licensing scheme is required prior to determination.

Rabbits are not a protected species as such, but they are protected from crushing/asphyxiation under the Wild Mammals (Protection) Act 1996. Confirmation also required to confirm if the rabbit warren does require excavation. A condition can be imposed for a precautionary method of works for the rabbit warren (and badgers and reptiles).

Conditions also suggested to secure a sensitive lighting strategy and biodiversity enhancement plan.

WODC Drainage

No objection, subject to condition.

Env Health Noise And Amenity

April Paintain No objection, subject to the imposition of conditions relating to the acoustic design of the dwellings, a Construction Environmental Management Plan and construction working hours.

Parish Council

Reconsultation:

Fulbrook Parish Council notes the changes proposed by the applicants to make the project more acceptable to neighbours.

However having discussed this issue at a meeting of the full council on Sept 8 we maintain our objection to the application.

Our reasons remain the same as we previously stated but we would also like to draw your attention to the original OCC Highways report on the proposal to build the first four homes on this site which has been granted planning approval. Ref. No: 22/03500/OUT Our concern and that of Highways was for the increased pressure on a very poor junction between Walnut Row and the A361.

We note that Highways wrote as follows: The proposal, if permitted, will 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 object to the granting of planning permission. And later they conclude: The junction is grossly substandard in terms of visibility in the leading direction and in my opinion any intensification of vehicular use will be to the detriment of safety and convenience for highway users.

We note that this objection was later withdrawn after WODC informed OCC Highways of a precedent in that part of the village where the Highways objection was overturned by a planning inspector and WODC concluded that if they turned down the application, they would likely lose any appeal.

While this could be considered a financial expedient it does not negate the original assessment by OCC Highways that any development that increased vehicular use would be to the detriment of safety and convenience of highway users. If OCC Highways believed the original four homes development was detrimental to road safety then a further four homes would surely double that risk. WODC's first responsibility must surely be for the safety and well being of its residents and to allow this application would be a betrayal of that principal.

OCC Highways

Reconsultation:

No objections, subject to conditions.

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

The planning history of adjacent sites is a material consideration in the determination of a planning application.

In this case, the 2013 application at Three Bit Corner was refused by WODC and an appeal was made to the Planning Inspectorate. The Inspector upholding the appeal commented in his Decision Notice 'some local residents have expressed concerns in relation to the appeal site traffic impacting upon children walking and using the play area. However, there is no reason to believe that the level of any pedestrian/vehicle conflict would be unacceptable and concluded 'use of the site would not be to the significant detriment of highway safety'.

Fulbrook PC commented for the 2022 application on the adjacent site 'right project in the right location at the right time'.

Surveys have shown the proposal for four dwellings, if permitted, will generate during the busiest period (the AM peak hour) only three vehicular movements i.e. averaging one vehicular movement every twenty minutes. At other times of the day vehicular traffic is considerably less than this figure.

I cannot demonstrate that this level of additional vehicular traffic would cause such harm as to warrant the refusal of the application for reasons of highways safety.

Parish Council

Fulbrook Parish Council raised a number of concerns about this scheme when it was first submitted in 2023. Nothing has happened for us to change those fears. If WODC, which rejected the previous application - 23/02855/OUT - wishes to maintain a consistency of decision making you should again decline this application.

We are unhappy that there was not an application for eight houses in the first place when the initial four were granted planning permission in 2023. This is unacceptable mission creep which we fear will not end with this application.

This was discussed at a full council meeting of Fulbrook Parish Council on July 24 with 25 members of the public present - many of whom had come specifically to object to this proposal.

There was an overwhelming objection to the proposal from those present. Our objections are mirrored in the decision notice from WODC to the original application in that "the development fails to respect the semi-rural character and local distinctiveness of the area and by reason of its location would have an adverse urbanising impact on the distinctive semi-rural character of the area failing to conserve or enhance the landscape and scenic beauty of the Cotswold National Landscape and would be out of character with the form and pattern of development in the area.

It would also have a deleterious effect on the village play park which the site adjoins and the increased traffic would present a hazard to children using the play park. Residents of Meadow End are also concerned about increased traffic in what is already a poor junction with the A361.

We understand the arguments about the need for more affordable housing but we feel this is simply the wrong site. So we formally oppose this application.

Newt Officer

NatureSpace have issued the applicant with their certificate for the

GCN licensing scheme. A number of conditions and an informative have been recommended.

## **2 REPRESENTATIONS**

2.1 17 letters of objection have been received in respect of this application. The key points raised relate to:

- There is no shortfall of housing;
- Highways and pedestrian safety;
- Adverse impact on local ecology;
- Lane too narrow for construction traffic;
- Poor design and layout;
- Adverse impact on CNL;
- Not enough parking for existing houses;
- Dangerous impact on adjacent playground.

11 letters of support have also been received. The key points raised are:

- A modest and appropriate development;
- Will enable younger families or elderly residents to stay and live in the village;
- The village needs smaller, more affordable properties - there is a lack of 3-beds in the area;
- The land is underused;
- A small development like this does not put pressure on infrastructure;
- The development will be almost invisible from all sides;
- Many properties now used as holiday lets. This would help the community.

## **3 APPLICANT'S CASE**

3.1 The application is supported by a Planning, Design and Access Statement which is concluded as follows:

**Principle of development:** The proposal would provide 4 family homes within the built-up area of a Fulbrook and convenient walking distance of Burford, helping to address the identified housing shortfall as well as providing a series of public benefits (listed above) which outweigh its limited impacts. As such, the proposal complies with policies OSI, OS2, H1, H2 and BCI and the presumption in favour of sustainable development.

**Design:** The proposed development is sensitively sited, reflects the scale of its context and proposes modern cottage forms which harmonise with the character and appearance of the Limestone Wolds. As such, the proposal delivers high-quality design which respects the historic, architectural and landscape character of the area, promoting its local distinctiveness in accordance with policies OS2 and OS4.

**Landscape:** The planning context of the proposal has materially changed in that the dwellings in the southern portion of the field are now deliverable and a material consideration. The siting and scale of these approved dwellings further limits the already-low level impact of the proposal. In addition, the landscape and biodiversity enhancements proposed further screen and soft the development.

Moreover, the submitted LVA evidences that the proposal achieves an acceptable landscape impact. As such, the proposal conserves and enhances the landscape and scenic beauty of the Cotswolds National Landscape in accordance with policies OS2, EH1 and EH2 - plus the minimal and highly localised landscape impact is more than outweighed by the benefits of the proposal.

Other matters: The proposal complies with all other relevant development plan policies in relation to housing mix, natural resources, residential amenity, transport, ecology, trees and drainage.

Having regard to the above, it is considered that the proposed development accords with the development plan and the other relevant material considerations. It is therefore respectfully requested that the application be considered favourably.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2024

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the erection of four new dwellings (2 x 2-bed and 2 x 3-bed) including associated access, landscape, drainage and other works on Land to the East of 4 Meadow End in Fulbrook.
- 5.2 The site does not fall within a Conservation Area, but it is located within the Cotswolds National Landscape. There is a PROW which is located to the north of the site.
- 5.3 The application is before Members of the sub-committee for consideration as the views of the Parish Council are contrary to your officer's recommendation. The application was also called in to committee by the local ward member.
- 5.4 Amended plans and additional information have been submitted throughout the course of the application to address your officers concerns regarding the relationship between the proposed dwellings and the adjacent approved development, and to provide clarification on a number of matters raised Council's Ecologist.

