

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **LOWLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 13th October 2025**

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



**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

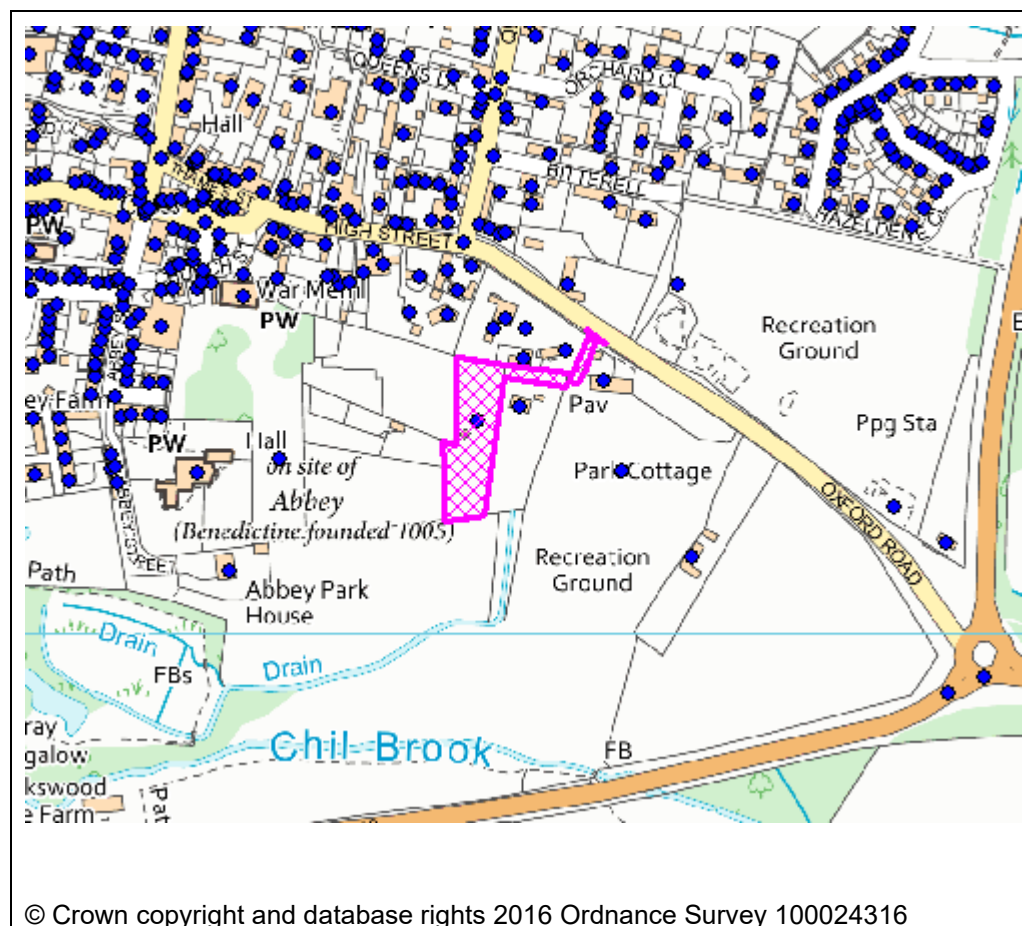
Please note that:

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

Item	Application Number	Address	Officer
1	25/01129/FUL	<a href="#">Land West Of The Nursery, 6 Oxford Road</a>	Clare Anscombe
2	25/01606/FUL	<a href="#">6 Marriotts Walk Witney</a>	Clare Anscombe
3	25/01782/FUL	<a href="#">Windrush Inn Burford Road</a>	Ella Charles

Application Number	25/01129/FUL
Site Address	Land West Of The Nursery 6 Oxford Road Eynsham Oxfordshire
Date	1st October 2025
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443460 E 209141 N
Committee Date	13th October 2025

### Location Map



### Application Details:

Erection of 1 self-build dwelling and garage.

**Applicant Details:**

Mr Jago  
C/O Agent

**I CONSULTATIONS**

OCC Highways	<p>No objection, subject to conditions.</p> <ul style="list-style-type: none"><li>• G28 parking as plan</li><li>• G32 turning facility</li></ul>
WODC Drainage	<p>No objection, subject to conditions.</p>
District Ecologist	<p>Original Consultation:-</p> <p>Holding objection due to insufficient information on biodiversity.</p>
Thames Water	<p>No Comment Received.</p>
Env Health Contamination	<p>I have looked at the above referenced planning application in relation to potentially contaminated land.</p> <p>From the information submitted with the application it appears that the site is a former horticulture nursery, our records indicate that the site has remained undeveloped over time. Given the proposed residential development please consider adding the following condition to any grant of permission as a precaution:</p> <p>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> <p>Reason: To prevent pollution of the environment in the interests of the amenity.</p> <p>Relevant Policies: West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.</p>
Conservation And Design Officer	<p>Objection.</p> <p>The proposed development would harm the character, appearance and setting of listed buildings in particular St Leonards Church and</p>

associated structures (GII\*), The Shrubbery (GII), Eynsham Abbey SM, and Eynsham conservation area.

This proposal would be contrary to legislation, Local Plan policies EH9, EH10, EH11, EH13 and EH15 the relevant provisions of the NPPF.

Env Health Noise And Amenity      No objection to proposal but I would ask for the following condition to be attached to any consent granted:

Hours of work in connection with the application shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sundays and Bank/Public Holidays.  
Reason: To protect the amenity of the neighbourhood.

WODC Housing Enabler      The proposed development is described as self-build on the application form and within the submission documents.

Planning authorities are required to keep a register of people interested in self/custom build housing. This is used as an indication of demand. The number of applications to the register received at the end of the most recent reporting period (base years 1-9) were 365 from individuals and 6 from groups held on Part 1 (applicants with a local connection to the district), and 142 individual applications on Part 2 (all other qualifying applicants).

Currently the council has identified 289 plots as meeting self/custom build criteria that gained planning consent during base periods 1-9 (up to end October 24). Monitoring of this activity is ongoing. Self-build dwellings should be developed and occupied in accordance with the Self-build and Custom Housebuilding Act 2015. I would request that compliance with this act is secured via a legal undertaking. The Self-Build dwelling developed through this planning application would assist the Council in meeting its obligations in respect of the Self-build and Custom Housebuilding Act 2015.

Newt Officer      No Comment Received.

Historic England      Historic England has serious concerns about this application on heritage grounds and the principle of development on the site. There is insufficient information to meet the requirements of paragraph 207 of the NPPF and there is no justification given for any harm caused to the Scheduled Monument. We therefore recommend that it is either withdrawn or refused.

OCC Rights Of Way Field Officer      The public footpath that runs for a short section down the access drive to the site will not be affected by the proposal so there are no objections from the countryside access team.

