

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 1st March 2021**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



**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 Strategic Director. 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***

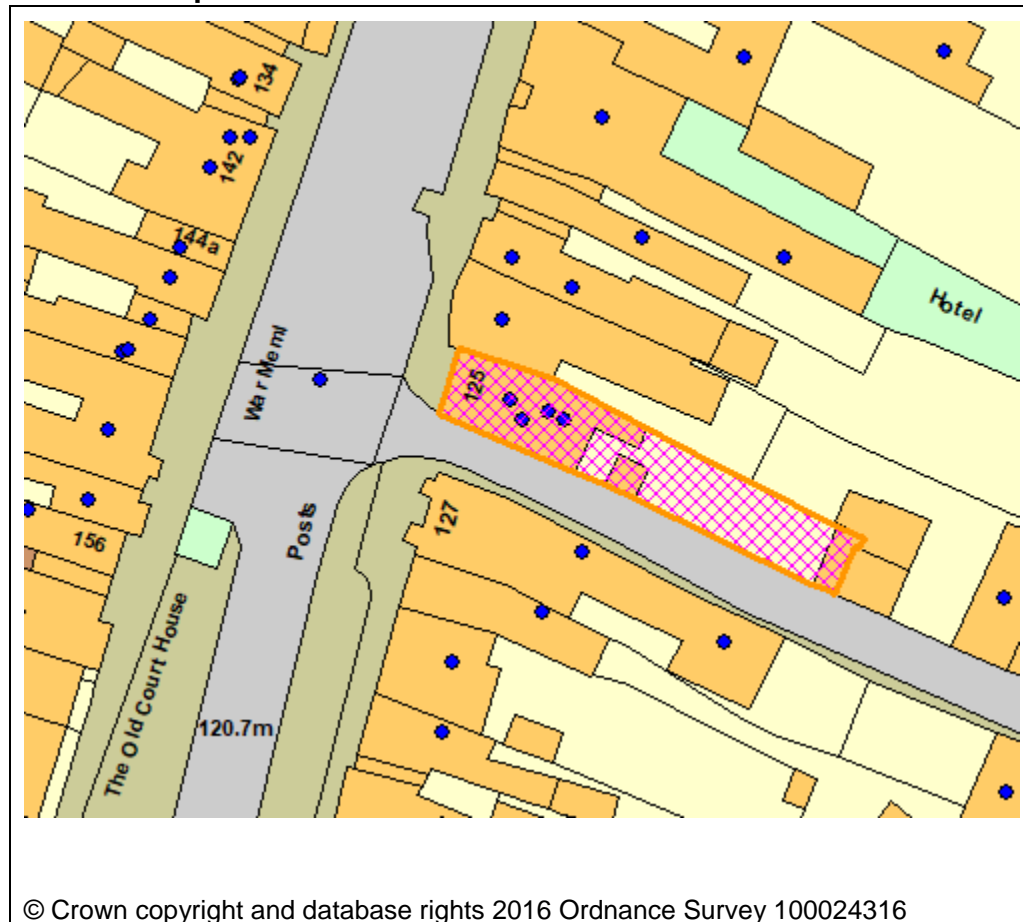
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	20/02830/FUL
Site Address	Chevrons Swan Lane Burford Oxfordshire OX18 4SH
Date	17th February 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425139 E 212075 N
Committee Date	1st March 2021

### Location Map



### Application Details:

Erection of single storey extension to main dwelling and conversion of existing garden store to create self contained holiday let. Provision of additional vehicular access together with associated parking and landscaping works. (amended plans)

### Applicant Details:

Mrs D Bigwood, Charts Edge, Hosey Hill, Westerham, TN16 IPL

## I CONSULTATIONS

I.1 OCC Highways The proposal, if permitted, will result in an access lacking adequate pedestrian awareness visibility and vehicle intervisibility. However vehicles parked on street up to the site walls adjacent to the property keep vehicles/pedestrians 'on the other side' of the carriageway. I note details in Manual for Streets regarding parked vehicles and visibility.

There is no footway fronting the site so pedestrians must share the carriageway with vehicles.

The proposal will result in the loss of an on street parking space.

Given the low traffic flows and speeds I cannot demonstrate sufficient harm to warrant the refusal of the application for reasons of highway safety and convenience.

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

Recommendation:

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

I.2 Historic England No Comment Received.

I.3 Parish Council The Council strongly opposes this application on the following grounds:-

1. It proposes substantial over-development of a small Cotswold cottage and a very small Cotswold garden.
2. The proposed conversion of the shed at the end of the garden into living accommodation will (a) encroach on the light and privacy of the neighbour's conservatory and (b) result in a structure having a larger foot print than the existing building.
3. The creation of an additional pair of double gates will (a) require the loss of two car parking spaces at a time when Burford is desperately trying to increase its number of parking spaces and (b) involve the partial destruction of an historic boundary wall.
4. The change to the existing double gates to make them open

outwards instead of inwards as they do at the moment is farcical. They will completely block the pavement and protrude significantly into the carriageway!

See our previous response in November 2020.

- 1.4 Parish Council Council had concerns over the second entrance to the property which is 5 meters away from the existing resulting in two parking spaces being lost on the highway. The holiday let will be dominant. Over and above these objections the new 2 storey building would overshadow the conservatory of the next door property, shading it and taking light and sun. This is against Planning Policies OS2 and OS 4. OS2 is the quality of development and OS4 is development in the right place

## 2 REPRESENTATIONS

- 2.1 6 letters of objection have been received. These objections can be summarised as follows:

### 2.2 Siting, design and layout

- The site is too small to accommodate the proposed development, overdevelopment within a very small plot.
- The additional height of the outbuilding would encroach visually on Swan Lane
- The internal layout of the outbuilding would provide a sub-standard living environment
- The development as a whole would involve the almost complete paving-over of, and loss of planting in, what should be a back garden.

### 2.3 Heritage Asset

- The addition to the Listed Building would be detrimental to its character
- The design of the unit at the end of the garden is unsympathetic both to the LB and to the character and appearance of the Conservation Area and would do nothing to preserve or enhance.
- This proposal further erodes the intrinsic character of this town
- The development is not in keeping with the C15th property opposite or the centre of town with its gothic origins.

### 2.4 Residential amenity

- The outbuilding would severely diminish the South light onto Cygnet cottage's garden and conservatory
- The outbuilding would overshadow the neighbouring conservatory at Cygnet Cottage

- Holiday lets can be a source of noise and disturbance and are inappropriate in this tightlypacked urban area
- The holiday let would overlook Swan Gallery

## 2.5 Highways safety and convenience

- The proposed new entrance would result in a reduction of parking spaces available along Swan Lane
- Burford suffers from too little parking in the town, essential for the viability of the businesses in Burford.
- Swan lane is very narrow and the opening of the gate would cause further problems for traffic turning off the A361.
- There is no pedestrian pavement along Swan Lane adding to the problems of safety and congestion

## 2.6 Other matters

- How would building works be controlled - deliveries etc - we already suffer from the building works being carried out at Walnut Tree Cottage further down Swan Lane and the number of vans, etc. it seems to take to achieve any building work is massive, and the noise from 7.00 a.m. also needs to be considered. All this would have an impact on the residents on Swan Lane and the High Street
- This application would so hugely devalue Swan Gallery, and it's business viability
- The Studio will be significantly disrupted by construction projects
- The peace and tranquillity of my life which I have enjoyed here in The Studio for over 10 years will unfortunately be changed significantly during construction and I fear will be changed for the long term if the new holiday let at the rear of the Chevrons site is given planning approval.

