

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 8th April 2024**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

#### Purpose:

To consider applications for development details of which are set out in the following pages.

#### Recommendations:

To determine the applications in accordance with the recommendations of the Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

#### ***List of Background Papers***

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

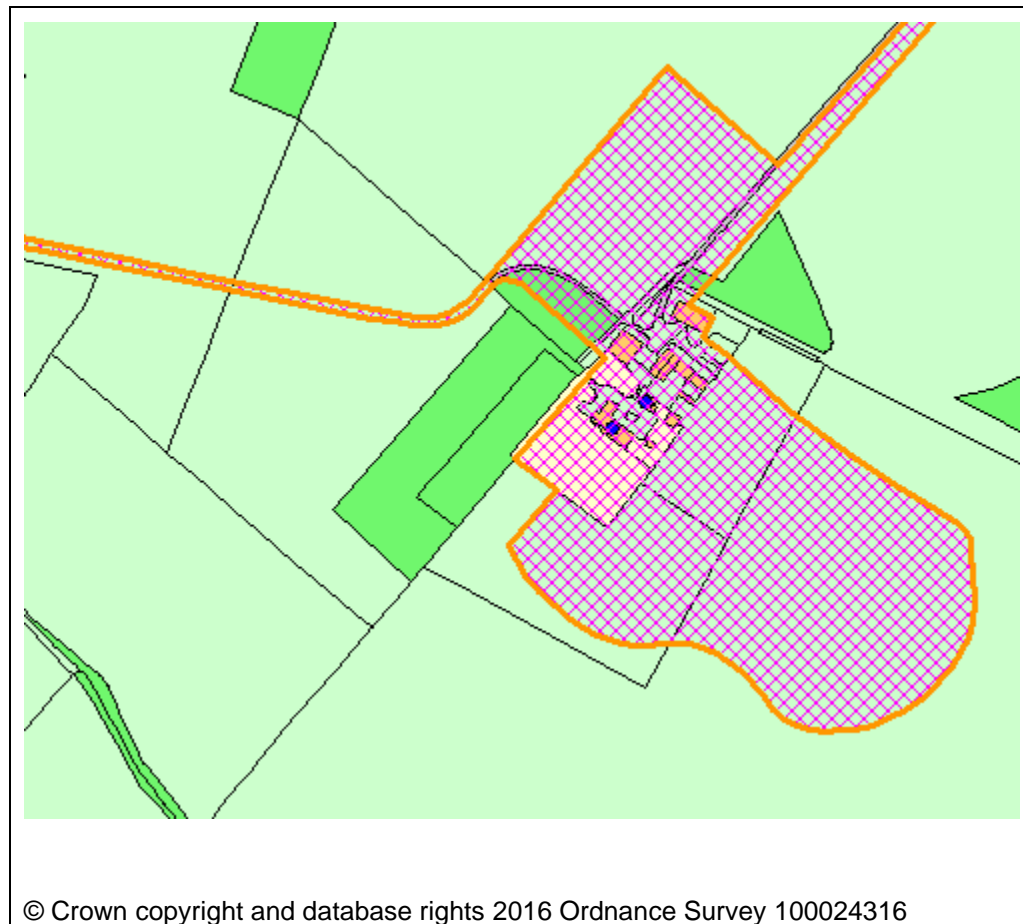
Please note that:

- 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>
15-32	23/01637/FUL	<a href="#">Charlbury House Woodstock Road</a>	James Nelson
33-43	23/03341/FUL	<a href="#">Land South West Of Radford Farm Buildings Radford</a>	Peter Morgan
44-49	24/00166/FUL	<a href="#">Cheorl House Church Street</a>	Rebekah Orriss
50-54	24/00215/S73	<a href="#">Chalfont 3 Wroslyn Road</a>	Sarah Hegerty
55-58	24/00216/S73	<a href="#">Chalfont 3 Wroslyn Road</a>	Sarah Hegerty

Application Number	23/01637/FUL
Site Address	Charlbury House Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3EX
Date	26th March 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Fawler Parish Council
Grid Reference	437067 E 218549 N
Committee Date	8th April 2024

### Location Map



### Application Details:

Demolition of existing dwelling house and erection of replacement dwelling with associated outbuildings and landscaping works. Conversion and extension of existing cottage to form pool house with ancillary

shower/changing facilities. Repair and extension of field barn (revisions to planning approval 22/02066/FUL to allow for inclusion of new stables and indoor riding arena)

**Applicant Details:**

Mr And Mrs J Bamford  
Charlbury House  
Woodstock Road  
Charlbury  
Oxon OX7 3EX

**I CONSULTATIONS**

Parish Council

The scale of the plan looks more like an industrial development with an eventual use for outsiders, than a private one, so it is unsuitable for an AONB. We are losing too much arable land in this area so its use for building purposes should be denied.  
Traffic during building and afterwards will be disruptive and unsuitable for an AONB.

OCC Highways

No objection.

Env Health - Uplands

Thank you for the opportunity to consult.

I have No Objection in principle.

I recommend the following condition:

- 1) Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction commences. Development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

Reason: In the interests of visual amenity and in accordance with Local Plan Policy EH8."

Thank you for the opportunity to consult.

I have No Objection in principle.

I recommend the following condition:

- 1) Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction commences. Development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Core Strategy Policy CSP.1.

WODC Landscape And  
Forestry Officer

Large scale development is proposed on high ground in open countryside within the AONB including Stabling complex, indoor riding arena and outdoor menage.

The site is within the Blenheim and Ditchley Parks Conservation Target Area and within the boundary of the Charlbury Neighbourhood Plan area. Neighbourhood Plan Policy NE5 states that 'Development proposals will not be supported in the three Conservation Target Areas as identified on Map 2'.

In addition to this policy, the proposals need to be considered against AONB policy and Local Plan Policy EH2 - Landscape character. AONB great weight policy will need to be applied. The LVIA has identified that there will be negative effects on landscape character, albeit that the assessment concludes the harm will be localised.

The type of land use associated with equestrian activities and paraphernalia will have a detrimental effect on local landscape character.

The mitigating privacy belts of planting will take some time to mature into an effective screen.

Given the above, and the acknowledged impact on local landscape character set out in the LVIA, at the current time, the proposals will adversely affect the visual amenities and rural character of the locality.

Consider the constraint on tree planting due to the location of the overhead cables crossing the site of the proposed western planting belt.

*Further verbal update received.*

Adjacent Parish Council

Charlbury Town Council objects to this application which contravenes policy NE5 of the Charlbury Neighbourhood Plan (CNP) due to the site's location within the Blenheim and Ditchley Parks' Conservation Target Area (CTA) and the increased scale of the proposed equestrian centre development (see below for further details). We therefore ask that the application be referred to the Uplands Planning sub-committee.

Councillors are also concerned about the impact of increased site access for large vehicles (e.g., motorhomes) especially if these were

to utilise access points other than the main drive onto the B4437 Woodstock Road. In addition, the increased scale of the proposed equestrian centre suggests the potential for future commercial usage and expansion which would be unacceptable in this sensitive location within the AONB and CTA and outside the built-up area.

District Ecologist

Under the previous application, an updated Ecological Impact Assessment was submitted (Windrush Ecology, October 2022), however, this has not been submitted with the current application, only the older June 2022 report. Please can this report be submitted with this application?

Bats.

Having reviewed the October 2022 report, it has been confirmed that the farmhouse is being used as a day roost for a small number of common pipistrelle bats, and therefore a bat mitigation licence is required from Natural England.

Section 5.35 of the report outlines a mitigation and compensation strategy, however, the applicant has not provided drawings that confirm that these measures will be implemented and the wording of this section uses language that would not be enforceable.

The report recommends at least four Schwegler IFF Bat Box or similar should be erected on mature trees with clear trunks at least 4m above ground level, prior to commencement of any works to the farmhouse, to act as receptor sites for any rescued bats. In addition, integrated roosting features such as bat tubes, bat ridge tiles and bat roof tiles are recommended within external walls of the new dwelling and/or other new buildings. Please can drawings detailing the number, make of these receptor and compensatory features to be installed, their location, heights and elevations be submitted so that the Local Planning Authority can be satisfied that the mitigation measures can be achieved as part of the development? The Local Planning Authority (LPA) has a statutory duty with regards to European Protected Species and must be confident that a license can be obtained from Natural England for works to proceed lawfully and that the three derogation tests can be met.

With regards to wording, language such as "should" and "could" must not be used to describe a required measure, for example, section 6.3.3.3 "the named ecologist should give a 'tool box' talk regarding bats and their habitats". Sentences like this are included throughout section 5.3 which include recommendations for other species, therefore, sentences within these sections will need to be reworded to state exactly what and how recommendations will be implemented and how this will benefit protected species. Otherwise the LPA will have no mechanism to take enforcement action relating to these

sections of the report. This also follows best practice guidance under Bat Conservation Trust survey guidelines, 2023.

#### Barn Owls

The report also found evidence of barn owls using Building 13 (barn) for nesting, with a barn owl nest box within this building considered to be used by a pair of barn owls. Due to the proposed restoration works for this building, there is potential for works to result in the disturbance to active barn owl nests and possibly the killing or injury of their young. A sufficiently detailed mitigation strategy for barn owls has not been included in the report. Therefore, either a detailed mitigation strategy outlining the following information should be submitted, or alternatively this can be included as a condition:

- Mitigation strategy, including timing of works, pre-commencement site inspection and a suitable buffer zone;
- Details of any external lighting required during the construction phase;
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- Suitable compensatory nesting provisions, including drawings showing their location, height and aspect. This shall also show any proposed bat provisions, to ensure that predation risk is not unnecessarily elevated; and
- Maintenance and monitoring details

If the above cannot be resolved, refusal is recommended for the following reasons:

Insufficient information has been submitted to demonstrate the proposal will not result in significant harm to roosting bats as insufficient survey details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Therefore, the proposal does not comply with the requirements of the Local Plan policy West Oxfordshire District's Local Plan Policy EH3. Furthermore, the Local Planning Authority is unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected bat species.