WODC Tree Officer      Initial consultation response:-

Pre-development tree survey - Arboricultural management recommendations based exclusively upon the individual tree or group of trees condition relative to their present context (i.e. not in relation to the proposed development). No finalised proposal drawing available.

Further comments dated 08/07/2025:

I would need the data that was collected in this predevelopment tree survey plotted on the proposed drawing, this will show the proximity to the proposed structures and associated infrastructure... A Tree Constraints Plan. Accompanying this there will need to be an Arboricultural Impact Assessment and Arboricultural Method Statement, this will detail the developments impact of the existing trees that are to be retained on the site.

OCC Archaeological Services

The applicant has submitted a Historic Impact Assessment which considers the potential for archaeological remains to survive in the development location based on previous works in the general vicinity of the site. However, the archaeological potential of the site will likely need to be tested in the field before any planning permission could be considered, and this will require Scheduled Monument Consent from the Secretary of State for Culture, Media and Sport. Any fieldwork programme will need to be developed under the advice of Historic England.

As set out in the NPPF 2024 paragraph 213, Historic England will also consider any impacts on the setting of the Monument should any development take place.

District Ecologist

Reconsultation comments:-

Acceptable subject to conditions and informative.

WODC Tree Officer

Reconsultation comments dated 25.09.2025:-

From the report provided and the amended block plan; they highlighted the removal of T31,30,29; 3 Malus (Apple trees). If the retained trees are protected in line BS 5837, and root protection areas as indicated from the amended plan are adhered to, then I have no objections. Worth highlighting that any additional tree works not included in this application will have to be submitted as a TCA.

Parish Council

Support.

## **2 REPRESENTATIONS**

2.1 Comments have been received from local residents regarding the application. Full details can be found on the online case file. In summary, the following concerns have been raised:

- Principle/policy
- Precedent
- Impact on highway safety
- Design and layout
- Loss of privacy and overlooking
- Impact on heritage assets

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a planning, heritage and design & access statement which, in summary, makes the following points:

- Whichever route the development proposal is considered against the criteria of policy H2 (b, c or d) there is clear and convincing justification that the proposed development of a single dwelling on the site is supported in principle.
- The proposal complies with the objectives of policies OS4 of the Local Plan and ENP2 of the Neighbourhood Plan which require new developments to 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.
- While the site is considered to have low potential to contain nationally significant archaeological remains, it will be necessary to validate and ground truth the findings through a process of archaeological evaluation intended to clarify the nature and potential sensitivity of archaeological deposits within the site.
- The proposed development will involve groundworks associated with the construction of the new building. These groundworks will be localised to the footprint of the proposed building and any necessary services. The groundworks will have a direct impact on ground within the scheduled monument and will therefore require Scheduled Monument Consent.
- The proposed new building is considered to have no impact upon the setting and heritage significance of the scheduled monument.
- The site is currently screened from view and the proposed development is anticipated to have no impact on the conservation area or its setting. It will have no impact on the setting of the historic village core, nor will it materially impinge on the green space to the south and east of Eynsham.
- The proposed development will have no impact on the setting and heritage significance of listed buildings in the study area.
- Given the modest scale of development proposed and the substantial separation and screening to neighbouring residential properties, it is considered that the proposal would

not give rise to any detrimental overlooking, overbearing or overshadowing impacts. A high standard of residential amenity would be provided for future occupiers of the development and retained for neighbours in accordance with policy OS4 of the WODC Local Plan.

- To compensate for the minor loss of low-quality apple trees, the detailed soft landscape scheme which will be subject of a standard planning condition, will include suitable native tree planting to enhance the character, appearance and biodiversity value of the site in accordance with policy ENPI3 of the Eynsham Neighbourhood Plan.
- Given the site has been used as a residential garden for 40 years and is in a highly sustainable location in a district with significant need for housing, development of a single dwelling on this site would be an effective use of land.
- In assessing the proposal against paragraph 11 (d) of the NPPF, it is clear that the protection of areas or assets of particular importance (designated heritage assets) does not provide a reason to refuse permission in this instance, and it is clear that the proposal aligns with key objectives of the NPPF which seek to direct development to sustainable locations and make effective use of land with well-designed places. Therefore, the assessment of the proposal under tilted balance demonstrates planning permission should be granted.

#### **4 PLANNING POLICIES**

NATDES National Design Guide  
EYNSNP Eynsham Neighbourhood Plan  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H4NEW Type and mix of new homes  
H5NEW Custom and self build housing  
T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH8 Environmental protection  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
EH15 Scheduled ancient monuments  
EH16 Non designated heritage assets  
EW10 Eynsham- Woodstock sub area  
DESGUI West Oxfordshire Design Guide

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



## **5 PLANNING ASSESSMENT**

### **5 Background Information**

- 5.1 This application relates to an existing parcel of land located to the south of Oxford Road in the rural service centre of Eynsham. To the east is '6, The Nursery' (a dwelling). Beyond this is Eynsham recreation ground and sports pavilion. To the immediate west is land associated with '24, High Street' and further to the west is St Leonard's Church. To the north are further dwellings, in particular, 'The Bay Tree, 4 Oxford Road' which adjoins the northern boundary of the site.
- 5.2 The proposed development is for the erection of 1 self-build, two-bedroom dwelling and garage. The site lies in the Eynsham Conservation Area and is a Scheduled Ancient Monument ('Eynsham Abbey (site of)' List Entry Number: 1006332). There are also a number of listed buildings within close proximity of the site. The site lies in the Eynsham Neighbourhood Plan area.

### **Relevant Planning History**

- W89/0492 - Detached dwelling and granny annexe. Refused. 22nd June 1989.

This application related to land further to the west but in close proximity to the site. The application was refused because it was considered to erode the special environmental character of the Eynsham Conservation Area and not conserve the historic street pattern. The site was not considered to constitute infilling or rounding off within the existing building area.

- W75/0160 - Erection of one dwellinghouse or bungalow with garage (outline). Approved.

This application related to the neighbouring property, 6 The Nursery, and included part of the application site within its curtilage.

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

- Principle of development
- Impact on heritage assets
- Conclusions on bullet point i) of paragraph 11d)
- Design, Scale, Siting and Form
- Impact on ecology
- Impact on highway safety
- Impact on trees
- Impact on flood risk
- Impact on amenity
- Paragraph 11dii planning balance

### **Principle of development**

- 5.4 Policy H2 of the adopted West Oxfordshire Local Plan (2031) states that new dwellings will be permitted in rural service centres, including Eynsham, in the following circumstances:

- 'On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- 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.
- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.'

