

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 17th November 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 Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

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

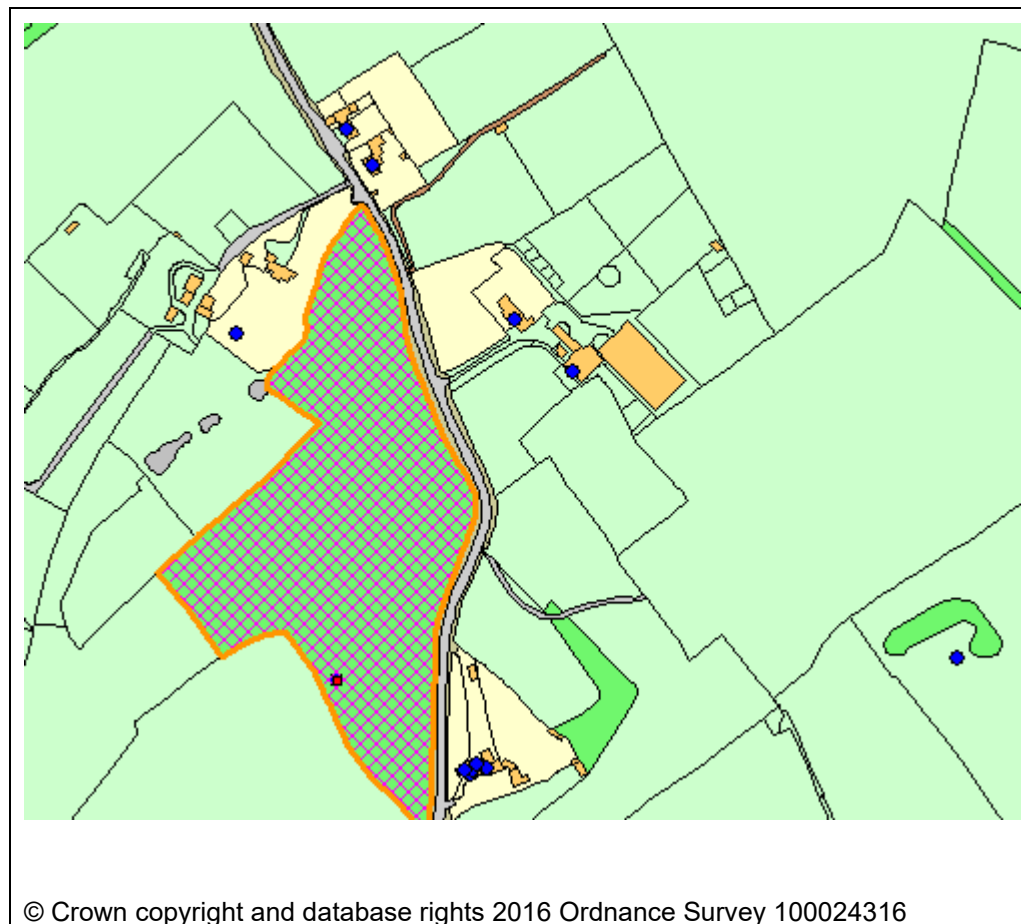
Please note that:

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

Item	Application Number	Address	Officer
	23/03136/FUL	<u>Land And Woodland South Of Watermead Farm Spelsbury Road</u>	Kelly Murray
	25/01566/FUL	<u>Land At Church End</u>	Clare Anscombe
	25/02143/FUL	<u>Vicks Garage Guildenford</u>	Mr Emile Baldauf-Clark
	25/02145/FUL	<u>Dashwood House Shipton Road</u>	Rebekah Orriss

Application Number	23/03136/FUL
Site Address	Land And Woodland South Of Watermead Farm Spelsbury Road Charlbury Oxfordshire
Date	5th November 2025
Officer	Kelly Murray
Officer Recommendations	Refuse
Parish	Charlbury Parish Council
Grid Reference	435351 E 220149 N
Committee Date	17th November 2025

Location Map



Application Details:

Change of Use from agricultural to 'glamping' campsite comprising 18 nos. camping units (8 nos. bell tents, 7 nos. shepherds huts and 3 nos. A-frame pods), ancillary facilities (including cafeteria and site reception, 2 nos. toilet and shower blocks, maintenance and storage barn), access and parking, and associated infrastructure

Applicant Details:

Mr Graeme Widdows
1 Fortismere Avenue
London
N10 3BN
UK

I CONSULTATIONS

Parish Council

Initial Response:

Charlbury Town Council objects to this application on the grounds that the proposed development contravenes policies NE5, ECT9 & ECT10 of the Charlbury Neighbourhood Plan (CNP). Whilst we welcome proposals for limited sustainable tourism, we are not satisfied that this proposal meets the sustainability requirements as required by CNP policy ECT4. We ask for this application to be referred to the WODC Uplands Planning Sub-committee for decision following a site visit for members of that sub-committee.

Firstly, the proposed development site lies within a designated Conservation Target Area (CTA) and CNP policy NE5 clearly states that development proposals within these areas will not be supported. Development on this site in the open country would not be consistent with meeting the aims of the CTA as set out in the Oxfordshire Biodiversity Action Plan. This application does not acknowledge the site's location within a CTA, nor does it propose appropriate mitigations. Proposed works within the woodlands area are of particular concern given the CTA aims to achieve net gains for mixed deciduous woodland.

Secondly, safe and accessible walking access to the town centre, bus and rail services is problematic from this location given the lack of pavement on Pound Hill. Provision of such safe access is a crucial requirement for the sustainability of tourism and hence for compliance with CNP policy ECT4. Lack of safe walking will encourage car use which will exacerbate existing parking problems in the town and/or deter visitors from using the excellent facilities available within Charlbury. More specifically, CNP policy ECT9 states that new development which cannot provide safe pedestrian access will not be supported. Also CNP policy ECT10 requires development proposals to "demonstrate how they would address the movement needs of people of all ages and abilities on pavements, pathways and road crossing points, having due regard to the need to conserve and enhance the historic and natural environment in accordance with other policies in the CNP".

Furthermore it is important to ensure that adequate waste water

handling measures are in place before any site is occupied in order to avoid any adverse impact on water quality within the Evenlode Catchment area (CNP policy NE). We are also concerned that the proposed development may compromise the tranquility of this sensitive location and that necessary lighting will compromise dark skies. Measures over and above those included in this application may therefore be required to ensure compliance with CNP policy NE4. Concerns of close neighbours in this regard should be given careful consideration.

Reconsultation:

Previous comments stand.

OCC Highways

Initial Response:

Further information required.

Reconsultation:

Thank you for the updated drawings, this has addressed the previous comments regarding refuse vehicle tracking and I am happy the site provides safe access.

District Ecologist

Initial Response:

Holding objection. Further information requested.

Reconsultation:

Little has been submitted which addresses the concerns raised in our previous 7th August 2025 comments. This application remains unacceptable in that it:

- fails to demonstrate a feasible route to delivering biodiversity gains and avoiding degradation of the existing woodland in accordance with Local Plan policies EH3/EH4 and paragraphs 187, 192 and 193 of the NPPF (2024),
- fails to demonstrate a feasible route to contributing to the target 5 of the North Evenlode Valleys CTA (Lowland mixed deciduous woodland - management and restoration) in accordance with Policy NE5 of the Charlbury Neighbourhood Plan; and
- fails to adequately assess impacts to protected species (roosting bats) in accordance with the ODPM Circular 06/05 and Local Plan Policy EH3.

Holding objection due to insufficient ecological/BNG information.