## 3 APPLICANT'S CASE

3.1 The Planning, Design and Access Statement is concluded as follows:

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

E4NEW Sustainable tourism

EH1 Cotswolds AONB

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings  
EH12 Traditional Buildings  
EH13 Historic landscape character  
DESGUI West Oxfordshire Design Guide  
NPPF 2019

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks planning permission for the erection of a single storey extension to the main dwellinghouse and a replacement outbuilding to create ancillary accommodation. The application also seeks planning permission for the provision of additional vehicular access together with associated parking and landscaping works.
- 5.2 For the avoidance of doubt, the whole site (including the main dwelling) is intended to be used as a holiday let and the outbuilding/garden room would provide ancillary accommodation in association with this. The use of the main dwelling as a holiday let does not require planning permission as it will remain as a C3 use.
- 5.3 The application site relates to Chevrons, Swan Lane in Burford. The site comprises a Grade II listed building located within the Burford Conservation Area and The Cotswolds Area of Outstanding Natural Beauty.
- 5.4 Amended plans have been submitted following concerns raised by the Conservation and Design Officer. These amendments include alterations to the size, scale and design of the proposed extension to the main house so that it now reflects a clear, lightweight addition and changes to the new outbuilding/structure so that it now reflects a low level, traditionally pitched roof forming a structure that has the appearance of an open fronted cart shed.
- 5.5 An application for listed building consent has also been submitted for these works which includes internal alterations to the main listed building.
- 5.6 The application is before Members of the Uplands Planning Sub-committee as the Parish Council has raised objections to the application contrary to your officer's recommendation.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle;
  - Siting, Design and Form;
  - Impact on Heritage Assets;
  - Impact on Cotswold AONB;
  - Highways;
  - Residential Amenity
  - Other Matters

## Principle

- 5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018.
- 5.9 Whilst your officers consider that the use of the main dwelling as a holiday let does not require a change of use as it will still be classed as a C3 use your officers note that policy E4 of the West Oxfordshire Local Plan 2031 specifies that new tourist and visitor buildings should be located within or close to service centres and villages and reuse existing appropriate buildings where possible. The application site is located within the heart of Burford, which is identified as a Rural Service Centre within Policy OS2 and therefore, the site is considered to be a reasonably sustainable location for a tourist accommodation use.

## Siting, Design and Form

- 5.10 The proposal seeks to remove the existing, modern mono pitch single-storey structure to the north of the site and the oil tank along with its enclosed wall structure and roof situated along the southern boundary. In its place, the proposal seeks to construct a new extension which comprises two elements:
- a) a small-scale solidly constructed flat roof element
  - b) a glazed element constructed using frameless contemporary glass.
- 5.11 The proposal seeks to change an existing sash window opening within the rear elevation to create a doorway, providing access from the principal listed building into the new extension. Your officers are of the opinion that the proposed replacement extensions would represent a clear secondary and subservient addition to the main dwelling. The proposal seeks to utilise both traditional materials such as natural stone as well as more modern materials such as glazing to create a visually appropriate addition to the main dwelling. The proposed modern structure would be lightweight and would allow for views of the existing listed fabric to be read.
- 5.12 The proposal also seeks to remove the existing outbuilding to the rear of the site and to replace this with a new outbuilding. The amended scheme now proposes a low lying, traditional pitched roof outbuilding which would sit approximately 3m tall. The proposed outbuilding seeks to utilise materials such as natural stone, oak beams and posts along with slate roof tiles. These materials are considered to be visually appropriate as they are in keeping with the existing dwellinghouse and the character and appearance of the surrounding area. The new outbuilding would sit on a similar albeit slightly larger footprint to that of the existing garden store. The proposed outbuilding would provide for additional, ancillary accommodation to serve the main house. Your officers are therefore of the opinion that by reason of its siting, design and scale that the proposed replacement outbuilding would reflect a clear, secondary and ancillary outbuilding to serve the main dwelling. In addition to this, it is considered that given the proposed outbuilding would replace an untidy, dilapidated garden store that the proposed would result in a visual enhancement of the site.



- 5.13 In addition to this, the proposal seeks to create a new opening within the southern boundary wall. This opening would provide for additional off-street car parking space within the curtilage of Chevrons. Your officers are of the opinion that the proposed access would be an appropriate addition along the boundary wall and as such is considered to be acceptable.

#### Impact on Heritage Assets

- 5.14 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.
- 5.15 Further, as the site is Grade II Listed, your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent 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.
- 5.16 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. Where a proposal results in less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196).
- 5.17 The Conservation Officer has advised that the proposed works would not greatly affect any significant fabric. The internal alterations have been sensitively addressed in order to ensure the significance of this building is not affected by the proposed works.
- 5.18 The proposed extension is considered to be an enhancement compared to the existing modern extension, and will still preserve the character of the listed building. The new scheme will achieve a far less cluttered and much easier to understand extension and the design detail still allows a large portion of the stone gable to be visible so that it retains some of its legibility.
- 5.19 Consequently, the proposals relating to the principal house are considered to be a public / heritage benefit. This is because the works to refurbish this building into a habitable condition and replace and improve the existing unexceptional extensions with better designed contemporary versions will secure its continued viable use as a residence. The works will also conserve and improve its significance and historic fabric by addressing alterations in a sensitive manner, using appropriate and compatible materials. The proposal will result in a net gain in heritage terms preserving the historic fabric, character and appearance of this listed building.
- 5.20 As for the outbuilding to the rear of the site, your officers are of the opinion that the current structure has no historical or architectural significance; rather its dilapidated appearance is considered to have a deleterious impact on the views and appearance of the heritage assets. The new structure is proposed to be a low level traditionally pitched roof forming a structure that has the appearance of an open fronted cart shed, with an oak beam over the eaves and oak post in the centre. Consequently, its replacement is considered to be an enhancement at this location by improving the street scene, appearance, views and setting of all heritage assets. Furthermore, the views out from the principal listed building will be enhanced by this proposal.

Therefore it is considered that the proposed would result in no harm to the heritage assets; the current structure has no intrinsic significance, and its conversion and alteration is considered to have a positive impact on the overall appearance, character and setting of all of the heritage assets.

- 5.21 With regard to the new opening in the boundary wall, the proposal seeks to create a new opening of historic fabric. It is considered that this alteration to the conservation area is considered to be of less than substantial harm, however, there have been at least three blocked openings identified in the existing wall. The proposed gate design / details are appropriate for the area and are in keeping with existing openings along Swan Lane. Given this, it is considered that the proposal overall does not significantly harm the character and appearance of the heritage assets and is therefore considered to be supportable.
- 5.22 Overall it is considered that the proposed development would result in less than substantial harm to the listed buildings and this less than substantial harm would be outweighed by the public/heritage benefits of the proposal. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policies EH10 and EH11 of the Local Plan.

#### Impact on Cotswold AONB

- 5.23 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance given the built up residential context of the site, and the siting, scale and form of the dwellings which would retain the visually open character and appearance at the front of the site, the development will not be visible beyond its immediate setting and will therefore preserve the wider landscape and scenic beauty of the Cotswold AONB.

#### Highways

- 5.24 The proposal seeks to create a new opening within the southern boundary wall. This opening would provide for off-street car parking spaces within the rear garden of Chevrons.
- 5.25 A number of objections have been raised in regards to the impact the proposed development would have in terms of increased traffic movements. Concerns have also been raised in regards to the impact the additional gate/access would have in that this would remove the provision of a car parking space along Swan Lane.
- 5.26 Whilst officers note these concerns, the Local Highway Authority has been consulted on the application and has raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan

#### Residential Amenities

- 5.27 In terms of the impact on neighbouring amenity, this has been carefully assessed.
- 5.28 In regards to the extension to the main house, given the single storey nature of the development and that the proposal seeks to replace an existing structure, your officers are of

the opinion that the proposed would not be overbearing or result in any overlooking, loss of light or loss of privacy.

- 5.29 In regards to the proposed garden room to the rear of the site, concerns had been raised in respect to the original scheme in that it would result in a loss of light to the neighbouring property to the rear. The scheme has been amended and now proposes an outbuilding which would sit approximately 0.2m taller than the existing structure. In addition to this, the proposed outbuilding has also been set away from the northern boundary wall which it shares with Cygnet Cottage by approximately 0.6m and as such your officers are of the opinion that the proposed replacement outbuilding would not result in any significant levels of overlooking, overshadowing or loss of sunlight towards the conservatory at Cygnet Cottage.

