

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 28th May 2024

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

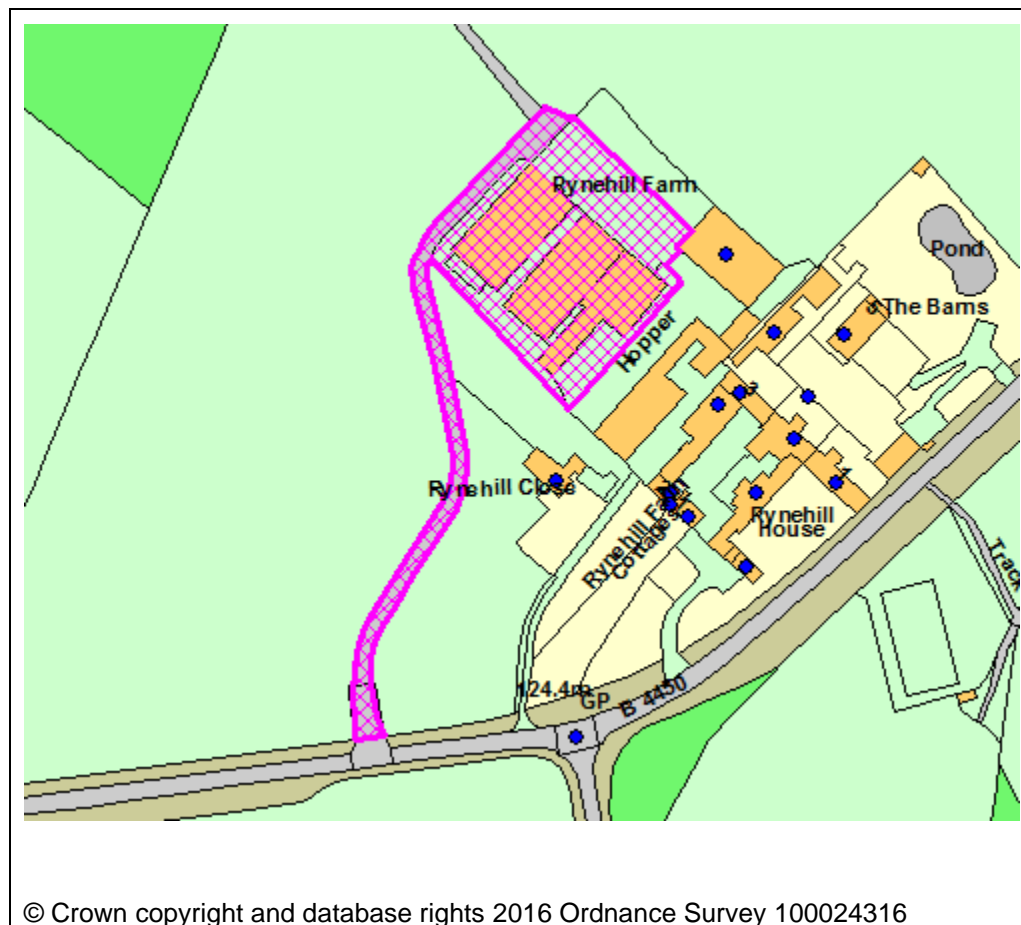
Please note that:

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

Item	Application Number	Address	Officer
15-33	23/03261/FUL	Barn At Ryehill Farm, Kingham	James Nelson
34-38	24/00215/S73	Chalfont 3 Wroslyn Road, Freeland.	Sarah Hegerty
39-42	24/00216/S73	Chalfont 3 Wroslyn Road, Freeland.	Sarah Hegerty
43-55	24/00686/FUL	Land And Building (E) 439518 (N) 226211 Enstone Airfield North, Banbury Road Enstone	James Nelson
56-65	24/00890/FUL	Stonesfield Sports And Social Club Field Close, Stonesfield Witney	James Nelson

Application Number	23/03261/FUL
Site Address	Barn At Ryehill Farm Kingham Oxfordshire
Date	14th May 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Churchill Parish Council
Grid Reference	427012 E 222819 N
Committee Date	28th May 2024

Location Map



Application Details:

Part demolition and change of use of two agricultural barns into Holiday Lets. Conversion of third agricultural barn into a leisure facility to service the holiday accommodation.

Applicant Details:

Mr & Mrs P Ambler
C/o Agent

I CONSULTATIONS

WODC Business Development

Please see below comments/recommendations from a visitor economy and economic development perspective:

- WODC Tourism Team are focused on the growth of sustainable tourism and are therefore supportive of holiday accommodation that is sustainably focused and in close proximity to train stations, which this application is.
- We would like to see consideration for a safe walking route connecting the property to the station and Kingham village, to enable visitors to continue their journey to and from the property, & their visit overall, sustainably.
- We would like to see an enhanced provision for cyclists than currently listed in the application. Facilities could include undercover, secure storage for bikes, access to bike repair tools, facilities for cleaning bikes and cleaning & drying cycle wear. Heath Farm Holidays Cottages at Swerford are an exemplar business for cyclist provision.
- We are supportive of the development of accessible accommodation and pleased to see that two of the planned holiday lets are described as 'designed to provide fully comprehensive accessible bedroom & bathroom accommodation that will be suitable for disabled users and able-bodied users alike'. We would also encourage the applicant to ensure accessibility is considered in the designs for the planned communal areas/facilities, such as parking, pathways and the swimming pool/cafe, as well. A great resource for planning an accessible visitor economy business, which covers all types of barriers faced by disabled people, is the VisitEngland Accessible and Inclusive Tourism Toolkit for Businesses.
- The addition of holiday lets to the proposed development of a hotel would add to the range of accommodation being offered on site, appealing to different markets and demographics. The proximity to several wedding venues would also benefit the accommodation.
- Most self-catering accommodation businesses in the area have a very high percentage of repeat customers. We would expect the business to take 2 years to get to an expected

level of 80% occupancy. The expected occupancy level of 80% is dependent on the strength of the business' offering and marketing, so could be less or, if highly successful, more.

- The potential pricing structure provided is comparable to other high quality accommodation providers in the area, although consideration should be given to seasonal pricing to encourage greater occupancy levels in the shoulder seasons.

Parish Council

Objection- Whilst supporting the principal of diversification in farming and repurposing of agricultural buildings, and the opportunity for local employment, the councillors have concerns about this application. Although the original footprint is not being extended, they also have concerns about the size of the complex being created, especially with the proximity to the Bluewood Park. This proposal would in effect be starting the creation of a new village in a rural area which is within the AONB, which is something the councillors do not support. There would be a considerable increase in traffic through already congested villages. The onsite parking seems inadequate - an increase from 6 to 12 spaces. Would the coffee shop be open to the general public? If so, this provision is woefully inadequate.

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.

WODC Drainage

Confirmation has been received for application 23/03262/CLASSR for this address (Conversion of redundant agricultural barn into an 8 Suite hotel etc) that there is already an existing surface water drainage system in place for the barn and there is no proposed increase in footprint. If this also applies to the barns under 23/03261/FUL, the only requirement would also be for the existing systems to be surveyed and repaired/renovated as necessary. If there is currently no s/w drainage in place, under SUDS hierarchy soakaways should be initially considered as a means to dispose of surface water. Soakage tests would be required to check whether infiltration is adequate and if a minimum 1m clearance between the base and water table could be maintained at all times. Soakaways should be located at least 5m from buildings and at least 2m from the site boundary. They should be designed to accommodate a 1 in 30 year storm + 40% climate change allowance.

The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event with no property flooding.

An exceedance flow plan should be provided for storm events in excess of 1 in 100 yr + 40% cc, based on proposed ground levels and directing runoff away from neighbouring properties.

Env Health Noise And Amenity No objection in principle to this application. I do have some concerns over noise and disturbance if the proposed swimming pool is to be open to the public, but not if it is just for use by occupants of the holiday lets.

To minimise disruption to any neighbouring residents, I would ask that prior to the commencement of any works the applicant submits to, and has approved by, the Local Planning Authority a Construction Environmental Management Plan.

The plan shall include, but not limited to, details of how noise and dust are to be controlled and minimised, proposed hours of work, material delivery and storage, contractor parking and welfare, waste management and recycling.

Reason: to protect the amenity of the neighbourhood.

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

Given the former agricultural use of the site and the proposed use as holiday lets, please consider adding the following condition to any grant of permission.

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.
2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that

all works were completed in accordance with the agreed details.

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

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

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

District Ecologist

The Council's mapping system shows previous records for barn owl, house sparrow and woodpigeon in the wider landscape and within Ryehill farm. In addition, two old pigeon nests were found within the open Dutch barn during the PRA survey. In order to protect nesting birds during demolition and construction works, a precautionary method of working statement is recommended to ensure that birds and their nests are appropriately safeguarded.