## Relevant Planning History

### 5.5 This site:

23/02855/OUT - Outline application with some matters reserved for the erection of four terraced cottages with associated parking and access way - Refused for the following reason:

*'The proposed development fails to comply with the locational strategy of the adopted Local Plan in that the proposal fails to provide evidence to demonstrate that it is necessary to meet an essential operational or other specific local need. The development fails to respect the semi-rural character and local distinctiveness of the area and by reason of its location would have an adverse urbanising impact on the distinctive semi-rural character of the area failing to conserve or enhance the landscape and scenic beauty of the Cotswold National Landscape and would be out of character with the form and pattern of development in the area. As such, the development is contrary to policies OS2, OS4, H2, BCI and EH1 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the National Planning Policy Framework 2019.'*

### 5.6 The adjacent site:

22/03500/OUT - Outline application with some matters reserved for the erection of 4no terraced cottages with associated parking and access way - Approved

24/03130/RES - Reserved matters application for the erection of 4 cottages with associated parking and access way.- Approved.

5.7 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;
- Impact on the Character and Appearance of the Village;
- Layout, Scale and Design;
- Impact on the Cotswolds National Landscape;
- Highways Safety;
- Ecological Matters;
- Flood Risk and
- Residential Amenity.

## Principle

5.8 Outline consent for four dwellings on this site was refused previously for the reasons outlined above (23/02855/OUT). The key differences between the consideration of that earlier application and this one are that this application seeks full planning permission so it includes all of the proposed details, and that the Council can no longer demonstrate a five year housing land supply. Further, the reserved matters consent has now also been granted for four dwellings on the southern part of this parcel of land (24/03130/RES).

5.9 Fulbrook is identified as a village within the settlement hierarchy in the Local Plan. Policy H2 states that new dwellings will be permitted on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in

accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

- 5.10 In the consideration of the previously refused application (23/02855/OUT), the council could confidently demonstrate a 5 year housing land supply and it was not satisfactorily demonstrated that there was an identified need for these additional houses within the village.

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

- 5.11 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, your officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- Paragraph 78 *inter alia* re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

- 5.12 For a combination of reasons relating to the changes identified above, your officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

*Conclusions on the principle of residential development*

- 5.13 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

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

regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

### **Impact on the Character and Appearance of the Village and Layout, Scale and Design**

- 5.14 The proposed layout details two pairs of semi-detached dwellings (4no.units) sited in the northern part of the site to the rear of the site of approved dwellings, in a north to south orientation and fronting onto the vehicular access, with rear gardens on the east side of the dwelling. There is new tree planting in the western part of the site along the shared boundary with the Meadow End Playground. There are 8 parking spaces adjacent to the new tree planting and two further parking spaces on plot 4.
- 5.15 The application site reads as an undeveloped paddock of agricultural land. However, due to the strong boundary treatments and proximity of the site to existing, largely residential, built form, the site does not appear as open countryside, is not prominent in long views into the village and forms a negligible contribution to the landscape characteristics of the area or setting of Fulbrook. Further there are limited to no views into the site from the PROW to the north due to the existing well established tree belt along the northern boundary.
- 5.16 The approval of the Outline and Reserved Matters consent on the southern portion of the site will also transform the character and appearance of this site from paddock land to residential and would leave this gap of unused and underutilised space to the rear, which due to its siting sandwiches between the approved housing and the existing village, would not make any contribution to the character or setting of the village.
- 5.17 Your officers are of the opinion that the provision of four dwellings here would infill this empty gap and make a more efficient use of the land. The grain of development throughout Fulbrook is relatively linear with pockets and off-shoots of deeper and more dense areas of development. Walnut Row, which sits adjacent to this site, is an example of this. As such, the development of this entire parcel of land to provide four additional homes, is not considered to appear out of character.
- 5.18 The design and form of the proposed dwellings is the same as those approved in the southern part of the site. They take semi-detached two storey pitched roof forms with the larger 3-bed units featuring subservient rear projections. Each pair share a front porch projection too. Your officers are of the opinion that the design is acceptable with clean and modest proportions proposed and use of appropriate materials to match the local vernacular.

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

- 5.19 As the site is located within the Cotswolds National Landscape (formerly known as the AONB), the LPA must have regard to Local Plan policy EH1 which states "In determining development proposals within the AONB and proposals which would affect its setting, great weight will be given to conserving and enhancing the areas natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB".
- 5.20 Paragraph 189 of the NPPF also 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".

5.21 In this case, the site relates to a parcel of land bounded by development to the north and west, with Reserved Matters consent now granted for four dwellings to the south of the site too. The eastern boundary of the site, where the edge of the village meets the open countryside, features a significant and well-established tree belt.

5.22 The approval of the four dwellings on the southern part of the site will materially change the character of this parcel of land from undeveloped paddock to residential and transforms the role it plays in the setting of the village and the wider landscape. Given this, and the well-established planting, which visually contains the site from any wider landscape views, your officers do not consider that the provision of four additional dwellings, which infill the space in the northern part of the plot, would result in any harm to the landscape and scenic beauty of the Cotswolds National Landscape.

5.23 As such, the application is considered to be acceptable in these terms.

## **Highways**

5.24 Your officers note the concerns raised by the Parish Council and local residents with regards to the impact of the development on highways safety and convenience given the narrow lane and its location adjacent to the playground.

5.25 However, the Local Highway Authority has raised no objections to the application. They have provided additional comments which explain that four dwellings, if permitted, will generate only three vehicular movements in the busiest period of the day (the AM peak hour) - this would average out at one vehicular movement every twenty minutes in the busiest hour of the day. At other times of the day vehicular traffic is considerably less than this figure. As such, the Highways Officer cannot demonstrate that this level of additional vehicular traffic would cause such harm as to warrant the refusal of the application for reasons of highway safety.

5.26 They also refer back to a 2013 appeal decision WODC Ref. 13/0911/PIFP (PINs Ref. APP/D3125/A/14/2216455) at Three Corner Bit, Meadow End, Fulbrook- Change of use of land to Romani gypsy caravan site, conversion of existing buildings to create utility block & dayroom with associated works, (part retrospective). This appeal was dismissed with the inspector stating 'some local residents have expressed concerns in relation to the appeal site traffic impacting upon children walking and using the play area. However, there is no reason to believe that the level of any pedestrian/vehicle conflict would be unacceptable' and concluded 'use of the site would not be to the significant detriment of highway safety'.

5.27 In light of this, the application is considered to be acceptable in highways safety terms, subject to the imposition of conditions to secure parking as specified on the plans and specifications of the drive details.

5.28 Your officers note the concerns raised by local residents regarding construction traffic along the narrow lane which is adjacent to the play park and Walnut Row which can become very congested with parked cars. As such, a condition has been included to secure the submission of a Construction Traffic Management Plan prior to the commencement of development.

## **Ecological Matters**

5.29 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes

protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. From 12th Feb 2024, it is also mandatory for all development (other than some exemptions) to deliver 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

5.30 In this case, the application site is currently comprised of modified grassland with areas of tall forbs (typically stands of large, non-woody, broadleaf flowering plants that are not grasses, sedges, or rushes).

5.31 Much of the site will be either developed or used for private gardens, although an area of modified grassland is being retained and planted with 15 rural trees. This tree planting is anticipated to deliver an overall 15% Biodiversity Net Gain onsite.

5.32 The presence of a rabbit warren onsite is confirmed (in the north-west corner of the field) and a single pond 30m east of the site has been found to have 'excellent' suitability for great crested newts (GCN), a European protected species.

5.33 As such, the applicant has signed up to the Council's Great Crested Newt District Licensing scheme with NatureSpace who have now granted the relevant certificate and have recommended a number of conditions and an informative which have been included.

5.34 The Council's Ecologist is satisfied with the BNG proposals and have recommended a number of conditions to secure appropriate precautionary measures, mitigation and enhancements relating to protected species, including the rabbit warren.