5.5 The northern and eastern boundaries of the site adjoin built development with its western boundary divorced from built development and to the south lies public open space (recreation ground). Therefore, Officers are of the view that the land where the dwelling is proposed relates more to the built-up area than the open countryside and so falls within the settlement. In terms of whether the site is previously developed land, aerial photographs indicate that part of the site has previously been used as part of the garden of the neighbouring dwelling and the planning history for the neighbouring dwelling included part of the site within its curtilage. However, the lower part of the site fell outside this defined curtilage and aerial photographs indicate that this part of the site has not been managed as part of the residential garden of 6 The Nursery for over 10 years. The definition of previously developed land included in the NPPF states that previously developed land excludes land in built-up areas, such as residential gardens. Therefore, Officers are of the view that the site is undeveloped land within the built-up area.

5.6 In this case, therefore, the application must demonstrate that the proposal is in accordance with the other policies in the plan and in particular the general principles in policy OS2.

5.7 In terms of the general principles set out in Policy OS2, these require, amongst other things, that all development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Avoid the coalescence and loss of identity of separate settlements;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;

- Conserve and enhance the natural, historic and built environment;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.8 Officers' concerns in relation to these particular General Principles will be discussed further below.

5.9 The Eynsham-Woodstock Sub-Area Strategy states that the focus of new development will be Eynsham and that development in rural service centres will be of an appropriate scale and type that would help to reinforce/create the service centre role.

### **The Council's Housing Land Supply Position and implications of the NPPF**

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

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

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

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

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

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

5.13 In respect of bullet point i), detailed above, specific policies relating to designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75) are relevant.

5.14 In respect of bullet point ii), detailed above, footnote 9 clarifies that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

5.15 In terms of compliance with policy H2, the proposed development is supportable provided that the proposal is in accordance with the other policies in the adopted WOLP and in particular the general principles in Policy OS2. This is considered below.

### **Impact on heritage assets**

5.16 In terms of impact on designated heritage assets, the site lies within the north-eastern area of Scheduled Monument ('Eynsham Abbey (site of)' List Entry Number: 1006332), the Conservation Area and Council's Conservation Officer considers that the proposal would also affect St Leonard's Church (Grade II\* listed) and The Shrubbery (Grade II Listed). Officers have regard to the statutory protections afforded to these heritage assets under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.17 Paragraph 207 of the NPPF (2024) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

5.18 Paragraph 212 states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

5.19 Paragraph 210 states:

'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

5.20 Paragraph 211 states:

'In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.'

5.21 Paragraph 213 states: 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

5.22 Paragraph 215 states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

5.23 A Heritage Statement has been submitted which concludes that: '...The site is situated in a location which is set back from Oxford Road and completely obscured from view from the road by existing roadside buildings. It is also surrounded to the south and west by mature trees and low-level vegetation, which obscure the site from view from nearby listed buildings and from the site of the abbey. Depending on the size and height of the proposed building, the development is therefore considered to have a neutral effect on the setting and heritage significance of Eynsham Conservation Area and surrounding listed buildings...'

5.24 In terms of impact on listed buildings, the Council's Conservation Officer considers that St Leonards Church (a Grade II\* listed building) has a direct historic association (illustrative and evidential (archaeological) significance) to the former Abbey, the proposal would result in a high level of less than substantial harm to the setting and significance of the Church as a result of development within the grounds of the former Abbey.

5.25 In addition, they consider there to be harm to the setting of the grade II listed building known as the 'The Shrubbery' as a result of the negative alteration to its currently rural and undeveloped setting. They consider the level of harm to be a moderate level of less than substantial harm. Overall, they consider that the proposal would harm the character, appearance and setting of listed buildings in particular St Leonards Church and associated structures (GII\*). The Shrubbery (GII), Eynsham Abbey SM, and Eynsham conservation area, and that the proposal would be contrary to legislation, Local Plan policies EH9, EH10, EH11, EH13 and EH15, as well as the relevant provisions of the NPPF.

5.26 In terms of impact on the Scheduled Monument, Historic England have been consulted, and they consider that the application has not provided a sufficient assessment of the impacts of development on the significance of the Scheduled Monument, in order to fully understand the level of harm that will be caused. In addition, they consider that there is no clear and convincing justification for the proposed development.

5.27 The Council's Conservation Officer considers that there is more to setting and harm to heritage assets than just views. For example, it can be about the way an area is experienced including noise, lighting, its historic landscape character, its historic illustrative and evidential significance etc. They concur with Historic England's comments (dated 4th July) and add that they consider the proposal to be backland development that would result in a harmful urbanising impact on the highly sensitive area within Eynsham Abbey Scheduled Monument and an area of surrounding undeveloped rural land within Eynsham Conservation Area. Further, they consider that the proposal would result in the loss of this currently characterful and undeveloped peaceful area.

Further, in terms of archaeology, the applicant has submitted a Historic Impact Assessment which considers the potential for archaeological remains to survive in the development location based on previous works in the general vicinity of the site. However, the archaeological potential of the site will likely need to be tested in the field before any planning permission could be considered, and this will require Scheduled Monument Consent from the Secretary of State for Culture, Media and Sport. Any fieldwork programme will need to be developed under the advice of Historic England.

5.28 In accordance with paragraph 215 of the NPPF, this harm must be weighed against the public benefits of the development, including securing the optimum viable use of heritage assets. The site is located within a sustainable location and one self-build dwelling is proposed. Officers acknowledge that the Council cannot currently demonstrate that it has a five year housing land supply and, recent appeals have concluded that there is a shortfall of self-build dwellings in the district (appeal ref. APP/D3125/W/24/3349750 dated 3rd February 2025).

5.29 However, only one self-build dwelling is proposed. Therefore, in the opinion of Officers, the application does not provide clear and convincing justification for the proposed development, nor does it demonstrate that the proposal will secure the optimum viable use of designated heritage assets. In accordance with paragraph 212 of the NPPF, great weight should be given to the conservation of designated heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.30 For these reasons, in this case, Officers consider that the public benefits of the proposed development do not outweigh the high level of less than substantial harm that would be caused to the significance of St Leonards Church and associated structures. Officers also do not consider that the public benefits outweigh the moderate level of less than substantial harm to The Shrubbery. In accordance with Historic England's advice, further information is required to establish the level of harm to the Scheduled Monument however, the introduction of a dwelling in this location would result in a harmful impact upon the Scheduled Monument. Therefore, the proposed development is considered to be contrary to policies OS2, OS4, H2, H5, EH9, EH10, EH11, EH13, EH15 and EW10 of the adopted WOLP, legislation, paragraphs 207 and 213 of the NPPF 2024 and policies ENP2 and ENP14 of the Eynsham Neighbourhood Plan.

### **Conclusions on bullet point i) of paragraph 11d)**

5.31 In conclusion, officers consider that the application of heritage policies that protect designated heritage assets provides a strong reason for refusing the development proposed.

