

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 21st October 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.

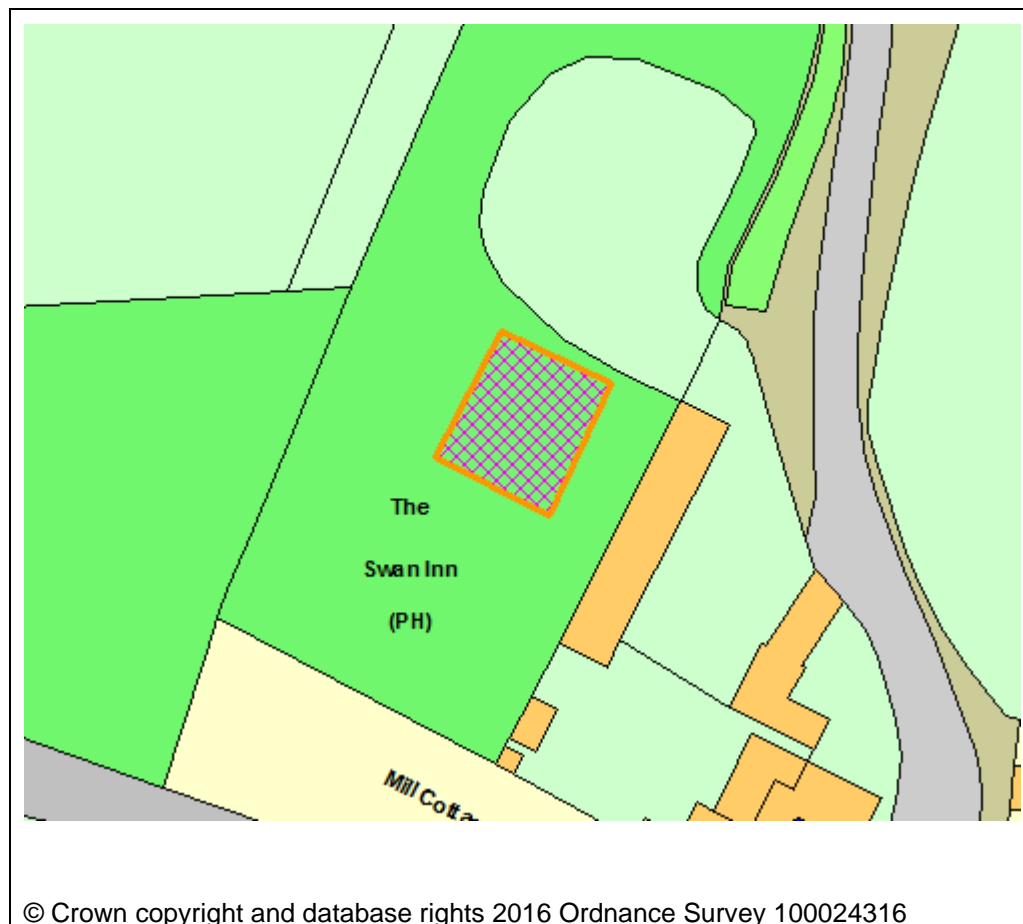
Please note that:

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
1	24/01876/FUL	Swan Inn Swinbrook	Rebekah Orriss
2	24/02203/FUL	The Old Surgery The Sands	Sarah Hegerty

Application Number	24/01876/FUL
Site Address	Swan Inn Swinbrook Burford Oxfordshire OX18 4DY
Date	9th October 2024
Officer	Rebekah Orriss
Officer Recommendations	Refusal
Parish	Swinbrook Parish Council
Grid Reference	428209 E 211876 N
Committee Date	21st October 2024

Location Map



Application Details:

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

Applicant Details:

Mr Stephen Cook

C/o Agent

I CONSULTATIONS

WODC Drainage

No Comment Received.