#### Other matters

- 5.30 Some concerns have been raised in regards to the construction of the development and the impact this would have in terms of noise disturbance and in terms of highways safety. Your officers note these concerns and are of the opinion that it would be unreasonable to add a construction management condition given the householder scale and nature of the application. Working and construction hours are controlled by separate legislation and are enforced by the Council's Environmental Health Team.
- 5.31 Other objections have been received in regards to the proposed development devaluing the viability of the neighbouring business at Swan Gallery. Whilst your officers note these concerns, the impact of the development on the value and viability of the neighbouring properties and businesses is not a material planning consideration and advises members that there is not a threat of litigation should the proposal be approved.
- 5.32 In addition to this, other concerns and objections have been raised in regards to the impact the proposed development would have on disrupting the peace and tranquillity of the area, again your officers note these concerns however they are not a material planning consideration and as such cannot be taken into consideration when determining this application.

#### Conclusion

- 5.33 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, H6, E4, EH1, EH9, EH10, EH11, and T4 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.

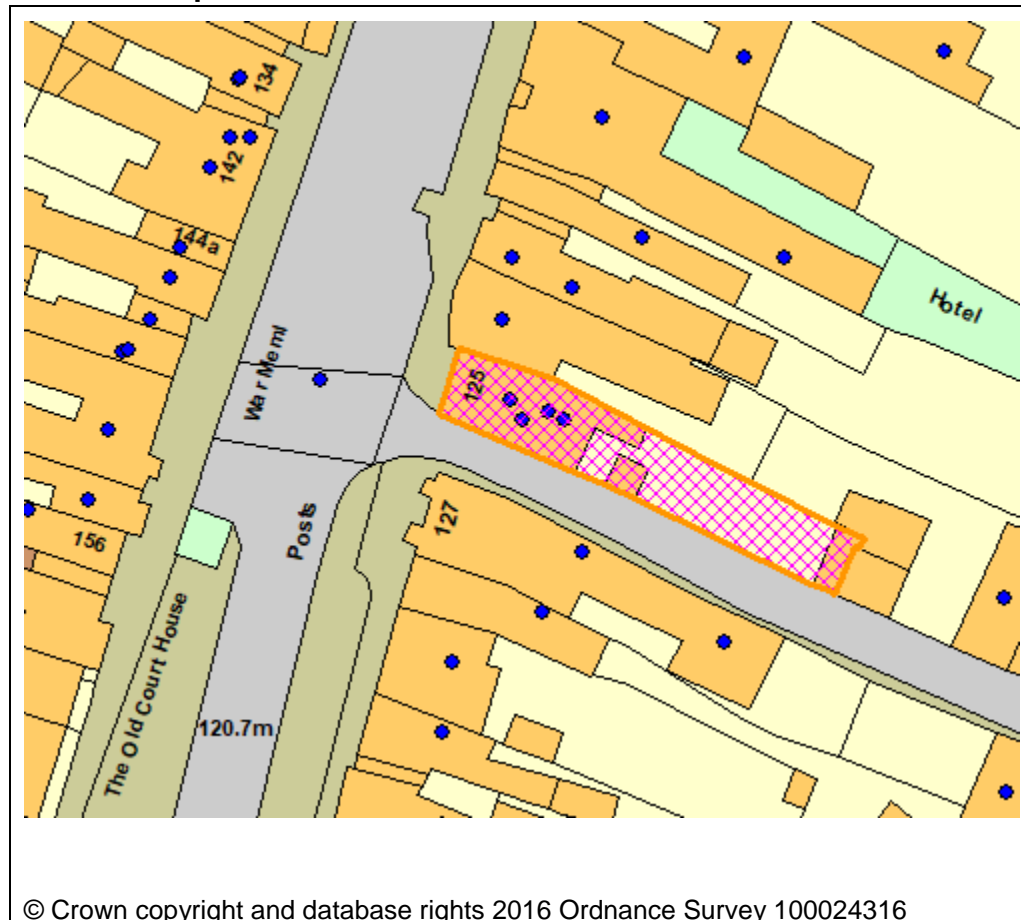
3. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
4. 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.
5. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
6. Within a month of the commencement of the access, driveway and parking area, surface water from the site shall be prevented from entering the public highway in accordance with a scheme shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interest of highway safety and convenience.
7. The new access gates to and from the land shall be constructed in accordance with the approved plans before occupation of any building. The proposed gates must not open over the public highway and should be retained thereafter.  
REASON: In the interest of highway safety and convenience.

NOTES TO APPLICANT:

1. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council

Application Number	20/02831/LBC
Site Address	Chevrons Swan Lane Burford Oxfordshire OX18 4SH
Date	17th February 2021
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425139 E 212075 N
Committee Date	1st March 2021

### Location Map



### Application Details:

Internal and external alterations to erect single storey extension to main dwelling with changes to internal layout. Conversion of existing garden store to create self contained holiday let. Provision of additional vehicular access together with associated parking and landscaping works. (amended plans)

### Applicant Details:

Mrs D Bigwood, Charts Edge, Hosey Hill, Westerham, TN16 1PL

## **I CONSULTATIONS**

- 1.1 Conservation Officer I raise no objection to the proposal subject to policies: D11, D33, E12 and E17 - also material samples.
- Relevant policies EH9, EH10, EH11, EH12, EH13 and OS4, and the NPPF Section 16, and WODC Design Guidance Section 11 & 14.
- 1.2 Parish Council No Comment Received.
- 1.3 Historic England No Comment Received.

## **2 REPRESENTATIONS**

2.1 6 letters of objection have been received. These objections can be summarised as follows:

2.2 Siting, design and layout

- The site is too small to accommodate the proposed development, overdevelopment within a very small plot.
- The additional height of the outbuilding would encroach visually on Swan Lane
- The internal layout of the outbuilding would provide a sub-standard living environment
- The development as a whole would involve the almost complete paving-over of, and loss of planting in, what should be a back garden.

2.3 Heritage Asset

- The addition to the Listed Building would be detrimental to its character
- The design of the unit at the end of the garden is unsympathetic both to the LB and to the character and appearance of the Conservation Area and would do nothing to preserve or enhance.
- This proposal further erodes the intrinsic character of this town
- The development is not in keeping with the C15th property opposite or the centre of town with its gothic origins.

2.4 Residential amenity

- The outbuilding would severely diminish the South light onto Cygnet cottage's garden and conservatory
- The outbuilding would overshadow the neighbouring conservatory at Cygnet Cottage
- Holiday lets can be a source of noise and disturbance and are inappropriate in this tightlypacked urban area

- The holiday let would overlook Swan Gallery

## 2.5 Highways safety and convenience

- The proposed new entrance would result in a reduction of parking spaces available along Swan Lane
- Burford suffers from too little parking in the town, essential for the viability of the businesses in Burford.
- Swan lane is very narrow and the opening of the gate would cause further problems for traffic turning off the A361.
- There is no pedestrian pavement along Swan Lane adding to the problems of safety and congestion

## 2.6 Other matters

- How would building works be controlled - deliveries etc - we already suffer from the building works being carried out at Walnut Tree Cottage further down Swan Lane and the number of vans, etc. it seems to take to achieve any building work is massive, and the noise from 7.00 a.m. also needs to be considered. All this would have an impact on the residents on Swan Lane and the High Street
- This application would so hugely devalue Swan Gallery, and it's business viability
- The Studio will be significantly disrupted by construction projects
- The peace and tranquillity of my life which I have enjoyed here in The Studio for over 10 years will unfortunately be changed significantly during construction and I fear will be changed for the long term if the new holiday let at the rear of the Chevrons site is given planning approval.

## 3 APPLICANT'S CASE

3.1 The Planning, Design and Access Statement is concluded as follows:

2.3 I would hope that once you have reviewed the existing and proposed drawings you will come to the conclusion that both main design aspects are a suitable conclusion, and that both could be considered as having a positive impact on the listed building. I would therefore like to ask that you look to approve this proposal.