## 2 REPRESENTATIONS

2.1 A total of six third party comments have been received, 5 in opposition, one neutral subject to restrictions on the Stonesfield Lane access.

2.2 The following planning matters are identified:

- Stonesfield Lane access unsuitable for large vehicles;
- Concerns over commercial use;
- Drainage;

- Scale;
- Landscape and visual impact; and
- Ecological impact

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

3.1 A Design and Access Statement has been submitted in support of the application and can be viewed in full on the Council's website, the main points of which are:

- The stable block is designed to compliment the architectural quality of the main house with materials and detailing relating closely to consented buildings;
- The indoor riding arena has been carefully designed to be of minimal visual and landscape impact;
- Location to the north-west of the main house selected for proximity to paddocks, screening using existing woodland and proximity to the house;
- Proposed development cut into sloping site to minimise visual prominence;
- Complex set close to existing driveway, which would be the primary access; and
- New planting proposed to assimilate the development into landscape context

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T2NEW Highway improvement schemes

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

#### **Background**

5.1 This application seeks consent for the demolition of existing dwellinghouse and erection of replacement dwelling with associated outbuildings and landscaping works, conversion and extension of existing cottage to form pool house with ancillary shower/changing facilities, repair and extension of field barn (revisions to planning approval 22/02066/FUL to allow for inclusion of new stables and indoor riding arena) at Charlbury House, Woodstock Road, Charlbury.

5.2 Members will be aware of the application site following the consideration of application 22/02066/FUL at this committee in April 2023. The current proposal is a resubmission of the



approved scheme with the addition of a stable building, indoor riding arena and outdoor menage. Otherwise, the scheme is as previously approved. Officers have received amended plans following negotiation.

- 5.3 The existing dwelling is large a stone building constructed in the 1990s and associated outbuildings. The site also contains a range of utilitarian modern farm buildings to be removed and a C19th Farmhouse and ancillary range of barns. The dwelling is set within large ornamental gardens and enclosed by open fields. Public rights of way run along the southern and eastern boundaries of the applicant's land ownership. The application also includes works to an existing barn building sited approximately 400 metres (m) north east of the existing dwelling.
- 5.4 The existing dwelling lies in an open countryside location approximately 630m east of the built up area of Charlbury and within the Cotswolds National Landscape ('CNL'). The Charlbury Conservation Area ('CA') boundary runs north-south through the western portion of the site approximately 250m west of the existing dwelling. The site takes access from the B4437 (Woodstock Road) to the north.
- 5.5 The application is brought before Members of the Committee due to the objection of the Charlbury Town Council and Fawler Parish Council.

### **Relevant Planning History**

- W88/0885- Erection of dwelling and garages. Approved.
- W91/1612- Construct new dwelling & garage. Approved.
- W94/0728- Retention of existing dwelling (non-compliance with condition 8 of planning permission 1612/91). Approved.
- W94/0731- Partial demolition of cottage to remove southern two-storey extension rebuild & alterations to reinstate southern elevation. Approved.
- W97/0260- Conversion of outbuilding to form children's nursery school. Approved.
- W2000/0486- Conversion of outbuildings to form games room. Approved.
- W2003/0783- Alteration and extension to pool room including pitched roof. Approved.
- 22/02066/FUL- Demolition of existing dwellinghouse and erection of replacement dwelling with associated outbuildings and landscaping works. Conversion and extension of existing cottage to form pool house with ancillary shower/changing facilities. New stables. Repair and extension of field barn (amended plans and description). Approved.

### **The Development Plan**

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

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

- The principle of development;
- Siting, scale and appearance;
- Landscape and visual impact;
- Impact upon heritage assets;
- Ecological impact;
- Residential amenity; and
- Highways and public rights of way (PRoW) impact

5.8 Each are considered in the following sections of this report.

### **Principle**

5.9 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. The application site is detached from the town of Charlbury and would be considered within the open countryside for the purposes of Policy OS2.

5.10 Policy OS2 states *inter alia*:

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

5.11 Policy OS2 goes onto outline a series of general principles with which new development should accord. Those relevant in this case are that new development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty

5.12 In terms of replacement dwellings specifically, Policy H2 provides broad support for the principle of replacement dwellings on a one-for-one basis in open countryside locations. This is expanded upon in Policy H6, which outlines dwellings of no historic or architectural value may be replaced provided:

'The character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building.'

5.13 The principle of development to replace the existing house is established as acceptable subject to the application demonstrating accordance with the specified criteria of Policy H6. The proposed equestrian complex, despite its large scale, is considered appropriate for a rural context in principle

subject to demonstrating compliance with the general principles of Policy OS2 and the WOLP when read as a whole.

### **Siting, scale and appearance**

- 5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).
- 5.15 The proposed replacement dwelling itself, adjacent outbuildings and existing barn in the north east of the site would be unchanged from the approved scheme in terms of siting, design and scale. This assessment will therefore focus upon the proposed equestrian complex which did not form part of the approved scheme.
- 5.16 The proposed stable building, arena and menage would be sited on a linear alignment to the northwest of the access to the site from the Woodstock Road in an area currently forming part of an arable field. The single storey stable building would be arranged around a central courtyard over a C-plan, providing 12 individual stables in flanking wings with associated service rooms in the main block of the building. The footprint of the main block would be approximately 34m by 7m with flanking wings projecting 22.5m. The main block would reach 6.7m to the ridge and 3.7m to the eaves with set down wings reaching 4.8m. The stables would employ a design akin to the hitherto approved buildings, using local stone, hipped roofs and timber window frames.
- 5.17 The proposed arena would be set over a footprint of 56m by 30m, employing a shallow pitched roof and reaching 6m in height. It would employ a fairly utilitarian design following negotiation with officers, who raised concerns regarding the previous architectural treatment. To the north east would be an uncovered menage of similar scale. Overall, the proposed design would be low-lying and fairly well-related to the approved dwelling and outbuildings. The wider impacts resulting from the proposed design will be fully considered in the following sections of the report.

### **Landscape and visual impact**

- 5.18 The site lies within the Cotswolds National Landscape (CNL), a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the WOLP, Policy NE1 of the CNP and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 now places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, to seek to further the statutory purposes of the area. The Cotswolds Conservation Board understand that Natural England will shortly publish interim guidance on the application of this change in the statutory duty on relevant authorities, which came into effect on 26 December 2023. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the CNL.
- 5.19 WOLP Policy H6 also requires that proposal for replacement dwellings do not erode the character and appearance of the area. The site is within the Blenheim and Ditchley Park Conservation Target Area as identified in the CNP, Policy HE5 of which outlines that 'Development proposals will not be supported in the three Conservation Target Areas as identified on Map 2... Where appropriate

development proposals should incorporate measures that contribute to delivering overall gains for biodiversity, and in particular the aims of the relevant Conservation Target Area in achieving net gains for each of the Oxfordshire Biodiversity Action Plan Targets.'

5.20 In terms of the existing landscape character of the locality, the application site lies within the Lower Evenlode Valley (Semi-enclosed Limestone Wolds) character area as identified in the West Oxfordshire Landscape Assessment 1998 ("the WOLA") and within landscape character type 9- High Wold Dip Slope (9F West Enstone Uplands) under the Cotswolds AONB Landscape Character Assessment ("the LCA"). Both documents are listed in the supporting text to WOLP Policy EH2, which states at paragraph 8.6 that these documents should: "be used to inform development proposals and to ensure they respect the distinctive landscape character areas". Officers therefore consider that the WOLA and LCA are material considerations in the assessment of this application.

5.21 The application site and wider land under the applicant's ownership demonstrates defining characteristics of the landscape character areas identified for example the West Enstone Uplands is described as follows in the LCA:

'Across much of the area the underlying limestone has formed a smooth, rolling plateau with a distinctly elevated and open character. Thin dry calcareous soils are free draining and well suited to arable farming and indeed much of the landscape is characterised by large fields enclosed by stone walls or low, clipped hedges and a sparse natural vegetation cover. Woodlands are restricted and no ancient woodland exists in the area.'

5.22 The WOLA list large scale smoothly rolling farmland dominated by large scale arable fields with an impoverished upland character with an expansive character is higher areas as defining characteristics of the Lower Evenlode Valley (Semi-enclosed Limestone Wolds) character area. Officers consider that the site and applicant's wider land associated display these characteristics. The WOLA outlines that priorities for enhancements in this character area include introducing woodland planting along valley sides and converting arable fields to grassland and that valley sides are visually sensitive to development, which would be highly prominent and exposed.