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

5.32 Policy OS4 of the WOLP requires new development to contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. High-quality design should be demonstrated. Chapter 12 of the NPPF (2024) relates to achieving well-designed places and states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.' Paragraph 135 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 139 requires compliance with local and national design guides and states that development that is not well-designed should be refused.

5.33 The proposed dwelling is 1.5 storeys and has a pitched roof form with rear projecting balcony. The dwelling has a width of circa 12.9m and a depth of circa 5.7m. The walls are to be constructed of red brick and render with a slate tile roof. The dwelling is positioned in line with the rear elevation of No.6 The Nursery and a single storey garage is proposed which has a height of 4.4m, width of 3.8m and length of 6.4m positioned in front of the proposed dwelling. A gravel driveway is proposed to the front with 1.4m high post and rail fencing separating the site from the neighbouring property and to provide secure access to the rear garden. There are inconsistencies between the submitted drawings in terms of the proposed ridge level of the dwelling. However, based on the street elevation, the proposed ridge will exceed the ridge of the neighbouring dwelling by half a metre or so due to the topography of the site.

5.34 The relatively modest scale and form of the proposed dwelling is considered to appropriately relate to its wider context, however, for the reasons as set out above, the proposed siting raises fundamental heritage concerns.

## **Impact on ecology**

5.36 In terms of impact on ecology, the site lies in a red zone for great crested newts, protected species buffer for bats and Wychwood Project Area. The site also lies in the Cothill Fen Zone of Influence and Oxford Meadows Zone of Influence. The Council's ecologist has been consulted, and the proposed development is considered to be acceptable subject to conditions and informative.

## **Impact on highway safety and parking**

5.37 In terms of impact on highway safety, part of the site access lies along a public right of way (number 206/2/10). The site is accessed from Oxford Road via an existing track. In terms of parking, the application form confirms that four car parking spaces are proposed and 2 cycle spaces. The Local Highway Authority have been consulted and no objection has been raised, subject to conditions requiring the construction of car parking areas before occupation of the development and these to be retained thereafter and used for no other purpose. Further, they highway authority have requested that the dwelling shall not be occupied until space has been laid out within the curtilage to enable vehicles to enter, turn round and leave the curtilage in forward gear. The Countryside Access Officer has no objections. Therefore, subject to conditions, the proposed development is considered to be acceptable from a highway safety and parking perspective.

## **Impact on trees**

5.38 In terms of impact on trees, the site contains a number of established trees which are considered to contribute to the verdant character and appearance of the site and surrounding area. The Tree Officer has been consulted on an amended block plan which clarifies the trees to be removed and retained. The Tree Officer has no objection, provided the retained trees are protected in line with BS 5837, and root protection areas as indicated from the amended plan are adhered to. Further, additional works to trees not included in this application will have to be submitted as a separate application as they are in a conservation area. The planting of replacement fruit trees can also be secured by condition. Therefore, subject to conditions, the proposed development is considered to have an acceptable impact on trees and Officers consider that the proposal would be unlikely to lead to the loss of features (trees) that make an important contribution to the character or appearance of the area.

## **Impact on flood risk**

5.39 In terms of flood risk, the site lies in flood zone 1. Surface water is proposed to be disposed of via surface water drainage system and foul drainage is proposed to be via mains sewer. The Council's Flood Risk Management Officer has been consulted, and no objection has been raised, subject to conditions. No comments have been received from Thames Water. Therefore, the proposed development is considered to be acceptable on flood risk grounds.

## **Impact on amenity**

5.40 In terms of impact on amenity, the site is considered to provide adequate external and internal amenity space for future occupants.

5.41 Regarding impact on the amenity of neighbouring residents, due to the separation distance, design and position of existing windows in the southern elevation, and the oblique relationship between the proposed dwelling and 'The Bay Tree, 4 Oxford Road', it is considered that the proposed development is unlikely to harm the privacy of occupants of 'The Bay Tree.'

5.42 Due to the separation distance between the proposed rear windows and '6, The Nursery', the orientation of these windows, minimal difference in ground levels, and subject to obscure glazing being installed in the ground floor eastern elevation windows serving the en-suite and study, it is considered that the proposal would be unlikely to harm the privacy of occupants of '6, The Nursery.'

5.43 Due to the proposed height of the dwelling, separation distance and positioning, the proposal is unlikely to have a detrimental impact on the amenity of neighbouring residents by way of overbearing and loss of outlook.

5.44 There may be some overshadowing to 'The Bay Tree', but as there are other windows in the north elevation serving primary living accommodation and one of the windows on the southern elevation serves an ensuite, Officers consider that the proposal would be unlikely to have a detrimental impact on the amenity of neighbouring residents by way of loss of light.

5.45 In terms of the impact of the proposed balcony on the amenity of neighbouring residents, given the separation distance, it is considered that the proposed balcony would not harm the privacy and amenity of residents of 6, The Nursery.



5.46 Therefore, it is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring residents.

### **Other Matters**

5.47 Regarding contamination, the proposed development is considered to be acceptable, subject to conditions however, how such requirements may be accommodated within the Scheduled Monument is unclear.

5.48 In terms of construction impacts, concern has been raised by neighbouring residents that the access track to no. 6 remains accessible during construction. This is considered to be a civil matter and so is not a material planning consideration. In terms of noise impact, the Environmental Health Officer has suggested a condition restricting construction hours.

5.49 Concern has also been raised regarding the precedent for this development to lead to future development adjoining the site. Each development proposal is assessed on its own merits and so precedent is not of relevance to the determination of this application.

5.50 Land ownership is not a material planning consideration and not a constraint to this development. Vehicular movements associated with one dwelling in this location would have minor impact.

### **The Overall Planning Benefits**

5.51 The planning benefits claimed for in the application include the effective use of land from development in a sustainable location to meet housing needs. The agent has confirmed that the applicant would be willing to enter into a Unilateral Undertaking to secure the self-build status of the proposal.

5.52 The proposed development would also have some economic benefits during construction through the creation of jobs, and once operational, some social and economic benefits in terms of increasing the vitality of the community through increased spending on local services and facilities.

5.53 Officers acknowledge these benefits, but due to only a single unit being proposed, these benefits are considered to be at very limited.

### **Paragraph 11dii Planning Balance**

5.54 Notwithstanding the failure to pass the 11(d)(i) balance, for the reasons set out above, the proposed development conflicts with paragraphs 207 and 213 of the NPPF (2024), policies OS2, OS4, H2, H5, EH9, EH10, EH11, EH13, EH15 and EW10 of the adopted WOLP, policies ENP2 and ENP14 of the Eynsham Neighbourhood Plan, and legislation.