Parish Council

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

Conservation And Design
Officer

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

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

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

2 REPRESENTATIONS

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

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

3 APPLICANT'S CASE

3.1 The Planning and Heritage Statement is concluded as follows:

The proposal is for a small, incidental, outbuilding and associated paved area. Taking everything together, this does not result in harm to the historic environment, preserving the developed setting of The Swan Inn and the rural village character of the wider CA. Additionally, the development does not encroach beyond the limits of this pocket of development and has no

effect on any of the key landscape features of this part of the Cotswolds National Landscape. There is no other harm resulting from any of the other technical planning matters assessed.

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

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

NPPF 2023

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

5. PLANNING ASSESSMENT

Background

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

Principle of Development

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

Design, Form and Siting

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

Listed Building and Conservation Area

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

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

Impact on Cotswolds National Landscape

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

Residential Amenities

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

Conclusion

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

6 REASONS FOR REFUSAL

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

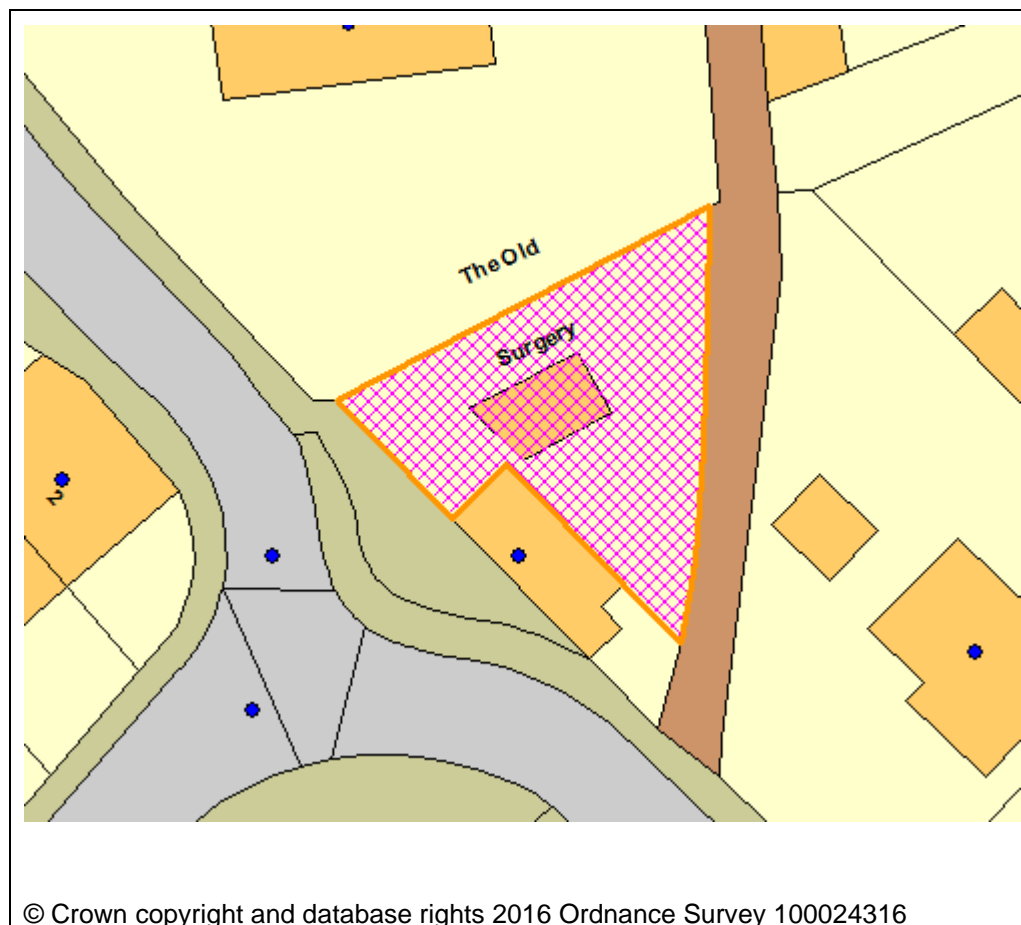
Contact Officer: Rebekah Orriss

Telephone Number:

Date: 9th October 2024

Application Number	24/02203/FUL
Site Address	The Old Surgery The Sands Milton Under Wychwood Chipping Norton Oxfordshire OX7 6ER
Date	9th October 2024
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426618 E 218114 N
Committee Date	21st October 2024

Location Map



Application Details:

Conversion and extension of existing garage to create a dwelling

Applicant Details:

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

I CONSULTATIONS

Ecology Biodiversity Net Gain	Acceptable subject to conditions and informative.
Parish Council	Milton under Wychwood Parish Council have no objection to this planning application.
OCC Highways	Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following condition
WODC Drainage	More information is required - Further information on the existing drainage is required, in case infiltration is proved to be impractical.
Env Health Contamination	<p>Thank you for notifying my team of the proposal to convert and extend an existing garage to create a dwelling at the above address.</p> <p>From the information submitted with the application it appears that the existing building is a former domestic garage later used for the storage of building materials. Given the proposed residential development please consider adding the following condition to any grant of permission as a precaution:</p> <ol style="list-style-type: none">I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Land Contamination: Risk Management (LCRM), and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority. <p>REASON: To prevent pollution of the environment in the interests of the amenity.</p>
Thames Water	No Comment Received.

2 REPRESENTATIONS

2.1 One general comment has been received

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

3 APPLICANT'S CASE

3.1 The Planning Statement is concluded as follows:

This supporting statement confirms that:

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

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EHI Cotswolds AONB

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

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

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

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

Principle

- 5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan so far as they are material to the application and any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.8 The revised National Planning Policy Framework (NPPF) is a material consideration. It reiterates the pre-eminence of the local plan as the starting point for decision-making. It makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Development is, therefore, to be determined in accordance with the Local Development Plan, which is the West Oxfordshire Local Plan 2031 (WOLP).
Regarding the principle of development, Policy OS2 of the Local Plan provides an overall strategy for the location of development within the district. Within the supporting text of OS2 It sets out a 'settlement hierarchy' that Milton Under Wychwood is a village.
- 5.9 Policy OS2 itself states that the villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. A number of site allocations are proposed to ensure identified needs are met. Further allocations may be made through Neighbourhood Plans. Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan.
- 5.10 Policy OS2 further states that proposals for residential development will be considered in accordance with Policy H2 which permits new dwellings within the main service centres and rural service centres, "On undeveloped land within the built-up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2."
- 5.11 Policy OS2 also provides the General Principles to which all development must adhere; these require that development: -

- Be of a proportionate and appropriate scale to its context, having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- As far as is reasonably possible, protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment;

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

National Policy/Guidance

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

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

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

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

5.15 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF is engaged. In its current 5-year Housing Land Supply Position Statement, the Council states that a formal review of the West Oxfordshire Local Plan 2031 was undertaken in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following this assessment, Policies H1 and H2 were considered to be out of date.

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

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

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

Siting, Design and Form

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

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

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

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

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

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

Highways

5.24 In terms of parking available for the site this again is a concern. The plot is located close to a dead-end point on a very narrow access way which appears to also be used for storage of domestic refuse

bins and acts as well utilised pedestrian access through to Shipton Road to the north. Whilst there is no technical objection from County Highways Officers query the usability of the parking space and ease with which any vehicle could access/egress the site and also the safety of pedestrians and cyclists given the very narrow access.

Residential Amenities

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

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

Impacts on CNL

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

Conclusion

5.28 As the Council cannot demonstrate evidence of a five-year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission. Where policies for the supply of housing are out of date, para.11d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

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

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

5.31 Considering the scale of the development, which comprises a dwelling, access, and parking arrangement, the proposed development appears to be 'shoehorned' into the site. This would result in a cramped and contrived appearance and overdevelopment of the site which fails to form a logical compliment to the pattern of the area. Given the prominence of the site within the street, the proposed development would detract from the character and appearance of the site and locality. Overall, it is my opinion that the benefit of a single dwellinghouse to contribute to the Council's 5

year housing land supply is not outweighed by the harms associated with the provision of a dwelling in this location.

6 REASONS FOR REFUSAL

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

Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 9th October 2024