## 4 PLANNING POLICIES

OS4NEW High quality design  
 EH9 Historic environment  
 EH10 Conservation Areas  
 EH11 Listed Buildings  
 EH12 Traditional Buildings

EH13 Historic landscape character

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks listed building consent for internal and external alterations to erect a single storey extension to the main dwelling with changes to the internal layout. It also seeks listed building consent for a replacement garden store to provide ancillary accommodation and the provision of additional vehicular access together with associated parking and landscaping works.
- 5.2 The application site relates to Chevrons, Swan Lane in Burford. The site comprises a Grade II listed building located within the Burford Conservation Area and The Cotswolds Area of Outstanding Natural Beauty.
- 5.3 Amended plans have been submitted following concerns raised by the Conservation and Design Officer. These amendments include alterations to the size, scale and design of the proposed extension to the main house so that it now reflects a clear, lightweight addition and changes to the new outbuilding/structure so that it now reflects a low level, traditionally pitched roof forming a structure that has the appearance of an open fronted cart shed.
- 5.4 An application for planning permission has also been submitted for these works.
- 5.5 The application is before Members of the Uplands Planning Sub-committee as the Parish Council has raised objections to the application contrary to your officer's 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 relate to the impact on the character and significance of the listed building including their setting.

### Impact on Heritage Assets

- 5.7 As the site is Grade II Listed, your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent 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.
- 5.8 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. Where a proposal results in less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 196).
- 5.9 The Conservation Officer has advised that the proposed works would not greatly affect any significant fabric. The internal alterations have been sensitively addressed in order to ensure the significance of this building is not affected by the proposed works.



- 5.10 The proposed extension is considered to be an enhancement compared to the existing modern extension, and will still preserve the character of the listed building. The new scheme will achieve a far less cluttered and much easier to understand extension and the design detail still allows a large portion of the stone gable to be visible so that it retains some of its legibility.
- 5.11 Consequently, the proposals relating to the principal house are considered to be a public / heritage benefit. This is because the works to refurbish this building into a habitable condition and replace and improve the existing unexceptional extensions with better designed contemporary versions will secure its continued viable use as a residence. The works will also conserve and improve its significance and historic fabric by addressing alterations in a sensitive manner, using appropriate and compatible materials. The proposal will result in a net gain in heritage terms preserving the historic fabric, character and appearance of this listed building.
- 5.12 As for the outbuilding to the rear of the site, your officers are of the opinion that the current structure has no historical or architectural significance; rather its dilapidated appearance is considered to have a deleterious impact on the views and appearance of the heritage assets. The new structure is proposed to be a low level traditionally pitched roof forming a structure that has the appearance of an open fronted cart shed, with an oak beam over the eaves and oak post in the centre. Consequently, its replacement is considered to be an enhancement at this location by improving the street scene, appearance, views and setting of all heritage assets. Furthermore, the views out from the principal listed building will be enhanced by this proposal. Therefore it is considered that the proposed would result in no harm to the heritage assets; the current structure has no intrinsic significance, and its conversion and alteration is considered to have a positive impact on the overall appearance, character and setting of all of the heritage assets.
- 5.13 With regard to the new opening in the boundary wall, the proposal seeks to create a new opening of historic fabric. It is considered that this alteration to the conservation area is considered to be of less than substantial harm, however, there have been at least three blocked openings identified in the existing wall. The proposed gate design / details are appropriate for the area and are in keeping with existing openings along Swan Lane. Given this, it is considered that the proposal overall does not significantly harm the character and appearance of the heritage assets and is therefore considered to be supportable.
- 5.14 Overall it is considered that the proposed development would result in less than substantial harm to the listed buildings and this less than substantial harm would be outweighed by the public/heritage benefits of the proposal. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policies EH10 and EH11 of the Local Plan.

#### Conclusion

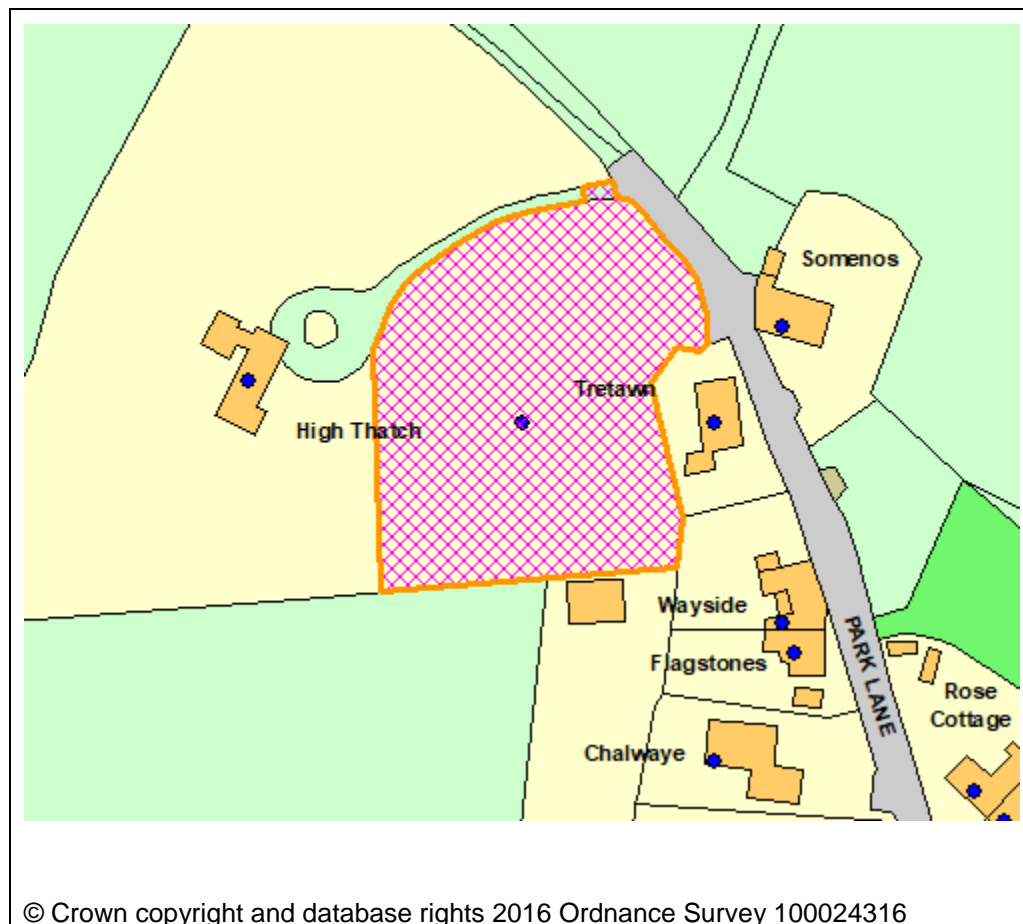
- 5.15 In light of the above, the application is considered to be acceptable and compliant with policies OS4, H6, EH9, EH10, EH11, EH12 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF.

## **6 CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
3. Before above ground building work commences, 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.
4. 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.
5. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building.
6. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.

Application Number	20/02635/S73
Site Address	High Thatch Park Lane Long Hanborough Witney Oxfordshire OX29 8JU
Date	17th February 2021
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	442660 E 214486 N
Committee Date	1st March 2021

### Location Map



### Application Details:

Variation of condition 2 of planning permissions 19/01189/FUL and 19/02821/S73 to allow changes in the size and design of the approved double garage and alterations to the approved dwelling (Plot 1) comprising changes to internal layout, fenestration, entrance porch design and chimney detail with the

provision of second floor accommodation including front and rear roof lights whilst retaining the site boundary as approved under permission 19/02821/S73 (Retrospective) (Amended)

**Applicant Details:**  
Keble Homes Limited  
C/o Agent

## I CONSULTATIONS

### I.1 Parish Council

The applicant appears to be seeking a radical departure from design principles, relating to scale, previously agreed with WODC and supported by Hanborough Parish Council (HPC). Those principles were set out in a Design and Access Statement dated 20th July 2020. Paragraph 104.5 said:

"The height of the proposed development has been carefully designed with consideration for the mass and bulk of the original building as well as the general character of the wider area. Most of the properties in the area are predominately 2 storey buildings. The overall massing of the building components follows the original concept of a farmstead. The principal living structure being the original house or barn which has been adjoined to secondary subservient structures. Following planning application (REF: 18/03223/FUL) and pre-application consultation (REF: 20/00057/PREAPP), the proposal has been significantly altered to reduce the scale and the massing of the new dwelling. The variations to the previous scheme can be summarised as follows: o The height of the dwelling has been reduced by nearly 4m o To further minimise the impact of the proposal the relative ground level has been reduced by approx. 1m o The southern wing has been removed o Two storey rear gable has been replaced with a single storey lightweight structure The mass and scale of the proposed application have been carefully considered to ensure the scheme does not appear dominant and overbearing. The alterations made to the scheme proposal assist in creating a replacement dwelling which is of a reasonable scale relative to the original building and reasonable in the context of the significant site or plot area."