The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 180, 185 and 186 of the revised NPPF and local plan policies EH3. The PRA makes suggestions of the addition of swallow nest boxes and sparrow terraces as enhancements, however, no plans have been provided to support this, and therefore an enhancement condition is recommended to ensure these new nesting features are secured.

Whilst the PRA report concluded that the barns concerned within this proposal hold negligible potential for roosting bats, and no evidence found within the barns, there are previous records for roosting bats elsewhere on Ryehill farm, and the wider landscape offers potential commuting and foraging habitats for bats. Therefore the above lighting condition is recommended to ensure that any external lighting is sensitively designed.

I note that the application falls within an amber/green impact risk zone for great crested newts, as per the district mapping system. Given the overall hard standing and surrounding amenity grassland and distance from ponds in the wider landscape, it is unlikely that GCN would be a constraint to development and therefore do not need to be considered further.

2 REPRESENTATIONS

2.1 A total of 16 comments in opposition to the scheme have been submitted via the Council's website. The objection comments concern the following planning matters relevant to the application:

- Noise and light pollution in open countryside within the Cotswolds National Landscape;
- Increased traffic;
- Economic benefits to the area minimal;
- Overdevelopment of the site which is out of keeping with the area;
- Proposal incompatible with size of existing farm and may undermine future agricultural business;
- Landscape and visual harm;
- Proposal constitutes major development within the CNL;
- Lack of need for tourism related development;
- Isolated and inappropriate location; and
- Impact on wildlife

3 APPLICANT'S CASE

3.1 The application has been supplemented by a Design and Access and Planning Statement, the key points of which are summarised below. This Statement should be read in conjunction with the revised Agricultural Diversification Justification Report, which is available to view on the Council's website.

3.2 The barns (positioned to the NE of Ryehill Close) were historically used to house pigs and associated agricultural machinery before the farm adapted the business to exclusively arable production some years ago. The farm and barns are situated directly adjacent and North of the B4450 Bledington-Churchill road. The barns have stood vacant being utilised for general farm storage use for several years but are now occasionally used as a workshop for housing and maintaining farm machinery that is now redundant.

3.3 The barns are not listed and the site does not sit within a Conservation Area, however full account has been taken of the sites' position within the Cotswolds Area of Outstanding Natural Beauty and consideration has been given to reducing the impact that the barns have on the wider surrounding countryside.

3.4 The application seeks approval for the conversion and change of use of the barns to the highest quality tourism provision including Holiday let accommodation, ancillary leisure facilities including swimming pool and gym with a supporting farm shop/juice and Coffee bar.

3.5 The proposals compliment the already consented scheme for 4 holiday let units (21/000592/FUL) & the Prior Approval submission for an 8-suite hotel to the North of the site which combine to offer a viable diversification strategy that will be managed and delivered by the owner and applicant residing on site.

3.6 All of the proposals will contribute to the carefully considered farm diversification proposals that are proposed by the applicant and a detailed farm diversification report on the full cohesive site prepared by Howkins & Harrison is submitted in support of the application.

- 3.7 It is envisaged that the development will operate as a single entity and holiday destination at the heart of the popular Cotswolds Outstanding Area of Natural Beauty and will also provide the facilities to successfully operate as a certified temporary camping site (28 days/year) to coalesce with established and successful local tourist events that grow annually and regularly fall short of the growing demand for varied and high-quality local tourist accommodation.
- 3.8 The proposals seek to maintain the original (but reduced) overall form of the barns/physical mass on site and utilise a agricultural palette of profiled metal and timber cladding alongside & new glazed apertures that sit entirely within the footprint of the existing barns. The total demolishing of Unit 1 and the central section of Unit 2 will be utilised for a small courtyard garden ensuring that residential 'sprawl' is avoided and also to create a private and sheltered outside amenity space for this larger Holiday let. Units 3 & 4 adopt a similar design approach with a wrap-around metal cladding and glazing set back from the outer gable line to ensure minimal light pollution and to create a covered terrace/outside amenity space that can be used in all weather conditions. Unit 5 retains the working barn vernacular and is softened by the introduction of Cotswold Natural stone at Ground Floor in order to site more comfortably alongside the approved single storey barn conversion immediately opposite (Ref; 21/000592/FUL).
- 3.9 Parking and access for Units 2, 3 & 4 are discretely located within the retained W bay of Unit 2 barn which provides shelter from the wind & ensures that the views towards the barn remain agricultural in context and ensures that the site remains open & agricultural in aspect. Parking for the remainder of the site is proposed in the existing yard being discretely positioned to be out of sight wherever possible to avoid residential paraphernalia 'sprawl'.
- 3.10 The proposals fully accord with WODC Policy, in particular OS2, OS3, OS4, E2 & E3 which detail that farm diversification is supportable within the Local Plan utilising non-traditional structures.
- 3.11 The proposals maintain the aesthetic of this commercial agricultural farm and offer the opportunity for a tangible enhancement to the character of the immediate and wider area through the re-greening of existing hard-standing, the proposed re-wilding and landscape enhancements alongside the demonstrable enhancements to the quality of the overall setting. The submitted scheme maintains the existing agricultural form in its surroundings and delivers a contemporary residential conversion of the highest quality using local and sympathetic materials and in doing so raises the standards of contemporary architecture in the local area and beyond. The revised scheme secures a significant net gain in landscape and visual impact terms compared to the existing layout and it is submitted that the proposed scheme fully accords and meets the requirements of both local and National Planning Policy without conflict or contention. We trust that the application will be determined accordingly.'

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

E2NEW Supporting the rural economy

E3NEW Reuse of non residential buildings

E4NEW Sustainable tourism

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision
BC1NEW Burford-Charlbury sub-area
EH1 Cotswolds AONB
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
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 part demolition and change of use of two agricultural barns into Holiday Lets and conversion of agricultural barn into a leisure facility to service the holiday accommodation at Rynehill Farm, Kingham.
- 5.2 The proposal relates to four modern agricultural buildings forming part of a farm complex set within the open countryside 0.7 miles south-east of Kingham and within the Cotswolds National Landscape ('CNL').
- 5.3 Two other agricultural buildings lie within the wider complex but are not included in this application. One benefits from an extant consent for conversion to holiday lets (21/00592/FUL) with the remaining barn have recently benefited from consent (23/03262/CLASSR) under the provisions of Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a flexible use initially as a hotel. Officers note that no details regarding the proposed operational development to facilitate conversion works have been submitted to date.

Planning History

W96/1133- Erection of dry sow house and service house (approved).
W96/1825- Erection of weaning house (approved).
09/1220/P/FP- Construction of new access with entrance gates and track (approved).
21/00592/FUL- Conversion of redundant agricultural stone barns into 4 self contained holiday let accommodation units together with associated works (approved).
23/03262/CLASSR- Conversion of redundant agricultural barn into an 8 Suite hotel with associated parking, reception and Stores and Meeting Room (Prior Approval Approved).

Development Plan

- 5.4 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 the West Oxfordshire Local Plan 2031 ('WOLP').

National Policy/Guidance

5.5 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 historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

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

5.7 Paragraphs 88 and 89 relate to supporting a prosperous rural economy and outline that decisions should enable the sustainable growth and expansion of all types of business in rural areas (including through conversion), farm diversification and sustainable leisure developments which respect the character of the countryside.

5.8 The NPPF sets out that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.

5.9 Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131). Paragraph 135 is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Paragraph 139 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.

5.10 Section 15 of the NPPF relates to conserving and enhancing the natural environment. Paragraph 180 outlines that decisions should contribute to and enhance the natural and local environment and paragraph 182 outlines that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty (such as the CNL) which have the highest status of protection'.

5.11 Paragraphs 180, 185 and 186 seek *inter alia* to deliver overall net gains for biodiversity.

5.12 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
- Design
- Landscape and visual impact
- Highways/accessibility
- Residential amenity
- Biodiversity
- Drainage/flooding

5.13 Each will be considered in the following sections of this report.

Principle

5.14 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. In this regard, the application site demonstrably occupies an open countryside location.

5.15 Policy OS2 sets out that in open countryside locations, appropriate development will be 'limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area'. This is subject to the general principles of OS2 notably that development should:

- 'As far as is reasonably possible protect or enhance the local landscape;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- In the AONB, give great weight to conserving landscape and scenic beauty.'

5.16 Policy OS2 also outlines that: "Proposals for non-residential development that is regarded as appropriate will include:

- Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting, with preference given to employment, tourism and community uses;
- Proposals to support the effectiveness of existing businesses and sustainable tourism; and
- Development which will make a positive contribution to farm and country estate diversification' WOLP Policy E2 (supporting the rural economy) states: "Development proposals...which make a positive contribution to farm or country estate diversification will be supported where they:
 - are supported by or operate as part of and will continue to add value to a viable core farm/estate business; and
 - remain compatible and consistent in scale with the farm/estate operation and a countryside location; and
 - re-use existing buildings where feasible in accordance with Policy E3."