2 REPRESENTATIONS

2.1 In total 48 objections have been received, which can be broadly summarised as follows:-

Policy/Principle:

- The proposal fails to outline the benefit and value to the area, given the existing caravan parks and campsites contrary to the EHI (Local Plan), UE3 (AONB Management Plan), and Section 245 Levelling Up and Regeneration Act.
- The land is designated a Conservation Target Area in accordance with the CNP (Policy NE5) and as a result there should be no development on the land at all.
- The Planning Statement does not fully assess the proposal against this or the wider general design principles. As mentioned above, the proposal fails to meet the require general design principles in terms of position, scale, character and pattern of development, as set out by WODC.
- The proposal conflict with policy E2, E4 of the Local Plan, ECT4 of the CNP and CE7 of the AONB Management plan.
- The proposal fail to protect the existing area, biodiversity and existing habitats which directly conflicts with the Neighbourhood plan which seeks to 'protect green spaces, trees and other features of biodiversity' .
- Lack of demand/need for camping due to established facilities (Banbury Hill Farm and Cotswold Camping). If required, expansion of existing campsites would be more appropriate and sustainable;

Design and layout:

- Incompatible with surrounding woodland and rural setting.
- The inclusion of large buildings with tall ridge lines detracts from the natural landscape.
- The scale, design, and character of the proposed development are incompatible with the surrounding woodland and rural setting.

Location:

- Inappropriate, offering no benefits such as repurposing redundant agricultural land or buildings.

Highways:

- Pedestrian access via Pound Hill into the centre of Charlbury is limited with no proper pavement in place. Increase in pedestrian activity on Pound Hill will likely result in greater risk to pedestrian safety.
- Potential for increase in traffic to the area, exacerbating the existing parking issues.

Landscaping/Trees:

- Proposal fails to detail how many trees will be lost, posing significant threat to the existing habitat.
- Proposal out of character for the Cotswold countryside and its surroundings.

Effect on amenity:

- Increased potential for noise, litter, and disturbances.
- The proposed site could accommodate up to 100 visitors, yet there is no clear plan for proper supervision, increasing concerns about management and potential for adverse effects on the community.
- Increase of noise and potential disturbance caused to local residents.
- How will any ban on noise after 10pm be enforced and supervised.
- Possible wider negative impacts from noise, activity and traffic on visitors who wish to enjoy the AONB and Charlbury.
- How will the effects of the major development be mitigated for those who live in closest proximity.
- How the site will be managed, supervised and monitored to ensure rules are adhered to onsite.

Ecology/ biodiversity:

- The proposed development sees the woodland subject to tree felling and clearing of ancient woodland, impacting the biodiversity and existing habitats onsite. In the last 3 years the site has experienced significant degradation impacting the landscape character of the area.
- Concern for wildlife being driven out of the site due to the new proposed use.

Flooding risk.

- The River Evenlode already has significant problems. Septic tank drainage system unlikely to reduce any flood risk at the site.

Dark skies

- Harm to the dark sky by increasing light pollution.

Fire risk

- Significant fire risk to the site. Proximity to trees and vegetation combined with the potential use of open fire pits and BBQ increase the fire risk onsite.
- No specific fire risk assessment and mitigation strategy with only one fire extinguisher shown to be located onsite which does not seem sufficient.

Drainage and waste:

- No indication of how sewage will be dealt with, whether the subsoil is suitable and how run-off and percolation will be managed and impact on adjacent waterways.

3 APPLICANTS' CASE

3.1 The proposed development has taken a design-led approach creating a successful place delivering healthy, pleasant, distinctive, connected, sustainable and adaptable qualities. The proposed development will deliver high quality, sustainable, glamping/camping facilities in the right location, to positively contribute to, and meet the need for a mix, range and type of tourism accommodation in Oxfordshire and the local area.

3.2 The proposed development will deliver a sustainable and well-designed glamping/camping scheme that will contribute to climate mitigation and adaptation and the enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place. The applicant as part of this application is providing clear and significant ecological/environmental gains not limited to adherence to the statutory requirements which do not apply in any event. We consider that these gains to be of significant material consideration which weigh in favour of the recommendation for approval of this application.

3.3 The proposed development:

- Is compatible with its surrounds in terms of land use;
- Would enhance the appearance of the setting of the adjacent surroundings;
- Would not cause any detrimental impact on uses within the surrounding area;
- Is acceptable in terms of its impact on road safety; and
- Would not cause any concerns to the existing infrastructure.

4 PLANNING POLICIES

EH4 Public realm and green infrastructure

EH1 Cotswolds AONB

E4NEW Sustainable tourism

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

OS2NEW Locating development in the right places

OS1NEW Presumption in favour of sustainable development

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

CHANP Charlbury Neighbourhood Plan

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

5 PLANNING ASSESSMENT

Background Information

5.1 The proposal is for a change of use from agricultural to 'glamping' campsite comprising 18 camping units (8 nos. bell tents, 7 nos. shepherd's huts and 3 nos. A-frame pods), ancillary facilities (including cafeteria and site reception, 2 toilet and shower blocks, maintenance and storage barn), access and parking, and associated infrastructure. The application has subsequently been amended to exclude the A frame pods.

5.2 The application site is an area of around 3.78 hectares of reasonably dense woodland, located in the open countryside, on the western side of the B4026, known as the Spelsbury Road and within the

Cotswolds National Landscape ("CNL"), a designated Area of Outstanding National Beauty. It is approximately 700m northwest of the centre of Charlbury - a rural service centre and some 200m from the nearest part of the built-up area of the town. The site lies just outside the Conservation Area and within the Burford Charlbury sub-area. It falls within Flood Zone 3 (low risk) on the Environment Agency's (EA) flood maps and there are no streams classified by the EA as main rivers adjacent to or running within the site. It also lies within a designated Conservation Target Area ("CTA"). CTAs are areas that have been defined as having particular importance for wildlife conservation and where targeted conservation action will have the greatest benefit.

Planning History

5.3 There is little planning history for the site. Its area is comprised of wooded land which the applicant has explained was planted under the Forestry Commission scheme for timber harvesting in the early 1990's. The tree species planted at that time include ash, Norway, maple, Scots pine, European larch and mixed broadleaves.

5.4 There is a small number of utilitarian timber buildings and storage containers and a hard-surfaced parking area within the woodland. These and the introduction of a site entrance were the subject of an enforcement investigation in 2021. At the time, the site was being used for temporary camping purposes under the Town and Country Planning (General Permitted Development)(England) Order 2015. The Council, having sought advice from Oxfordshire County Council served a temporary stop notice to prevent the use of the entrance for reasons of highway safety. The applicant in consultation with County Highways, made available an alternative entrance from the Spelsbury road to the south of the camping site as this was considered to allow greater visibility, reducing the risk of accidents. The storage containers remain on site but store equipment relating to maintenance of the woodland and being screened by trees are not considered to cause visual harm. The timber shower and lavatory structures are also not visible, however, being associated with an alleged unlawful change of use, they remain the subject of an open enforcement case pending the outcome of this application.

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

Development Plan

5.6 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan includes any adopted neighbourhood plan. 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, as far as material to the application, and to any other material considerations. For the purposes of this application, the development plan is the West Oxfordshire Local Plan 2031 ("WOLP") adopted in September 2018 and the Charlbury Neighbourhood Plan made in 14 June 2021 ("the CNP").

5.7 Policy OS2 of the WOLP sets out the overall strategy on the location of development for the District. It provides that 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 the character of the area, should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.