5.23 The proposals would include the changes to built form as outlined above as well as landscaping works across the applicant's land including to:

- Plant large area of native mixed woodland to the north and west of the proposed equestrian complex;
- Restore and enhance the surviving historic woodland features such as the species rich hedgerows, open rides and tracks;
- Increase tree and woodland cover with native broad leaves;
- Fell and replace conifers with native broad leaves;
- Revert all arable production on the farm to species rich permanent pasture or native hay meadow;
- Enlarge an existing spring fed pond and creating a new pond;
- Bury overground electricity line that crosses the site

5.24 In terms of the impact of the proposals, the proposed replacement dwelling would match the approved dwelling in terms of siting, scale and design and officers therefore consider that, as was determined under the previous application, the proposed replacement dwelling would result in a neutral impact in landscape and visual impact terms. Turning to the wider landscaping proposals, the works have been carefully considered alongside the LPA's Landscape and Forestry Officer. The

proposals include gapping up hedgerows, planting trees, reverting arable fields to grassland fields and improving the ecological value of the land, elements that are generally supported in the WOLA and LCA. The proposed equestrian complex, when viewed in isolation, would result in negative effects on landscape character as confirmed in the submitted Landscape and Visual Impact Assessment. However, following discussion with officers, the applicant has amended the scheme to include the planting of approximately 2.9 hectares of native woodland planting to the north and west of the proposed equestrian complex, which would not only comprehensively screen the low-lying built form but offer the opportunity to deliver a significant and large scale restoration of native woodland in place of existing impoverished arable land, in accordance with the priorities of the WOLA as outlined above. In addition, the proposal would help to connect existing woodland blocks, as recommended by the Landscape and Forestry Officer, helping to assimilate the proposal into its landscape context. Therefore, whilst the proposals would result in a transformative impact upon the existing impoverished arable character of the landscape and would introduce relatively large scale buildings into an undeveloped area of farmland, given that the scheme would enable the delivery of significant landscape and biodiversity enhancements of the kind supported in the WOLA and CNP, officers consider that proposal would not erode the character and appearance of the area or result in harm to landscape and scenic beauty in the CNL and is acceptable in this respect.

### **Impact upon heritage assets**

5.25 The application site lies partially within the CA. Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.26 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment. Section 16 states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 200 requires the applicant to describe the significance of affected heritage assets. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. WOLP Policies EH9 and EH10 are directly relevant to the application with regard to the impact of the proposal upon the CA.

#### *Main elements that contribute to the significance of the CA*

5.27 Before turning to assess the impacts of the proposal upon the character and appearance of the area and on the setting and significance of the CA, it is first necessary for officers to identify the existing significance of the CA. The CA extends over the entirety of the town and much of the surrounding countryside including fields within the applicant's ownership approximately 250m west of the existing dwelling. The significance of the CA is derived from various factors including how the buildings and spaces in the nucleated historic settlement have evolved over time, including as a small market town in the C13 with an urban form still recognisable today. Consequently, whilst it contains a significant number of vernacular buildings, especially at its core, it also has more modern development at the

peripheries. The settlement pattern tapers out as it transitions towards the surrounding scenic countryside and the rural setting of the town is an important component of its significance.

*Contribution of the application site to the significance of the CA*

5.28 The built form associated with Charlbury House sits well outside of the boundary of the CA however, the wider landscape in which the site lies forms an important contribution to the attractive, verdant and rural character of the CA.

*The effect of the proposal on the CA*

5.29 The proposed development would not include any built form within or adjacent to the CA boundary and would retain and enhance through the proposed woodland planting, the undeveloped, rural and verdant landscape setting to the west of the town. The proposed built form would be sited well away from the CA boundary and would be well contained to the north of the proposal dwelling and through landscape integration, thus avoiding the impression of sprawl and visually containing the site. As a result, the proposed development would result in a neutral impact upon the character, appearance and setting of the CA.

### **Ecological impacts**

5.30 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Policy H6 also requires that replacement of existing dwellings results in no harmful impact on ecology or protected species.

5.31 As outlined above, the proposed development is unchanged in comparison to the approved scheme other than the proposed equestrian complex, which would be sited on an area of agricultural land that is considered of relatively low ecological value. Whilst the LPA's ecologist has raised concerns largely relating to the wording of the submitted ecological report, officers are mindful that the report was considered acceptable at previous application stage and no changes have been made to the development that would affect existing buildings. As such, officers consider that it would be unreasonable to withhold consent on this basis given the underlying consent remains extant and therefore, the proposed works to existing buildings could be lawfully commenced in any case. In addition, the current proposal has included significant habitat restoration, which weighs in favour of the application. The proposal is therefore considered acceptable in ecological terms.

### **Residential amenity**

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

5.33 The application site is located in an isolated open countryside location with no directly neighbouring properties. The representations of interested parties along Stonesfield Lane have indicated that the use of the existing access may lead to noise and disturbance. As the access is existing, officers consider that it would be unreasonable to prevent all vehicular access from using this track. However, given the proximity of the track and access gate to Pippins and Forest Cottage, officers consider that construction traffic as well as large/equestrian related vehicles should be prohibited from using this access in order to safeguard the amenity of neighbours during

construction. Therefore subject to condition, proposed development would therefore result in no material impact upon the residential amenity of third parties.

5.34 Possible damage to the private way is considered a civil matter and is therefore not a material planning consideration.

### **Highways and PRow impact**

5.35 WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. The proposal does not seek to alter the existing access to the site but would reinstate a track across the western half of the applicant's land, connecting the site via an existing gate to Stonesfield Lane, which officers understand is a private lane with PRow.

5.36 Given that the proposal would not lead to the creation of a new access, changes to PRows and would be served by extensive parking areas, officers consider that the proposal would result in no material impact in highways of PRow terms.

### **Other matters**

5.37 With regard to the impact of the scheme in terms of drainage, the application site lies within an isolated location in Flood Risk Zone 1 and as a result, the proposal is considered acceptable in drainage terms.

5.38 Given the carefully considered design and landscaping proposals, officer consider that it is necessary to restrict the householder permitted development rights of the proposed dwelling. This is justified to ensure that inappropriate additions that would result in landscape and visual impact harm in the sensitive location are avoided such as extensions, additions to the roof and domestic outbuildings.

### **Recommendation**

5.39 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, H6, T2, EH1, EH2, EH3, EH7, EH8, EH9 and EH10, CNP Policies NE1, NE2, NE4, NE5, NE6, NE9 and HE2, the West Oxfordshire Design Guide 2016 and NPPF 2023. The application is therefore recommended for conditional 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. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 07.11.2023 and 12.03.2024.

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

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

REASON: Control is needed to protect the special character of the area.

4. 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.

5. Prior to the first occupation of the dwelling hereby permitted, the existing dwelling located within the site, currently known as Charlbury House, and all other buildings shown to be removed on plan 102 E and approved under application reference: 22/02066/FUL shall have been demolished and permanently removed from the site.

REASON: Permission is granted for a one for one replacement only.

6. The existing access via Stonefield Lane and proposed associated access track shall not be used as an access for any construction, demolition, equestrian or commercial vehicles and shall only be used by domestic vehicles/private cars unless specifically agreed in writing by the local planning authority.

REASON: In order to ensure that the amenity of neighbours is safeguarded during and post construction.

7. The proposed stable yard buildings as shown on plan CHBY-A-150 P2 and approved under application reference: 22/02066/FUL shall be used as accommodation ancillary to the proposed replacement dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this open countryside location would be contrary to local and national policy and guidance.

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

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

9. The roof(s) shall be covered with Cotswold stone slates a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

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



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

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

11. The development shall be completed in accordance with the following documents, as approved under application reference: 22/02066/FUL:

- Section 5.3.2, 5.3.4 and 5.3.6 of the Ecological Impact Assessment, prepared by Windrush Ecology, dated October 2022
- All measures outlined within West Oxfordshire's Precautionary Method of Working document.

All recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure nesting birds, reptiles, amphibians, hedgehogs and badgers are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of West Oxfordshire Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. The development shall be completed in accordance with the recommendations in Section 5.3.5 of the consultancy report (Ecological Impact Assessment, Windrush Ecology, dated October 2022 and as approved under application reference: 22/02066/FUL). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To ensure that European protected bat species are protected 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 180, 185 and 186 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. Prior to the commencement of any works to Building 13 (as identified within the ecology report as approved under application 22/02066/FUL), a detailed mitigation strategy for barn owls outlining the following information should be submitted to and approved in writing by the local planning authority:

- Mitigation strategy, including timing of works, pre-commencement site inspection and a suitable buffer zone;
- Details of any external lighting required during the construction phase;
- The roles and responsibilities on site of an ecological clerk of works (ECoW) or similar person;
- Suitable compensatory nesting provisions, including drawings showing their location, height and aspect. This shall also show any proposed bat provisions, to ensure that predation risk is not unnecessarily elevated; and

- Maintenance and monitoring details

All recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that species are protected 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 180, 185 and 186 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas and woodland planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

15. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 West Oxfordshire District Council Local Plan and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

16. Prior to the installation of any external lighting to serve the proposed dwelling, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed, including the type of lighting. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In order to minimise light pollution in the Cotswolds National Landscape.

17. No development, other than demolition, shall take place until a planting and maintenance schedule covering the proposed native species woodland area as identified on plan reference: I490.15E and received by the local planning authority on 12.03.24 has been submitted to, and approved in writing by, the local planning authority. The plan shall include, but not necessarily be limited to, the following information:

- Details of the species to be planted, including type, number, planting size and planting area;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The schedule shall be implemented in accordance with the approved details prior to the horse riding stables, arena and ménage (shown on plan I490.15E) hereby approved first coming into use and all features shall be retained in that manner thereafter.

REASON: To ensure the proper establishment and retention of the proposed woodland in the interest of screening the proposed development and connecting existing woodland blocks in the interest of biodiversity.

18. The horse riding stables, arena and ménage as shown on plan I490.15E, received by the local planning authority on 12.03.24, hereby permitted shall be used for private recreation only, by the occupants of Charlbury House, and shall not be used for any commercial equestrian purpose whatsoever including riding lessons, tuition, livery or competitions.

REASON: In order to maintain the rural character of the area and in the interests of sustainability.

#### INFORMATIVES :-

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not.