5.17 WOLP Policy E2 (supporting the rural economy) states:

"Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification will be supported where they:

- are supported by or operate as part of and will continue to add value to a viable core farm/estate business; and
- remain compatible and consistent in scale with the farm/estate operation and a countryside location; and
- re-use existing buildings where feasible in accordance with Policy E3."

5.18 WOLP Policy E3 (re-use of non-residential buildings) is also pertinent to the principle of development. E3 differentiates between traditional and non-traditional buildings and for the purposes

of this application, the buildings subject of this application would be considered 'non-traditional' for the purposes of the WOLP. In such circumstances, Policy E3 states that:

"The re-use of non-traditional buildings, including modern farm buildings, for employment, tourism and community uses will be supported within or adjoining Service Centres or Villages, or where it forms part of an agricultural holding and the proposal is part of a farm diversification scheme under Policy E2 or where re-use would address a specific local need which cannot be met in an alternative way."

5.19 The supporting text to E3 outlines in paragraphs 6.50 and 6.51:

"The re-use of non-traditional buildings will be limited to more sustainable locations and where they contribute to farm diversification in accordance with Policy E2...In some cases where a building is situated in an isolated and inaccessible location or where it detracts from the character of the surrounding area, re-use may not be appropriate, particularly in the Cotswolds AONB."

5.20 Policy E4 (sustainable tourism) outlines:

"Tourism and leisure development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported...In small villages, hamlets and the open countryside, new tourism and visitor facilities may be justified in the following circumstances:

- where there is a functional linkage with a particular countryside attraction; or
- the nature of the tourist and visitor facility is such that it could not reasonably be located within or close to Service Centres and Villages; or
- to secure the diversification of a farm enterprise or country estate in accordance with Policy E2; or
- the proposal will re-use an appropriate building in accordance with Policy E3".

5.21 Policy BCI also provides support for additional small-scale employment opportunities including sustainable tourism and rural diversification.

5.22 The proposed development is put forward on the basis of a farm diversification scheme, whereby the visitor accommodation would supplement the income of an existing agricultural business. Therefore, in order to demonstrate compliance with the policy context as set out, the applicant must demonstrate that the proposed diversification scheme would continue to operate as part of, and add value to, a viable core farming business whilst remaining compatible and consistent in scale with the farming operation and its countryside location.

5.23 In order to demonstrate that the scheme would represent an acceptable farm diversification proposal, the applicant has submitted a revised Agricultural Diversification Justification Statement, which sets out that the applicant's holding comprises some 446 acres of arable land, with no existing diversified income. It is stated that the wider site and buildings was once used to house livestock, and have therefore become largely redundant. The submitted accounts detail volatile incomes due to grain price fluctuations, with profits ranging from £63,337 in 2020 to £4,023 in 2022. It is also stated that loss of subsidy incomes are, and will, continue to increase pressures on incomes in coming years. Whilst the core business is therefore in need of a diversified income stream, officer consider that it has demonstrated a sufficient scale and viability to support diversification under Policy E2.

5.24 Policy E2 also requires diversification proposals to remain compatible in scale to the core business. In this regard, the submitted report sets out projected cost breakdowns relating to the proposed and extant conversions, detailing that should an occupancy rate of 70% be achieved (which officers consider is achievable in this location), income after costs and less the cost of borrowing, is likely to fall around £48,000 per annum. It is therefore considered that the proposed development, when taking into account also the extant permissions for conversion, would remain compatible in scale to the core business and its rural location.

5.25 Given the proposal would accord with E2, the re-use of existing buildings is also considered to accord with the provisions of Policy E3. Whilst in some cases in the CNL, modern buildings are not considered worthy of retention, in this case, the proposal would facilitate the removal of one large agricultural building, and the partial removal of a second, which would significantly reduce the overall quantum of built form on the site. In addition, whilst the site occupies an open countryside location, it is considered relatively accessible owing to its proximity to Kingham Station and network of Public Rights of Way, connecting the site to not only the scenic beauty of the CNL but to numerous other historic parks, gardens and buildings and villages. Therefore, when read in the context of the proposed demolition, will re-use appropriate buildings in accordance with Policy E3. Given the scheme is considered to represent an appropriate farm diversification proposal and the re-use of buildings accords with E3, the proposal also accords with the requirements Policy E4. As such, the principle of part-conversion, part-demolition of the existing modern farm buildings is considered acceptable in principle subject to consideration of the remaining matters below.

Design

5.26 WOLP Policy OS4 states 'high design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings'. Officers also acknowledge the requirements of Policy OS3 with regard to minimisation of resource use.

5.27 The proposed works relate to four modern farm buildings of varying scales. The works to each building are summarised below with numbering derived from the submitted plans.

Barn 1

5.28 The northernmost barn is a substantial, modern and utilitarian construction (38.5m by 19m reaching 5.5m in height). It sits on the edge of the site and is therefore marginally the most prominent building in the landscape, in officer's view. This building would be removed in its entirety, as secure through planning condition, with landscaping works carried out to restore the land.

Barn 2

5.29 This barn sits centrally in the site and is comparable in scale and appearance to Barn 1, it has a marginally greater footprint (40m by 19m) and a height of 7.6m. A central section of this barn would be removed (approximately 16m), with the remaining space converted to living space (holiday let) in the eastern portion, central garden and parking garage/store to the west. The building would be reclad in profiled metal and timber, with minimal openings to side elevations and glazed gable to the east with integrated louvres. Solar PVs would also be added. The proposed conversion therefore,

would significantly reduce the footprint of the building, demonstrating a successful contemporary design whilst retaining its agricultural character.

Barn 3

5.30 Barn 3 is the smallest of the barns (22m by 10m- 6.9m in height), and is visually contained by the adjoining built form, notably Barns 2 and 4, which sit in close proximity. The building is open-fronted and lightweight, with an overhang to principle elevation. The building would be enclosed to form two holiday let units, again with minimal openings to the front and rear and large areas of glazing to side elevations.

Barn 4

5.31 The final building lies in the east of the site, adjacent to Barns 2 and 3. When read in the context of the wider site complex, it occupies a central location within the farmstead. The modern metal building measures 23m by 18m, reaching a ridge height of 6.9m. The proposed conversion would retain the current form and composition of the building to a large extent, with modest openings and materials in keeping with the wider site. This building would act as a central 'hub' for the tourism complex, hosting a pool, gym and café to serve guests.

Wider site

5.32 The existing access would remain unchanged, with large parking areas available across the site. Limited details with regard to landscaping have been provided, however, officers consider that this may be adequately addressed through condition.

5.33 Overall, the proposed development is considered to have suitably reflected and retained the agricultural character of the complex, whilst removing large amounts of built form and enhancing building to be retained through the use of high-quality contemporary materials and a cohesive overall appearance. Officers therefore conclude that the application has demonstrated compliance with the local and national policy context as set out above, and is acceptable in design terms.

Landscape and visual impact

5.34 The site lies within the 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 EH1 of the WOLP 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 LURA 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. For the avoidance of doubt, officers do not consider that the application constitutes 'major development' for the purposes of NPPF Paragraph 183.

5.35 The West Oxfordshire Landscape Assessment ('WOLA') identifies the application site within the open clay wolds (large scale) character area of the wider Upper Evenlode Valley landscape character type. This area is characterised by large-scale, softly rolling productive farmland made up of generally

large-scale arable fields with rectilinear boundaries formed by mainly gappy or tightly clipped hedges with few trees. The landscape also displays an open character with high intervisibility. The application site, owing the presence of existing buildings, could be considered a detracting feature in this wider landscape context, although does not appear alien in an agricultural landscape.

5.36 In terms of views into the site, it is well-contained by existing buildings to the south, and is most prominent in views from Public Right of Way ref. 168/8/10, which runs to the west.

5.37 In terms of the landscape sensitivity, any analysis of landscape effects needs to take account of magnitude of effect and sensitivity of receiving landscape. In this case, the sensitivity of the receiving landscape is high due to its somewhat elevated location within an open, protected landscape. However, the effects in this case are considered to be positive when read as a whole, given the removal of built form and visual enhancement to retained buildings proposed. The scheme also offers opportunities for the reinstatement of landscape features through a forthcoming landscaping proposal. With regard to the impact of the scheme upon dark skies, officers note that new openings are limited with no rooflights proposed and louvres to restrict spill. Further, measure to control external lighting can be controlled via condition.

5.38 In visual impact terms, officers note that the site is highly visible from a nearby Public Right of Way, and as such, any adverse visual impacts would arise predominantly to highly sensitive visual receptors- such as walkers- who will often be tourists visiting the area on account of its scenic landscape qualities. Again however, the scheme would result in a moderate betterment in this regard, for the reasons as previously set out. Officers therefore consider that the scheme will conserve and subject to the submission of landscaping details as a condition of any consent, result in a modest enhancement to the landscape and visual qualities of the area, in accordance with the above policy and legislative context.