This policy also provides that, so far as is reasonably possible, development should protect or enhance the local landscape and the setting of the settlement and 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. In the Cotswold National Landscape, a designated AONB, great weight is to be given to conserving landscape and scenic beauty. As regards the particular type of development under consideration, paragraph 6.58 of the supporting text for the policy states:

"Camping and touring caravan sites are scattered throughout the District and many are small in size and of limited visual or environmental impact. The siting and screening of new sites will need careful consideration, particularly in the Cotswolds AONB, and appropriate existing buildings should be used for associated facilities where possible."

5.8 Policy E4 provides for sustainable tourism and states that tourism and leisure development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported. New tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible.

5.9 Sub-area policy BCI requires that development outside the main rural service centres of Charlbury and Burford will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. This policy requires that new development be consistent with the Burford Charlbury sub-area strategy, which includes conservation and enhancement of the Cotswolds CNL and support for additional small-scale employment opportunities including sustainable tourism and rural diversification.

5.10 Policy ECT4 of the CNP states that sensitively-sized and located development proposals for tourism and leisure activities which would consolidate the responsible enjoyment of the local environment, utilise existing facilities and assist local business and events will be supported. In particular, the policy states that development proposals will be supported where they meet any or all of the following characteristics: supporting and promoting Charlbury's designations as a Walkers are Welcome Town and a Cotswold Gateway Town; promoting safe walking and/or cyclingand by providing customers with details of recommended safe walks and cycle rides accessible directly from the premises); promoting and enabling the use of public transport ; facilitating the use of electric vehicles (e.g. by providing off-street charging points for customers); limiting the generation of additional traffic in the town (e.g. by provision of off-street customer parking; by promotion of local events, entertainments and amenities and by encouraging use of local shops, catering and other services which are readily accessible on foot).

National Policy/Guidance

5.11 The Government's National Planning Policy Framework ("NPPF") provides that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three mutually dependent dimensions to this: the economic role should contribute to building a strong, responsive, and competitive economy; the social role should support strong, vibrant and healthy communities and the environmental role should contribute to protecting and enhancing the natural, built, and historic environment.

5.12 Paragraph 8 of the NPPF provides that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism and leisure developments which respect the character of the countryside.

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

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 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.

5.14 Officers consider the most important policies pertaining to this application to be those relating to sustainable tourism, the conservation and enhancement of the CNL and biodiversity enhancement. These align with the current version of the NPPF and so are not considered to be out-of-date.

5.15 Although the area of the proposal is wide, the number of accommodation units is relatively modest and these are sited over a reasonably wide area. The site is within walking and cycling distance of the centre of Charlbury. Applying local and national policy, Officers consider the principle of a sustainable tourism use in this location to be acceptable, subject to the further considerations set out below.

Impact on the Cotswolds National Landscape

5.16 Policies OS4 and EH2 of the WOLP both require the character of the area to be respected and enhanced. Policy EH2 seeks to protect landscape character and to ensure that new development conserves and, where possible, enhances the intrinsic character, quality, and distinctive natural and man-made features of the local landscape.

5.17 Policy EH1 provides that in determining development proposals within the AONB, and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This includes consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB (now referred to as the CNL). Proposals that support the economy and social wellbeing of communities located in the CNL be supported, provided they are consistent with the great weight that must be given to conserving and enhancing the landscape and natural scenic beauty of the area.

5.18 In addition to the policy considerations, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 introduced a statutory duty on LPAs when performing functions in relation to a National Landscape, to seek to further the statutory purposes of that National Landscape. Natural England has advised that in order to fulfil this duty the relevant authority must take all reasonable steps to explore how the statutory purposes of the protected landscape can be furthered. According to their guidance, this duty underlines not only the importance of avoiding harm to the statutory purposes of protected landscapes but comprises also a more active duty to seek to further the conservation and enhancement of a protected landscape, going beyond mitigation and like-for-like measures and replacement. The authority must be able to demonstrate with reasoned evidence what measures can be taken to further the statutory purpose.

5.19 The guidance goes on to explain that proposed measures to further the statutory purposes of a protected landscape should explore what is possible in addition to avoiding and mitigating the effects of the development, and should be appropriate, proportionate to the type and scale of the development and its implications for the area, and effectively secured. Natural England's view is that the proposed measures should align with and help to deliver the aims and objectives of the designated landscape's statutory management plan.

5.20 The Cotswolds Conservation Board's Management Plan and guidance documents are material considerations in decision-making relevant to the CNL as an AONB. Within the Cotswolds AONB Landscape Strategy and Guidelines, the application site is categorised as Broad Floodplain Valley. Landscape strategies and guidance provide, inter alia that development that will intrude negatively into the landscape and cannot be successfully mitigated should be avoided and that new development must not adversely affect the wider rural landscape and views to and from the AONB. In addition, existing trees, hedges, dry stone walls should be retained for green infrastructure and to reflect historic field patterns etc; new development must be visually integrated into its surroundings and must not interrupt the setting of existing settlements or views along the valley.

5.21 The landscape setting for the application site is designated within the West Oxfordshire Landscape Assessment ("WOLA") as semi-enclosed valley-side farmland (6. Lower Evenlode Valley). Enclosed valley-sides are described within the assessment as being highly visible and the WOLA provides that these may offer limited opportunities to absorb small-scale development within a strong structure of trees and woodland or with other buildings.

5.22 The application site is fairly densely-wooded and therefore has potential for providing a good level of natural screening when viewed from outside the site. The distribution and positioning of the accommodation units and associated infrastructure, so that they are set back from the outer boundaries of the site and the proposed retention of a band of tree cover around this perimeter facilitates containment of the development and its screening to minimise visibility. The larger, A-framed, units have been removed from the application following discussions with the applicant as to their suitability as glamping provision and Officers' concerns as to visibility. In terms of the remaining units and infrastructure, in light of the sympathetic siting within the woodland and the relatively small number of structures over the size of the area, Officers consider the development to be appropriately integrated so as not to interrupt views within the CNL and to keep visual impact to a minimum. The LPA's statutory duty under section 245 will be considered further later in this report.

Siting, Design and Form

5.23 Paragraph 135 of the NPPF provides that development proposals should function well and add to the overall quality of the area; that they are visually attractive, sympathetic to local character, history and the landscape setting and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the WOLP reflect this advice and encourage development of a high-quality design that responds positively to and respects the character of the site and its surroundings. This is also reflected in Policy HE2 of the CNP which requires new development to enhance and respect the character, appearance, and distinctiveness of its surroundings.

5.24 The layout of the site as shown on the application plans comprises 7 units described as "shepherd's huts", 8 bell tents and 3 "A"- framed structures, although, as already mentioned, following feedback from Officers on the size of the A frames (these being considered akin to buildings rather than the type of moveable structure typically associated with "glamping"), the applicant has removed these from the

application. The proposal also comprises a number of utility buildings: 2 shower/lavatory blocks each housing 8 showers, lavatories and basins, a cafeteria and a storage building.

5.25 The shepherd's huts and bell tents are moveable structures. They are relatively unobtrusive, being of a design and materials that are more sympathetic to a wooded setting than would be the case for many caravans and tents. In terms of layout, they are widely spaced throughout the site and screened from outside view. The utility buildings are of utilitarian design and in the case of the storage barn and cafeteria, are large, however in design terms their functional exteriors are not considered inappropriate for the rural context as structures that are wholly subservient to the glamping function.