5.35 As such, the application is considered to be acceptable with regard to ecological matters.

### **Flood Risk**

5.36 The site falls within Flood Zone 1 and is at low risk of flooding. The Council's Flood Risk Management Officer has raised no objections to the application, subject to the imposition of a pre-commencement surface water drainage strategy condition.

### **Residential Amenities**

5.37 The proposed new dwellings, by virtue of their scale, footprint, design and layout, would meet the Governments nationally described space standards and would be afforded decent private outdoor amenity space.

5.38 Amended plans were submitted during the course of the application as your officers raised concerns that Plots 3 & 4 of the approved development in the southern part of the site would face directly into the rear garden of plot 4 of the proposed development with a separation distance of only 12m (from the rear elevation to the garden boundary). Further, although there is a side to rear relationship, the side elevation of the proposed plot 4 would have only been located around 12.5m from the rear elevation of plots 1 & 2 of the approved development and would extend across the entire rear boundary of the garden serving plot 2 of the approved development. While the proposed development is located to the north of the approved housing, your officers were also concerned that this could feel quite overbearing given those relatively modest distances. As such, the proposed layout of the

development was amended to move the dwellings further north within the site to increase the separation distances to at least 15m side to rear.

5.39 Your officers are of the opinion that these relationships are now acceptable, and the proposed development would not adversely impact the occupiers of the recently approved development to the south. Further, the application site is located a sufficient distance away from any other existing nearby properties so that it will not result in any harm in that regard.

5.40 The Council's Environmental Health team has been consulted on the application and have recommended the imposition of a number of conditions relating to the acoustic design of the dwellings (to reduce any noise impacts between the proposed dwellings once built), a Construction Environmental Management Plan and construction working hours to ensure noise and dust is minimised during the construction period due to the sites proximity to the playground.

## **Conclusion**

5.41 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. 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.

5.42 Where policies for the supply of housing are out of date, para.11 d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless:

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

5.42 In this case, the site is located within the Cotswolds National Landscape. However, for the reasons outlined above, your officers cannot demonstrate any harm to the landscape and scenic beauty of the CNL. As such, with regard to the first point of paragraph 11d there is no impact on any protected areas or assets of particular importance that provides a clear reason for refusing the development.

5.43 With regard to the second point, your officers are of the opinion that a development of this modest scale in this location would infill this gap making a more efficient use of the land and would form a logical complement to the existing village which would respect the wider landscape character. There are no demonstrable harms that would outweigh the benefits associated with the provision of 4 new dwellings in the village towards the Council's housing land supply shortfall. Additional benefits include the provision of 15% biodiversity net gain and short term economic benefits through employment during the build process and increased expenditure in the local area.

5.44 As such, the application is recommended for approval, subject to the imposition of the conditions set out within this report.

## 6 CONDITIONS

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

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

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

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

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

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

4. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

5. The external walls of the proposed development to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.

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

6. No development shall be undertaken (including any site and/or vegetation clearance) until a precautionary method of works statement (PMWS) has been submitted to and approved in writing by the local planning authority. The PMWS shall contain details of specific measures to avoid harm to any mammals during excavation of onsite mammal holes, the results of a pre-commencement site walkover for badger conducted by a suitably qualified ecologist and confirmation that the suitability of the site for reptiles is unchanged or, if this is not the case, details of a passive displacement exercise for reptiles to be adhered to during vegetation clearance.

The approved PMWS shall be adhered to and implemented throughout the construction period in accordance with the approved details.

REASON: To avoid harm to biodiversity in accordance with the NPPF 2024 paragraph 193 and Local Policy EH3. To avoid an offence under the Wild Mammals (Protection) Act 1996. With consideration for priority species in accordance with the NPPF 2024 paragraph 192 and the Natural Environment and Rural Communities Act 2006.

7. 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 shall:
- a) Identify the areas/features on site that are particularly sensitive for foraging and commuting bats;
  - 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 in accordance with the specifications and locations set out in the strategy.

REASON: To protect bats 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.

8. Prior to first occupation of the development hereby approved, a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the Landscape Proposals Plan (ND Landscape Architects, June 2025) associated with the planning application and the approved biodiversity gain plan, including details of the following:
- a) A full planting schedule utilising primarily native species;
  - b) Full elevations plans detailing the model and location of integral swift boxes in accordance with BS 42021:2022 (north/east facing, 4m from the ground and with unobstructed access);
  - c) Details of externally-mounted bat and bird boxes which are to be of durable construction and suitably located;
  - d) Locations of 13×13cm holes in closed-board fencing provided for hedgehogs
  - e) Rolling, long-term maintenance measures covering up to a 30-year period; and
  - f) Details of responsible persons.

The approved plan shall be implemented as described and retained thereafter.

REASON: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land East of 4 Meadow End: Impact plan for great crested newt District Licensing (Version 1)" dated 23rd September 2025.

REASON: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

10. 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 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. 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.

11. The dwellings shall not be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.

REASON: To ensure that a usable parking area is provided and retained.

12. 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.

13. Development shall not begin until a construction traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.

REASON: In the interests of Highway safety.

14. The acoustic design of the new residential homes shall accord with the internal and external (50dB in amenity spaces) noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.

REASON: To protect the amenity of the future occupants.

15. Prior to the commencement of development, a suitable Construction Environmental Management Plan (CEMP) showing how noise and dust is to be minimised and controlled during site clearance and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CEMP.

Given the proximity of the adjacent playground, and the duration of works, the CEMP shall include the following:

- Water suppression equipment will be available at all times during construction.

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

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

16. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

### Notes to applicant

1. Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

All wild birds and their nests are protected from harm under Section 1 of the Wildlife and Countryside Act 1981. As such, any works which may result in impacts to nesting birds should be conducted outside of the core nesting season which is March through August (inclusive) or under ecological supervision. A suitable exclusion zone should be established around any active bird nest in the event one is discovered during works; this exclusion zone should be maintained until all nesting birds have fledged and the nest is unoccupied.

GCN: It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR150, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.

2. Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:
  - Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
  - Wall, floor and roof insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy and water efficient appliances and fittings

- Water recycling
- Materials with low embodied carbon

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/planning-application-supporting-information/sustainability-standards-checklist/>  
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

3. 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))
  - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (VI.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 standards for the design, maintenance and operation of surface water drainage systems in England (June 2025)
4. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