Highways/accessibility

5.39 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'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards'.

5.40 In terms of accessibility, the site lies in relatively close proximity to Kingham Station, which offers regular passenger services between Worcester and London Paddington. Further, it is well-related to a network of Public Rights of Way, which are likely to be well-used by tourists visiting the site. Therefore, despite its open countryside location, the site is well connected for a scheme of this type.

5.41 In terms of highway safety, no access changes are proposed and the site would be served by adequate parking. The Highways Authority have confirmed that the access is considered safe and capable of accommodating the proposed use. The application is therefore acceptable in this respect.

Residential amenity

5.42 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 Policies OS4 and EH8, the NPPF and the West Oxfordshire Design Guide.

5.43 The site lies to the north and north west of existing residential dwellings formerly associated with Ryehill House, and has received objections on the grounds of noise and disturbance. Given the separation distances between the proposed tourism buildings and residential dwellings (at a minimum 23m to Ryehill Cottages), the nature of the proposed use and the potential for noise to result from existing agricultural activity, officers conclude that there are no amenity grounds that would warrant refusal of the application.

Biodiversity

5.44 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.

5.45 The application is supplemented by a Preliminary Roost Appraisal ('PRA'), which has been subject to review by the Council's Biodiversity Officer. The PRA states that two old pigeon nests were found during the PRA survey, and as such, precautionary methods of working should be following during construction. Negligible potential for roosting bats was found, however, in order to avoid adverse impacts on species in the wider area, measure to control external lighting are required as well as enhancement features in accordance with Policy EH3 and the NPPF. Therefore, subject to planning conditions, the application is acceptable in this respect.

Drainage/flooding

5.46 WOLP Policy EH7 seeks to avoid flood risk to people and property and outlines that 'all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite and elsewhere, incorporated into the development proposal'. In this case, the Council's Drainage Officers have reviewed the proposal and concluded that subject to appropriate assessment of the existing system, and any upgrading works as necessary being secured via condition, the proposal is unlikely to result in any adverse impact in this regard, given its elevated location within Flood Risk Zone I. The application is therefore acceptable in this respect.

Recommendation

5.47 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, E2, E3, E4, T2, T3, T4, BC1, EH1, EH3, EH7 and EH8, the NPPF 2023 and the West Oxfordshire Design Guide. The application is 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. 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 hereby permitted shall not be occupied other than as holiday accommodation and shall not be occupied at any time as the main or only residence of any occupier.

REASON: The proposed holiday lets are situated in an open countryside location unsuitable for unfettered residential accommodation.

4. That the swimming pool, gymnasium and café/bar building hereby approved shall be operated solely in connection with the holiday let units hereby approved as well as that accommodation approved under refs. 21/000592/FUL and 23/03262/CLASSR and shall not be open to visiting members of the public.

REASON: In order to safeguard the amenity of the area and to ensure that the proposed farm diversification scheme remains compatible and consistent in scale with the farm operation and open countryside location.

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

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

6. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

7. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto

the public and any nonadopted highways. Once submitted and approved the details contained in the plan shall be adhered to in full.

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

8. Prior to the commencement of the development hereby approved, the existing surface water drainage system serving the site shall be surveyed to determine whether any repairs/renovations are required to be undertaken. The results of this survey shall be submitted to the Local Planning Authority before any development above slab level takes place. In the event that the Local Planning Authority finds that further works are required in order to mitigate the drainage impacts of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

REASON: To ensure the future provision for surface water drainage is maintained and/or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

9. No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for nesting birds has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that nesting birds 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 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Within twelve months of the commencement of the development hereby permitted, Barn 1 and the central portion of Barn 2 shown to be removed on plans ref. AL(10)002 Rev. E and AL(10)012 Rev. C, shall have been demolished and permanently removed from the site.

REASON: In order to safeguard the character and appearance of the area and to ensure that the proposed farm diversification scheme remains compatible in scale with the core agricultural business.

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

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

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

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

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

REASON: To protect nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. Prior to the first use or occupation of the development hereby permitted, cycle parking facilities shall be provided on the site in accordance details that have first been agreed in writing by the local planning authority. The cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development thereafter.

REASON: In the interests of promoting sustainable tourism and to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

14. Prior to first occupation of the development hereby permitted, details of a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Details of any proposed boundary treatments;
- b) Layout, surfacing and planting details; and
- c) Layout and surfacing of the access track and parking area

The scheme shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

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

15. Prior to first occupation of the development hereby approved, details of the provision of integrated nesting opportunities for birds (House sparrow terraces and swallow nest cups on the north or east-facing elevations shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the building, and a timetable for their provision. The approved details shall be implemented before the development hereby approved is first brought into use and thereafter permanently retained.

REASON: To provide additional habitat for nesting birds as a biodiversity enhancement, in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVES :-

If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

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

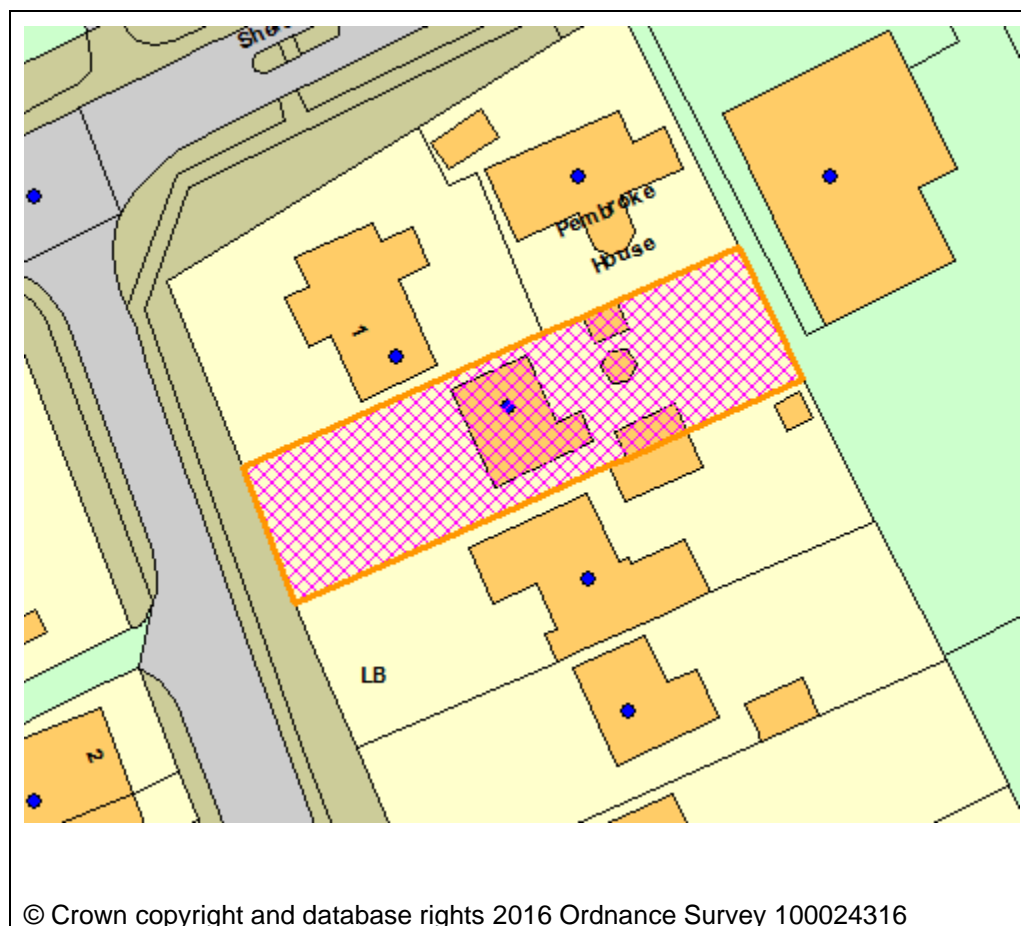
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 14th May 2024

Application Number	24/00215/S73
Site Address	Chalfont 3 Wroslyn Road Freeland Witney Oxfordshire OX29 8HJ
Date	14th May 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	440849 E 213904 N
Committee Date	28th May 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 2 REPRESENTATIONS

2.1 3 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
- Overbearing Impact
- Devalue property
- Loss of outlook
- Loss of privacy

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

NPPF 2023

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.

5.4 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.

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

- Siting, Design and Form
- Neighbouring amenity

Principle

5.6 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

5.7 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."

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

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

5.10 Officers therefore consider the proposed acceptable in this regard.

Residential Amenities

5.11 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.

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

5.13 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

5.14 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

5.15 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.