Highway Impact and Pedestrian Accessibility

5.26 The applicants have, following negotiation, submitted revised plans in which they propose the provision of a pedestrian path running along the eastern perimeter of land within their control to the south of the application site, joining up with the public rights of way at the point where Pound Hill meets the B4026. This addresses objectors' and Officers' concerns as to safe access on foot from the site to the town.

5.27 Policy T1 of the WOLP states that priority will be given to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport. It further states that all new development will be designed to maximise opportunities for walking, cycling and the use of public transport. Policy T3 states that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport and that where opportunities for walking, cycling, and using public transport are more limited, other measures will be sought to help reduce car use as appropriate. The CNP reflects these objectives.

5.28 Having received further information, Oxfordshire County Council as highways consultee has withdrawn its initial holding objection. The site access has been re-located from the one previously used that was considered unsafe and the designated parking area is to be accessed via an internal route within the site and running parallel to the road.

Amenity

5.29 Public representations have raised particular concerns over noise and other impacts on neighbours' amenity. As noted elsewhere in this report, the accommodation consists of "shepherd huts" and bell tents whose accommodation potential is limited to relatively small numbers of people. The operations are aimed primarily therefore at couples and small gatherings, although in theory visitors could arrive in larger groups. The proposed locations of the cafeteria and living accommodation are at some distance from any of the receptors - which are considered to be residential dwellings at Spelsbury Villas to the south-east, Bobwell Farm to the north-east and Watermead Farm to the north-west. The living accommodation being set-back and also shielded by a band of trees, there are not considered to be material amenity concerns that could not be controlled by condition, in terms of level and type of music, fire pits/bonfires and the times and scope of operation of the cafeteria building. Likewise, the type, level of luminosity and positioning of lights on the site (and emanating from buildings) would require to be controlled not only in the interest of neighbours, but also to protect wildlife and the special "dark sky" characteristic of the site within the CNL.

Flood Risk/Drainage/Water Supply

5.30 The application site is situated within Flood Zone 3 - low flood risk. Water and electricity are to be provided within the site. Installation of a septic tank would require separate planning consent. The matter of surface water would be addressed by condition.

Fire Risk

5.31 Oxfordshire County Council has been consulted on the proposal as Oxfordshire Fire and Rescue Service. To the extent that the development is not already subject to control under Building Regulations, recommended safety precautions would be provided for through condition.

Ecology/Biodiversity

Environmental Impact Assessment

5.32 A screening for the proposal as a Schedule 2 project has been carried out under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Pursuant to this, the LPA is of the view that no EIA is required.

Tree removal

5.33 One of the application documents: "woodland thinning and maintenance proposal" provides that the proposal will require removal of around 468 trees which it proposes would be removed under a thinning licence from the Forestry Commission. Such a licence would enable the thinning of 130 cubic metres of timber, equating to 728 trees of 15cm in diameter and 10 metres in height. In order to space removals adequately, around 150 further trees (which, due to their size, would not fall within the terms of a thinning licence) would also need to be felled.

5.34 A Forestry Commission licence granted in January 2019 - 019/45003/2018 allowed the thinning and regeneration felling of approximately 260 cubic metres of mixed tree species and includes conditions to restock the same land within a period of two years, and to maintain them for ten years. Objectors to the current proposals claim that removal of trees has already taken place and that the proposed development would prevent the applicant complying with the replanting obligations under that licence. Granting planning permission would not in law have the effect of superseding or obviating the terms of that licence and it remains open to the Forestry Commission to enforce the conditions. In terms of establishing a context and baseline for the site in order properly to assess ecological and conservation impacts arising from the proposal, the site is considered to be woodland in its condition prior to felling.

Biodiversity and the Conservation Target Area

5.35 The application is not caught by the statutory BNG framework because it was submitted before this came into force. Policy EH3 of the WOLP however states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity with all major and minor applications required to demonstrate a net gain in biodiversity where possible. It sets out ways in which this can be achieved, including by "ensuring development works towards achieving the aims and objectives of the Conservation Target Areas (CTAs) and Nature Improvement Areas (NIAs)"; by avoiding loss, deterioration or harm to locally important wildlife sites; by promoting conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs and NIAs.

5.36 The application site falls within a designated Conservation Target Area ("CTA"). There are currently 39 CTAs in Oxfordshire covering around 20% of the county by area. They were first identified by TVERC on behalf of Oxfordshire County Council in 2006 and are equivalent to Biodiversity Opportunity Areas in other counties. CTAs are now overseen by Wild Oxfordshire and are described within the WOLP as being the most important areas for wildlife conservation where targeted conservation action will have the greatest benefit. The main aim within CTAs is to restore biodiversity at a landscape-scale through maintenance, restoration and creation of UK priority habitats and areas for priority species. In planning terms, CTAs are stated to be considered as potential areas of ecological constraint and as areas of ecological opportunity. Development proposed within or close to a CTA should identify the biodiversity constraints and opportunities and show how the proposal will help to achieve the aims of the CTA. This is reflected in Policy EH3 of the WOLP which, inter alia, requires development to work towards achieving the aims and objectives of the CTAs, take all opportunities to enhance biodiversity, especially where this would meet the aims of the CTAs and to promote the conservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations, particularly within the CTAs.

5.37 Within the CNP, Policy NE5 - Biodiversity and Trees, includes reference to the three CTAs that surround Charlbury stating that development proposals within the CTAs will not be supported and that development proposals adjacent to the CTAs will only be supported where it can be demonstrated that they would have no detrimental effect on the integrity and biodiversity value of the identified Areas. In the supporting text it provides that particular emphasis must be given to meeting the aims of the 3 CTAs within the Charlbury parish as defined in the Oxfordshire Biodiversity Action Plan. These aims are to achieve net gains for each of the following: Lowland mixed deciduous woodland - management, restoration and creation; Parkland (including veteran trees) - management; Wood pasture - management and restoration; Limestone (lowland calcareous) grassland - management, restoration and creation; Hedgerows - management and creation; Arable fields - management and creation (particularly for arable wildflowers); Ponds - management and creation.

5.38 The CNP provides that the landscape and wildlife of the area was also investigated in the Oxfordshire Wildlife and Landscape Study (OWLS) published in 2004. The importance of the farmland slopes and valley sides landscape along the Evenlode valley to biodiversity were highlighted within this Study and the CNP provides that the richness of the natural environment and the potential for enhancing this during the lifetime of the CNP are considered to be of great importance in addressing the challenges of the declared climate emergency and loss of biodiversity at a local level.

5.39 Officers do not share objectors' views that Policy NE5 of the CNP has the effect of prohibiting **all** development in CTAs as this would be unduly and potentially, irrationally, restrictive not least because of the breadth of the areas so designated. In this respect it is relevant to note that following the independent examination of the CNP, it was the examiner in his report of January 2021 who specifically recommended that the wording of Policy NE5 (as originally submitted for examination) be amended from 'development should be avoided in any of the 3 CTAs' to 'Development Proposals will not be supported in the three CTAs'. It is also relevant to note that the Wild Oxfordshire website includes a specific section on how CTAs should be used in the context of planning and nowhere does it suggest that development should not take place within such areas - rather it emphasises that where development does occur, it should do so in such a way that delivers significant net gains for biodiversity. Officers therefore consider that Policy NE5 of the CNP cannot reasonably and rationally be interpreted as placing a blanket ban on all forms of development within the three CTAs that surround Charlbury. Officers do, however, fully recognise that great weight must be accorded to achieving clear net biodiversity gains and to working to meet the aims of the CTA.