5.55 The proposed development would fail to conserve and enhance the significance of designated heritage assets which, in accordance with the national policy requirement to give *great* weight to the conservation of designated heritage assets, must be afforded, at least, *great* weight.

5.56 Therefore, in this case, the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

## **Recommendation**

5.57 In conclusion, for the above reasons, the application of heritage policies in the NPPF (2024) that protect areas or assets of particular importance, in particular designated heritage assets, provides a strong reason for refusing the development proposed.

5.58 The adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. Therefore, the application is recommended for refusal.

## **6 REASONS FOR REFUSAL**

1. Insufficient information has been provided in the submitted Heritage Impact Assessment assessing the impacts of the development on the significance of the Eynsham Abbey Scheduled Monument (List Entry Number: 1006332) in order to fully understand the level of harm that will be caused and no clear and convincing justification for the proposed development has been provided. Further, the proposed development is considered to harm the character, appearance and setting of listed buildings, in particular, St Leonards Church and associated structures, The Shrubbery, and Eynsham Conservation Area. In addition, the archaeological potential of the site has not been tested in the field, requiring Scheduled Monument Consent. Clear and convincing justification for the proposed development has not been provided and the proposal will not secure the optimum viable use of designated heritage assets. Further, the public benefits of the proposed development are not considered to outweigh the less than substantial harm to heritage assets. Therefore, the application of paragraphs 207, 212, 213 and 215 of the NPPF (2024) that seek to protect designated heritage assets provide a strong reason for refusing the development proposed.
2. The adverse impacts of the proposed development, including the harm to designated heritage assets, contrary to paragraphs 207 and 213 of the NPPF 2024, policies OS2, OS4, H2, H5, EH9, EH10, EH11, EH13, EH15 and EW10 of the adopted WOLP 2031, policies ENP2 and ENP14 of the Eynsham Neighbourhood Plan 2020, and legislation, are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.

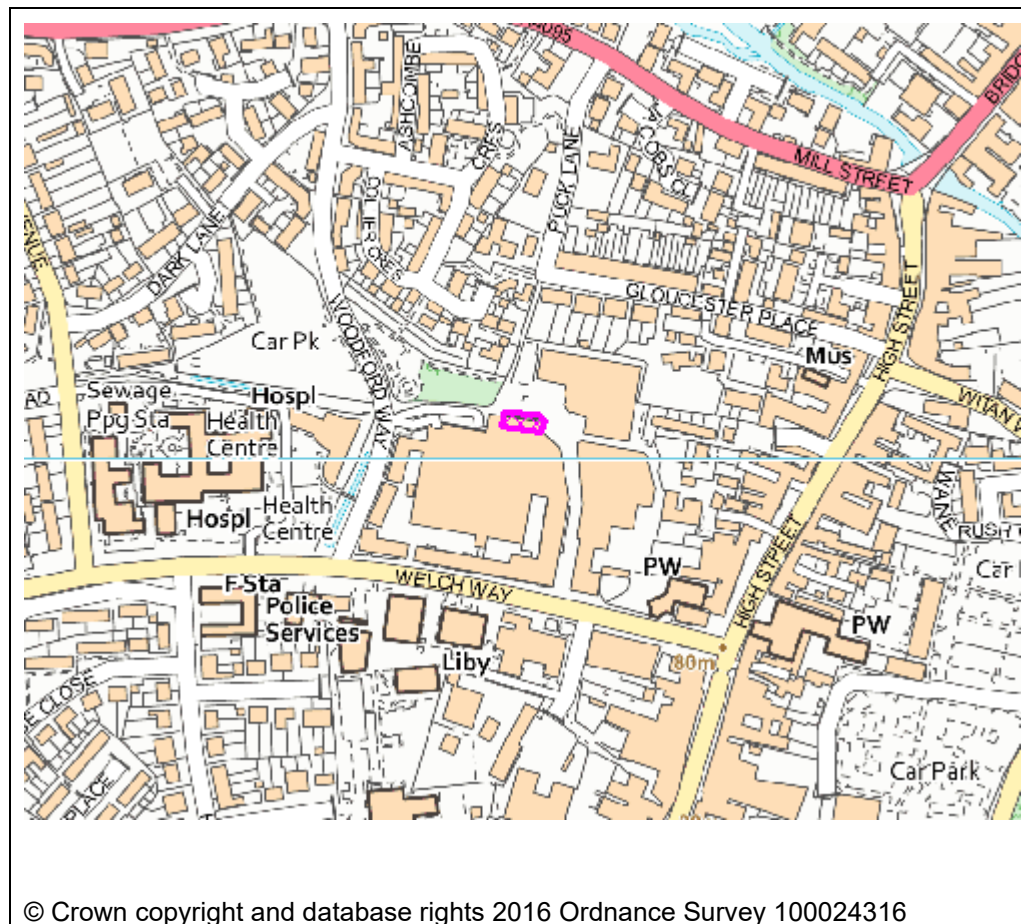
**Contact Officer:** Clare Anscombe

**Telephone Number:**

**Date:** 1st October 2025

Application Number	25/01606/FUL
Site Address	6 Marriotts Walk Witney Oxfordshire OX28 6GX
Date	1st October 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435522 E 209972 N
Committee Date	13th October 2025

### Location Map



### Application Details:

Conversion of existing unused unit to create a micro brewery and taproom/cafe to include replacement frontage, provision of outdoor seating and extraction/ventilation/heating system.

**Applicant Details:**

Professor Nicola Sibson  
6 Marriotts Walk  
Witney  
Oxfordshire  
OX28 6GX

**I CONSULTATIONS**

WODC Drainage	Reconsultation comments dated 10th September 2025:-  No objection.
OCC Highways	No objection.
District Ecologist	Acceptable subject to informatives.
Economic Development Manager	This proposal offers a valuable opportunity to enhance the economic, cultural, and social vitality of Marriotts Walk and Witney more broadly. It is aligned with local policy objectives and supports the long-term vision for a thriving, resilient, and distinctive town centre.
Env Health Noise And Amenity	Reconsultation comments dated 28.09.2025 and further clarification received 29.09.2025:-  - Given the particular detail of the information now submitted, I'd recommend conditions for construction noise; plant and building fabric (details submitted in NIA and addendum already, which needs to be followed through); and the NMP (current submissions need finalising, - e.g. the amplification equipment issue). The NMP is usually important in the context of an entertainment venue, when suitable control of noise requires effective management controls, whether the activity is licensed or not.  Reason for conditions: To safeguard the amenity of neighbouring residents.
Parish Council	Witney Town Council welcomes and supports this application.  Members are pleased to see a currently vacant and previously unused unit within Marriotts Walk being brought into active and meaningful use. The proposed microbrewery, taproom, and café will contribute positively to the vitality of the area, enhance the local economy, and increase footfall in this part of the town- all of which are strongly supported by Members and policy EI of the West Oxfordshire Local Plan 2031.  In particular, Members were encouraged by the social value

underpinning the proposal, specifically the applicant's commitment to supporting ex-service personnel (Veterans) through employment, skills training, and access to mental health support.