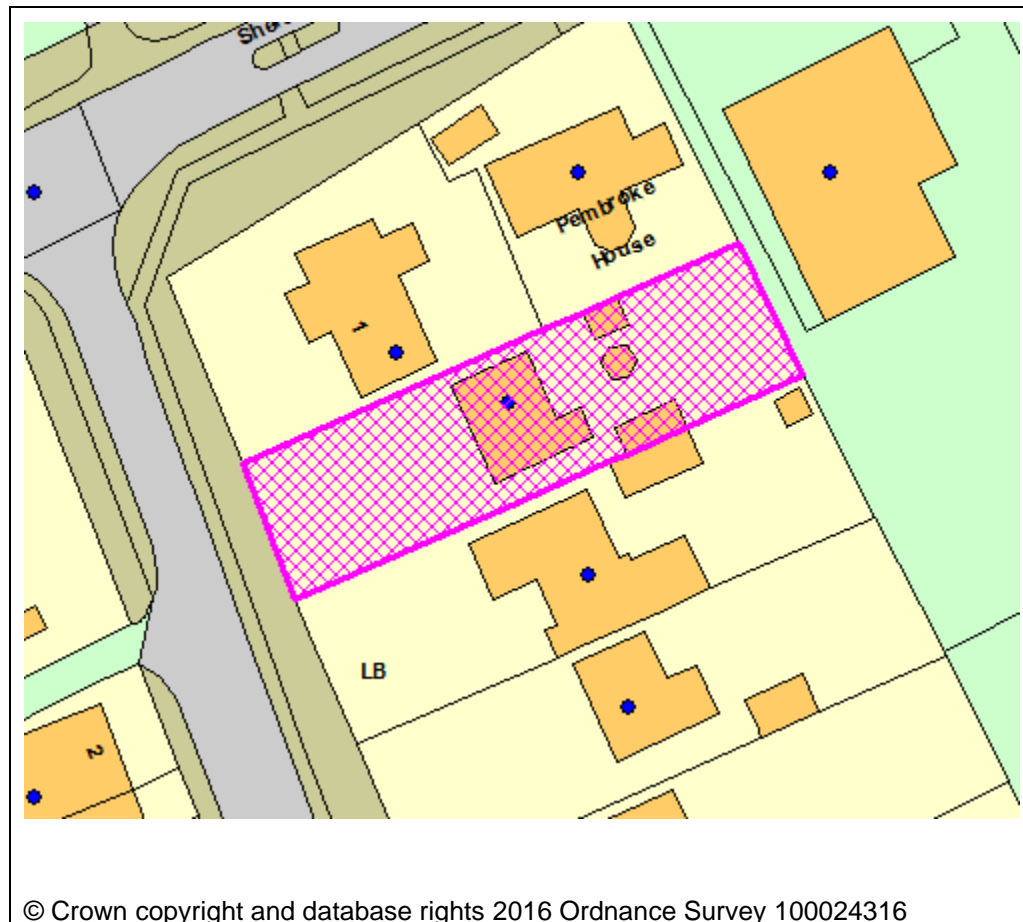
5. Notwithstanding any indication given on the plans hereby permitted, the 3 rooflights in the rear facing elevation(s) shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.

REASON: To safeguard privacy in the adjacent property.

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 14th May 2024

Application Number	24/00216/S73
Site Address	Chalfont 3 Wroslyn Road Freeland Witney Oxfordshire OX29 8HJ
Date	14th May 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	440849 E 213904 N
Committee Date	28th May 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 4 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
- Overbearing Impact
- Devalue property
- Loss of outlook
- Loss of privacy
- sets a precedent for similar development in neighbouring properties.

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

3.1 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

NPPF 2023

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 foot print 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 then 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

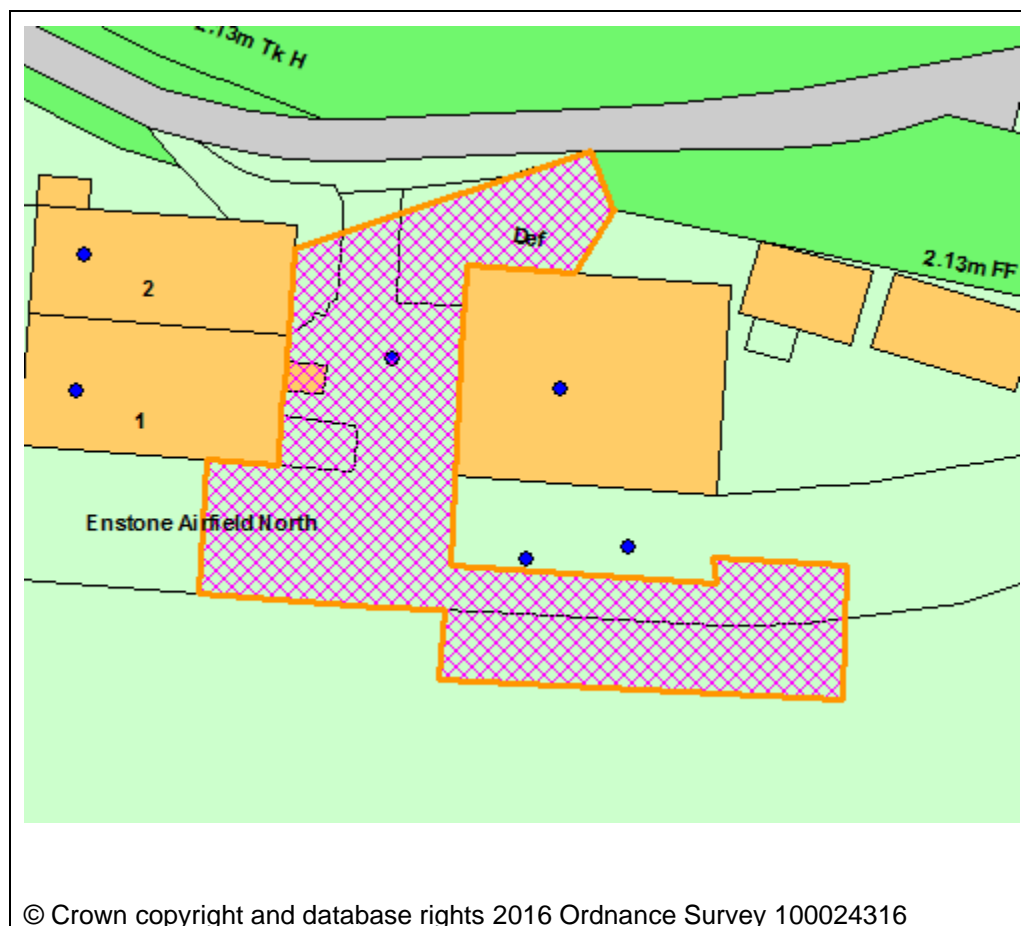
1. That the development be carried out in accordance with the approved plans listed below.

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

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 14th May 2024

Application Number	24/00686/FUL
Site Address	Land And Building (E) 439518 (N) 226211 Enstone Airfield North Banbury Road Enstone Oxfordshire
Date	14th May 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	439518 E 226212 N
Committee Date	28th May 2024

Location Map



Application Details:

Erection of detached, single and two storey viewing/instruction facility, including associated offices for staff and flying school users, wc facilities and garage for fire and rescue vehicle.

Applicant Details:

Mr Tom Gilbert
Road Through Enstone Airfield
Enstone Airfield
Enstone
Oxfordshire OX7 4NP

I CONSULTATIONS

Adjacent Parish Council

No Comment Received.

Enstone Aerodrome

Oxfordshire Sportflying Ltd (OSF) objects to the full planning proposal 24/00686/FUL on the grounds stated below. The objection includes a short explanation of the negative effects of the proposal. This is to give some understanding of the issues, perhaps less prominent in this application than just the building, but highly significant to other users of the more substantial part of Enstone Aerodrome/Airfield and local residents in the area.

Should the Application not be rejected (after clear demonstrated due diligence by Officers of the Council on the points raised, i.e. not just the building itself), the Planning Committee is requested to ensure, as a minimum, that "Planning Conditions" are applied where requested and appropriately enforced to mitigate the foreseen negative impacts.

There appears to be several matters not addressed and/or inaccurate statements/drawings by the Applicant in this current submission, which OSF objects to. These broadly relate to: -

- Certain Prohibition Provisions to Build on Land Purchased by the Applicant.
- Land Ownership, Boundaries & Access to the Applicant's site.
- Access Rights through the Applicants Site
- Reports potentially conveying information/impression as though such information is in regard to the whole Aerodrome/Airfield rather than just the defined north-side grass area.
- Potential mis- interpretation/assumed approval of the Civil Aviation Authority (CAA).
- A Lack of Information on the level of increased aerial activity by visitors that a building facility will encourage, causing further local public & neighbourly concern/nuisance.