**Contact Officer:** Stephanie Eldridge

**Date:** 8th October 2025

## West Oxfordshire District Council – DELEGATED ITEMS

### Application Types Key

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

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

## West Oxfordshire District Council – DELEGATED ITEMS Week Ending 2nd October 2025

| Application Number.                                                                                                                                                                                      | Ward.                | Decision. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------|
| 1. <b>25/00471/CND</b>                                                                                                                                                                                   | Ascott and Shipton   | APP       |
| Discharge of condition 5 (structural report) of Listed Building Consent 24/01036/LBC<br><b>Coldstone House 50 Shipton Road Ascott Under Wychwood</b><br>Alice Royden                                     |                      |           |
| 2. <b>25/00699/OUT</b>                                                                                                                                                                                   | Woodstock and Bladon | SI06      |
| Affecting a Conservation Area<br><br>Outline planning application with some matters reserved to erect a self-build dwelling<br><b>Land North East Of Manor Farm Cottage 14 Manor Road</b><br>Mr W Hutton |                      |           |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------|------|
| 3.                                                                                                                                                                                                                                                                                                                                 | <b>25/00887/FUL</b> | Ascott and Shipton             | APP  |
| <p>Construction of detached single dwelling with double garage and provision of new pedestrian access. (amended plans)</p> <p><b>1 Wychwood Court London Lane Ascott Under Wychwood</b></p> <p>Mr Sprenger</p>                                                                                                                     |                     |                                |      |
| 4.                                                                                                                                                                                                                                                                                                                                 | <b>25/01030/CND</b> | Woodstock and Bladon           | SPL  |
| <p>APPROVED:-REFUSED:-</p> <p><b>Marlborough School Shipton Road Woodstock</b></p> <p>Susie Morrissey</p>                                                                                                                                                                                                                          |                     |                                |      |
| 5.                                                                                                                                                                                                                                                                                                                                 | <b>25/01072/FUL</b> | Kingham, Rollright and Enstone | APP  |
| <p>Redevelopment of the Mill House Hotel site to provide 10 x holiday cottages (CI use). Associated provision of access roads, parking, service buildings, hard and soft landscaping and associated works (part retrospective) (additional info received)</p> <p><b>Mill House Hotel Station Road Kingham</b></p> <p>C/O Agent</p> |                     |                                |      |
| 6.                                                                                                                                                                                                                                                                                                                                 | <b>25/01099/FUL</b> | Freeland and Hanborough        | SI06 |
| <p>Affecting a Conservation Area</p> <p>Erection of a self-build dwelling and detached garage following the severance of market garden land, together with associated access and landscaping. (amended plans)</p> <p><b>Land South Of Millwood End Long Hanborough</b></p> <p>Jonathan And Lucy Bowden</p>                         |                     |                                |      |
| 7.                                                                                                                                                                                                                                                                                                                                 | <b>25/01110/S73</b> | Kingham, Rollright and Enstone | APP  |
| <p>Variation of conditions 2, 12, 13, 14 and 20 of Planning Permission 22/03311/FUL to allow changes to the hotels communal facilities (revised and additional information received)</p> <p><b>Mill House Hotel Station Road Kingham</b></p>                                                                                       |                     |                                |      |
| 8.                                                                                                                                                                                                                                                                                                                                 | <b>25/01111/CND</b> | Charlbury and Finstock         | APP  |
| <p>Affecting a Conservation Area</p> <p>Discharge of conditions 5 (lighting design strategy for biodiversity) and 6 (details of roosting opportunities) of Planning Permission 23/00749/FUL</p> <p><b>Charlbury Community Centre Enstone Road Charlbury</b></p> <p>Mr Ashley Beighton</p>                                          |                     |                                |      |

9. **25/01459/CND** Kingham, Rollright and APP  
Enstone
- Discharge of conditions 10 (lighting design strategy), 12 (details of boundary treatment), 13 (landscape scheme), 17 (Passivhaus Planning Package) and 18 (details of bin store) of Planning Permission 23/00860/FUL  
**Cedar Lodge Church Enstone Chipping Norton**  
Mr Roger Burton
10. **25/01467/FUL** Stonesfield and Tackley REF
- Erection of a one-bedroom detached holiday let.  
**Skyfall Church Street Stonesfield**  
Mr Dainel Hobbs
11. **25/01514/HHD** The Bartons APP  
Affecting a Conservation Area
- Erection of single storey side and rear extensions, garage conversion to create habitable space with pitched roof and block up existing drive and create new access off Woodway Road.  
(Amended drawings)  
**10 Enstone Road Middle Barton Chipping Norton**  
Mrs Liz Jupp
12. **25/01533/HHD** Ascott and Shipton APP
- Erection of two storey front and single storey side extensions, demolition of outbuilding and walling to relocate two parking spaces (part retrospective) (amended description)  
**3 Blenheim Cottages Burford Road Shipton Under Wychwood**  
Mr And Mrs March
13. **25/01546/CLP** Hailey, Minster Lovell and WDN  
Leafield
- Certificate of Lawfulness (siting of mobile caravan to be used as ancillary accommodation for elderly parent and construction of hard standing for accessibility).  
**Pond Farmhouse Witney Road Finstock**  
Mrs Belinda Drake
14. **25/01564/HHD** Hailey, Minster Lovell and APP  
Leafield
- Alterations to exterior fenestration of the main house and annexe, removal of existing oil tank and surrounding wall enclosure and formation of new terrace/courtyard garden areas.  
**Lower Farm Witney Lane Leafield**  
Mr And Mrs Simon And Cressida Cowell

15. **25/01585/HHD** The Bartons APP
- Internal and external works including adjustment to a rear single storey extension, repair of roofing to main and ancillary structures, including dormers, rooflights, slates, leadwork and rainwater systems, repair to damaged stonework, repair and redecoration of timberwork/joinery, removal of indoor swimming pool and reintroduction of historic windows and doors to original building.  
**Park House Over Worton Chipping Norton**  
 Luke Allum
16. **25/01586/LBC** The Bartons APP
- Internal and external works including erection a rear single storey extension, repair of roofing to main and ancillary structures, including dormers, rooflights, slates, leadwork and rainwater systems, repair to damaged stonework, repair and redecoration of timberwork/joinery, removal of indoor swimming pool and reintroduction of historic windows and doors.  
**Park House Over Worton Chipping Norton**  
 Luke Allum
17. **25/01600/HHD** Stonesfield and Tackley REF  
 Affecting a Conservation Area
- Construction of two storey rear extension to provide additional living space over three floors and erection of replacement front entrance porch and new boundary walling. Refurbishment works to include re-roofing and insertion of dormer window in existing front roof. Conversion and extension of existing barns to create a family annexe.  
**Protestant House The Cross Stonesfield**  
 Mr And Mrs N Horan
18. **25/01613/HHD** Kingham, Rollright and APP  
 Enstone
- Affecting a Conservation Area
- Works to include construction of front entrance porch extension and alterations to boundary wall to improve courtyard access together with landscaping works to front courtyard. Alterations to existing dining room window openings and cill heights.  
**Southfield House South End Great Rollright**  
 Mr Barry Gibson
19. **25/01623/CND** Kingham, Rollright and APP  
 Enstone
- Discharge of condition 6 (lighting design strategy) of Planning Permission 24/00350/HHD  
**Magpie Farm Enstone Road Heythrop**  
 Mr Michael Holland

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| 20.                                                                                                                                                                                                                                                                                                                                       | <b>25/01625/S73</b> | Kingham, Rollright and Enstone | APP |
| <p>Variation of conditions 2 and 5 of permission 23/03417/FUL to allow an alternative landscaping layout and planting scheme</p> <p><b>Land And Buildings For Soho House Property Great Tew Oxfordshire</b></p> <p>Soho House UK Ltd</p>                                                                                                  |                     |                                |     |
| 21.                                                                                                                                                                                                                                                                                                                                       | <b>25/01638/HHD</b> | Freeland and Hanborough        | REF |
| <p>Erection of shed. (Part Retrospective).</p> <p><b>Maple House 9 Witney Road Long Hanborough</b></p> <p>Mr Gjergji Shajko</p>                                                                                                                                                                                                           |                     |                                |     |
| 22.                                                                                                                                                                                                                                                                                                                                       | <b>25/01641/HHD</b> | Stonesfield and Tackley        | APP |
| <p>Removal of existing conservatory and erection of single storey rear extension together with associated works.</p> <p><b>16 Pumbro Stonesfield Witney</b></p> <p>Mr Dominic O'Connor</p>                                                                                                                                                |                     |                                |     |
| 23.                                                                                                                                                                                                                                                                                                                                       | <b>25/01644/HHD</b> | Milton Under Wychwood          | APP |
| <p>insertion of first floor bathroom window to side (North West) elevation.</p> <p><b>Hill Farm Cottage Bruern Road Milton Under Wychwood</b></p> <p>Dafydd Leighton</p>                                                                                                                                                                  |                     |                                |     |
| 24.                                                                                                                                                                                                                                                                                                                                       | <b>25/01655/CND</b> | Stonesfield and Tackley        | APP |
| <p>Discharge of conditions 3 (schedule of materials), 7 (roofing materials), 10 (contamination risk assessment), 12 (surface water drainage scheme), 14 (landscaping scheme), and 19 (boundary treatment) of planning permission 25/00425/FUL (updated description)</p> <p><b>Starveall Farm Woodleys Woodstock</b></p> <p>Mr O'Brien</p> |                     |                                |     |
| 25.                                                                                                                                                                                                                                                                                                                                       | <b>25/01659/CND</b> | Brize Norton and Shilton       | APP |
| <p>Discharge of condition 3 (Bat emergence report) of permission 24/01030/FUL</p> <p><b>South Lawn Farm South Lawn Swinbrook</b></p> <p>Mr W Mackinnon</p>                                                                                                                                                                                |                     |                                |     |