Conservation And Design  
Officer

No Comment Received.

Env Health Air Quality

No objection, subject to condition.

## **2 REPRESENTATIONS**

2.1 Comments have been received from local residents in support of the application. In summary the following comments have been received:

- Re-use of vacant unit
- Positive contribution to local economy and community
- Enhancement to area

Full details can be found on the online case file.

## **3 APPLICANT'S CASE**

3.1 A covering letter has been submitted which, in summary, makes the following points:

- The overriding aim is to help ex-services personnel who may be struggling to transition to civilian life. The proposals will employ ex-services personnel. A pre-app has been submitted and the issues raised have been addressed.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

WIT5NE Witney town centre strategy

E6NEW Town centres

EH9 Historic environment

EH10 Conservation Areas

EH8 Environmental protection

OS1NEW Presumption in favour of sustainable development

E3NEW Reuse of non residential buildings

T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

5.1 The application site comprises a vacant unit located with the Marriotts Walk shopping centre in the town centre of Witney. The site lies in the Witney and Cogges Conservation Area. The application is before members because the site is owned by West Oxfordshire District Council.

5.2 The proposed development is for the conversion of the existing unit to create a microbrewery and taproom/cafe to include replacement frontage, provision of outdoor seating and

extraction/ventilation/heating system. The proposed use includes the sale of beer and merchandise for consumption on or off the premises, some live events mainly on Friday and Saturday evenings, the cooking of some foodstuffs to be sold in the cafe and brewing mainly on Mondays. The application also states that ex-services personnel (Veterans) would be predominantly employed within the business.

## **Planning history**

06/1158/P/OP - Redevelopment to provide multiplex cinema, retail uses, residential, new urban square, town park, landscaping, multi storey car park, public toilets, access and servicing, (amended plans). Approved.

07/0664/P/RM - Reserved matters application for landscaping, in relation to redevelopment to provide multiplex cinema, retail uses, residential, new urban square, town park, landscaping, multi storey car park, public toilets, access and servicing. Approved.

11/1566/P/FP- Erection of single storey extension. Approved.

14/1322/P/FP Erection of new shop front with outside seating area. Approved.

5.3 Taking into account planning policy, other material considerations and the comments of interested parties, officers consider that the key considerations of this application are:

- Principle of development
- Design
- Impact on amenity
- Impact on parking
- Impact on flood risk

## **Principle**

5.4 The site lies within the town centre as defined on the proposals map accompanying the adopted WOLP and lies along a secondary shopping frontage.

5.5 Policy E6 of the adopted WOLP states:

'Town centres will be supported as the focus for shopping, leisure, community facilities and services. The Council will work with local businesses, residents, parish and town councils to ensure town, village and neighbourhood centres remain vibrant, accessible and meet local needs.

5.6 Within secondary shopping frontages, development proposals for shops and other town centre uses, such as restaurants or cafes, will be allowed where they would complement and enhance the shopping offer of the defined shopping frontage. Development resulting in the loss of town centre uses in these frontages will be refused unless the criteria set out in this policy can be met in full. Concentrations of single uses will not be allowed where this would be likely to cause issues of amenity or affect the vitality of the area.'

5.7 Policy WIT5 states:

'The overall objective is to maintain and enhance Witney Town Centre providing an accessible, attractive and diverse shopping, visitor and evening economy offer and the principal shopping and leisure destination for West Oxfordshire and the surrounding area. This will be achieved by:

- Maintaining a strong and diverse shopping core with a good mix of retailers, focused on the High Street as the main pedestrian route and
- connector between the Woolgate and Marriotts Walk shopping centres;...
- Secondary shopping frontages are defined in these and other areas where development proposals resulting in the loss of town centre
- uses will be refused unless the criteria listed in Policy E6 - Town Centres, can be met in full;...
- Conserving and enhancing the special interest of the Witney Conservation Area and the significance of the other heritage assets in the town...'

5.8 The proposed use is for a mixed use microbrewery and taproom/cafe (sui generis use class). The Council's Economic Development Officer has been consulted and it is considered that given the use proposed, the policy context, the use of an empty unit within the town centre, and the social enterprise element of the proposal, the proposed use would complement the existing shopping offer by driving footfall and provide a unique and locally distinctive experience, positively contribute to the function and vitality of the town centre by making use of an underused space, and celebrate local heritage (particularly Witney's historic links to brewing). Therefore, the proposed use is considered to comply with policies E6 and WIT5 of the adopted WOLP and is acceptable in principle.

## **Design**

5.9 In terms of design, the proposal is for a new shop front which is modern in form and proportions and the framing would be finished in black or dark grey. Whilst modern, its design generally reflects other glazing in close proximity to the site and so is not considered to affect the character or visual appearance of the Conservation Area.

5.10 The proposed seating area is considered to be acceptable because it will not affect pedestrian movement to this area. Separate advertisement consent is required for advertisements.

## **Impact on amenity**

5.11 In terms of impact on amenity, there are residential properties above the unit for development and the proposed use has the potential to harm the amenity of neighbouring residents by way of noise and/or odour. Policy EH8 of the adopted Local Plan states that proposals which are likely to cause pollution or result in exposure to sources of pollution will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

5.12 Cooking is proposed at the premises and so the Council's Environmental Protection Officer has been consulted. They are satisfied that the proposed odour control system is likely to sufficiently control odours from the proposed cooking methods and food type. Therefore, no objection is raised on grounds of odour, subject to a condition to ensure the proposed system is installed prior to the commencement of cooking on the premises, that it is operational at all times during food preparation, and that it is maintained thereafter.

- 5.13 In terms of noise, the proposed use includes music and some seating outside the building. Proposed opening hours are 09:00-22:00 Tuesday, Wednesday and Thursday, 09:00-23:30 Friday and Saturday and 11:00-22:00 on Sundays. An Acoustic Assessment, Noise Management Plan and Acoustic Assessment Addendum have been submitted and the Council's Environmental Health Officer (Noise) consulted. The EHO considers that the proposed development is acceptable, subject to conditions requiring the limitation of construction hours, the external installation of plant, and the submission of a revised noise management plan and additional acoustic assessment.

### **Parking**

- 5.14 In terms of impact on parking, it is not considered that the proposed development would significantly increase car parking demand in the town centre and the County Council as the local highway authority have no objection to the proposed development. Therefore, the proposal is considered to have an acceptable impact on parking in accordance with policy E6 and T4 of the Local Plan.