A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), 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. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and

experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

2. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit: <https://www.westoxon.gov.uk/media/ay3nzn2/sustainability-standards-checklist-feb-2023-v2.pdf> <https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

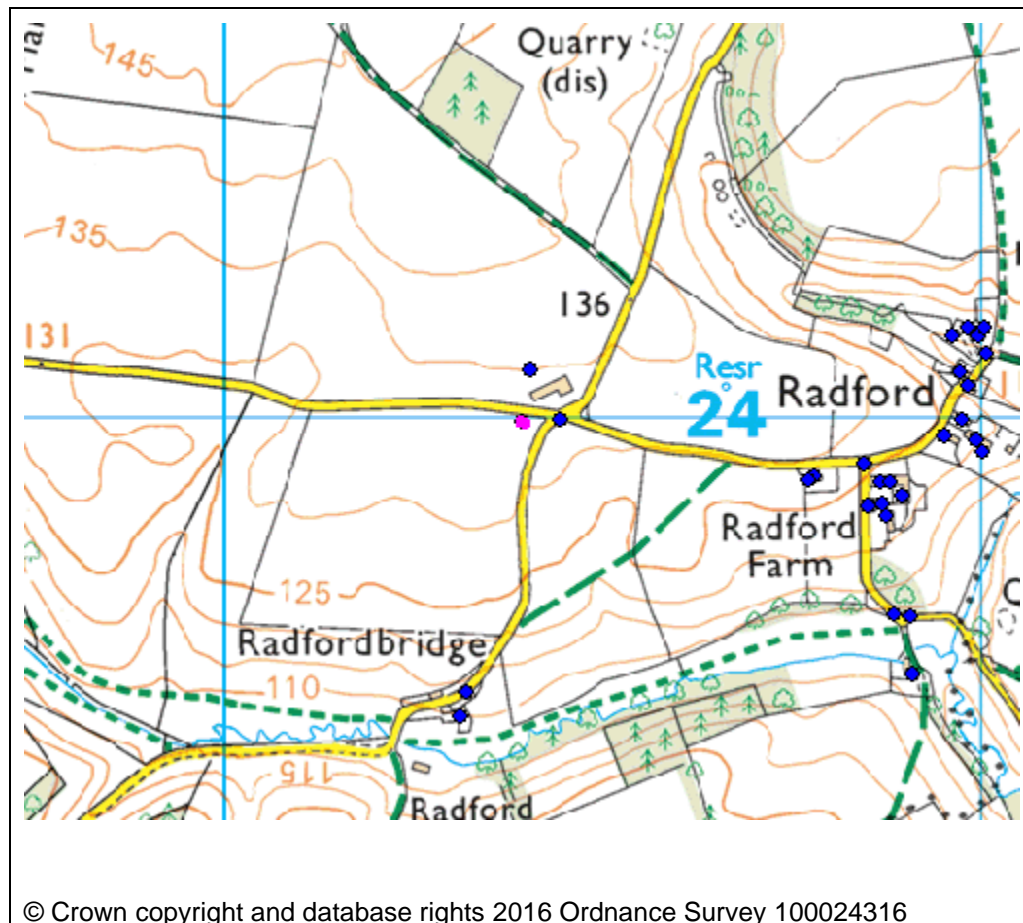
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 26th March 2024

Application Number	23/03341/FUL
Site Address	Land South West Of Radford Farm Buildings Radford Chipping Norton Oxfordshire
Date	26th March 2024
Officer	Peter Morgan
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	440393 E 223995 N
Committee Date	8th April 2024

### Location Map



### Application Details:

Erection of a two bed cottage for agricultural worker

**Applicant Details:**

Mr Sam Parsons  
The Farmhouse  
Radford  
Chipping Norton  
OX7 4EB  
United Kingdom

**I CONSULTATIONS**

Parish Council	Enstone Parish Council has no objection to this planning application.
WODC Drainage	No objection - subject to drainage condition.
WODC Business Development	No Comment Received.
WODC Landscape And Forestry Officer	No Comment Received.
Conservation And Design Officer	No Comment Received.
Env Health Contamination	<p>Please could the applicant confirm if there is to be any garden curtilage associated with the development?</p> <p>Please could the applicant confirm if there has every been any fuels or other potentially contaminating substances stored in the vicinity of the proposed development.</p> <p>Depending on the responses to these questions conditions may be appropriate to be added to any grant of permission.</p>
OCC Highways	The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
Thames Water	No Comment Received.
District Ecologist	<p>No Objection subject to conditions.</p> <p>During the PEA survey house sparrow, skylark, swallow and red-legged partridge were noted and concluded that habitats on site were suitable for farmland birds, though the scale of development is likely to have a negligible impact on ground nesting birds. WODC's precautionary method of working document has been recommended to ensure that nesting birds are safeguarded during any site clearance works and construction.</p> <p>The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 180, 185 and 185 of the revised NPPF and local plan policy EH3. The PEA makes suggestions for</p>

enhancements for roosting bats in the form of integrated bat boxes, and with the presence of nesting birds on site during surveys, the above enhancement condition is recommended to ensure additional bat roosting and bird nesting opportunities are provided.

The PEA report ascertained the absence of roosting bats on site, however, the report concludes that there is moderate potential for commuting and foraging bats, and there are previous records of commuting activity by Brown Long-eared, Common Pipistrelle, Noctule and Soprano Pipistrelle bats in the wider landscape, therefore, the above lighting condition is recommended to ensure that any external lighting is sensitively designed.

Section 6.21 makes reference to habitats that are lost through proposed works being able to be compensated for by the garden created with the new build, however, no plans showing details of species to be planted or maintenance have been provided to support this, therefore the above landscaping condition is recommended.

## **2 Representation**

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

2.1.1 20 Letters of support of the proposed were received:-

- I think it would be a great idea to build an affordable cottage for this young agricultural worker to live in.
- We need more young farmers. Especially in these difficult times with the cost of living.
- It has been an incredibly difficult time for the farming industry in recent years, with reduced government subsidies, and a huge increase in the cost of raw materials. We should do everything we can to support local farmers, and the farm at Radford is a shining example of environmental stewardship and good husbandry.
- Besides contributing to our food security, it provides a wealth of local amenity enjoyed by countless people in the area.
- Providing affordable housing for young people getting into farming is self-evidently worthwhile.
- British farming is facing a crisis, not least because of the acute labour shortage.
- In August 2022, as much as £60m of food was wasted on farms because of a labour shortage, according to the National Farmers' Union.
- The average pay for a farm worker is about £27,768 P/A and yet the average house price in Oxfordshire is over £500,000.
- Aside from the obvious advantages to the working farm of having staff on site 24 hours a day.

## **3 APPLICANT'S CASE**

3.1 The applicant's family has been farming at Radford for many generations, since 1812. In the past, cottages were affordable to rent in the area, whereas now the rent for a two-bedroom property is similar to or above the monthly wage of an agricultural worker.

3.2 The applicant has stated that a residence is currently required for a full-time employee. The applicant is willing to invest the necessary capital expenditure for this employee and future employees, and potentially a family member should they desire to pursue a career in farming. At present, there are

no toilet facilities on the premises, and our employees are required to drive to the applicant's house to use them.

- 3.3 The applicant's farming business consists of a growing suckler herd, which he has outlined in a business plan to show its profitability and his intention to expand. Livestock is essential for the environmental schemes currently in operation within the farm holding. But in order to expand the business, a person must be on site at night. In the past, the applicant has spent late nights and early mornings at the barns nearby his house and also at the farm buildings. However, this is not sustainable, and the animals need 24-hour care at calving time.
- 3.4 Planning permission is sought to house a full-time employee as close to the curtilage of our farm yard as possible, while not being within it. We have recently undergone a health and safety review of the farm, and one of the main lessons we learnt was that children should be kept away from the hazards of moving machinery and large animals.
- 3.5 The field opposite the farmyard is chosen as it is the natural 'armslength' location while still having immediate access to the yard. The applicant has stated that whilst there was a lack of enthusiasm for the development from our parish council at first, after meeting them and Councillor Beanie and explaining the situation, they could see that it was the only sensible solution. An alternative suggested at pre-application with planning officers and the Rural Business Development Officer is considered to be unsuitable due to the large drying fans located in that direction that create much noise when they are working. The alternative sites on the farm side of the road, but outside the bund that forms a flood barrier are within a rainwater catchment area that extends over roughly 200 acres and would be inappropriate for that reason.
- 3.6 The future of the farm depends on having as many viable enterprises as possible so that when one requires financial assistance, there are others that are still profitable. The lettings business can be not just profitable but also can require extensive investment at times, just as commodity prices rise and fall, as do inputs. The most reliable income was our single farm payment, but this is due to be phased out in the coming two years and we will be more reliant on environmental schemes to make up this shortfall. This requires a viable, animal welfare-friendly, sustainable livestock enterprise that will meet the rightly and ever more demanding values of our consumers.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

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



## 5 PLANNING ASSESSMENT

### Background

- 5.1 This application seeks consent to erect a two-bed dwelling for an agricultural worker, southwest of Radford Farm Buildings, Radford. The proposal is a resubmission of a previous application (23/01227/FUL) that was withdrawn on the advice of your officers. That application lacked sufficient information about the business, and insufficient evidence was provided to demonstrate that a proposed dwelling was necessary to meet an essential operational or evidence of the necessity for a rural worker to live at or close by their place of work to ensure the effective operation of the agricultural business. Furthermore, the proposed dwelling due to its siting and design, would have an adverse impacts on an open countryside location, in contravention to the policies of the local plan. The current application is identical to the previous submission.
- 5.2 The proposed application premises would occupy a small parcel of land (circa 8.4 sq. m) on the southern side of a single-track lane between Radford and Cleverley, approximately 0.5km outside of Radford. Due to the single-track lane, the application site is isolated and would be separated from the Radford farm yard, which contains a small grouping of farm buildings.
- 5.3 The application proposes to locate the new dwelling on the southern side of a single-track lane between Radford, opposite the farmyard containing four large barns buildings, including hay barns and cattle sheds. The applicant has made clear in the submitted information that a health and safety review of the farm indicated that the farmyard is unsuitable for a dwelling, one of the main reasons being 'that children should be kept away from the hazards of moving machinery and large animals.'
- 5.4 This application has come before members because the view of the Parish Council is contrary to that of your Officers.