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| 26.                                                                                                                                                                                                                                                                                                                                                                              | <b>25/01665/HHD</b> | Kingham,<br>Enstone | Rollright | and | APP |
| <p>Erection of garden storage building.<br/> <b>Taillards Barn Gagingwell Chipping Norton</b><br/> Mr Crawford And Ms Williams</p>                                                                                                                                                                                                                                               |                     |                     |           |     |     |
| 27.                                                                                                                                                                                                                                                                                                                                                                              | <b>25/01669/LBC</b> | Kingham,<br>Enstone | Rollright | and | APP |
| <p>Affecting a Conservation Area</p> <p>Modification of first floor window<br/> <b>24 The Green Great Tew Chipping Norton</b><br/> Mr Phil Eustice</p>                                                                                                                                                                                                                           |                     |                     |           |     |     |
| 28.                                                                                                                                                                                                                                                                                                                                                                              | <b>25/01671/HHD</b> | Kingham,<br>Enstone | Rollright | and | APP |
| <p>Affecting a Conservation Area</p> <p>Demolition of the summer room extension, reconstruction of the eastern wing of the house, alongside other associated external alterations. Installation of a swimming pool together with associated development.<br/> <b>Oakridge House Enstone Road Little Tew</b><br/> Sydney Zuellig</p>                                              |                     |                     |           |     |     |
| 29.                                                                                                                                                                                                                                                                                                                                                                              | <b>25/01673/CND</b> | Chipping Norton     | APP       |     |     |
| <p>Affecting a Conservation Area</p> <p>Discharge of conditions 8 (refuse bins and cycle parking facilities), 10 (hard and soft landscaping), 19 (external lighting), 21 (road junction details) and 22 (roads, driveways and footpath details) of planning permission 23/00843/FUL.<br/> <b>Land To The Rear Of 17 - 18 High Street Chipping Norton</b><br/> Mr Robin Lomas</p> |                     |                     |           |     |     |
| 30.                                                                                                                                                                                                                                                                                                                                                                              | <b>25/01681/LBC</b> | Kingham,<br>Enstone | Rollright | and | APP |
| <p>Affecting a Conservation Area</p> <p>Internal alterations to structurally upgrade 2 no. Inner Hall Beams, New WC/Shower to attic landing, upgrading the floor of the Bathroom, and amendments to the entrance beams.<br/> <b>Bell House Chipping Norton Road Little Tew</b><br/> Philippa Radford</p>                                                                         |                     |                     |           |     |     |

31. **25/01687/CLE** Kingham, Rollright and APP  
Enstone  
Affecting a Conservation Area  
  
Certificate of lawfulness (use of land for ancillary residential purposes in association with adjacent cottages)  
**Land South Of Ibstock Cottages Enstone Road Little Tew**  
Mr R Paget
32. **25/01728/HHD** Burford APP  
Affecting a Conservation Area  
  
Proposed single storey rear extension (part retrospective)  
**10 Windrush Close Burford Oxfordshire**  
Mr Gareth Redman
33. **25/01756/HHD** Chadlington and Churchill APP  
Affecting a Conservation Area  
  
Conversion of existing outbuilding into living accommodation and replacement of existing carport (Part Retrospective)  
**Wagon Wheel Cottage Charlbury Road Spelsbury**  
Tom Worsley
34. **25/01763/LBC** Kingham, Rollright and APP  
Enstone  
Internal and external alterations to farmhouse including replacement windows, reinstatement and refurbishment of original fireplace with new stone fireplace surround and log burning stove, refurbishment of first floor fireplace grate with new stone surround, landscaping alterations to access arrangement and approach to principal entrance and new rear timber deck. (updated plans)  
**Upper Farm Cleveley Chipping Norton**  
Mr And Mrs Julian And Weini Craughan
35. **25/01765/S73** Kingham, Rollright and APP  
Enstone  
Variation of condition 2 of Planning Permission 24/00854/HHD to allow for alterations to the window on north and west elevations, alterations to the fireplaces, updated landscaping to improve access arrangements and addition of rear timber decking. (amended plans)  
**Upper Farm Cleveley Chipping Norton**  
Mr & Mrs Julian & Weini Craughan

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|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----|
| 36. | <b>25/01778/HHD</b>                                                                                                                                                                               | Freeland and Hanborough        | APP |
|     | <p>Erection of a front porch extension<br/> <b>Blowings Lea 155 Wroslyn Road Freeland</b><br/> Mr David Bosley</p>                                                                                |                                |     |
| 37. | <b>25/01779/FUL</b>                                                                                                                                                                               | Kingham, Rollright and Enstone | APP |
|     | <p>Retrospective application for the retention of 1 No steel shipping container to be used for storage.<br/> <b>Caravan Allen Building And Construction Compound New Town</b><br/> Mr M Allen</p> |                                |     |
| 38. | <b>25/01820/CONBGP</b>                                                                                                                                                                            | Milton Under Wychwood          | APP |
|     | <p>Discharge of Biodiversity Net Gain details required by Planning Permission 25/01222/FUL<br/> <b>Quartern The Heath Milton Under Wychwood</b><br/> Mr Matt Cavill</p>                           |                                |     |
| 39. | <b>25/01816/LBC</b>                                                                                                                                                                               | Brize Norton and Shilton       | APP |
|     | <p>Affecting a Conservation Area</p> <p>Replacement windows<br/> <b>Downham Cottage Asthall Burford</b><br/> Mrs Judy Campbell-Johnston</p>                                                       |                                |     |
| 40. | <b>25/01822/HHD</b>                                                                                                                                                                               | Burford                        | APP |
|     | <p>Affecting a Conservation Area</p> <p>Replacement windows and doors<br/> <b>Coombe Brook Lodge Taynton Burford</b><br/> Homestyle Windows LTD</p>                                               |                                |     |
| 41. | <b>25/01826/CND</b>                                                                                                                                                                               | Chadlington and Churchill      | APP |
|     | <p>Discharge of condition 4 (surface water drainage scheme) of Planning Permission 22/01773/FUL<br/> <b>Churchill Heath Farm Kingham Chipping Norton</b><br/> Mr Alex Neate James</p>             |                                |     |

42. **25/01832/CLASSR** Kingham, Rollright and P2NRQ  
Enstone
- Change of use of Barns 1, 2 and 3 to a flexible commercial use (Class E(g)i and E(g)(iii) and agricultural training and F2(c).  
**Manor Farm Little Rollright Chipping Norton**  
Little Rollright Estates Limited
43. **25/01834/HHD** Woodstock and Bladon APP
- Erection of single and two storey rear extensions  
**29 Oxford Road Woodstock Oxfordshire**  
Mr & Mrs Whitfield
44. **25/01838/LBC** Kingham, Rollright and APP  
Enstone
- Affecting a Conservation Area
- Internal and external alterations to include erection of single storey rear extension with glazed link and associated works  
**No Oven Cottage Chipping Norton Road Little Tew**  
C/O Agent
45. **25/01850/S73** Kingham, Rollright and APP  
Enstone
- Affecting a Conservation Area
- Variation of conditions 2 and 3 of permission 23/00537/HHD to allow minor alterations to design including change to external materials and fenestration.  
**No Oven Cottage Chipping Norton Road Little Tew**  
C/O Agent
46. **25/01851/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Erection of two storey rear extension.  
**Hix Cottage Hixet Wood Charlbury**  
Ms J Michl
47. **25/01856/HHD** Milton Under Wychwood APP
- Erection of a single storey side extension and entrance canopy  
**18 Wychwood Close Milton Under Wychwood Chipping Norton**  
Mr And Mrs Bateman