5.40 In this context and mindful also of LPA's duty to seek to further the conservation and enhancement of the protected landscape, the LPA has, through its ecology officers, asked for appropriate enhancements from the applicants in order to seek to achieve these aims. To date, however, suitable measures have not been provided. In Officers' view, the proposal as it currently stands fails to demonstrate a feasible route to delivering biodiversity gains and to avoiding degradation of the existing woodland. Further, it fails adequately to address the management and restoration target of the CTA, nor adequately to assess impacts to roosting bats (a protected species). Given these concerns, and the applicants' failure adequately to address them despite having been given several opportunities to do so, the LPA's ecologists have maintained their holding objection to the application.

Conclusion

5.41 In broad principle terms the application is considered mainly acceptable, in that it supports local tourism; is of a reasonable size and scale for its location and is not considered harmful to the CNL. Adequately conditioned, concerns as to noise, disturbance and lighting could also be satisfactorily addressed. However, the applicants have failed to demonstrate compliance with the aims and objectives of the CTA and the requirement to provide a net gain in biodiversity, matters to which Officers accord great weight in view of their increasing importance in the climate emergency and as reflected in national and local policy. Moreover, having not been satisfied on these points, Officers are of the view that are also unable fully to demonstrate compliance with the section 245 duty as described in this report. Having taken all the matters raised above fully into consideration, the application is recommended for refusal.

6 REASONS FOR REFUSAL

1 By reason of the lack of identified information and the failure to provide an accurate biodiversity metric it has not been demonstrated that the development would deliver sufficient biodiversity gains to comply with policy EH3 of the WOLP, NE5 of the CNP and paragraphs 187 and 193 of the NPPF (2024).

2 It has not been demonstrated that the development would accord with the aims and the objectives of the Conservation Target Areas, contrary to policies EH3 and EH4 of the WOLP, NE5 of the CNP, paragraphs 187 and 193 of the NPPF (2004) and policy CE8 (Nature Recovery and Biodiversity) of the Cotswolds National Landscape Management Plan 2025-2030.

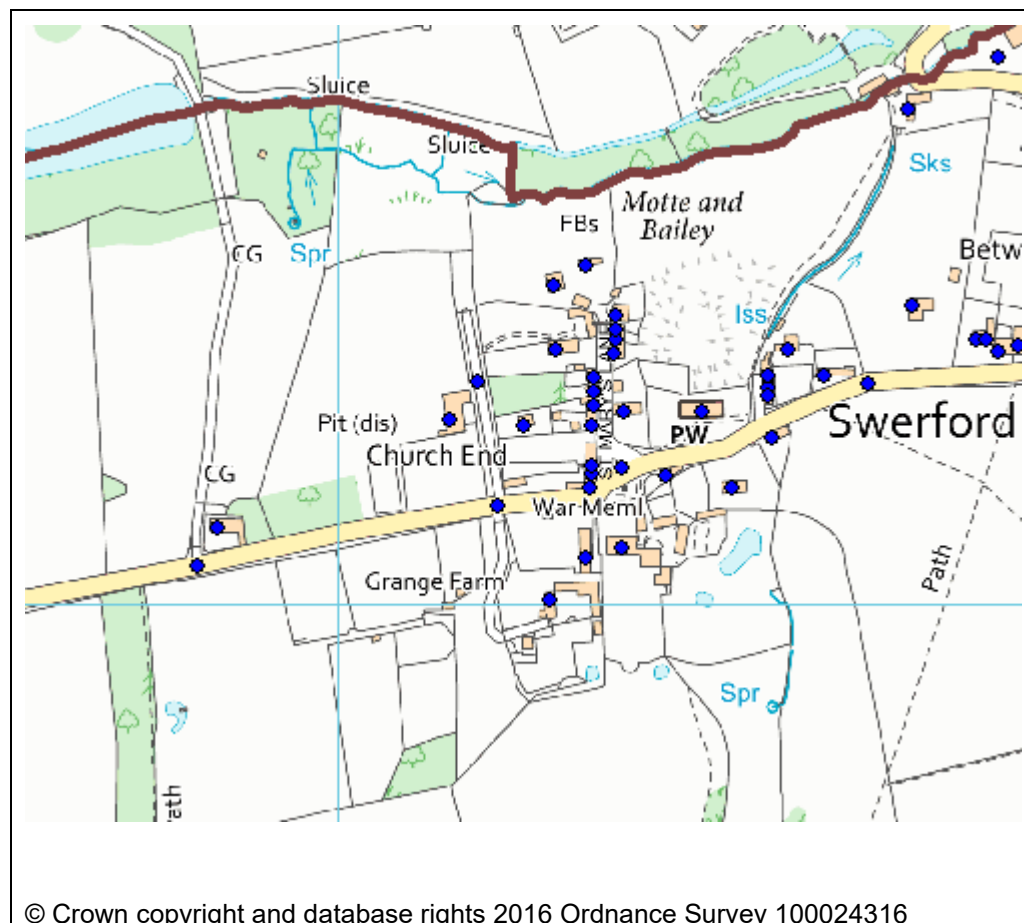
Contact Officer: Kelly Murray

Telephone Number: 01993 861674

Date: 5th November 2025

Application Number	25/01566/FUL
Site Address	Land At Church End Swerford Chipping Norton Oxfordshire
Date	5th November 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Swerford Parish Council
Grid Reference	437123 E 231120 N
Committee Date	17th November 2025

Location Map



Application Details:

Conversion of storage building to holiday let, with associated landscaping

Applicant Details:

Mr John Smith
C/o Agent

I CONSULTATIONS

OCC Highways	No objection.
District Ecologist	Initial comments:- Holding objection due to insufficient information on biodiversity.
District Ecologist	Reconsultation comments dated 24th October 2025:- Acceptable subject to conditions and informative.
Parish Council	Initial comments:- Object. - There is no need for holiday accommodation in the area - It will set a precedent
Parish Council	Reconsultation comments:- Additional ecological information. - Object for the reasons outlined in initial response.

2 REPRESENTATIONS

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

- The application contains inaccurate information regarding the use of the site and the site has not been used as a storage facility on a regular basis
- Policy/principle
- The future use of the site for residential use. The building is not suitable for a house, whatever the use
- Highways
- Landscape
- Impact on ecology
- Sewage disposal
- The planning history of the site. The recent appeal decision is a material planning consideration

2.2 Comments have also been received in support of the application. Full details can be found on the online case file. In summary, the following points have been raised:

- The proposal would enhance the site. The site is currently overgrown and unsightly.