20/02635/S73 | Variation of condition 2 of planning permissions 01189/FUL and 19/02821/S73 asks West Oxfordshire's Planning Authority: "to allow changes in the size and design of the approved double garage and alterations to the approved dwelling (Plot 1) comprising changes to internal layout, fenestration, entrance porch design and chimney detail with the provision of second floor accommodation including front rooflights and rear dormer windows whilst retaining the site boundary as approved under permission 19/02821/S73. | High Thatch Park Lane Long Hanborough Witney Oxfordshire OX29 8JU."

HPC considers the principles relating to scale and the setting of the site, originally set out in Paragraph 104.5 of the applicant's Design and Access Statement, to be important. We should wish to object to their

abandonment, unless the planning officer involved is already resolved upon refusing this "variation."

- 1.2 Parish Council
- The Parish Council appreciates that you have negotiated alterations to the fenestration of the property and removal of the dormer windows.
- However, these changes only go a little way towards addressing the applicant's departure from design principles, relating to scale, previously agreed with WODC and supported by Hanborough Parish Council (HPC).
- There is therefore no substantial reason for us to amend our previous comments, albeit that we understand you might have exhausted your scope for further negotiation.

## **2 REPRESENTATIONS**

- 2.1 No representations received

## **3 APPLICANT'S CASE**

- 3.1 No Case submitted

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

DESGUI West Oxfordshire Design Guide

NPPF 2019

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is before members today because the Parish Council object to the application.
- 5.2 An extension of time was required to determine the application due to amended drawings requested by officers and for the application to be heard before members of planning sub-committee.
- 5.3 The application seeks approval for the variation of condition 2 of planning permissions 19/01189/FUL and 19/02821/S73 to allow changes in the size and design of the approved double garage and alterations to the approved dwelling (Plot 1) comprising changes to internal layout, fenestration, entrance porch design and chimney detail with the provision of second floor accommodation including front and rear roof lights whilst retaining the site boundary as approved under permission 19/02821/S73 (Retrospective) (Amended). The site is located on the edge of Long Hanborough. It is not within the AONB or Conservation Area.

- 5.4 The principle of development has been established by previous permissions therefore 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
  - Residential Amenity

#### Siting, Design and Form

- 5.5 In terms of design, the proposed changes to the dwelling include amendments to fenestrations across the property, roof lights front and rear and removal of a small centralised dormer window on the front elevation. Following officers concerns with the initially submitted scheme the drawings were amended. The revised window and door style is considered to be in keeping with the overall style of the dwelling and also the streetscene within the wider area. The casements are traditional in form with modern French doors on the rear elevation at ground floor level. The roof lights and removal of the dormer window are considered acceptable changes.
- 5.6 The amendments to the garage include a change in orientation, repositioning closer to the dwelling, addition of a staircase and door to allow for office space at first floor level. When assessing these changes officers have also considered a previous permission (19/01189/FUL) in which the approved garage was of a much larger scale and height with a room above. Whilst this was subsequently amended by 19/02821/S73 the proposed scheme as part of this application is the same style as previously approved and the addition of the door and staircase to allow access to the roof space is considered to be acceptable. The garage remains secondary and subservient to the host dwelling and the overall size is smaller than previously approved which was for a 3 bay garage. Officers therefore considered the amendments acceptable in this regard.
- 5.7 Officers note the Parish Council's objection to design specifically design principles relating to scale and setting. Given however, the previous permissions on site and that the amendments are, in Officer opinion, in keeping with the vernacular for the area and district the proposal is considered acceptable.

#### Residential Amenities

- 5.8 In terms of neighbouring amenity officers consider that due to the orientation and separation distance the roof lights on the dwelling and the door and staircase on the garage will not negatively impact on neighbouring amenity. Therefore this is considered acceptable in this regard.

#### Conclusion

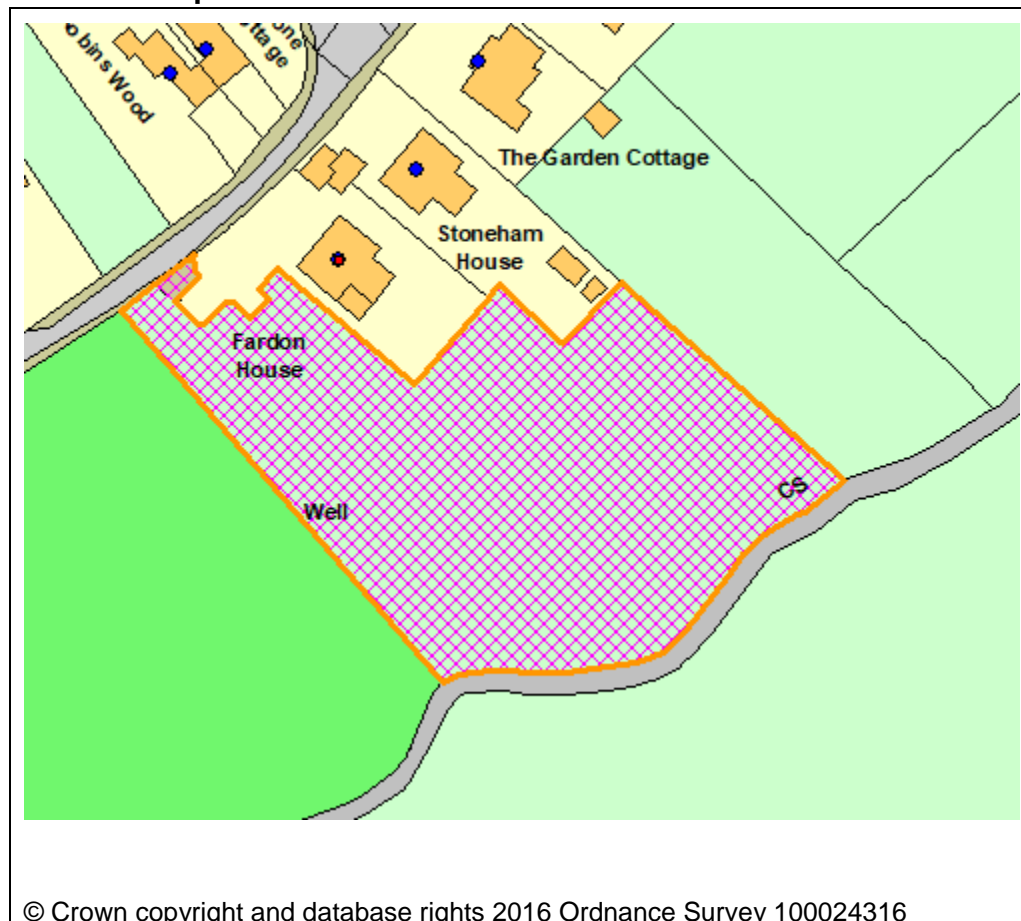
- 5.9 In light of this assessment, taking in consideration the design, neighbouring amenity and layout, this proposal is considered to be acceptable and would accord with policies OS2 and OS4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

## **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.
2. The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.  
REASON: To avoid over-development of the new dwelling and to protect the residential amenities of the adjacent properties.

Application Number	20/02848/FUL
Site Address	Fardon House Frog Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JZ
Date	17th February 2021
Officer	James Nelson
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426765 E 217892 N
Committee Date	1st March 2021

### Location Map



#### Application Details:

Change of use of paddock land to extend domestic garden.