Civil Aviation

As with previous commentary from ourselves on the proposal, the AAT sought clarification that the applicant does not wish to utilise a new Air Ground Communication Service (AGCS, a form of Air Traffic Service) within their new building, which would interfere with established stakeholder provision of this service already on the site.

Provided this is not the case, the AAT has no further comments on the application at this time.

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.

WODC Drainage

No objection subject to condition.

Oxford London Airport

No Comment Received.

Parish Council

Enstone Parish Council objects to this planning application for the following concerns:-

The Parish Council is keen to support local businesses and has no objection to the look of the building. However, the following issues need to be addressed:-

1. ACCESS - Does the access come out onto The Green Lane and what are the access rights across the area? If this is the case, this access does not belong to the applicant. Clarification is required from the Highways Department. The Parish Council requests a site visit from the Highways Department to also clarify that the entrance being used is safe.
2. BOUNDARY DISPUTE - Reading comments from other Consultees, the boundary dispute appears to be unresolved and this dispute must be resolved before any decision is made.
3. UTILITIES - These do not appear to be fully available on site.
4. AIR TRAFFIC - How much air traffic will be involved on a day to day basis - will this be increased as a result of this planning application? This needs to be clarified as local residents are fearful of the increase in air and noise pollution. A decision on the application cannot be made without this information. The Parish Council understands that the north side strip of the airfield has no restrictions. Could this please be clarified - or does it operate under the same restrictions as the other operators on the airfield which is 200 flights a day, 40 per hour with restricted times?
5. LEGAL REPRESENTATION - The Parish Council requests legal representation at the Uplands Committee Meeting so that questions can be answered in the correct format.
6. Many comments of support come from people who do not

live in the Parish of Enstone and they would be unaffected by the air and noise pollution.

Adjacent Parish Council No Comment Received.

3 REPRESENTATIONS

3.1 A total of 28 objection and 95 support comments have been received. The following matters are covered.

Objection Comments

- Noise pollution and associated impacts of intensifying existing use;
- Piecemeal approach to development under the applicant's ownership and alleged breaches of planning control;
- Infringement on private access rights;
- Landscape and ecological impacts;
- Need to restrict flight movements;
- Lack of detail in the submission; and
- Lack of need/excessive scale

Support Comments

- Development needed to improve poor standard of existing facilities and safety;
- Appropriate scale and design;
- The proposal would support the existing aviation use and local businesses;
- No significant change in movements would result from the proposal;
- Removal of existing cabins and consolidation into purpose built facility would improve the appearance of the site;
- No ecological impact;
- No impact on highways network;
- Improve safety facilities;

4 APPLICANT'S CASE

4.1 A Planning Statement has been submitted in support of the application, the key points of which are summarised below.

4.2 'The proposal arises out of the main requirement to improve the safety of the operation of Enstone Airfield. The CAA have identified that improvements are necessary at the Airfield in order to provide for a better and safer environment for resident pilots, visiting pilots, instructors, staff and visitors.

4.3 The new building would, primarily, provide for a viewing/instruction facility that would allow for sight of the entire grass runway and airfield area. At the same time, and in a linked regard, it would also provide for a dedicated office and flight planning space within it to allow pilots and instructors to prepare properly on a pre-flight basis.

- 4.4 These are vital facilities urgently needed for the improved safety and best operation of the Airfield.
- 4.5 It would provide dedicated archive storage in connection with the proper maintenance of aircraft, another matter that the CAA identified as being important to the safer functioning of the Airfield.
- 4.6 It would also deliver purpose provided welfare facilities for the first time on site. Additionally, the new building would become the new front of house to the flying school and provide an improved, professional appearance for the business, assisting them to maintain better the existing business and retain its existing customers.
- 4.7 Given its close relationship to the existing range, height and form of buildings, and its underpinning safety needs, the proposed building could not be designed and located in a better position in relation the built and contextual circumstances of the Airfield site.
- 4.8 The position of the new building has also been carefully considered in order to minimise any potential outside landscape impact. It would sit within, surrounded and framed by the existing range of hangars and other commercial buildings. It would not rise above them nor stand out isolated from them. Indeed, in long views into the site from the nearest public vantage, it would be difficult to read it at all in its context.
- 4.9 The proposal represents a most carefully conceived development that is produced fully mindful of its overall site and wider landscape context.
- 4.10 There are a raft of planning policies at both national and local level that combine in positive support of the proposal. Enstone Airfield, Enstone, OX7 4NP Enstone Airlines Limited Page 11 of 12
- 4.11 Importantly, it would deliver identified and required improvements to the safer operation of the Airfield. Indeed, the Civil Aviation Authority support the proposal.
- 4.12 It would also deliver significant improvements to the existing flying school business and facilities generally at the Airfield.
- 4.13 The accompanying LVIA demonstrates that the proposed siting and form of the new building would not cause any material impact to local landscape character nor visual environment impact.
- 4.14 The proposal is also of course an identified form of sustainable development in itself, where a positive presumption in favour of such development exists.
- 4.15 Government advice requires local planning authorities to apply its policies in a positive and flexible way, in order to support business related development, and the proposal as submitted, is just the sort of development this advice contemplates.
- 4.16 Indeed, the Council's officers positively supported this proposal previously, and now with the red lined land ownership dispute issue resolved in the submission of the application on this occasion, then it is reasonably held that the Council's officers will remain in support of the proposal once again.
- 4.17 In all of these circumstances, it is very much hoped that the submitted application can be approved and planning permission granted as applied for.'

PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

EH2 Landscape character

EH8 Environmental protection

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 erection of detached, single and two storey viewing/instruction facility, including associated offices for staff and flying school users, WC facilities and garage for fire and rescue vehicle at Land and Building (E) 439518 (N) 226211, Enstone Airfield North, Banbury Road, Enstone.
- 5.2 The application site does not lie within any areas of specially designated planning control and lies adjacent to a range of hangar/warehouse buildings associated with the use of the land as an active airfield.
- 5.3 The application is brought before Members due to a conflict between officer recommendation and the views of the Enstone Parish Council, who have objected to the application.
- 5.4 The scheme is a resubmission of application ref. 23/01569/FUL, which was withdrawn following deferral of the application at this Committee in December 2023. The red-line boundary has been amended to ensure that the entire site lies within the applicant's land ownership. Otherwise, the application is unchanged.

Relevant Planning History

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

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

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

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

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

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

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

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 the West Oxfordshire Local Plan 2031 ('WOLP').

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

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

5.8 Each will be fully 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. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site sites in a somewhat isolated location, which for the purposes of Policy OS2, is considered the open countryside.

5.10 WOLP Policy OS2 outlines that:

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

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

- Proposals to support the effectiveness of existing businesses".

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

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

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

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

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

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

Siting, Design and Appearance

5.17 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the National Planning Policy Framework ('NPPF') reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). The general principles of WOLP Policy OS2 require all development to 'be of a proportionate and appropriate scale to its context' and 'form a logical complement to the existing scale and pattern of development and/or the character of the area'.

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

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

Landscape and Visual Impact

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

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

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

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

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

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

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

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

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

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

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

5.28 In visual impact terms, officers consider that the main affected public viewpoints would be to the south and south east of the site as set out in the LVIA accompanying the application. The proposed building would be located in close proximity to existing built form and would be modest in terms of height and viewed with the backdrop of existing built form and mature woodland to the north. Further, the proposed amended plans have addressed officers' concerns regarding the character and appearance of the building through removing dormer windows, an overtly residential feature. As such, the building would appear in keeping with the general character and appearance of existing buildings and would not result in a significant urbanising impact in visual terms. Officers are therefore satisfied that the proposed development would accord with WOLP Policy EH2 and the guidance contained in the WOLA and NPPF and is therefore acceptable in this regard.

Neighbourliness

5.29 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, EH8, the NPPF and the West Oxfordshire Design Guide.

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

Response to Objection Comments

5.31 Objection comments raise the issue of emissions and climate change. However, officers do not consider that such concerns would warrant refusal of the application given that the NPPF recognises the 'importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time - taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy' (Para. 110 (f)).

5.32 Objection has also been raised on the grounds of rights of access. Officers consider that this is a civil legal matter and would not warrant refusal of the application. In addition, officers do not consider that the planning history at the site provides any reason to refuse the application.

Other Matters

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

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

5.35 No impact on the adjacent highway network is identified.

Recommendation

5.36 In light of this assessment, the application is considered to accord with WOLP 2031 Polices OS1, OS2, OS4, EI, E2, EH2 and EH8 the NPPF 2023 and the West Oxfordshire Design Guide 2016. 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. 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. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

6. Within three months of the building hereby approved first coming into use, all buildings, structures or other chattels shown to be demolished on the Block Plan Proposed received by the Local Planning Authority on 08.04.2024 shall have been removed from the site in their entirety.

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

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

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

8. The building hereby approved shall not be used to operate an air ground communication service.

REASON: In the interests of aviation safety.