48. **25/01875/TCA** Charlbury and Finstock RNO  
Affecting a Conservation Area
- 5 Larch - Over mature and in poor condition with risk to wind blow and heave .  
9 Spruce - Over mature and in poor condition with risk to wind blow and heave  
**Woody Lane House Woody Lane Charlbury**  
Mr J Schicht
49. **25/01879/TCA** Ascott and Shipton RNO  
Affecting a Conservation Area
- T1 - Whitebeam - Crown reduce by 1.5 -2 metres & crown raise low branches to 3 metres.  
T2 - Cotoneaster - Crown reduce by up to 2 metres.  
T3 - Beech - Crown raise to 4.5 metres. Crown reduce height by 2 metres & reduce over extended side branches all round by up to 3 metres.  
T4 - Holly - Fell to ground level.  
T5 - Cotoneaster - Crown reduce by 1 metre & remove branch rubbing on fence  
T6 - Purple leaved plum - Crown reduce by 2.5 metres & crown raise to 2 metres  
T7 - Whitebeam - Prune back from back from house to provide 1 metre clearance.  
**11 Tothill Shipton Under Wychwood Chipping Norton**  
Mrs Kamilla Thomas
50. **25/01881/HHD** Woodstock and Bladon APP  
Erection of a single storey extension (part retrospective)  
**35 Hill Rise Woodstock Oxfordshire**  
Mr Jackson
51. **25/01888/HHD** Stonesfield and Tackley APP  
Affecting a Conservation Area
- Construction of single storey rear extension  
**Stone Cottage 2 Castle Road Wootton**  
Ms. J. Comer
52. **25/01891/CND** Kingham, Rollright and APP  
Enstone
- Discharge of Condition 23 (archaeological investigation) of Planning Permission 18/03319/OUT.  
**The Driving Centre Enstone Airfield Enstone**  
MAM DEV CO LTD

53. **25/01895/S73** Chadlington and Churchill APP  
Affecting a Conservation Area
- Variation of condition 3 of Planning Permission 21/03311/HHD to enable amendments to the approved design to regularise the current works (part retrospective)  
**The Old Carthouse 7 Chillford Barns Churchill**  
Mr And Mrs John And Loraine Arnott
54. **25/01911/TCA** Chipping Norton RNO
- T1 Sycamore - Crown reduction by 2.5m removing uprights back to previous points  
**Bramble Cottage 7 Rockhill Farm Court Chipping Norton**  
Mrs Jones
55. **25/01898/TCA** Burford RNO  
Affecting a Conservation Area
- T1 - Dead plum tree - Fell - remove root and grind stump. Replacement tree to be planted. (A on plan)  
T2 - Cherry tree - Fell - Risk of damage to listed wall. (B on plan)  
T3 - Yew tree - Lift crown to match tree next to it. (C on plan)  
T4 - Leylandii - Fell - causing damage to wall (D on plan)  
T5 - Apple tree - Prune to maintain its health (E on plan)  
**The Great Lodge 34 Witney Street Burford**  
Mrs Jennifer Collins
56. **25/01901/HHD** Chipping Norton APP
- Construction of carport, erection of a single storey extension and installation of gate at front access (part retrospective) (amended description)  
**Hunts View 43B Worcester Road Chipping Norton**  
Mrs Chloe Hill-Thomas
57. **25/01907/CND** Kingham, Rollright and APP  
Enstone
- Discharge of condition 22 (Construction Environmental Management Plan) of Planning Permission 22/03415/FUL  
**The Driving Centre Enstone Airfield Enstone**  
MAM DEV CO LTD

58. **25/01914/TCA** Kingham, Rollright and RNO  
Enstone  
Affecting a Conservation Area  
  
T1-Red maple - Crown reduce by 1.5 metres.  
**6 The Grange Kingham Chipping Norton**  
Mr Deon Botha
59. **25/01919/TCA** Burford RNO  
Affecting a Conservation Area  
  
T1-Ash - Remove 2 x lowest branches on property side to clear building. Crown raise 5 metres all round to reduce property overhang .remove deadwood, sever ivy.  
T3- Purple leaved plum- Crown reduce by up to 1.5 metres focusing on overhang.  
T4- Holly- Crown reduce by 2.5 metres.  
**The Presbytery 171 The Hill Burford**  
Joy Nelson
60. **25/01920/TCA** Ascott and Shipton RNO  
Affecting a Conservation Area  
  
MT1-Ash- Pollard at 4 metres -fist main point due to sparse central canopy and dropping branches in the summer  
**12 Tothill Shipton Under Wychwood Chipping Norton**  
Mrs Hughill
61. **25/01922/TCA** Kingham, Rollright and RNO  
Enstone  
Affecting a Conservation Area  
  
T1 Prunus Padus - Removal of Tree. \* SK001  
**Mayhall Cottage 9 Manor Farm Close Kingham**  
Scott Fitzgerald
62. **25/01931/TCA** Charlbury and Finstock RNO  
Affecting a Conservation Area  
  
Ash - Fell to ground  
Maple - Fell to ground  
**Land South Of Woody Lane House Woody Lane Charlbury**  
Mr J Schicht

63. **25/01932/PDEM28** Freeland and Hanborough P4REF  
Affecting a Conservation Area  
  
Demolition of front porch on the Hand and Shears pub  
**The Hand And Shears Church Road Church Hanborough**  
Mr Robert Crocker
64. **25/01934/TCA** Chipping Norton RNO  
  
T1-Bay-Fell- client feels the tree outgrown its position.  
T2-Mountain ash-Reduce overextended branches by 0.5 meters.  
**Rowell Yard West Street Chipping Norton**  
Mr David Heyes
65. **25/01935/TCA** Charlbury and Finstock RNO  
Affecting a Conservation Area  
  
T1-Birch (dead)- Fell to leave a height of 2-3 meters depending on decay  
G1-Hazel and field maple- Pollard at 2 metres due to heavy dieback  
T2-Cherry- Fell to ground level due to heavy die back  
T3- Elder (dead)- Fell to ground level (dead)  
**19 The Green Charlbury Chipping Norton**  
Mrs Angela Gwatkin
66. **25/01936/LBC** Kingham, Rollright and APP  
Enstone  
Affecting a Conservation Area  
  
Amendments to glazed link roof and rooflight location in extension  
**Bell House Chipping Norton Road Little Tew**  
Philippa Radford
67. **25/01948/CND** Ascott and Shipton APP  
Affecting a Conservation Area  
  
Discharge of condition 5 (detailed record drawing) of Listed Building Consent 22/03/14/LBC  
**Salus House Milton Road Shipton Under Wychwood**  
Mr Craig Satchwell
68. **25/01975/CLP** Stonesfield and Tackley WDN  
  
Certificate of lawfulness (Erection of a single storey extension)  
**8 St Nicholas Road Tackley Kidlington**  
Mr And Mrs Robson