#### Applicant Details:

Mr And Mrs Paul And Deborah Horner  
Fardon House, Frog Lane, Milton Under Wychwood, Oxfordshire, OX7 6JZ



## I CONSULTATIONS

- I.1 Parish Council Following Milton under Wychwood Parish council meeting. Result is OBJECTION. Although the PC are concerned about biodiversity, the PC is also concerned about the encroachment on 'uncultivated land'. This was our reason for objecting to the original proposal. Whereas the revised proposals go some way to maintaining the biodiversity along the stream's banks it does not address the problem of encroachment. The original OBJECTION by Milton under Wychwood PC still stands
- I.2 Parish Council Mrs J Miller Following Milton under Wychwood Parish council meeting. Result is OBJECTION  
Mrs J Miller Following Milton under Wychwood Parish Council meeting, result is OBJECTION - NOT APPROVED
- I.3 Environment Agency Thank you for re-consulting us on the above application on 25 November 2020 following the submission of additional details.

We have reviewed the letter from the applicant entitled - request for exemption from submitting a full Flood Risk Assessment.

The applicant has confirmed that the land subject to this planning application will not be altered in any way - this includes no raising of ground levels and no buildings or hardstanding put in place. The letter also indicates that proposed conditions will remove permitted development rights from this land. While the applicant may not have experienced any significant flooding on the land to date, this does not mean that more extensive flooding of the site will not happen. One of the purposes of a Flood Risk Assessment is to determine the expected level and extent of possible flooding so the applicant can be informed and more aware of the risks and how to respond to them. Our flood map for planning only gives an indication of the possible risk, a site specific Flood Risk Assessment would provide more detailed analysis. Based on the applicant's statement that no land raising will occur and no buildings or hard standing will be put in place, we are satisfied that a full flood risk assessment is not necessary in this case. Subject to the conditions below, we therefore withdraw our previous objection dated 09 November 2020.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed conditions meet the requirements of the 6 tests in paragraph 55 of the National Planning Policy Framework. Please notify us immediately if you are unable to apply our suggested conditions, to allow further consideration and advice.

Condition 1 There shall be no raising of existing ground levels on site. Existing ground levels shall be retained and maintained throughout the lifetime of the development.

Reason: To prevent flooding to the proposed development and future occupants and to prevent flooding elsewhere.

Condition 2 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 structure shall be erected or hardstanding put in place on the site as shown on the approved location plan.

Reason: To prevent flooding to the proposed development and future occupants and to prevent flooding elsewhere. Closing comments Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

1.4 Biodiversity Officer

The main issue of the proposal is that there would be no control of the land once it becomes domestic garden. Even if a biodiversity management plan was prepared, there is no guarantee that the future owners of the land will carry out the same safeguarding measures. Therefore by creating a buffer along the water course and the associated hedgerow, we can ensure that domestic paraphernalia, and other issues such as lighting, are avoided along the riparian zone. This would avoid impacting on the habitats present and the associated protected and priority species that use the water course and hedgerow.

Ideally, there should be a buffer of 10 metres along the southern boundary. However, if this is not possible then I will accept a buffer of 5 metres. The area within this buffer would be retained outside of domestic use and can become a 'wildlife zone'. Once the buffer along the southern boundary has been agreed with the applicant, I will then accept the submission of a biodiversity management plan associated with this area. The biodiversity management plan would only be an additional measure which the applicant can prepare if they wish.

## 2 REPRESENTATIONS

2.1 Representation in opposition to the proposal have been received by three parties. One representation in support of the application has also been received. The objection comments are raised on the following grounds:

- Landscape Character
- Pattern of development
- Biodiversity Impacts
- Neighbourly Amenity

## 3 APPLICANTS CASE

3.1 No Design and Access Statement has been submitted as part of this application.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH13 Historic landscape character

DESGUI West Oxfordshire Design Guide

DESGUI West Oxfordshire Design Guide

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

## 5 BACKGROUND INFORMATION

- 5.1 This application follows an enforcement investigation and seeks consent to incorporate a parcel of agricultural land adjacent to Fardon House, Frog Lane, Milton-under-Wychwood into domestic garden. The proposed amounts to a material change in the use of the land.
- 5.2 The application site lies within the Cotswolds Area of Outstanding Natural Beauty and is brought before members of the Uplands Area Planning Sub-Committee following objection from the Milton-under-Wychwood Parish Council.
- 5.3 The site is bordered to the south east by a brook with agricultural land beyond and to the south west by open countryside. To the north is the built up area of Milton-under-Wychwood. A large section of the site sits within Flood Risk Zone 2. The application has been amended so that the proposed area of garden land is set back from the brook by five meters.
- 5.4 Relevant Planning History:
- 17/00103/CLE- 'Certificate of lawfulness (To allow land to continue as domestic)'
  - 17/01304/HHD- 'Construction of garden shed (retrospective) and greenhouse.'
  - 18/02250/FUL - 'Change of use from paddock to domestic and creation of new access and drive (Amended plans)'
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle;
  - Visual Amenity;
  - Residential Amenity;
  - Biodiversity; and
  - Flood Risk

### Principle

- 5.6 The application site lies adjacent to the built up area of Milton-under-Wychwood, identified as a village in the West Oxfordshire Local Plan. The principle of extending the residential garden that

respects the village character and local distinctiveness is considered acceptable subject to careful consideration against local and national policy.

#### Visual Amenity

- 5.7 In reviewing the application, Officers must consider the visual impact of the development on its immediate setting and the wider AONB in accordance with Paragraph 172 of the NPPF which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB. The site occupies an edge of village location and can be seen when passing the site on Frog Lane. The land is clearly delineated from the existing garden of Fardon House by post and rail fencing and is maintained as a grassed paddock with a mix of native tree planting.
- 5.8 The application does not seek to alter the present boundary treatments between the existing garden and the paddock and no buildings are proposed within the application site. To ensure that no buildings are constructed on the land, Officers consider it expedient to impose a condition removing any permitted development rights for buildings to be erected in future. In addition, a condition is recommended by Officers to remove permitted development rights in relation to boundary treatments to ensure that in terms of visual amenity the change of use will have minimal impact upon its immediate surroundings. Fencing is proposed along the south eastern boundary of the site. This represents the only operational development included in the application. In order to retain an agricultural character, Officers have recommended that a condition be imposed to ensure that the fence is of post and rail form and that no garden paraphernalia is sited on the land. Given the above, Officers consider that the land will retain its current visual appearance and as a result, Officers consider that the proposed change of use will result in minimal impact in terms of visual amenity and therefore respects its immediate setting and conserves the wider landscape character.

#### Residential Amenity

- 5.9 The site borders one property, Stoneham House, to the north east. Objection has been raised on the grounds that the use and maintenance of the area will result in an unacceptable level of noise disruption, largely as a result of mowing the paddock.
- 5.10 Your Officers consider that residential gardens are often surrounded by other residential properties where noise resulting from mowing apparatus and residential use of gardens is common place. The frequency that the grassed area is mown is not a matter that may be addressed through planning conditions as it would set an unreasonable precedent for residential gardens in the locality. Officers also consider that agricultural use of the site would not preclude the use of machinery such as mowing equipment and therefore the proposed material change in the use of the land would not necessarily lead to increased noise impacts upon neighbouring properties. As a result, your Officers consider that the application is acceptable on the grounds of residential amenity.

#### Biodiversity

- 5.11 Concerns were raised by the Council's Biodiversity Officer that the initial proposal could result in the loss of a wildlife corridor along the watercourse at the south of the site. As a result, the application has been amended to remove land within five meters of the watercourse from the site. This will be reinforced by a post and rail fence and will secure the retention of the wildlife corridor. The application is therefore considered acceptable on biodiversity grounds.

## Flood Risk

- 5.12 The application has not been accompanied by a Flood Risk Assessment as is mandatory within Flood Risk Zone 2. The applicants have secured a waiver from the Environment Agency to confirm that no Flood Risk Assessment is required in this case. This is because no buildings or hardstanding will be placed on the land with no alteration to land levels proposed. As a result, the proposal will have no impact upon flood risk in the area and the objection of the Environment Agency has been rescinded. The application is therefore considered acceptable in terms of flood risk.