INFORMATIVES :-

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015

- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
- Non-statutory technical standards for sustainable drainage systems (March 2015)
- Non-statutory technical standards for sustainable drainage systems (March 2015)

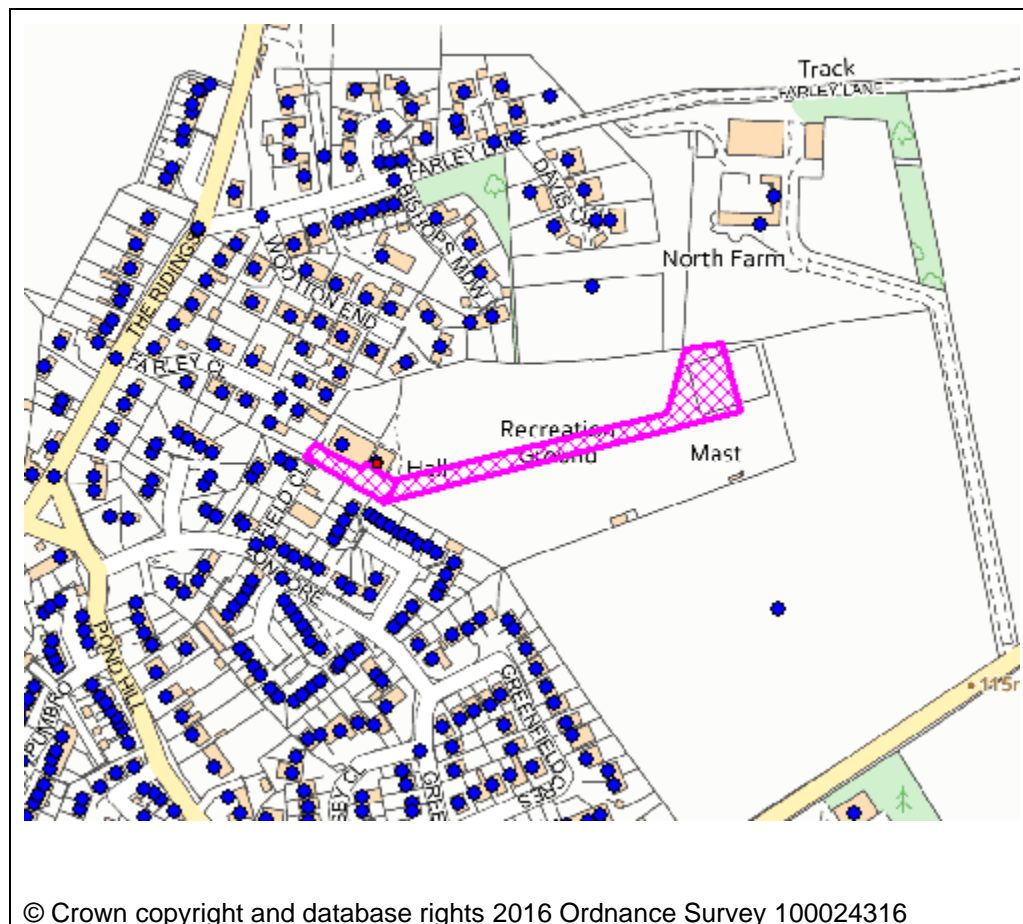
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 14th May 2024

Application Number	24/00890/FUL
Site Address	Stonesfield Sports And Social Club Field Close Stonesfield Witney Oxfordshire OX29 8EF
Date	14th May 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439542 E 217582 N
Committee Date	28th May 2024

Location Map



Application Details:

Erection of 6 no. lighting columns with 6 no. floodlighting luminaires with associated works.

Applicant Details:

Mr Tacon
Field Close
Stonesfield
Oxfordshire
OX29 8HA

I CONSULTATIONS

Parish Council

No Comment Received.

Env Health Contamination

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

I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

I have mentioned the application to my colleagues who consider lighting, please ensure their comments are considered in the application.

WODC - Sports

No Comment Received.

Sport England South East

As part of our assessment, we have consulted with the Lawn Tennis Association. They have confirmed that they are supportive of the proposal and pointed out that they have submitted a letter of support as part of the application. We note the comments made by the LTA on the greater number of hours which will be made available, for playing tennis, if this application is successful. We believe this is in line with the vision of the current Local Plan, as it will be creating more opportunities for Stonesfield and Tackley for being a health community, thus meeting objectives CO9 and CO12, as well as Local Plan Policy E5: Local Services and Community Facilities. We note the lighting columns are not located on the playing fields or will have a detrimental impact on the playing fields. Given the above, Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.

District Ecologist

I have reviewed the above application, linked to refused application 23/02653/FUL. As with previous comments, as there are currently floodlights present on site that will be illuminating areas of hedgerow and treelines surrounding the courts, it is felt that in this instance, the use of new floodlights would not result in any adverse impacts on nocturnal wildlife using the site, and I therefore have no further comments to make.

2 REPRESENTATIONS

2.1 A single comment against the scheme has been received from a nearby resident that states:

'We have recently noticed illumination at night from (we believe) the Stonesfield playing fields / tennis courts. Lights are visibly bright from the Woodstock Road in Stonesfield. There appears to be some excessively high and bright lighting posts erected to illuminate sports at night. We are not aware that any permission has been granted and question why they are so high. The light emitted is intense and does not appear to be focussed towards the ground, significant light loss sideways is illuminating the sky. If courts are to be lit, we would hope that the posts are lower and the light more controlled. Excessive light impacts wildlife and Stonesfield is a dark skies area.'

3 APPLICANTS CASE

3.1 The application includes a Planning, Design and Access Statement, the main points of which are summarised below.

3.2 'Following the refusal of the previous scheme by the planning committee, the lighting strategy has been reviewed and the design amended to address the issues raised by council members. A Spillage Impact Report has also been submitted to cover the issues in more detail.

3.3 Stonesfield Tennis Club is located on the eastern side Stonesfield and forms part of the Stonesfield Sports and Social Club. The tennis courts are located at the north-eastern end of the playing fields, where there are also football and cricket facilities. The existing facility comprises 2no tennis courts owned and operated by Stonesfield Tennis Club and an adjacent multi-use games area (MUGA) owned and operated Stonesfield Playing Field Association CIO the freehold owners of the entire playing field. The site is located within the Cotswold Area of Outstanding Natural Beauty.

3.4 The proposed lighting system features 6 metre high lighting columns, lowering the height by 2m on the original scheme. This creates a far more pleasant playing experience for the end user, is compliant to LTA lighting criteria, whilst minimising Light spill to the surrounding area. In addition the colour of the lighting has been changed from a neutral to a warm white at the recommendation of the consultant ecologist. The state of the art Philips Internal Integral Louvre technology has been implemented into the Lighting design to ensure the lighting cut off is at maximum effect. The submission includes some information, including photos of similar installations to demonstrate the control of light spillage possible.

3.5 The size of the club with approx. 40 adult members and 50 families means the Lawn Tennis Association have recommended that the courts are floodlit. Currently from mid-September to end of March the courts are only usable in the day. Members with full time jobs are therefore only able to use the facilities at the weekend. Lights will significantly increase the availability of the courts for members during the Winter months. The courts have an all-weather Astro-Turf surface which has proven to be playable in virtually all weather conditions and day-time tennis continues to be played throughout the winter months.

3.6 The floodlights are proposed to be used on weeknight and weekend evenings when required from dusk until 10pm and in winter month mornings from 7am when required.

3.7 To address the issues raised at the previous planning committee meeting, the following changes have been made to the design: 1. The height of the floodlights has been lowered with 8m high columns

being reduced to 6m high. 2. The new lighting columns will be a slender diameter and coloured green, enabling them to blend in with the surrounding landscape as much as possible during the day. 3. The colour of the lighting, following the recommendations of the ecologist has been changed from 'Neutral White' to 'Warm White' 3000K, which will be more ecologically friendly. 4. The lighting report and light spillage drawings have taken into account the nearest residential dwellings and demonstrates that the light spillage from the installation will not reach these properties with a lux level of less than 1 and glare comfortably below the requirements set out in the ILP guidance.

3.8 The replacement flood lighting will assist in the accessibility of the site in terms of a significant improvement in the functionality of the facility. This will benefit players and spectators and the visually impaired as well as the able-bodied. The system has a safe egress feature in which a single fitting stays on for an extra 5 minutes so that the courts can be safely exited in the dark. There is a bus stop approx. half a mile from the courts. Members typically walk or cycle to the club if they live in the village. Those from further afield tend to drive.

3.9 The proposed lighting is discretely located and has been designed to minimise its impact. The lighting design has been carefully considered to avoid obtrusive light spillage. As such the means of lighting is appropriate, unobtrusively located and does not result in excessive levels of light. The scheme has been amended to address concerns raised by members in regard to the previous submission. The lighting will not have a detrimental impact on the local amenity, character of the settlement or wider countryside.'