- Neighbourliness
- There is a need for housing
- Puts the site to use
- Parking and access is adequate

3 APPLICANTS CASE

3.1 The applicant has submitted a covering letter which, in summary, makes the following points:

- It can be argued that a holiday let located within the heart of the Cotswold National Landscape is intrinsically linked to its landscape setting with holidaymakers coming to the location to enjoy the natural beauty of the landscape in this very location. It is a well-known tourist destination and Swerford contains many features of intrinsic interest and is close to others.
- The quality of workmanship of the building is commendable and the building can be categorised as 1) being worthy of retention, and 2) an enhancement to the conservation area and wider landscape setting relative to the former sporadic and untidy storage use on the land. The proposal is therefore considered to comply with Policy E3 as reuse of a traditional building.
- WOLP Policy E4 also accepts that where new tourist and visitor facilities within small villages are proposed, it should be on the basis that it involves the reuse of an existing building. The proposal is considered to comply with Policy E4.
- In terms of Policy E1 and loss of employment use of the site, in our view cessation of the B8 builders storage would bring benefits to the immediate locality by way of an improved appearance of the site in the Conservation Area and setting of heritage buildings also by way of removal of a current use which can be considered to have clear potential for undesirable impacts upon residential amenity. Should the builder retire as above because the use allowed is a general B8 use the building could be used by anyone for any storage, not providing any employment benefit.
- In terms of design, heritage and landscape, it is our view that the change to a holiday let, rather than the potentially unsightly and non-conforming building storage use, would have a meaningful benefit to the character of the Conservation Area and local scene and sense of place.
- The impact on neighbours is therefore considered to comply with Policy OS2 of the West Oxfordshire Local Plan 2031 and the NPPF.
- No highways objections have been raised against development of this site on previous planning applications, and it is therefore considered that the proposals are acceptable. Accordingly, it is considered that the proposals will not result in any adverse impact on highway safety and is in full accordance with Local Plan Policy T4.
- In the absence of any conflict with relevant Local Plan policies, and the support provided within the NPPF for the sustainable growth and expansion of all types of business in rural areas, including sustainable rural tourism, we respectfully request on behalf of our client that the Council approves the proposal.

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
E1NEW Land for employment
E3NEW Reuse of non residential buildings
E4NEW Sustainable tourism
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
EH15 Scheduled ancient monuments
EH16 Non designated heritage assets
CN2 Chipping Norton sub-area Strategy
EH13 Historic landscape character
EH14 Registered historic parks and gardens
DESGUI West Oxfordshire Design Guide

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

5 Planning Assessment

5.1 The site consists of an existing building located to the east of Church End in the village of Swerford. The site is accessed from Back Lane, a Public Right of Way (reference 375/13/10). To the west of the site is the dwelling known as 'Park Cottage.'

5.2 The proposed development is for the change of use of the building from a store to a holiday let, with associated landscaping. The agent has confirmed that no new hard surfaces are proposed and soft landscaping is as existing and will not change.

5.3 The site lies within a Protected Species Buffer for Great Crested Newts and the Swerford Conservation Area.

Planning history

- 17/00721/FUL - Erection of dwelling and associated works. Refused. 5th April 2017.

A certificate of existing lawful use was granted in September 2017, as follows:

- 17/01784/CLE - B8 storage of materials and equipment on land as identified on the submitted site location plan. Approved. 26th September 2017.

The certificate confirmed the use of the entire application site for the 'storage of materials and equipment falling within use class B8.'

The erection of a storage building was then approved in April 2018, as follows:

- 18/00249/FUL - Erection of Storage Building. Approved. 3rd April 2018.

Conditions 4, 5 and 6 of the permission were discharged in September 2018 (ref. 18/01228/CND).

Condition 7 stated: 'No storage, industrial or other business use, except the parking, manoeuvring and loading and unloading of vehicles, shall take place outside the building(s).'

- 23/01193/FUL Conversion of builders yard storage building to dwelling house and associated alterations and operations. Refused. 16th October 2023. Appeal dismissed (Ref. APP/D3125/W/24/3336443).

The application was refused for the following reasons:

1. The proposed development would lead to less than substantial harm to the character and appearance of the Swerford Conservation Area and the public benefits of the scheme are not considered to outweigh this harm. Therefore, the application is contrary to Section 16 of the National Planning Policy Framework (2023), Policy EH9 and EH10 of the West Oxfordshire Local Plan (2011-2031), and the Swerford Conservation Area Appraisal. The application of policies in the Framework that protect areas or assets of particular importance therefore provide a clear reason for refusing the development.
2. The adverse impacts of the proposal, in terms of harm to the character and appearance of the Conservation Area, historic setting of non-designated heritage assets, loss of employment space, harm to protected species, and development in an unsustainable location, are considered to significantly and demonstrably outweigh the benefits of the scheme. Therefore, the application is contrary to Section 16, paragraph 7 and paragraph 180 of the National Planning Policy Framework (2023), policy OS2, H2, E1, E3, T1, T3, EH3, EH9, EH10, EH13, EH16 and CN2 of the West Oxfordshire Local Plan (2011-2031) and the Swerford Conservation Area Appraisal.
3. The proposed development would, by reason of its location and proposed use, fail to be a sustainable form of development contrary to policies OS2, H2 and CN2 of the West Oxfordshire Local Plan (2011-2031) and paragraphs 7 and 8 of the National Planning Policy Framework (2023).

In summary, the Appeal Inspector made the following conclusions that are relevant to this application:

- It was considered that the site is not a sustainable location, located where the need to travel would be limited and where services and facilities are limited, and that the proposal would only make a very modest contribution to enhance or maintain the vitality of the rural community
- The proposal was considered to conflict with policy E3 of the WOLP because it did not re-use an existing building for employment, tourism or community use
- Moderate weight was attached to the fact that the site is located within a village which does have some, albeit limited services and facilities
- The proposal was considered to conserve and preserve the character and appearance of the conservation area, not harm the landscape and scenic beauty of the AONB and preserve the setting of the listed and non-listed buildings in the vicinity of the site
- Harm was found to great crested newts as it had not been demonstrated that the proposal would not have an adverse effect on ecology, particularly great crested newts

5.4 Taking into account planning policy, other material considerations and the comments of interested parties, Officers consider that the main considerations of this application are:

- Principle of development
- Design
- Impact on heritage assets
- Impact on ecology
- Impact on highway safety
- Impact on amenity
- Other Matters

Principle

5.5 In terms of principle, the proposed development is for the change of use of the existing building which is permitted for storage to a holiday let.

5.6 Policy OS2 of the WOLP states that the following non-residential development that is regarded as appropriate will include:

- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting, with preference given to employment, tourism and community uses;
- proposals to support the effectiveness of existing businesses and sustainable tourism.

5.7 The proposal includes the re-use of an appropriate existing building for tourism use. Further enhancements to the immediate setting of the site, such as landscaping, can be secured by condition.

5.8 Policy E4 of the WOLP states: 'tourism development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported.

5.9 New tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible. In small villages, hamlets and the open countryside, new tourism and visitor facilities may be justified in the following circumstances:

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

5.10 The site is located in the Ironstone Valleys and Ridges local character area. The West Oxfordshire Design Guide 2016 describes the area as having distinctive building features including orangery-brown ironstones. The building is constructed of high-quality, orangery-brown walling and traditional roof materials. As set out in the submitted covering letter, the building has been considered in previous planning decisions to be a traditional building, built in the vernacular style using local building materials. Policy E3 supports the re-use of traditional buildings for employment, tourism and community uses to support the rural economy where the following criteria are met:

- the existing form and design of the building(s) positively contribute to the character of the area; and
- the building(s) are capable of conversion to the proposed use without necessitating alteration(s) or extension(s) which would harm the form of the original building and without removing features of historic, architectural or nature conservation interest; and
- the building(s) are suitably located for the scale and type of the proposed use, having regard to the level of accessibility to settlements, facilities and services and impact on the character and amenity of the area.

5.11 As set out above, the building is constructed of materials that are considered to positively contribute to the character of this particular part of the district. External alterations are proposed to insert windows and doors which will be timber casement. The amount of new windows and doors are considered to be reasonably necessary to convert the building to a holiday let and the building is considered to be capable of conversion to a holiday let without alterations which would harm the form of the original building and without removing features of historic or architectural interest. In terms of nature conservation interest, the ecology officer has no objection to the proposal.