### **Impact on flood risk**

- 5.15 The proposal includes the disposal of foul sewage to mains sewer and a connection is proposed to the existing drainage system. The Council's Flood Risk Management Officer has been consulted and provided no additional surface water is being discharged into the system, they have no objection and so the proposal is considered to be acceptable on flood risk grounds.

### **Recommendation**

- 5.16 In conclusion, taking into account planning policy, other material considerations and the comments of interested parties, the proposed development is considered to comply with policies of the adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF 2024, subject to conditions, and so the application is recommended for approval subject to conditions.

## **6 CONDITIONS**

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

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

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

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

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

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

4. The premises shall be used as a microbrewery and taproom/cafe and for no other purpose.



REASON: The use of the premises solely as a microbrewery would result in the loss of a town centre use on a secondary shopping frontage as identified in the adopted West Oxfordshire Local Plan and is likely to have different amenity impacts which would require further consideration through a fresh planning application.

5. The premises shall not be open for customers outside the following hours: -

09:00-22:00 Tuesday, Wednesday and Thursday

09:00-23:30 Friday and Saturday

11:00-22:00 Sundays and Bank Holidays.

REASON: To safeguard living conditions in nearby properties.

6. No external fixed plant or equipment located, installed, or mounted on the walls or roofs, or adjacent to any of the buildings, shall be operated unless detailed plans and a technical specification, including noise details, have first been submitted to and approved in writing by the Local Planning Authority. Once the details have been approved, the equipment shall be installed in accordance with the approved details and maintained in such a way as to ensure compliance with the submitted specification.

REASON: To safeguard the amenity of neighbouring residents by way of noise.

7. Demolition and construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

REASON: To safeguard living conditions in nearby properties.

8. Prior to the commencement of the cooking of food on the premises, the ventilation and odour control equipment, as described in the application document 'Proposed Kitchen Ventilation System Design and Specification rev 2', shall be installed and commissioned in full working order to the satisfaction of the Local Planning Authority. The equipment will be operational at all times during food preparation and cooking.

REASON: To ensure that there is an operational scheme in place for the control of grease, fumes and odours, avoiding unnecessary impacts to the surrounding area and/or the occupants of neighbouring properties.

9. The development hereby approved shall be fully implemented in accordance with the recommendations of the Addendum to Noise Impact Assessment - EV2436-02-A, prior to the first use of the premises, and maintained thereafter.

Prior to the first use of the premises a Noise Management Plan (NMP) shall be submitted to and approved by the Local Planning Authority. The NMP shall outline all measures being taken to restrict adverse noise impacts from the permitted activity, including that from amplified sound, customer activity, and collections/deliveries at the premises.

Within 6 months of the first use of the premises an acoustic assessment prepared by a suitably competent person shall be submitted to the LPA. The report shall:

- 1) demonstrate that the operation of the premises complies with the predicted noise limits set out in the submitted Noise Impact Assessment and Addendum referred to above and;
- 2) outline any additional noise mitigation measures required, to be fully implemented prior to the further operation of the premises and maintained thereafter.

REASON: To safeguard the amenity of neighbouring residents and because the submitted information is considered to be insufficient.

#### INFORMATIVES :-

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

The permission which has been granted is for development which is exempt being:

Development below the de minimis threshold, meaning development which:

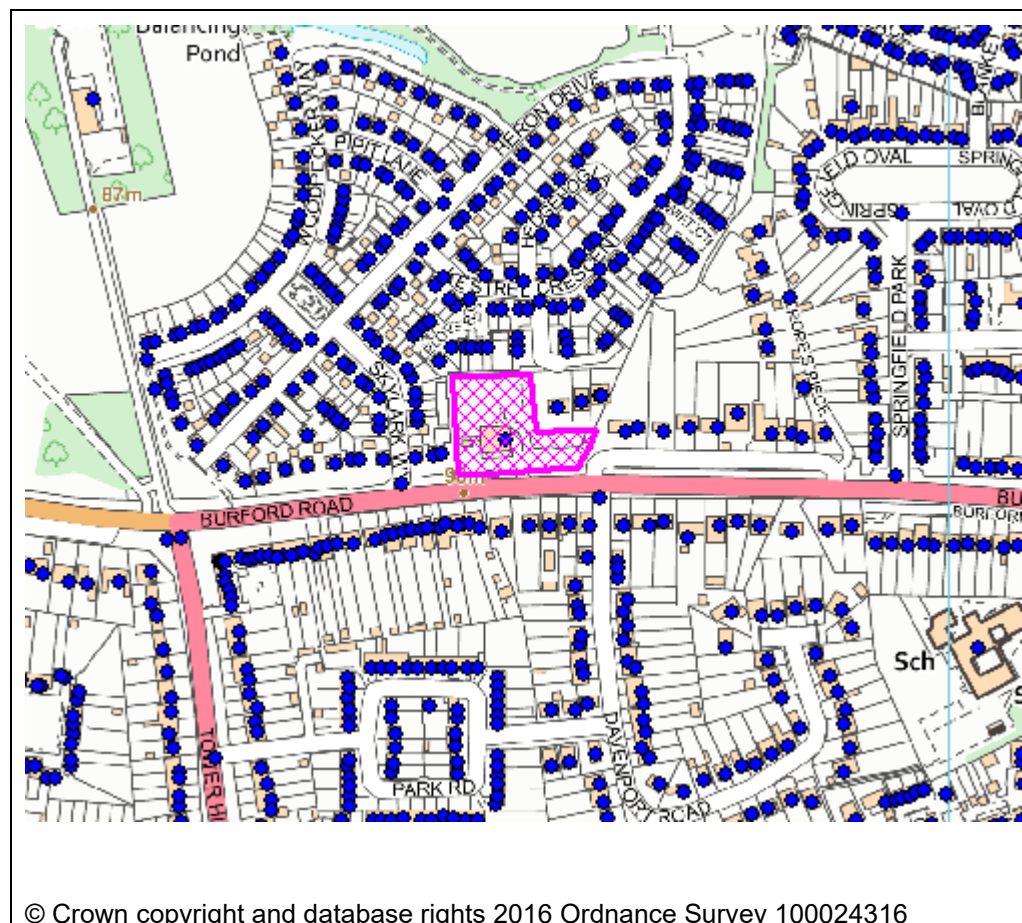
- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in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

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

**Contact Officer:** Clare Anscombe  
**Telephone Number:**  
**Date:** 1st October 2025

Application Number	25/01782/FUL
Site Address	Windrush Inn Burford Road Witney Oxfordshire OX28 6DJ
Date	1st October 2025
Officer	Ella Charles
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	434706 E 210341 N
Committee Date	13th October 2025

### Location Map



### Application Details:

Erection of wooden climbing frame (retrospective).