### Relevant Planning History

19/01699/FUL - Erection of cattle shed - Approve

#### *Development Plan*

- 5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. National Planning Policy Framework (NPPF) reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2). The NPPF is a material consideration in any assessment. It makes clear in paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the local development plan, which in this case comprises the West Oxfordshire Local Plan 2031 ('the Local Plan).
- 5.6 Given the nature of the proposal, officers consider that the WOLP policies identified in Section 4 of this report are most relevant in this case.

## *National Policy/Guidance*

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

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

5.9 Officers consider that the proposal would lead to the provision of an isolated home in the open countryside for the purposes of the NPPF. Paragraph 84 seeks to resist the development of isolated homes in the countryside other than in certain circumstances, including where:

'There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'.

5.10 Paragraph 88 relates to 'supporting a prosperous rural economy' and is clear that:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses'.

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

- Principle of development;
- Justification for farm workers dwelling;
- Assessment of need
- Landscape and visual impact;
- Highways
- Biodiversity
- Other Matters (Land Contamination and Drainage)

## **Principle of development**

5.12 WOLP Policy OS2 sets out the general spatial strategy in the district, identifies a hierarchy of settlements for new development and draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site occupies a distinctly rural location separate from any defined settlement. Your Officers consider, for the purposes of Policy OS2, the site is located within an open countryside location.

5.13 Policy OS2 sets out that development in such locations will be limited to what is required and appropriate for a rural location and respects the area's intrinsic character. Proposals for residential development will be considered under policy H2.

5.14 The general principles of OS2 are applicable to all new development. Those considered relevant in this case are that all development should:

- 'Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities and
- Conserve and enhance the natural, historic and built environment'.

5.15 Policy H2 relates to the delivery of new homes and adopts a restrictive approach to the provision of new dwellings in small villages, hamlets and open countryside. H2 outlines that new dwellings in such locations will only be permitted where they comply with the general principles set out in Policy OS2 and an exhaustive list of circumstances, including:

'Where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need'.

5.16 The policy criteria outlined in policy H2 of the WOLP is in conformity with paragraph 84 of the NPPF. Therefore, for the development principle to be acceptable under WOLP Policies OS2, H2 and paragraph 84 of the NPPF, the Local Planning Authority must be satisfied that the applicant has demonstrated an essential operational or specific local need for residential accommodation on the site, which cannot be fulfilled in any other way.

### **Justification for farm workers dwelling**

5.17 As outlined above, Policy H2 clearly states that for the principle of development to be acceptable, the applicant must demonstrate an essential operational need for on-site residential accommodation to support the agricultural use of the wider site, which cannot be met in any other way, including through the re-use of existing buildings.

5.18 Planning Practice Guidance sets out the relevant considerations for para 84 a) include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;

- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- In the case of new enterprises, is it appropriate to consider granting permission for a temporary dwelling for a trial period?

5.19 The application is supported by a business plan that indicates the business is a mixed enterprise consisting of domestic and commercial lettings, a holiday let, woodchip fuel from forestry work, and mixed farming activities, including environmental stewardship activities. More recently, the business has entered a small Biodiversity Net Gain agreement.

5.20 The farm covers approximately 625 acres as a traditional mixed farm with suckler cows and their followers alongside mainly arable farming. The farm is a family-run business in which all operations are undertaken using farm-owned machinery and family members as operatives. Until recently, the farm employed one permanent full-time employee who lived nearby. However, for the past two years, an apprentice who recently qualified as a stockman has been added to the team. This employee is living with parents in nearby Cleveley and needs accommodation for continued employment within the farm.

5.21 The farm's environmental works have provided a stable source of income but are not feasible without livestock. A previous attempt with a small lambing flock, in addition to fattening cattle, was unprofitable and labour-intensive. The applicant is now building up a dairy herd that began with 24 cows and a bull but has now expanded to 34 cows and two bulls. The applicant plans to continue growing this herd to around 50 cows, with their followers and calves bringing the potential number of cattle to nearly 150. The applicant considers that at the present rate of growth, a full-time staff member will be required to be present day and night at the calving barns.

#### *Assessment of need*

5.22 The application is identical to the previous submission in which the Rural Business Development Officer expressed support in principle of having a person to support the suckler herd but needed to know more about the business operation and context and requested a more detailed farm business plan to support the application.

5.23 The applicant has provided commentary about their farm business, including the size of the land and the livestock they keep. However, no evidence is provided regarding the business's profitability or the effects of hiring staff on the business. While the applicant has expressed their intention to expand the livestock enterprise, no evidence is provided to outline the profitability of doing so, projections, or margins.

5.24 Regarding the need for extra workers, the applicant has stated that they require additional support during calving season. However, from the information provided, it is unclear whether this is a seasonal, sporadic or continuous need. Furthermore, no information has been provided about the number of calves to be reared or the nature of care required, which is necessary to determine if a farm worker should be located within 'easy access' of the site.

5.25 Regarding the need for on-site accommodation, the case presented is based on the need to quickly deal with emergency animal welfare issues that could arise at any hour, especially during calving

season. Without independent verification, your officers cannot dispute the need for additional workers. However, it is not clear how many calves will be reared throughout the year and the extent of care required. In any case, this would not necessarily translate to the requirement for new agricultural workers dwelling, and more specifically, within the location proposed.

5.26 The applicant has indicated that local rents are unaffordable but has submitted no evidence to outline local rental levels. No details have been provided to illustrate that the cost of construction of the new dwelling is the most cost-effective means of providing on-site accommodation. It is not established whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.

5.27 The proposed accommodation would provide an additional level of security. However, technological solutions and monitoring are likely to achieve this benefit. It is, therefore, afforded limited weight.

5.28 The application is also required to demonstrate that the underlying business can demonstrate future financial viability in order to meet the tests of Policy H2 and NPPF Paragraph 84, as supplemented by the Planning Practice Guidance, which requires that decision-makers have 'confidence that the enterprise will remain viable for the foreseeable future'. No such information has been provided.

### **Landscape and visual impact**

5.29 The application site is not located within any areas of landscape designation. Policy EH2 states: 'The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historical value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced. New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape'.

5.30 The proposed dwelling would be located within an open field separated from the farmstead by the single-track lane between Radford and Cleverley on the southern side of a road junction. The site is highly prominent and features prominently within long views from within the landscape. The proposed dwelling, which is low profile, is not of a traditional vernacular design but is conceptualised contemporary architectural design. The proposed dwelling will be highly conspicuous within this location. There are no dwellings nearby, and the built form within this isolated location consists of the farm buildings, which would be read as distinct and detached and unrelated to the proposed dwelling. Taking into consideration parking, external amenities, and residential paraphernalia, the proposed dwelling would have a distinctly urbanising effect which would be transformative to the appearance of the area.

5.31 The applicant has been advised to find an alternative location. Your officers have suggested that the applicant consider a location within or more closely related to the farmstead of barns. However, the applicant has made clear in the submitted information that a health and safety review of the farm indicated that the farmyard is unsuitable for a dwelling, one of the main reasons being 'that children should be kept away from the hazards of moving machinery and large animals.'

5.32 As detailed above Policy OS2 of the local plan provides, inter alia, that all development should form a logical complement to the existing scale and pattern of development and/or the character of the area; should as far as is reasonably possible protect or enhance the local landscape and should conserve and enhance the natural, historic and built environment.

5.33 It is not considered that the proposed dwelling would form a logical complement to the existing pattern of development and would have a harmful impact on the rural character and appearance of the landscape.

5.34 The introduction of new dwelling would result in the loss of the open character of the site and its vital contribution to the character of the area and wider landscape. The proposed development would not conserve or enhance the natural environment.

## **Highways**

5.35 WOLP Policy T2 states that:- 'All development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'.

5.36 The Highways Authority have confirmed no objection to the proposal.

## **Biodiversity**

5.37 Policy EH3 requires that the biodiversity of West Oxfordshire be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.

5.38 The Biodiversity and Countryside Officer has commented that the scale of development is likely to have a negligible impact on ground-nesting birds. However, WODC's precautionary method of working is recommended to ensure that nesting birds are safeguarded during any site clearance works and construction.

5.39 In terms of enhancements to deliver overall net gains for biodiversity as required by paragraphs 180, 185 and 185 of the revised NPPF and local plan policy EH3, the Preliminary Ecological Appraisal suggestions integrated bat and bird boxes to ensure bat roosting and bird nesting opportunities are provided. The PEA report concludes that there is moderate potential for commuting and foraging bats. Therefore, the above lighting condition is recommended to ensure that any external lighting is sensitively designed. A landscaping condition is recommended in the absence of detailed plans for a garden and landscaping.

## **Other Matters**

### *Land Contamination and Drainage*

5.40 In relation to the potential for land contamination, ERS Pollution recommends a precautionary condition should any contaminated land be found during construction.

5.41 The Land Drainage Enforcement Officer has raised no objection and recommends that a standard condition seeking a full surface Water Drainage Scheme be submitted and approved prior to commencement. This will ensure that the proper provision for surface water drainage and/ or flooding is not exacerbated in the area.