## Conclusion

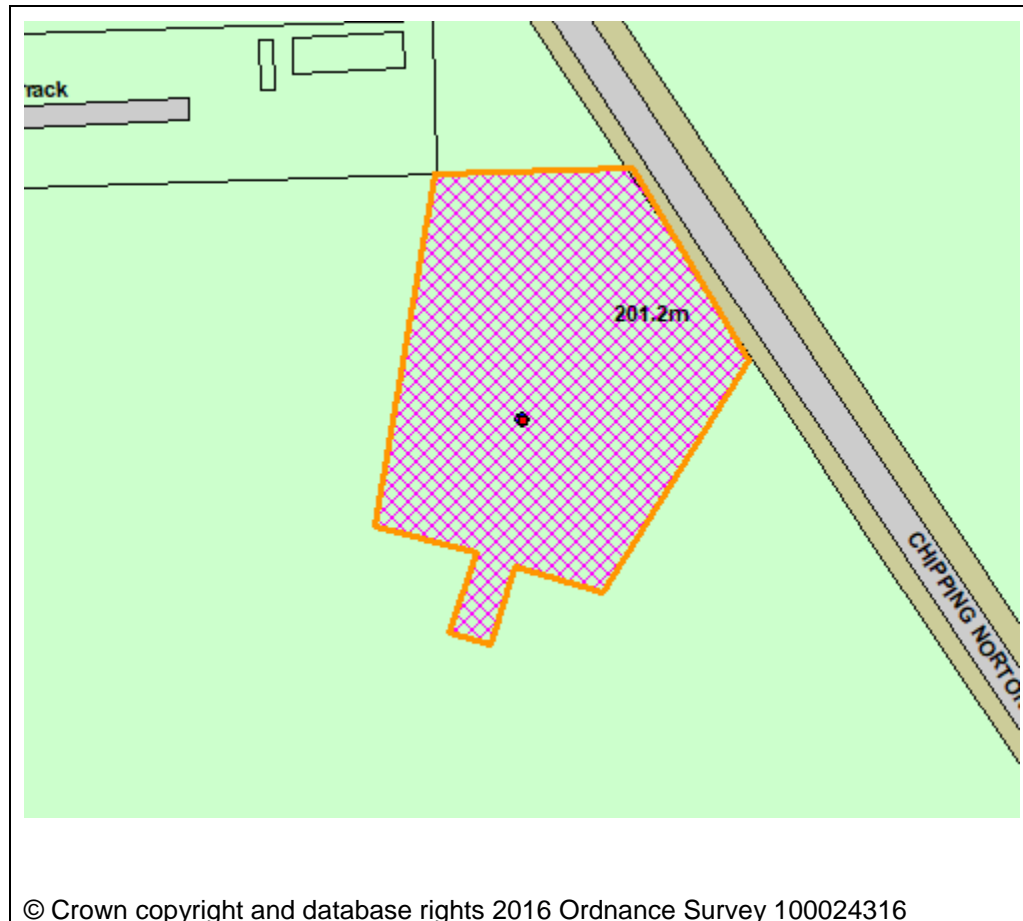
- 5.13 Given the above assessment, the proposed material change of use is recommended for approval as your Officers consider it complies with West Oxfordshire Local Plan 2031 Policies OS2; OS4; EH1; EH2; EH3; EH7 and EH13, relevant paragraphs of the NPPF 2019.

## **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.
2. 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.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, hardstandings, structures or means of enclosure shall be erected on the land other than as expressly authorised by this permission.  
REASON: Control is needed in order to safeguard the character and appearance of the area.
4. That within 3 months of the date of this consent, a post and rail fence, not exceeding 1 meter in height, shall be erected and retained along the southern boundary of the site.  
REASON: To ensure a natural buffer is retained to protect biodiversity along the watercourse to the south of the site.
5. That no garden paraphernalia be placed on the land.  
REASON: Control is needed in order to safeguard the character and appearance of the area.
6. That there shall be no raising of existing ground levels on site, existing ground levels shall be retained and maintained throughout the lifetime of the development.  
Reason: To prevent flooding to the proposed development and future occupants and to prevent flooding elsewhere.

Application Number	20/03444/S73
Site Address	5 - 12 Chipping Norton Road Chadlington Chipping Norton Oxfordshire OX7 3PE
Date	17th February 2021
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Chadlington Parish Council
Grid Reference	431623 E 224293 N
Committee Date	1st March 2021

### Location Map



### Application Details:

Variation of condition 7 of 20/01457/FUL to widen the goods that can be retailed on site to within 30 mile radius.

### Applicant Details:

C/O Agent

## **I CONSULTATIONS**

- 1.1 Parish Council The current Notice of Decision for planning application 20/01457/FUL restricts the goods retailed from the farm shop to those produced solely within the West Oxfordshire District boundaries, the area of which is 275.8 square miles. This was granted on the basis that, "the nature of the goods sold being ancillary and related to the farming operations in the locality", as stated in Condition 7 of the Notice of Decision. This Variation of condition 7 seeks to extend the area to within a 30 mile radius of the farm shop, which would cover an area of 2828 square miles, much of which could not be considered as being "in the locality".

This large increase in area, within which goods can be sourced and sold, is unreasonable and is likely to result in the undermining of the viability of the existing shops in the village, namely Chadlington Quality Foods, Chadlington Butchers and The Café De La Post. We are aware of objections made on line, emailed to the Clerk and made verbally to Councillors and as a Parish Council our concern must be to support the existing shops in the village. These facilities are essential to many, particularly those who rely on being able to walk to them.

The Farm Shop is not a Market Co-operative, as the JPPC document draws comparison with to justify a 30 mile radius, it is a permanent shop that will be in competition with the local shops of the village. For these reasons the Parish Council objects to the proposed variation of Condition 7 of 20/01457/FUL.

## **2 REPRESENTATIONS**

- 2.1 12 letters have been received objecting to the application on the following grounds:
- None compliance with Condition 7. This latest application repeats, with minor amendments, the wording of Condition 7 increasing the area from which produce can be obtained.
  - The approval that has been flouted is contrary to para 6.43 in the West Oxfordshire Local Plan 2031: "Proposals for farm shops will be assessed to ensure that they are proposed to be a genuine retail outlet of agricultural produce from the local area and in terms of their impact on existing village or town centre shops serving the local community. Conditions will be applied limiting the type of goods sold and proportion of externally sourced goods."
  - Seeks to increase the range of goods sold, thereby further undermining 'Chadlington Quality Foods', the community shop which serves the village and other shops in the village which will threaten their viability
  - Threat to the existence of existing shops in Chadlington at a time when their well being is under many pressures.
  - Granting permission would encourage them to further flout the authority of WODC.
  - There is no justification to vary the existing condition nor is it in the interests of the local community.

- Not all the products are produced or 'made in the UK' which makes them unsustainable and contributes more to climate change and weakens environmental protection along with increasing carbon footprint.

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

- 3.1 The supporting letter states:
- 3.2 Currently the decision purports to restrict other goods to those sourced from within West Oxfordshire District boundaries. We do not challenge the intent of the condition to limit the goods sold from the premises to a limited area, but do submit that it may be met in a different way. The application site is in the north western corner of the District - this means that at its closest point the District boundary is only 3.5 miles away to the east and such there may be a producer within a very short distance of the site who would be precluded from selling goods they produce to the premises. In contrast the furthest point is over 16 miles away to the south.
- 3.3 There are a number of alternatives that are employed elsewhere, however we consider a reasonable alternative would be to employ a condition that has a similar effect to that used by the Thames Valley Farmers Market Co-operative. The Co-operative have markets in Witney, Woodstock, Charlbury and Chipping Norton and thus serve the local community of this part of the uplands area of West Oxfordshire in a very similar fashion to the farm shop. The Co-operative have strict guidelines as to who can sell produce at their markets based. Their definition of a local producer is based on a radius of 30 miles from the market location. We propose to substitute that for the District boundary in varying this condition.
- 3.4 National and Local Planning policies recognise the importance of allowing traditional land-based businesses to develop and diversify and this proposal relates to one such endeavour (see paragraph 83 of the NPPF and Policy . It is also relevant to note that the same paragraph of the NPPF also promotes sustainable rural tourism and the site also fulfils that role - with many people visiting the area to see the shop and linking that visit in with trips to other local attractions. These are all elements that support the economy of West Oxfordshire as a whole and support facilities which are essential to the local community.