69. **25/01981/S73** Charlbury and Finstock APP  
Affecting a Conservation Area
- Variation of condition 2 of permission 23/00572/FUL to allow alterations to the design of the internal layout and footprint shape together with adjustments to the position and shape of some of the glazing elements  
**14 Woodstock Road Charlbury Chipping Norton**  
Mr Jim Wiltshire
70. **25/01996/CND** Woodstock and Bladon SPL
- APPROVED:-REFUSED:-  
**Land North Of Hill Rise Woodstock**  
Mr Mark Utting
71. **25/02000/PN42** Freeland and Hanborough P2NRQ
- Erection of single storey rear extensions 8m x 3m (3m maximum height)  
**51 Wroslyn Road Freeland Witney**  
Sam Bradbury
72. **25/02016/PDET28** Kingham, Rollright and Enstone P2NRQ
- Prior notification for alterations to an existing agricultural building and formation of access track.  
**Durhams Farm Chastleton Moreton-In-Marsh**  
Mr David Burson
73. **25/02015/NMA** Stonesfield and Tackley APP  
Affecting a Conservation Area
- Erection of two-storey side extension, first-floor rear extension, garage conversion and porch (non-material amendment to allow smaller single window and a standard external door in place of approved window in front elevation of garage conversion).  
**Karinya Churchfields Stonesfield**  
Mrs Vicky Tomlinson
74. **25/02099/TCA** Chipping Norton RNO  
Affecting a Conservation Area
- T2 - Cherry - Reduce Northern canopy by up to 3 metres due to overhanging property  
**20 West End Chipping Norton Oxfordshire**  
Mr David Sharkey

75. **25/02104/TCA** Kingham, Rollright and RNO  
Enstone  
Affecting a Conservation Area  
  
Felling of 3 Ash, 1 Elm, 2 Spruce and a reduction of 3 Sycamores  
**Manor House Chipping Norton Road Little Tew**  
Mr David Reston
76. **25/02107/TCA** Charlbury and Finstock RNO  
Affecting a Conservation Area  
  
T1 Norway Maple - Crown reduction- focused on n/e extended canopy to reduce by up to 4m. Reduce top by up to 3m.  
T2 Ash - Fell dead stem - leave timber cut into manageable sections in situ  
**Charlbury Community Centre Enstone Road Charlbury**  
Mr Sam Hargreaves
77. **25/02100/CND** Stonesfield and Tackley APP  
Affecting a Conservation Area  
  
Discharge of Condition 5 (schedule of materials and window and door details) of Planning Permission 23/02845/HHD  
**4 The Cottages Churchfields Stonesfield**  
Mr David Weston
78. **25/02118/TCA** Charlbury and Finstock RNO  
Affecting a Conservation Area  
  
T1 Lime - fell to ground level  
**The Priory Church Lane Charlbury**  
Mr Philip Reid
79. **25/02201/DEM** Kingham, Rollright and RNO  
Enstone  
Notification of demolition of buildings known as Units 6b, 18 and 20 at Enstone Business Park.  
**Enstone Airfield Industrial Estate South Enstone Airfield Enstone**  
C/o Agent
80. **25/02150/TCA** Stonesfield and Tackley RNO  
Affecting a Conservation Area  
  
T1 Ash - Fell in sections to a high stump to reduce effects of soil heave from tree removal.  
T2 Cherry - Reduce crown all round by up to 2.5 metres, leaving a rounded naturalistic form.  
**Manor Farm Chapel Hill Wootton**  
Mrs Gibbs

81. **25/02163/TCA** Freeland and Hanborough RNO  
Affecting a Conservation Area
- T1 Purple leaf Plum Tree - On frontage adjacent main entrance. Fell in sections to ground level and remove all arisings from site.  
**The Mallows Church Road Church Hanborough**  
Mr & Mrs Stewart
82. **25/02182/TCA** Burford RNO  
Affecting a Conservation Area
- T 1. Apple tree requires another pruning as it casts a shadow over the vegetable allotment.  
T 2. Holly tree requires another pruning as it casts a shadow over the vegetable allotment  
**Castles Yard Pytts Lane Burford**  
Mr Matthew Walker
83. **25/02191/TCA** Kingham, Rollright and RNO  
Enstone
- Affecting a Conservation Area
- G1 - Pine group - crown thin throughout by 15% and remove all deadwood. Selective reduction on extended laterals up to 2m to relieve weight  
**Dewlands Church End Great Rollright**  
Mr Graham
84. **25/02206/TCA** Freeland and Hanborough RNO  
Affecting a Conservation Area
- Tree A - Horse Chestnut Tree - Crown lift and reduction by a quarter to make a better shape.  
Tree B - Yew Tree that we would like to trim by about 18/24 inches  
**Rookery Court Church Road Church Hanborough**  
Mrs Peta Tebbby

## Uplands Appeal Decisions

[APP/D3125/Z/25/3359434](#)

24/02836/ADV London Road, Chipping Norton, OX7 5AX

The advertisement proposed is erection of a freestanding D6 small format advertising display. Delegated refusal.

Appeal dismissed.

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|                                                                                                                                       |                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>WEST OXFORDSHIRE<br/>DISTRICT COUNCIL</b></p> | <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>                                                                                                                              |
| <p>Name and date of Committee</p>                                                                                                     | <p><b>Uplands Area Planning Sub-Committee:<br/>Monday 20 October 2025</b></p>                                                                                                |
| <p>Subject</p>                                                                                                                        | <p><b>Progress on priority enforcement cases</b></p>                                                                                                                         |
| <p>Wards affected</p>                                                                                                                 | <p>As specified in <a href="#">Annex A</a></p>                                                                                                                               |
| <p>Accountable officer</p>                                                                                                            | <p>Abby Fettes, Development Manager<br/>Email: <a href="mailto:abby.fettes@publicagroup.uk">abby.fettes@publicagroup.uk</a></p>                                              |
| <p>Author</p>                                                                                                                         | <p>Kelly Murray, Principal Planner (Enforcement and Appeals)<br/>Tel: 01993 861674 Email: <a href="mailto:kelly.murray@westoxon.gov.uk">kelly.murray@westoxon.gov.uk</a></p> |
| <p>Summary/Purpose</p>                                                                                                                | <p>To provide an update on progress in respect of priority enforcement investigations.</p>                                                                                   |
| <p>Annex</p>                                                                                                                          | <p><a href="#">Annex A</a> – Schedule of cases (Sections A to C)</p>                                                                                                         |
| <p>Recommendation</p>                                                                                                                 | <p>That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of <a href="#">Annex A</a> be noted.</p>                            |
| <p>Corporate priorities</p>                                                                                                           | <p>N/A</p>                                                                                                                                                                   |
| <p>Key Decision</p>                                                                                                                   | <p>N/A</p>                                                                                                                                                                   |
| <p>Exempt</p>                                                                                                                         | <p>No</p>                                                                                                                                                                    |

**I. BACKGROUND AND MAIN POINTS**

- I.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](#)).
- I.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([3](#)).
- I.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([5](#)).
- I.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.