## **Planning Balance and Conclusion**

5.42 Policy H2 adopts a restrictive approach to the provision of new dwellings in the open countryside. The applicant has not provided enough information or evidence to demonstrate why a rural worker

must live at or near their place of work to ensure the effective operation of an agricultural or rural enterprise. Limited information has been provided about the business, which makes it difficult to determine whether an additional dwelling is essential for the continued viability of the farming business through the farm succession process. Additionally, it is not possible to determine whether the need for a dwelling could be met through improvements to the existing accommodation on the site.

5.43 The proposed dwelling would not form a logical complement to the existing pattern of development. It would be out of character within the landscape, having an undesirable urbanising effect on an open countryside location, and, as such, would detract from the appearance and character of the local landscape. The introduction of a new dwelling would diminish the open character of the site and its contribution to the area and wider landscape, and as such the proposed development would not conserve or enhance the natural environment.

5.44 In light of this assessment, the application is not considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS2, OS4 and H2; advice in the Planning Practice Guidance and the NPPF and the West Oxfordshire Design Guide 2016. The recommendation to Refuse permission has been taken with regard to the policies and proposals in the development plan set out above and to all the relevant material considerations set out in the report.

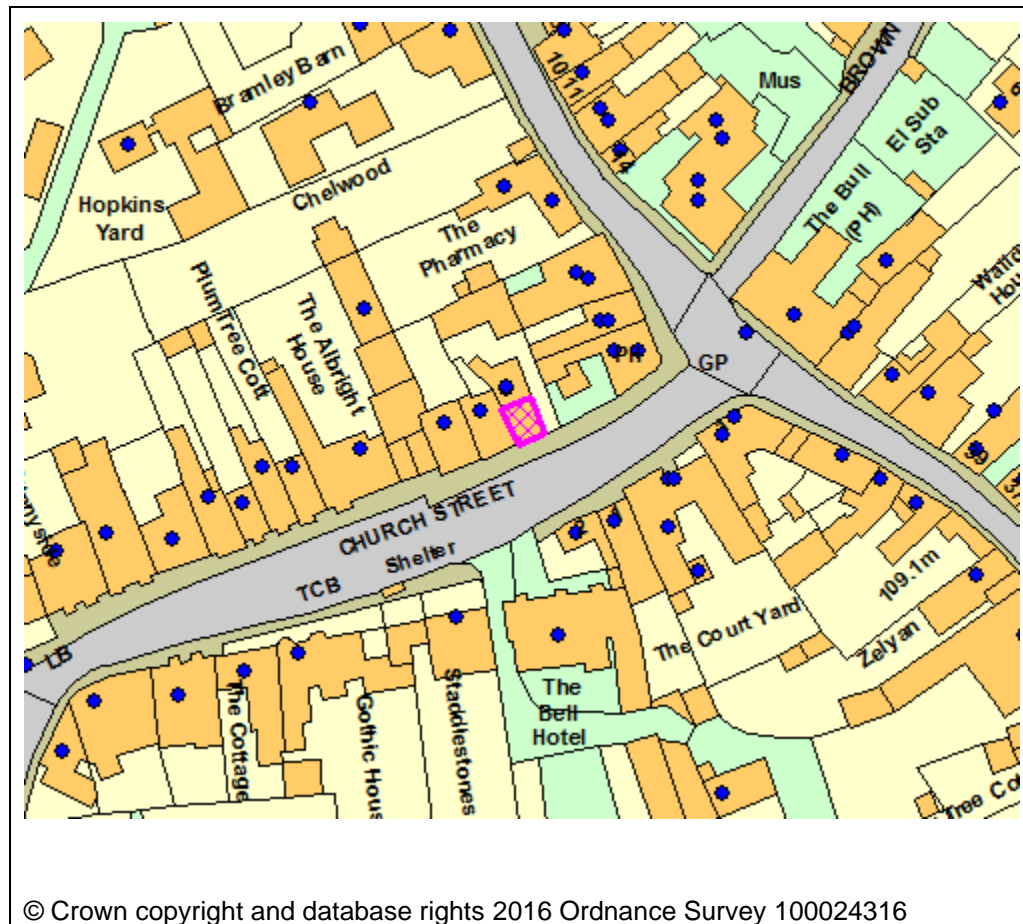
## **6 REASONS FOR REFUSAL**

- I. 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, or evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural and land-based rural enterprise. The development would fail to respect the rural character and local distinctiveness of the area and, by reason of its location, would have an adverse urbanising impact on the distinctive rural character of the area 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 and H2 of the West Oxfordshire Local Plan 2031, advice in the NPPF and the West Oxfordshire Design Guide 2016.

**Contact Officer:** Peter Morgan  
**Telephone Number:** 01993 861653  
**Date:** 26th March 2024

Application Number	24/00166/FUL
Site Address	Cheorl House Church Street Charlbury Chipping Norton Oxfordshire OX7 3PR
Date	26th March 2024
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	435696 E 219463 N
Committee Date	8th April 2024

### Location Map



### Application Details:

Change of use from office to residential



**Applicant Details:**

Mr and Mrs Morton  
Cheorl House  
Church Street  
Charlbury  
Chipping Norton  
Oxfordshire  
OX7 3PR

**I CONSULTATIONS**

Conservation And Design  
Officer

No Comment Received.

OCC Highways

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

Town Council

Charlbury TC objects to this planning application on the grounds of policy ECT2 of the Charlbury Neighbourhood Plan which states: Proposals for changes of use of premises currently occupied by Class E, F1 and F2 uses for other uses, including for residential uses, will not be supported unless there is evidence that the premises are no longer commercially viable for Class E, F1 and F2 uses or that alternative facilities are available elsewhere in the neighbourhood area in accessible and convenient locations.

**2 REPRESENTATIONS**

2.1 The full representations can be read on the WODC planning website but they are summarised below:

One objection

The development is contrary to the Charlbury Neighbourhood Plan, there was a high level of interest when the property was on the market, commercial spaces in the town centre should be retained and the applicant has not shown that the site cannot be used for retail commercial space.

One general comment

The front of the house is an important nesting site for house martins, any works should not affect the existing nesting birds nor should they happen during nesting season.

**3 APPLICANT'S CASE**

3.1. The applicant has provided a covering letter in support of their case, the conclusion is as follows:

3.2. Conclusion

"We consider the proposed amalgamation of the front room of Cheorl House into the existing dwelling to be supported by policy E1 of the West Oxfordshire Local Plan 2031 and the Charlbury Neighbourhood Plan 2031.

The existing office is devoid of any of the facilities (W.C., washroom, kitchenette) required of a workplace meaning it is incapable of use independently of the dwellinghouse. This being the case, the planning unit of the office is not a viable workplace, nor is its separate use compatible with the amenity of the existing dwelling. The proposed change should not give rise to any detrimental impact. The proposal retains the opportunity for the occupant of the house to undertake home working.

Thus, considered in the context of the one-room office there would be no notable loss in workers at the property and interaction with the local area (use of local shops, cafes etc) should be unaltered. The proposal does not require or include any physical works, there should not therefore be any visible change in the conservation area. The proposal ensures the ground floor front room of the building will be used (as part of the dwelling) rather than left vacant (as an unneeded and unusable office) to the benefit of the vitality of the historic street as desired by WOLP policy EH9.

In short, the proposal is supported in principle by the Development Plan, should not give rise to any detrimental impacts and offers benefits. We therefore respectfully request that planning permission be granted."

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
OS4NEW High quality design  
E1 Land for employment  
EH1 Cotswolds AONB  
EH10 Conservation Areas  
EH11 Listed buildings  
DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

- 5.1. This is an application for the change of use from an office to residential use, relating ground floor of a property in Charlbury. The property is known as Cheorl house and is located on Church Street.
- 5.2. The application site comprises only the front ground floor room of Cheorl House which is an office. The rest of the property is in residential use. The site is laid out such that the front door of the property opens directly into the office room then a single door leads straight through to the rear of the property which is classed as residential use and contains a dining room, kitchen and toilet as well as the stairs to the upper floors. The office is therefore not separate from the existing dwelling and is not served by its own amenities (w/c/kitchen space).
- 5.3. The property is not listed but there are several listed buildings within the immediate setting and it is situated within the Charlbury Conservation Area, and the Cotswold National Landscape (formerly AONB).

5.4. The application is brought before Members because the Officers' recommendation is contrary to the views of Charlbury Town Council.

### **Relevant Planning History**

- W81/1185 - Change of use from butchers shop to hot food take-away – approved
- W82/0207 - Demolition of existing kitchen, w.c, bathroom, and covered way, extension to provide residential accommodation-
- W86/0905 - Change of use from shop to residential. – approved
- W87/0886 - Change of use front ground floor room to office. – approved
- W88/0080 - Change of use of front ground floor room to shop. - approved

### **Principle**

5.5. Policy OS2 of the West Oxfordshire Local Plan ("WOLP") sets out the spatial strategy for the district, in this Charlbury is considered a rural service centre and is considered suitable for 'a modest level of development to help reinforce their existing roles'.

5.6. The general principles of policy OS2 apply to all development and in this case the relevant points are that development should:

- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment;
- In the AONB, give great weight to conserving landscape and scenic beauty.

5.7. Policy EI is the relevant policy for considering the loss of Office space and states that non-employment uses on employment sites will be refused except in certain circumstances, relevant to this application are the following:

- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
- where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses.

5.8. The supporting text for policy EI outlines that if the issue for continuing a business use is economic viability then the Council will require a robust marketing campaign to show that continuing the employment use has been fully tested.