5.12 In terms of the third part of policy E3, paragraphs 6.46 and 6.47 of the adopted WOLP state:

5.13 'In accordance with the overall strategy, conversion of existing buildings to residential use is more appropriate within our service centres and villages with services and facilities (see Policy H2). Elsewhere, re-use for employment, tourism or community uses is generally more suitable than residential use in accordance with Paragraph 55 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside... In addition, the re-use of such buildings to employment, tourism or community uses often involves fewer alterations to such buildings or their setting and provides a valuable contribution to maintaining a vibrant rural economy...'

5.14 In terms of location, one holiday let is proposed and Swerford contains features of intrinsic interest and is close to others. Therefore, whilst there would be some reliance on the private motor car, having regard to the location of the development in a rural area, the small scale of the development and the minimal impact on the character and amenity of the area, the building is considered to be suitably located for one holiday let. Therefore, the proposal is considered to comply with policies E3 and E4 of the adopted WOLP.

5.15 Policy E1 refers to the loss of employment uses, which will be refused except in the following circumstances:

- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
- where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
- where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
- where substantial community benefits would be achieved by allowing alternative forms of development.

5.16 The submitted covering letter states that the use of the site as a B8 builders store came about by reason of use of the site over a prolonged period without the grant of planning permission such that the use became immune from enforcement action and a Certificate of Lawfulness was granted. It goes on to

state that, ordinarily, such a use in this location, with relatively poor access for larger vehicles would not have been considered appropriate for an employment use of this nature and in their view, cessation of the B8 builders storage would bring benefits to the immediate locality by way of an improved appearance of the site in the Conservation Area and setting of heritage buildings also by way of removal of a current use which can be considered to have clear potential for undesirable impacts upon residential amenity. In particular, the covering letter states that neighbouring occupants are located in fairly close proximity surrounding the site and the comings and goings associated with the movement of large vehicles, loading and unloading materials and machinery can be disruptive, often resulting in damage to the grass verges of the access lane. As it came about by reason of lawful use there are no hours of use controls on the site nor on the frequency of visitation nor size nor type of vehicles which would visit. Commercial vehicles such as vans, lorries, trailers and the like can be parked on site.

5.17 In terms of compliance with policy EI, the site is relatively tucked away and well screened from the surrounding area and a condition on the previous consent required no storage outside the building and so, in the view of Officers, the benefit of the loss of the permitted use to the appearance of the conservation area and setting of heritage assets is considered to be limited. In terms of amenity impacts, Officers acknowledge that the site could be used at all hours of the day for storage with deliveries coming and going to and from the site, and this could generate noise and disturbance. However, it has not been demonstrated why other employment uses would be unsuitable and so, in this case, Officers are not convinced that policy EI has been robustly met and the proposal conflicts with policy EI of the adopted WOLP.

Design

5.18 The proposal includes the insertion of timber casement windows and doors in order to use the building as a holiday let. The number of windows and doors are considered to be reasonably necessary to convert the building to a holiday let and their design and materials reflect the character of the existing building and surrounding area. Subject to a condition requiring the submission and approval of details of new external windows and doors, therefore, the proposed alterations would comply with policies OS4 and EH12 of the adopted WOLP.

Impact on heritage assets

5.19 In terms of impact on heritage assets, the site lies in the Swerford Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise, with respect to any 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. Policy EH9 and EH10 of the adopted WOLP state that proposals for development in a conservation area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting.

5.20 The site is relatively well-screened from the surrounding area and would involve little change to the building itself as it would not change the mass, scale, or footprint of the existing building. The Inspector for the recent appeal considered that there would be the introduction of windows and other openings to allow the conversion of the building for holiday let use, but these changes would be relatively minor, would not disrupt the historic linear pattern of development and would therefore have a neutral impact on the Swerford Conservation Area. Consequently, in line with the recent appeal decision, it is considered that the proposal would preserve or conserve the character and appearance of the Swerford Conservation Area.

5.21 In terms of impact on listed buildings, Corner Cottage, Woodlea and Lyndhurst, located to the south-east of the site, are Grade II listed buildings. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In line with the recent appeal decision, given the location and extent of the proposed development, Officers consider that it would preserve the setting of these listed buildings and the contribution they make to their significance.

5.22 The eastern boundary of the site is located adjacent to New Cottage and Bailgate to the east. Immediately to the north of these two cottages are Mary Cottage and Tuer Cottage. These are all identified as locally listed buildings in the Swerford Conservation Area Conservation Appraisal. Given the limited changes involved to the building, that the proposal does not harmfully disrupt the historic linear pattern of development and given the recent appeal decision, Officers consider that the proposal would not harm the setting of these non-designated heritage assets.

5.23 In terms of impact on the Swerford registered park & garden (Grade II listed) and Scheduled Monument ('Swerford Castle'), given the location and extent of the proposed development, Officers consider that it would not harm the setting of these designated heritage assets.

5.24 Therefore, as confirmed by the Inspector in the recent appeal, Officers consider that the proposal would preserve and conserve the character or appearance of the Swerford Conservation Area and would preserve the setting of the listed and non-listed buildings in the vicinity of the site. Consequently, the proposal would accord with Policies EH9, EH10, EH11, EH13, EH14, EH15 and EH16 of the adopted WOLP which among other things seeks to conserve or enhance the significance of the District's heritage assets, including conservation areas and not cause unacceptable harm to the historic landscape character.

Impact on ecology

5.25 In terms of impact on ecology, the site lies within a Protected Species Buffer for Great Crested Newts and close to the Swere Valley and Upper Stour Conservation Target Area. The Council's biodiversity officer has been consulted and the proposal is considered to conserve and enhance biodiversity, subject to conditions and informative. Therefore, subject to conditions and informatives, the proposal is considered to comply with policy EH3 of the adopted WOLP.

Impact on highway safety

5.26 In terms of impact on highway safety, the County Council as the local highway authority have been consulted and, given the lawful use of the site, it is considered that the proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety) on the adjacent highway network and so no objection to the proposal has been raised. In terms of parking, sufficient parking is provided to the front of the building to meet the 'Parking standards for New development' set by Oxfordshire County Council. Therefore, the proposal is considered to comply with policies T2 and T4 of the adopted WOLP.

Impact on amenity

5.27 Given the separation distances involved from the nearest neighbours, it is considered that the change of use to holiday use would not cause harm to the amenities of the occupiers of these nearest

dwellings. The impact on neighbours is therefore considered to comply with Policy OS2 of the West Oxfordshire Local Plan 2031 and the NPPF 2024.

Other matters

5.28 Paragraph 88 of the NPPF 2024 encourages sustainable rural tourism which respects the character of the countryside. Paragraph 89 states that in rural areas, planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, but that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

5.29 The application also states that, should the builder retire, because the use allowed is a general B8 use the building could be used by anyone for any storage, not providing any employment benefit.

5.30 Concern has been raised in representations about precedent and that the site will be used in the future as a dwelling. Further, concern has been raised that the application contains inaccurate information regarding the use of the site and about sewage disposal. Concern has been raised that the site has not been used as a storage facility on a regular basis. Concern has also been raised about the conduct of the applicant and their intentions, and the Parish Council consider that there is no need for the holiday let.