**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                                                                                         |
|--------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| The Wychwood Inn, Shipton-U-Wychwood | Unauthorised lean-to and outbuildings. Pub part grade II listed and in conservation area. | A retrospective application was submitted for part of the unauthorised development. An enforcement notice served last year required implementation of the permission and removal of the unauthorised building. | <b>Officers are satisfied that compliance with the notice has now been achieved and the case has been closed.</b> |

### 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                                                                                                                         |
|---------------------------|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Chalford Paddocks         | Change of use of part stables to living accommodation |                                                                                                                            | <b>The Council served an enforcement notice in November last year. This is now the subject of appeal and a decision is awaited.</b>               |
| The Bell Inn Charlbury    | Unauthorised works to grade II listed building        | A retrospective application was submitted for a wall attached to the front of the building. This was refused and an appeal | <b>An enforcement notice was served earlier this year and has been appealed on the ground of time for compliance only. A decision is awaited.</b> |

|  |  |            |  |
|--|--|------------|--|
|  |  | dismissed. |  |
|--|--|------------|--|

# 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.<br>Additional caravans located on the periphery of the site.<br><br>Extension of the site to the south of the site access. | There are ongoing non-planning issues on the site that have been the subject of investigation by other services within the Council and other agencies.                              | No update at present.                                                                                                                                                                                                                                                                    |
| 20 Taynton                                     | Listed building at risk                                                                                                                        | Dwelling and barn both Grade II listed.<br><br>The Council's Conservation Officer was satisfied with the re-thatching of the roof which was carried out on a "like-for-like" basis. | The house and barn are now under new ownership. We will continue to monitor but no longer consider there to be a significant risk of further deterioration. This case will accordingly now be removed from the "priority" list.                                                          |
| 121 High Street Burford                        | Listed building in poor state of repair                                                                                                        |                                                                                                                                                                                     | Some maintenance has been carried out and officers continue to monitor the situation.                                                                                                                                                                                                    |
| Land adj Burleigh Lodge Cassington Road Bladon | Laying of hardstanding for use as car park.<br>Use of woodland for commercial forest school.                                                   | Part of the affected land is designated as "ancient woodland".<br><br>Retrospective applications were refused and appeals dismissed.                                                | The bushcraft activity in the woods has now permanently ceased and the hardstanding has now also been removed. The principal ecologist has confirmed that the woodland is satisfactorily recovering from the unlawful bushcraft use. Since the breach has now ceased the case is closed. |
| The Harrow Inn                                 | Deviations from                                                                                                                                | The pub has been under                                                                                                                                                              | Following discussions with the occupier the car repair use has ceased and                                                                                                                                                                                                                |

| Site Address and Case No.                            | Unauthorised Development                                                                                | Notes                                                                                                                                                 | Update/Action to be taken                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Enstone                                              | permission (14/1140/P/FP); unlawful car repair use; structure on boundary selling takeaway food.        | conversion for some time.                                                                                                                             | <b>the takeaway structure on the boundary has been removed. We are now addressing the unfinished building works, the use of the outbuilding and the general condition of the site in terms of its impact on visual amenity.</b>                                                                                                                               |
| Farmer's Dog public house, Asthall                   | Unauthorised parking and marquee.                                                                       |                                                                                                                                                       | <b>An application for temporary consent for the overflow car park (25/02261/FUL) has now been submitted and is currently under consideration.</b>                                                                                                                                                                                                             |
| The Bull Inn Charlbury                               | Erection of new flue on the building, canopy over seating area, changes to car parking and other works. | This is a grade II listed building that has in the recent past (and under different ownership) been subject to enforcement action.                    | <b>Following discussions, part-retrospective planning permission and listed building consent were sought and have been granted for certain internal and external works to the main building. A temporary consent has been granted for an outbuilding. We will be monitoring the implementation of the permissions to ensure they are fully complied with.</b> |
| Dashwood House Milton under Wychwood                 | Change of use from commercial to residential use                                                        | The ground floor of this building has a lawful commercial use. An unauthorised extension has been added which is being used for residential purposes. | <b>Officers have been unable to resolve this through informal means and authorisation has now been given to serve a notice which will happen imminently.</b>                                                                                                                                                                                                  |
| Diddly Squat Farm, Chipping Norton Road, Chadlington | Unlawful material change of use.                                                                        | An enforcement notice was served in August 2022 which was part upheld and temporary consent granted for the change of use and associated parking.     | <b>Parking demand continues to exceed the capacity of the consented area, however highway/pedestrian safety remains paramount, so we are at present solely monitoring the situation.</b>                                                                                                                                                                      |
| The Bull, Burford                                    | Unlawful outbuildings in curtilage of the listed building                                               |                                                                                                                                                       | <b>We are currently considering the expediency of taking formal enforcement action.</b>                                                                                                                                                                                                                                                                       |



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| <br><b>WEST OXFORDSHIRE<br/>DISTRICT COUNCIL</b> | <b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>                                                                                                                           |
| <b>Name and date of<br/>Committee</b>                                                                                             | <b>Uplands Area Planning Sub-Committee:<br/>Monday 20 October 2025</b>                                                                                             |
| <b>Subject</b>                                                                                                                    | <b>Discharge of S52 Agreement in relation to planning permission W906/85 at Parlours, Widford, OX18 4DU.</b>                                                       |
| <b>Wards affected</b>                                                                                                             | <b>Brize Norton and Shilton</b>                                                                                                                                    |
| <b>Accountable Member</b>                                                                                                         | <b>Councillor Hugo Ashton, Executive Member for Planning.</b>                                                                                                      |
| <b>Accountable Officer</b>                                                                                                        | <b>Rebekah Orriss, Senior Planner (Development Management)</b><br><b>Email: <a href="mailto:rebekah.orriss@westoxon.gov.uk">rebekah.orriss@westoxon.gov.uk</a></b> |
| <b>Summary/Purpose</b>                                                                                                            | <b>To notify Members of your officers resolution to discharge the legal agreement.</b>                                                                             |
| <b>Annex</b>                                                                                                                      | <b>N/A</b>                                                                                                                                                         |
| <b>Recommendation</b>                                                                                                             | <b>That this decision be noted by Members.</b>                                                                                                                     |
| <b>Corporate priorities</b>                                                                                                       | <b>N/A</b>                                                                                                                                                         |
| <b>Key Decision</b>                                                                                                               | <b>N/A</b>                                                                                                                                                         |
| <b>Exempt</b>                                                                                                                     | <b>No</b>                                                                                                                                                          |
| <b>Consultees /<br/>Consultation</b>                                                                                              | <b>No</b>                                                                                                                                                          |

## **1. BACKGROUND**

- 1.1. This is an application to discharge a historic section 52 legal agreement at a site known as 'Parlours' in Widford.
- 1.2. A section 52 legal agreement is the predecessor of s106 legal agreements and have similar uses.
- 1.3. This item is on the agenda to notify Members that Officers intend to discharge this agreement, and because the removal of the legal obligation to retain the building as ancillary accommodation resulting in a new dwelling in Widford, would depart from the original imposition of the obligation.

## **2. MAIN POINTS**

- 2.1. In 1985 planning permission was granted for “alterations to redundant single storey barn to form ancillary living accommodation to Widford Mill Farm”.
- 2.2. The permission was granted with two separate forms of restriction: (1) a condition restricting the use of the dwelling to agricultural workers; and (2) a legal agreement restricting the use of the accommodation as ancillary accommodation.
- 2.3. In 2025 the applicant submitted two applications for two separate certificates of lawfulness for existing use as follows:

25/00449/CLE - The erection of an extension and entrance porch, removal of a garage door, installation of two windows, removal of a window and installation of patio doors, erection of a detached garage and change of use of land to residential garden.

25/00450/CLE - Certificate of Lawfulness (non-compliance with the ancillary accommodation limitation of planning permission W906/85 and non-compliance with condition 3 of that permission)
- 2.4. After a careful assessment of the evidence officers granted these certificates. The evidence showed that the building known as Parlours had not been occupied as ancillary accommodation, but instead as a separate dwelling and for the requisite period such that it was now beyond the time limit for enforcement action. The evidence also showed that the dwelling had been occupied by a non-agricultural worker for the requisite period to make this breach of condition beyond time limit for enforcement.
- 2.5. However, as a separate and different legal restriction the section 52 agreement remains attached to the land. Thus, the applicant is now applying to discharge this agreement.
- 2.6. As the use is now immune from enforcement action, the section 52 legal agreement is now obsolete and officers are minded to discharge the obligation.

## **3. FINANCIAL IMPLICATIONS**

3.1. There are no financial implications resulting from this report.

**4. ALTERNATIVE OPTIONS**

4.1. None at this stage.

**5. BACKGROUND PAPERS**

5.1. The documents submitted in relation to planning applications 25/00449/CLE & 25/00450/CLE which are available to view on the Council's website.