5.9. Similarly the Charlbury Neighbourhood Plan policy ECT2 aims to protect retail, employment and service uses. This policy requires proposals for changes of use of premises occupied by Class E business to show evidence that the premises are no longer commercially viable. Proposals that do not show this evidence will not be supported.

- 5.10. In this case, it is therefore necessary to consider whether the applicant is required to provide evidence that the Office use is no longer economically viable or whether the change of use is justified by other material considerations.
- 5.11. The proposed commercial floor area to be lost is 20sqm and consists of a single room. The room does not have its own facilities such as a toilet and kitchen. The room is not physically separated from the residential part of the property as there is a connecting door which leads to the dining room with the residential kitchen and ground floor toilet lying beyond. As such any commercial tenant would be required to enter the private space of the dwellinghouse should they wish to use onsite facilities.
- 5.12. Your officers do not consider the commercial unit to have the appropriate facilities to function as an office or any other Class E unit when occupied by someone outside the household of the dwellinghouse. Should Members be minded to grant the change of use, this would not preclude the occupants of the dwellinghouse from using the front ground floor room as an home office in the future. They would be permitted to do so without the need for planning permission, as a matter of fact and degree, the Council does not generally consider home offices to amount to material change of use and instead considers a home office to be a normal use of a dwellinghouse.
- 5.13. Similarly, your officers consider the relationship between the commercial use and the residential use to be unsuitable on amenity grounds as there is no physical separation between the two uses, resulting in possible security and privacy concerns as well as it seeming unlikely that the applicants would seek to let the room to a commercial tenant because of this connection.
- 5.14. On the above assessment, your officers consider that it has been demonstrated that the application site is not reasonably capable of being used for employment purposes, neither would the continued use of this room as an office protect the amenity of the occupants of the adjoining dwellinghouse.
- 5.15. In this particular case, your officers consider that the unusual constraints of the application site mean that it is highly unlikely that the site will be used by a commercial enterprise in the near future and that the issue in this case is not one of economic viability but that the site is not suitable for business use. On this basis, your officers do not consider it necessary to request marketing evidence and the principle of the change of use can be accepted with regard to an assessment of the proposal on residential amenity, heritage and landscape/visual impact, the WOLP and relevant paragraphs of the NPPF 2023.

### **Residential Amenities**

- 5.16. As the proposal is to absorb the front room into the existing residential use on the site your officers do not consider the proposal to give rise to any new comings and goings, noise, overlooking or other impacts that could harm the residential amenity of neighbouring properties. In fact, the removal of the office use is likely to improve the amenity of the occupants of the dwelling for the reasons set out above. As such the proposal is acceptable in this regard and complies with policies OS2 and OS4.

### **Cotswolds National Landscape**

- 5.17. Paragraph 182 of the NPPF requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. In this case, given that no external alterations are proposed, and the property would retain the existing shop front exterior, the

proposed development will not have any visual impact and will therefore conserve the landscape and scenic beauty of the Cotswold National Landscape and is acceptable in this regard and complies with policy EH1.

## **Heritage**

5.18. As this site is located within a conservation area, officers are required to consider section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.19. In addition as the property is within the setting of several listed buildings, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. Paragraph 205 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.

5.20. Given the retention of the existing shop frontage your officers consider the proposal to conserve the appearance of the conservation area and the setting of surrounding listed buildings. As such the development is considered acceptable in this regard and complies with policies EH10 and EH11.

## **Recommendation**

5.21. In light of the particular circumstances of the application site, namely the size of the commercial unit, the lack of private facilities and the relationship with the adjoining dwelling, your officers consider that the proposal presents a more appropriate use of the front room than the existing commercial designation and is acceptable with regard to the impact on amenity, the conservation area and the surrounding listed buildings and the Cotswold National Landscape, and complies with policies OS2, OS4, EI, EH1, EH10 and EH11. The recommendation is therefore to approve the proposal.

## **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.

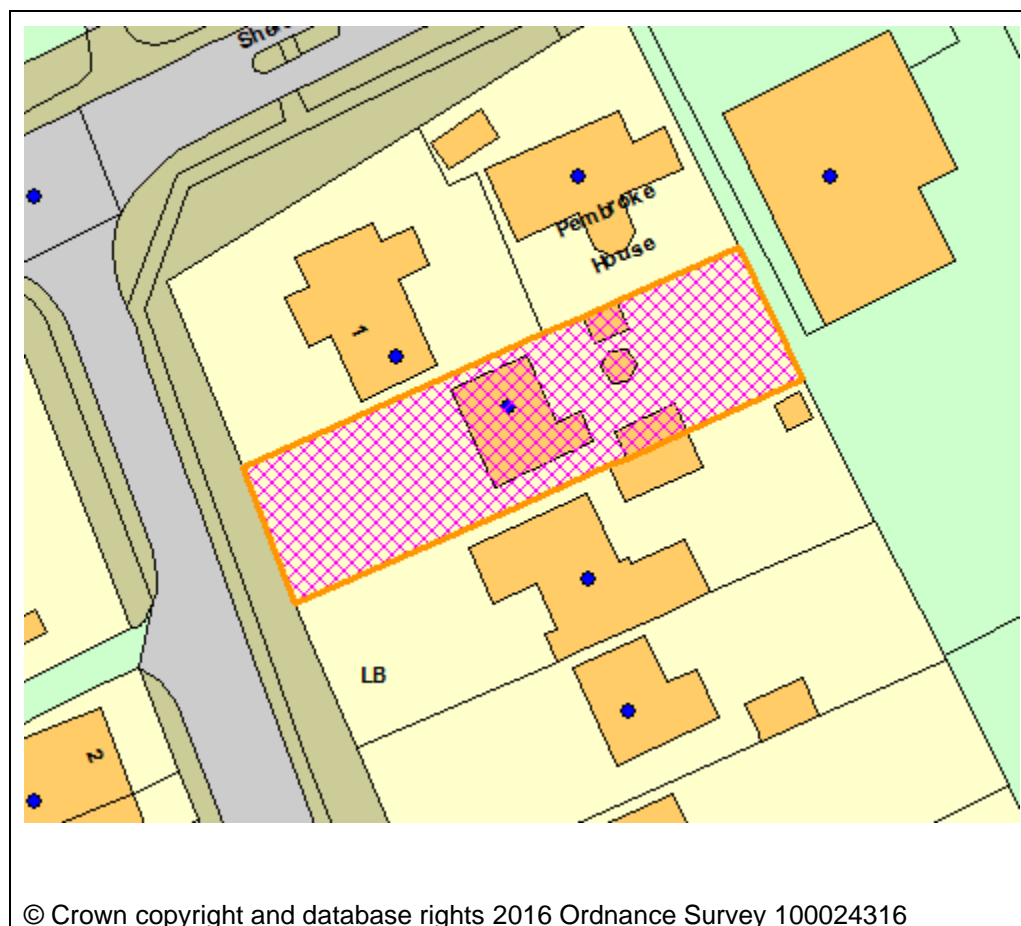
**Contact Officer:** Rebekah Orriss

**Telephone Number:**

**Date:** 26th March 2024

Application Number	24/00215/S73
Site Address	Chalfont 3 Wroslyn Road Freeland Witney Oxfordshire OX29 8HJ
Date	26th March 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	440849 E 213904 N
Committee Date	8th April 2024

### Location Map



### Application Details:

Variation of conditions 2 and 3 of Planning Permission 22/02862/HHD to allow design and material changes

**Applicant Details:**

Mr Frank Creese  
Chalfont  
3 Wroslyn Road  
Freeland  
Witney  
Oxfordshire  
OX29 8HJ

**I CONSULTATIONS**

Parish Council

Having reviewed these retrospective planning applications, Freeland Parish Council does have some concern over the increased size of the footprint of the dwelling and the alteration in footprint of the garden store.

The Parish Council decided not to comment when we reviewed the original applications, as it was felt that the possibility of the development being overbearing to neighbours was outweighed by the fact that the 2 storey section was within the building line of the adjacent dwellings, both of which are chalet bungalows and therefore also 2 storey. The rear extension and store both being single storey would be less intrusive. Therefore our overall conclusion was that the original development would not be overbearing.

However, the new application is larger overall, and should this version have been submitted originally we would have expressed our concerns that the dwelling is overbearing to neighbours. Therefore we would ask WODC to take this into consideration when deciding these 2 applications.

**2 REPRESENTATIONS**

2.1 2 objection comments have been received which are summarised below

- The above works will be overbearing, there will be loss of light and will overlook into the rear of our property.
- Out of character for the area.
- Devalue property.

**3 APPLICANT'S CASE**

The purpose of this application is to regularize the proposal and the clients Contractor has started to build the extensions different from the approved drawings.

**4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
OS4NEW High quality design  
H6NEW Existing housing  
T4NEW Parking provision  
DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

5.1 The application seeks permission for to vary conditions 2 and 3 of Planning Permission 22/02862/HHD to allow design and material changes.

### **Background Information**

5.2 The application is brought before Members of Uplands Area Sub Planning committee after being called in by Cllr Dr Alaa Al-Yousuf over design, massing and neighbouring amenity concerns.

5.3 The site is located in a residential area of Freeland and it not in an area of special designated control. The area is not typified with one specific house type or material however the neighbouring properties either side are both single or one and half storey bungalows which have both been extended in various ways including front extension and also raising of the roof. The property is a detached single storey bungalow dwelling with a rear conservatory and is constructed of Buff brick and white render under a tile roof. The dwelling sits on a relatively large plot which is set back from the front of the plot by approx. 22m and has a staggered build line from the adjacent properties.

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

- Siting, Design and Form
- Neighbouring amenity

### **Principle**

5.5 The principle of development has already been established by permission 22/01680/HHD therefore this will not be assessed as part of this application.