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

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 erection of 6 no. lighting columns with 6 no. floodlighting luminaires with associated works at Stonesfield Sports and Social Club, Field Close, Stonesfield.

5.2 The application site comprises the western two of three existing hard surfaced tennis courts at Stonesfield Sports and Social Club as well as associated access and parking, which would be unaffected by the proposal. The courts lie in the eastern portion of the recreation ground and are partially enclosed by a bund and planting.

5.3 The application site lies within the Cotswolds National Landscape ('CNL').

5.4 The application follows the refusal of application ref. 23/02653/FUL at this Committee in February 2024.

Relevant Planning History

W81/0466- Construction of 2 hard tennis courts and netting surround.

W96/0202- Construct extension to existing tennis courts to form third court with chain link fence.

23/02653/FUL- Erection of 6 no. lighting columns with 6 no. floodlighting luminaires with associated works. Refused on the grounds of landscape impact due to light pollution.

Changes made following the refusal of 23/02653/FUL

5.5 The following design changes have been made in order to address the concerns of Members:

- Column height reduced from 8m to 6m;
- Columns to be reduced in diameter and to be stained in green;
- Colour and intensity of lighting reduced from 4000 Kelvin (neutral white) to 3000 Kelvin (warm white); and
- Lighting report amended to demonstrate no light spill to nearby properties

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 the West Oxfordshire Local Plan 2031 ('WOLP').

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 historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

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

5.9 Section 8 of the NPPF relates to 'promoting healthy and safe communities' and outlines at paragraph 96 that:

'Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green

infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'

5.10 The NPPF continues at paragraph 97 that:

'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'.

5.11 Paragraph 102 outlines that 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities', paragraph 103 seeks to resist the loss of open space, sports and recreational buildings and land. Paragraph 103 sets out that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on' other than in an exhaustive list of circumstances. In this case, officers do not consider that the proposal would result in the loss of recreational land.

5.12 Section 15 (conserving and enhancing the natural environment) is also directly relevant in this case. Paragraph 180 outlines that 'planning policies and decisions should contribute to and enhance the natural and local environment', with paragraph 182 stating:

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

5.13 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;
- Landscape and Visual Impact;
- Ecology

5.14 Each will be considered in the following sections of this report.

Principle

5.15 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. It takes a hierarchical approach as set out in table 4b, which categories Stonesfield as a 'village' which:

'Are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities.'

5.16 All applications are expected to comply with the general principles of OS2 notable in this case are that development should:

- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty.

5.17 Policy E5 states:

'The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.'

5.18 The supporting text to Policy E5 confirms that outdoor sports and leisure facilities should be regarded as 'essential local services' (paragraph 6.65).

5.19 The proposal would enable year-round use of the existing courts, which officers consider would represent the development of a local service in accordance with Policy E5. The proposal has drawn the support of the Lawn Tennis Association, who have identified that the proposal would lead to 1,728 extra court hours for tennis per annum, an increase of around 25% compared to unlit courts. This increase is especially significant for working adults or school age juniors, who are more reliant on evening availability. The proposal would therefore lead to a significant increase in the ability of the facility to provide more opportunities for local people to maintain healthy and active lifestyles. Officers therefore consider that the provision of floodlighting to support the established use of the site as a sports club adjacent to the village would represent limited development to help maintain the vitality of village services.

Landscape and Visual Impact

5.20 The site lies within the 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 EH1 of the WOLP 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 LURA 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.

5.21 The CNL Management Plan 2023-2025 ('the MP') recognises that 'light pollution' of the night sky is an intrusion into the countryside at night, which can have harmful effects on the health of people and wildlife. Policy CE5 of the MP states that 'proposals that are likely to impact on the dark skies of the Cotswolds National Landscape should have regard to these dark skies, by seeking to avoid and where avoiding is not possible, minimise light pollution... proposals that are likely to impact on the dark skies of the CNL should have regard to recognised standards and guidance, in particular, that published by the Institution of Lighting Professionals and the Commission for Dark Skies.'

5.22 In addition, Policy OS4 is relevant and outlines that:

'High design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality'.

5.23 WOLP Policy EH8 (environmental protection) must also be considered with regard to the proposed floodlighting, it sets out in relation to artificial light:

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

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

5.24 The application site is located at the eastern end of the wider recreation ground and is bounded on three sides (north, east and west) by bunding and mature screening vegetation, with a further strong belt of planting running to the south and east of the site. To the north of the site lies 'North Farm', a farm complex comprising large farmhouse, yard and agricultural buildings, with the built up area of the village lying to the north west, west and south west. To the east of the site lies open countryside. Approximately 40m south of the courts (but within the wider recreation ground) a 15m telecoms pole is sited.

5.25 The proposed floodlighting has been amended in comparison to the recently refused scheme to reduce the height of the columns to 6m, reduce the lighting intensity from 4000 Kelvin to 3000 Kelvin, as well as employing a softer, warm lighting colour. An integrated louvre system has been employed, which when combined with the proposed design amendments as set out, would significantly reduce light spill compared to the refused scheme, as demonstrated in the submitted light spillage plans. The revised slimmer, stained columns would also reduce the visual impact of the floodlighting in daylight hours and assimilate the columns into the context provided by existing vegetation.

5.26 Therefore, officers consider that the proposed design has demonstrated that appropriate measures would be undertaken to ensure that light spillage as a result of the installation would be minimised through the reduced height of the columns, reduction in illumination intensity, use of softer colour

and use of louvres. The proposal would lead to the introduction of additional artificial light in the area. However, the lighting would be read in the context of the existing sporting/recreation facility and would be contained to a highly localised impact upon landscape character, due to the strong landscape structure provided by existing vegetation, topography of the area, context of existing development and considered design approach as set out above. As such, officers conclude that the proposed floodlighting would not be prominent in long views nor would result in a significant adverse impact upon landscape character or dark skies in the CNL. Therefore, subject to the planning conditions set out in Section 6, the application has demonstrated that landscape and visual effects have been minimised as a result of the siting and revised design of the proposals, and would not adversely affect landscape and scenic beauty in the CNL nor the setting of the settlement. The proposal is therefore considered to accord with MP Policy CE5 and WOLP Policies OS4, EH1 and EH8.

Ecological Impact

5.27 Policy EH3 relates to biodiversity and geodiversity and states:

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

5.28 The application has been subject to consultation with the Local Planning Authority's Biodiversity Officer. Whilst the application site does not contain any existing lighting, correspondence with the applicant indicates that the wider recreation ground has been served by floodlighting serving the adjacent football ground for up to 30 years and as a result, the Biodiversity Officer has indicated that areas of hedgerow and treelines surrounding the courts would have been previously illuminated by artificial lighting and as such, the application would not result in any adverse impacts on nocturnal wildlife using the site. Officers also note that the proposal has reduced lighting intensity compared to the previous scheme. As a result, a neutral biodiversity impact is identified.

Planning Balance and Recommendation

5.29 The application would result in a material improvement to the accessibility and availability of recreation facilities in the village, in accordance with WOLP Policies OS2 and E5 as well as Section 8 of the NPPF. The existing club is comprised of around 40 adult members with 50 family memberships and the representations of interested parties indicates that during winter months, the facility is not available for many working members, other than on weekends, due to light conditions. The proposal would therefore materially improve the provision of local services and facilities within the village, which officers consider should weight strongly in favour of the application given the local and national policy provisions as set out above. The Lawn Tennis Association and Sport England have offered support for the application, and quantified the increase in playable hours of around 25% overall, and significantly higher amongst working adults and school pupils. In addition, officers are satisfied that the location, revised design and strong screening of the proposed floodlighting would ensure that the increase in artificial lighting would be well contained to the application site, which clearly displays the characteristics of a sports facility. In light of this assessment, the proposal is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS4, E5, EH1, EH3 and EH8 and the 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. 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 floodlights hereby permitted shall not be used outside the following times: 0700 hours to 2200 hours Monday to Saturday and 0800 hours to 2100 hours on Sundays.

REASON: In order to protect local landscape character and prevent unnecessary electricity usage.

4. The floodlights hereby approved shall not have an intensity greater than 3000 Kelvin at any time and shall be installed and retained in the colour as specified in the application ('Warm White').

REASON: In order to protect local landscape character.

5. The floodlights hereby approved shall not be used until they have been painted or otherwise finished externally in a dark green colour or as otherwise approved in writing by the Local Planning Authority.

REASON: In order to protect local landscape character.

6. The floodlights hereby approved shall not be used until they have been fitted with a system to ensure that they are automatically switched off if there has been no use of the tennis court they primarily light for a period of ten minutes or more.

REASON: In order to protect local landscape character.

Contact Officer: James Nelson

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Date: 14th May 2024