### **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

E2NEW Supporting the rural economy

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

BC1NEW Burford-Charlbury sub-area

NPPF 2019

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



## 5 PLANNING ASSESSMENT

- 5.1 This application seeks to vary condition 7 attached to 20/01457/FUL which was granted in October 2020 for the erection of a lambing shed and farm shop, including car parking and associated access (part retrospective) with potential for occasional filming.

Condition 7 states:

*The goods retailed from the farm shop hereby approved shall be solely limited to: i) goods and produce grown, reared or produced on the holding ii) goods and produce from local producers including meat, vegetables, flowers, bread and cakes, eggs, dairy products, cheese, yoghurts and other such products as may be first agreed in writing by the Local Planning Authority and iii) other farm/woodland based products from local producers and for no other purposes falling within the Class A1 of the Town and Country Planning (Use Classes) Order or any equivalent provision in a re-enactment of the order.*

*REASON: The use is given permission as an exception to the normal policies of restraint upon retailing in an open countryside location solely on the basis that the nature of the goods sold being ancillary and related to the farming operations in the locality.*

*NB. For the purposes of this condition, the definition of 'local producer' is a producer based solely within West Oxfordshire District boundaries.*

In essence this application seeks to vary the condition to widen the goods that can be retailed on site to within a 30 mile radius. The suggested re-wording of Condition 7 proposed is as follows:

*The goods retailed shall be limited to:*

- i) goods and produce grown, reared or produced on the holding;*
  - ii) goods and produce from producers based within a 30 mile radius of the holding, including meat, vegetables, fruit, flowers, bread and cakes, eggs, dairy products, or other such products as may be first agreed in writing by the Local Planning Authority; and*
  - iii) other farm/woodland based products from producers within a 30 mile radius of the holding.*
- 5.2 The site comprises part of an open agricultural field measuring 0.27ha in area and comprises part of Diddly Squat Farm. Diddly Squat Farm comprises approximately 350 ha of agricultural land to the north west of Chadlington.
- 5.3 The site lies within the Cotswolds AONB. Chipping Norton Road is located to the north-east of the site and provides vehicular access into the field via an existing gated entrance. The Chipping Norton Camping and Caravanning Club site is located to the north-west with the A361 Buford Road beyond that, while the surrounding land comprises agricultural fields that fall within the applicant's ownership.
- 5.4 The application is to be heard before the Uplands Area Planning Sub-Committee as the Parish Council has objected to the application. Cllr Owen has also requested that the application is reported to Committee for policy reasons concerning the viability and vitality of the local village shop and adjoining butchers.

### Planning Background

- 5.5 Diddly Squat Farm has been a working farm for the past 10 years, predominantly growing wheat, oilseed rape and barley for wholesale via grain merchants to domestic mills, feed processors, oil crushers as well as export markets.
- 5.6 Planning permission was originally granted for the lambing shed and farm shop in November 2019 (Ref: 19/02110/FUL) and revised applications were permitted in February 2020 (19/03516/FUL) and November 2020 (20/01457/FUL).
- 5.7 Taking into account the planning history of the site, other material considerations and the presentations of interested parties your officers are of the opinion that the key consideration of this application is whether the variation of Condition 7 as proposed would be harmful to the vitality and viability of nearby retail services.

### Impact on the vitality and viability of nearby retail services

- 5.8 The principal changes to Condition 7 relate to the omission in part iii) of reference to Class A1 use on the basis that given the change to Use Classes which came into effect in September 2020 this reference is no longer needed. The amendments which came into force in September 2020, introduced a new Use Class (F2 Local Community) which comprises a new category dedicated to protecting local community uses. Use Class F2 (a) includes shops servicing the essential needs of local communities and is defined as:

*F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres.*

- 5.9 The case being made is that this farm shop falls into this new Use Class which already limits the goods that can be sold.
- 5.10 Condition 7 presently makes reference to 'local producers' and defines this as being 'a producer based solely within West Oxfordshire District boundaries.' The case being made by the applicant is that the wording of the condition is unclear and it is uncertain what may be offered for sale at the premises. In addition it is argued that a different geographical limitation would be more reasonable given the sites location close to the District boundary to the east which would enable producers a short distance away, but outside the district, to sell goods they produce to the farm shop. Whilst the point relating to uncertainty in the present wording of the condition is disputed, there is considered to be merit in the argument that a varied condition to limit goods sold from the premises to a limited area could be met in a different way.
- 5.11 In terms of defining an appropriate geographical area, the applicant is suggesting a condition that would have a similar effect to that used by the Thames Valley Farmers Market Co-operative which has markets in the District and thus serve the local community in a similar fashion to the farm shop. The Co-operative have strict guidelines as to who can sell produce at their markets and in order to cut down 'food miles', most of the food and drink sold at Thames Valley Farmers' Markets is produced within a 30 mile radius of the market. As such the applicant is proposing that a similar geographical restriction is applied in this case which would limit producers based within a 30 mile radius of the holding. Whilst a change to the geographical area is considered to be reasonable it is Officer opinion that the 30 mile radius should apply to

the farm shop and not the holding. This would provide a clear radius and would be more precise and enforceable.

- 5.12 The Parish Council and local residents have objected to the application, principally on the grounds that the variation of the condition to extend the area to within a 30 mile radius, which would cover an area of 2828 square miles, much of which could not be considered as being "in the locality"; This large increase in area, would be unreasonable and is likely to result in the undermining of the viability of the existing shops in the village, namely Chadlington Quality Foods, Chadlington Butchers and The Café De La Post. Whilst these concerns are noted, Policy E2 of the adopted Local plan supports farm diversification schemes such as farm shops. In the supporting justification for the policy it states that proposals for farm shops will be assessed to ensure that they are proposed to be a genuine retail outlet of agricultural produce from the local area and in terms of their impact on existing village or town centre shops serving the local community. Conditions will be applied limiting the type of goods sold and proportion of externally sourced goods.
- 5.13 In this case, Condition 7 was imposed accordingly to limit the range of goods that can be sold from the farm shop. This application to vary the condition has been submitted following enforcement investigations relating to a breach of the condition. In seeking to extend the geographical area for the sale of produce the application proposes a similar limitation as imposed on the local farm markets in the district. Such an approach is not considered to be unreasonable in this case and the limitation on the range of produce that can be sold should ensure that the viability and vitality of the existing shops in Chadlington is not undermined.

#### Conclusion

- 5.14 In conclusion, the variation of Condition 7 is considered to be acceptable subject to the 30 mile radius being from the farm shop and not the holding as suggested in the varied Condition 7 detailed below.

## **6 CONDITIONS**

1. That the development be carried out in accordance with the plans approved under planning application 20/01457/FUL.  
REASON: For the avoidance of doubt as to what is permitted.
2. The roof of the new farm shop shall be re clad with the approved Marley Eternit Rivendale Slate (Blue Black colour) within 2 months of the date of this permission.  
REASON: To protect the visual amenities of the area.
3. The car parking areas shown on the approved plans shall be retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety
4. Within 2 months of the date of this permission, the means of access shall be constructed in accordance with the approved details.  
REASON: To ensure a safe and adequate access.

5. Within 2 months of the date of this permission, the approved landscaping details shall be implemented as approved and thereafter be maintained in accordance with the approved scheme. In the event of any of hedging plants dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new hedging plant of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
6. Within 2 months of the date of this permission, the approved drainage details shall be installed.  
REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).
7. The goods retailed from the farm shop shall be solely limited to: i) goods and produce grown, reared or produced on the holding ii) goods and produce from producers based within a 30 mile radius of the farm shop, including meat, vegetables, fruit, flowers, bread and cakes, eggs, dairy products, or other such products as may be first agreed in writing by the Local Planning Authority; and iii) other farm/woodland based products from producers within a 30 mile radius of the farm shop.  
REASON: The use is given permission as an exception to the normal policies of restraint upon retailing in an open countryside location solely on the basis that the nature of the goods sold being ancillary and related to the farming operations in the locality.
8. The temporary use of the site for commercial film-making shall be for a period not exceeding 9 months in any 27 month period.  
REASON: The use is only justified by the potential need for temporary film-making