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

5.6 The key differences of this application to what has already been permitted are stated within the submitted planning statement:

#### **Rear extension**

- "Width increase by 230mm approx.
- Depth increase by 510mm on the left and 765 on the right approx.
- left side of the extension has changed material from timber cladding to brick and render. Parapet height is as approved.

#### **Front extension**

- Proportion of the widths changed, front door 300mm shorter and the gables increased by 300mm each."



5.7 The proposed alterations are minor and are not considered to disrupt the dwelling's overall proportions or detract from the appearance of the streetscene.

5.8 The change in materials are to the rear and are still considered to be consistent with the overall appearance of the property.

5.9 Officers therefore consider the proposed acceptable in this regard.

### **Residential Amenities**

5.10 Similar to previous applications, the impact on neighbouring amenities has been thoroughly assessed. The rear extension, closest to neighbouring properties (No 1 Wroslyn Road and Pembroke House), extends an additional 51cm further into the amenity space without an increase in height. Although this extension will be visible from within the neighbouring properties amenity spaces, officers do not believe it will have a detrimental impact in terms of being overbearing or loss of light, especially considering the single-story nature of the extension.

5.11 Given the staggered nature of the dwellings the front additions will not have an impact on the neighbouring properties.

5.12 As with the previous permission conditions have been applied to ensure the sill of the rooflights is 1.7m above finished floor level to ensure no overlooking from these windows. Also permitted development rights have been removed to ensure neighbouring amenity is maintained.

### **Other Matters**

5.13 Officers note within an objection comment that the proposed will devalue their property. This is not a material planning consideration and therefore does not form part of the assessment for the application.

### **Conclusion**

5.14 In light of this assessment, taking in consideration the design, neighbouring amenity and layout, this proposal is considered to be acceptable and would accord with policies OS2, OS4, H6 and T4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016. The application is thus recommended for approval.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission ref: 22/02862/HHD issued 11.01.2023.

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. 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 additional windows/rooflights shall be constructed in the side and rear elevation(s) of the building.

REASON: To safeguard privacy in the adjacent property.

5. Notwithstanding any indication given on the plans hereby permitted, the 3 rooflights in the rear facing elevation(s) shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.

REASON: To safeguard privacy in the adjacent property.

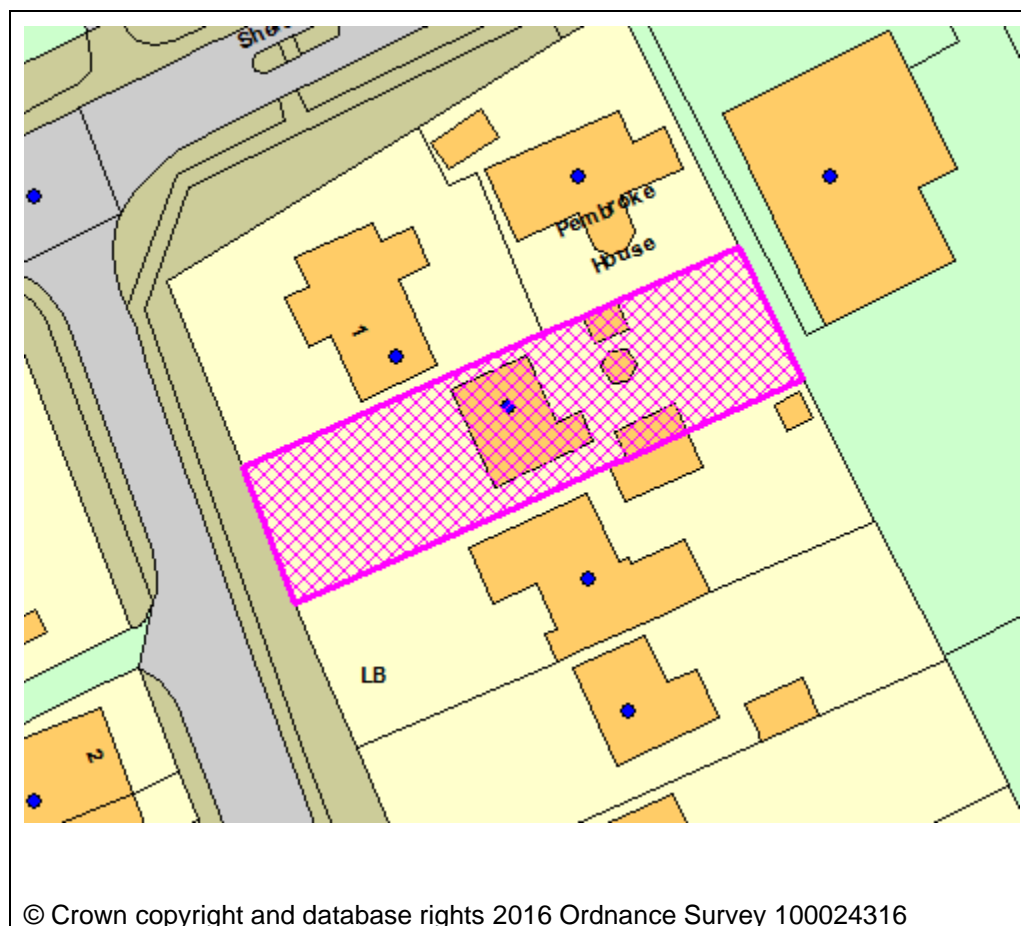
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 26th March 2024

Application Number	24/00216/S73
Site Address	Chalfont 3 Wroslyn Road Freeland Witney Oxfordshire OX29 8HJ
Date	26th March 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	440849 E 213904 N
Committee Date	8th April 2024

### Location Map



### Application Details:

Variation of condition 2 of Planning Permission 23/00124/HHD to allow design changes (retrospective)

**Applicant Details:**

Mr Frank Creese  
Chalfont  
3 Wroslyn Road  
Freeland  
Witney  
Oxfordshire  
OX29 8HJ

**I CONSULTATIONS**

Parish Council

Having reviewed these retrospective planning applications, Freeland Parish Council does have some concern over the increased size of the footprint of the dwelling and the alteration in footprint of the garden store.

The Parish Council decided not to comment when we reviewed the original applications, as it was felt that the possibility of the development being overbearing to neighbours was outweighed by the fact that the 2 storey section was within the building line of the adjacent dwellings, both of which are chalet bungalows and therefore also 2 storey. The rear extension and store both being single storey would be less intrusive. Therefore our overall conclusion was that the original development would not be overbearing.

However, the new application is larger overall, and should this version have been submitted originally we would have expressed our concerns that the dwelling is overbearing to neighbours. Therefore we would ask WODC to take this into consideration when deciding these 2 applications.

**2 REPRESENTATIONS**

2.1 2 objection comments have been received which are summarised below:

- The above works will be overbearing, there will be loss of light and will overlook into the rear of our property.
- Out of character for the area.
- Devalue property.

1 neutral comment was also received:

“With regret we feel that this build has commenced with changes to the original plans. Therefore this leaves a precedence for others to build what they like after plans have been submitted.”

**3 APPLICANT'S CASE**

The purpose of this application is to regularize the proposal and the clients Contractor has started to build the extensions different from the approved drawings.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places'

OS4NEW High quality design

H6NEW Existing housing

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

5.1 The application seeks permission for to vary condition 2 of Planning Permission 23/00124/HHD to allow design changes (retrospective)

### **Background Information**

5.2 The application is brought before Members of Uplands Area Sub Planning committee after being called in by Cllr Dr Alaa Al-Yousuf over design, massing and neighbouring amenity concerns.

5.3 The site is located in a residential area of Freeland and it not in an area of special designated control. The property is a detached single storey bungalow dwelling with a rear conservatory and is constructed of Buff brick and white render under a tile roof. The dwelling sits on a relatively large plot which is set back from the front of the plot by approx. 22m and has a staggered build line from the adjacent properties.

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

- Siting, Design and Form
- Neighbouring Amenity

### **Principle**

5.5 The principle of development has already been established by permission 23/00124/HHD therefore this will not be assessed as part of this application.

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

5.6 The key differences of this application to what has already been permitted are stated within the submitted planning statement:

- The footprint proportion has changed slightly and moved location.
- The right hand side section has changed form from a lean-to to a gable end.
- A brick plinth has been incorporated.
- roof finish changed from timber shingles to slates.
- Eaves height is as approved.
- Ridge height has increase by 200mm.

5.7 The length of the garage remains as approved however its location on the plot has brought it closer to the northern boundary (approx. 1.7m separation distance). The depth of the building has

increased by approx. 60cm extending towards the host dwelling and as noted above the ridge has increased by 20cm as a result. The proposed alterations are considered to be minor and the building still remains ancillary to the host dwelling.

5.8 The change in materials are considered acceptable and of high quality and suitable for the building and the wider area.

5.9 Officers therefore consider the proposed acceptable in this regard.

### **Residential Amenities**

5.10 Similar to previous applications, the impact on neighbouring amenities has been thoroughly assessed. As highlighted above the garage is now sited 1.7m from the boundary with Pembroke House to the north and is immediately adjacent to the shed with the amenity area of this property. The change in position on the plot although making the garage slightly more visible than previously approved is not considered to have such a detrimental impact in terms of being overbearing or loss of light to warrant refusal, especially considering the orientation of the building and its single-story nature of the building.

### **Conclusion**

5.11 In light of this assessment, taking in consideration the design, neighbouring amenity and layout, this proposal is considered to be acceptable and accords with policies OS2, OS4, H6 and T4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016. The application is thus recommended for approval.

## **6 CONDITIONS**

1. 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.

**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 26th March 2024