**Applicant Details:**

Mr Jeremy Laight  
Windrush Inn  
Burford Road  
Witney  
Oxfordshire  
OX28 6DJ

**I CONSULTATIONS**

Parish Council

Witney Town Council objects to this application.

While Members welcome the provision of family-friendly play facilities, they are concerned about the impact on neighbouring residential amenity, particularly in terms of loss of privacy and noise, as highlighted by residents. The application conflicts with Policy OS4 of the West Oxfordshire Local Plan, which states that development should not harm the use or enjoyment of nearby land and buildings, including the living conditions of residential properties.

Members are also concerned about the retrospective nature of the application and request that Officers consider whether a more suitable location could be identified, further from neighbouring boundaries.

**2 REPRESENTATIONS**

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

2.2 149 responses have been received supporting this application on the following grounds:

- Safe, well thought out place for children to play
- Asset to the pub, helping to community facilities, asset to local community benefit
- Well-designed good quality structure safe and secure
- Does not impact the character and appearance of the area
- Appropriate facility compatible with the adjoining pub use
- Essential facility for resident well being
- Support local business which adds value to the local community
- Social, economic and community benefits to the local area and businesses
- Promote family wellbeing, and strengthen a valued local business, all while having negligible environmental or neighbourhood impact
- Wooden structure with a colour scheme that blends sympathetically into the surroundings

2.3 9 responses have been received objecting to this application on the following grounds- officers note that 3 of the objections received appear to be comments of support.

- Design and layout are not appropriate and will give rise to overlooking and loss of privacy to the neighbouring properties.

- Neighbourliness and noise pollution that may arise from the addition of the climbing frame

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

3.1 The application is accompanied by a Design and Access Statement, which makes the following points:

- The Windrush Inn is a drinking eating establishment off Burford Road, Witney, which has roughly built 80 or 90 years ago.
- The climbing frame has been popular during the summer months but its use during the winter is likely to be limited.
- No adverse impacts are considered to arise from the proposal. Due to its height, size and position, it is not a distraction to Burford Road users. The owners are trying to improve the premises for the benefit of the customers.
- Hard landscaping at the front forecourt will be maintained for pedestrian use only. The proposal creates no additional parking, and the vehicle and pedestrian access are existing

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

EH8 Environmental protection

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 The application seeks planning permission for the erection of a wooden climbing frame (retrospective) at the Windrush Inn, Burford Road, Witney, OX28 6DJ. The application site relates to the pub and the adjacent pub garden, where the climbing frame is located. The pub is located within the residential area of Witney and fronts the A4095.

5.2 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity and the impact on the proposed development on the residential amenity.

5.3 The application is before members of the sub-committee as the views expressed by the Town Council are clearly contrary to those of your Officers.

#### **Planning history**

23/03010/FUL - Construction of a pergola with illuminated seating area in front of building. (Retrospective).

#### **Principle**

5.4 Local Plan Policy OS2 focuses on locating development in the right place, stating that development should form a logical compliment to the existing scale and pattern of development and/or character

of the area, ensure compatibility with adjoining uses and be of a proportionate and appropriate scale to its context.

- 5.5 Paragraph 4.35 of the WOLP reflects the Government's objective for the planning system is to promote good design that ensures attractive, usable and durable places. These objectives are outlined in Policy OS4 which seeks to ensure development proposals demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced.
- 5.6 Policy E5 states that the Council will support the development and retention of community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. Paragraph 6.65 of the WOLP 2031 states that, local facilities are essential for meeting the day-to-day need of local residents, providing social meeting and recreation spaces which help to maintain healthy and inclusive communities, sustainable.
- 5.7 When considering the proposal against the above, Officers consider the proposed climbing frame to be appropriate and compatible development within an established pub garden. The proposed development would complement the use of the site as a valuable community asset, which in turn contributes to sustaining the viability of the pub.

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

- 5.8 Proposed is the erection of a wooden climbing frame, within the curtilage of the Windrush pub in Witney. The climbing frame is a timber framed construction, consisting of timber posts and support cross beams and is located on the eastern side of the fenced garden adjacent to the pub. The climbing frame is 5.9 x 1 metres; its height is 2.9 metres.
- 5.9 The existing garden located on the eastern side of the pub is roughly 6 metres away from the adjacent neighbouring properties. The climbing frame has been positioned to ensure it does not sit directly in front of properties 62 and 60A.
- 5.10 The proposed climbing frame is visible from the street scene however given the garden is set back from Burford Road, the proposed is not considered to give rise to any adverse impacts with regard to visual amenity, additionally the existing line of trees helps to screen the development from the road.
- 5.11 Officers consider the climbing frame to demonstrate good design and moderate scale, forming a logical complement to the existing pub garden setting and providing a safe place where children can play whilst visiting the pub.
- 5.12 Officers consider that the scale and design complies with Policy OS2 and OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12 of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

## **Residential Amenities**

- 5.13 The proposed climbing frame is 6 metres away from neighbouring properties that overlook the existing pub garden. Officers acknowledge the concerns raised regarding potential overlooking and loss of privacy. However, it is considered that the structure constitutes an appropriate addition to the ancillary pub garden. It is of modest height and within the existing garden area, facing the public facing elevations of nearby dwellings. As the climbing frame is not a solid or enclosed structure, it is not deemed to result in significant harm to the amenity of adjoining properties in terms of loss of light, outlook or overbearing matters.
- 5.14 Additionally the climbing frame is only visible from the front aspects of the neighbouring properties and has been carefully considered to ensure that it does not cause overshadowing to neighbouring dwellings. The play area is overlooked mainly by the driveways and front elevations of surrounding homes, rather than private garden spaces. As a result, the effect is expected to be less significant than if it were directly visible from neighbours' rear garden areas, where a higher degree of privacy is usually expected. Furthermore, given its position at the front of the adjacent properties, any associated noise impacts are expected to be minimal and not materially different from the level of activity ordinarily associated with the established public house use.
- 5.15 In accordance with the West Oxfordshire Design Guide, proposals that would result in unacceptable loss of amenity to neighbouring properties through overlooking or overshadowing will not be supported; in this case, the development is not considered to give rise to such adverse impacts.
- 5.16 Officers acknowledge the concern raised regarding noise from the climbing frame; however, it is considered that any such noise would be comparable to, and not materially different from, the level of noise ordinarily associated with activity in a busy pub garden and would therefore not result in any adverse impact.
- 5.17 Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that the application is acceptable in terms of residential amenity.

## **Conclusion**

- 5.18 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, EH8 and E5 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

- I. No conditions apply

**Contact Officer:** Ella Charles

**Telephone Number:**

**Date:** 1st October 2025