5.31 Officers cannot take into account the conduct of an applicant and their intentions as it is not a material planning consideration. Further, whether the site has been used as a storage facility on a regular basis following the grant of the 2017 Certificate is irrelevant in this case because the existing lawful use of the site has already been confirmed in the 2017 Certificate and, unless this use has since been abandoned, this forms the baseline against which the application must be assessed. Whilst the recent appeal is relevant to the determination of this application, Officers must assess each application on its merits and, assuming the holiday let would be limited for short-stay, holiday use only, Officers consider that the application is materially different from the proposed use which formed part of recent appeal decision because it could not be occupied as a permanent residence. In terms of need, there is no local policy requirement to demonstrate a need for new tourist accommodation. In terms of sewage disposal, the agent has confirmed that the means of foul sewage disposal would be mains sewer. Due to the scale of the development, it is considered that the proposal would be unlikely to increase flood risk elsewhere in accordance with paragraph 181 of the NPPF 2024.

Planning balance and Recommendation

5.32 For the reasons outlined above, the proposal is considered to conflict with policy EI of the adopted WOLP as the application is not considered to have sufficiently justified the loss of employment use.

5.33 Due to the 2017 Certificate of Lawfulness, the site could be used by anyone for any storage (such as the storage of belongings), not providing any employment benefit. Therefore, this lessens the harm that can be attributed to the loss of an employment use.

5.34 Other benefits claimed for by the applicant include that the proposed use would benefit local facilities through visitation afforded by tourists, as would other visitor attractions, and that other employment would ensue from such use, helping to maintain a vibrant economy. Officers consider that this is likely to be the case with short-stay holiday accommodation, as opposed to longer-stays more

akin to second home use. Therefore, providing the holiday let is restricted to short stays only, in this case, the benefits of the proposed development are considered to outweigh the loss of employment use and so there are other material considerations that indicate that the application should be approved otherwise than in accordance with the development plan, 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 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 occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods or as a phase of residence. A record of all occupiers shall be kept at all times and shall be made available at the request of the Local Planning Authority.

REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation. Longer stays and second home use more akin to residential use are not likely to provide the same benefits from associated recreational activities in the area than tourism development, as supported by policy E4 of the West Oxfordshire Local Plan 2031.

6 The development shall be completed in strict accordance with the recommendations in Section 4.2, 4.3 and 4.4 of the Preliminary Ecological Appraisal prepared by Paxford Ecology dated 06/06/2025 (unless varied by a Protected Species Mitigation Licence issued by Natural England). All the recommendations shall be implemented in full before the development hereby approved is first brought into use according to the timescales laid out in the recommendations, unless otherwise agreed in writing

by the Local Planning Authority, and thereafter permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 A scheme of soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before the first use of the premises. The scheme shall include native planting and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To enhance the immediate setting of the site.

8 No conversion works to the building shall take place until a Worst-case Scenario Mitigation Strategy for bats has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation strategy shall be implemented in full according to the specified timescales (at least before the development hereby approved is first brought into use), and as modified by a relevant European Protected Species Licence issued by Natural England, unless otherwise agreed in writing by the local planning authority.

REASON: To protect bats in accordance with Conservation of Habitats Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), Local Plan Policy EH3 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

9 Before the development hereby approved is first brought into use, a scheme for biodiversity enhancement, including the incorporation of nesting opportunities for birds and wildlife friendly planting, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented before the development hereby approved is first brought into use, and thereafter, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

REASON: In the interests of biodiversity conservation and enhancement in accordance with Local Plan Policy EH3.

Notes to applicant

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 which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements in the list below is/are considered to apply:

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).

There is a low risk that great crested newts may be present at the application site.

However, the application site lies within the red impact zone as per the district licensing scheme modelled map, which indicates that there is suitable habitat for great crested newts within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a great crested newt is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

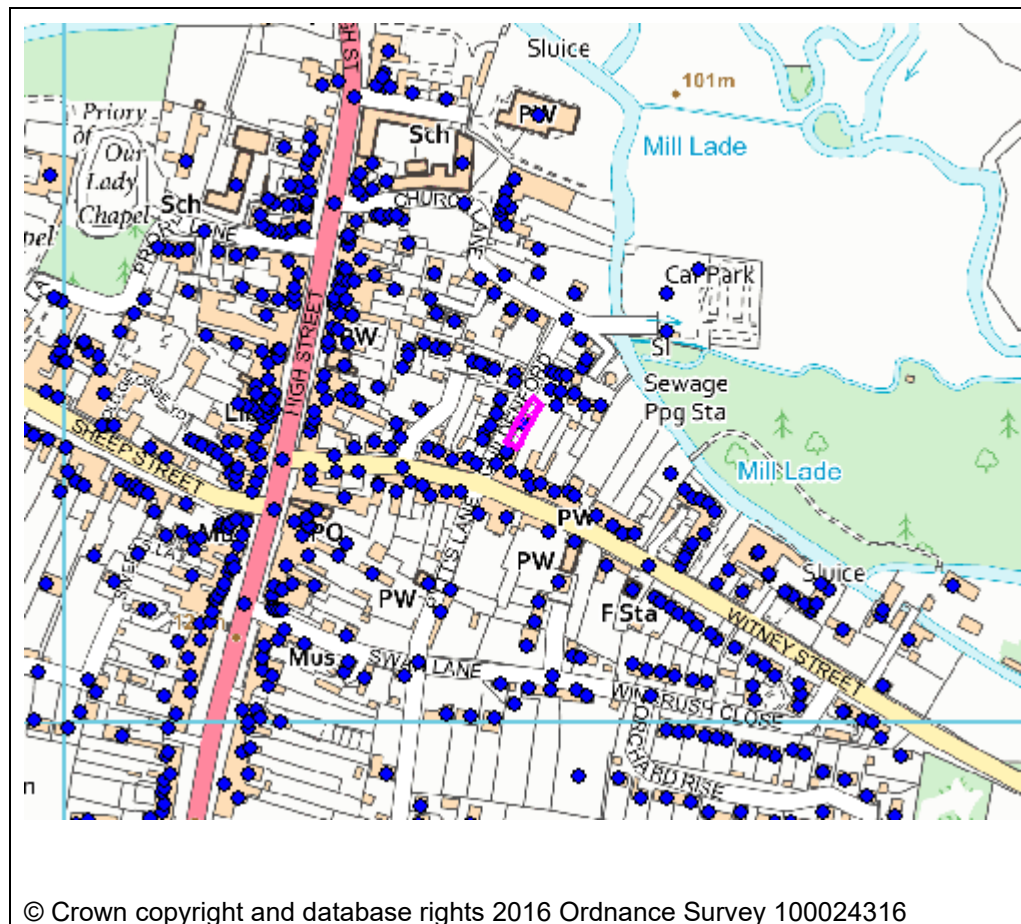
All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If a bat is discovered, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence. Wildlife friendly plants are those known to provide a benefit to wildlife, such as flowers which benefit insect pollinators by producing nectar or pollen (e.g. Lavender) and night flowering or scented plants to attract night flying insects to benefit bats (e.g. Evening Primrose).

The structure and boundary trees provide suitable roosting and commuting habitat for bats, a light sensitive group, and lighting of these habitat features should be avoided. Lighting should be downward facing warm white lights, of temperatures no more than 2700K and may include features such as timers and sensors.

Contact Officer: Clare Anscombe
Date: 5th November 2025

Application Number	25/02143/FUL
Site Address	Vicks Garage Guilford Burford Oxfordshire OX18 4SE
Date	5th November 2025
Officer	Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425303 E 212198 N
Committee Date	17th November 2025

Location Map



Application Details:

Demolition of the existing building and the erection of a detached dwelling with access, parking and associated works. (amended plans)

Applicant Details:

Mr M Strutt
C/o Agent

I CONSULTATIONS

OCC Highways

Recommendations

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

Conditions

- G28 parking as plan
- G11 access specification

Comments

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

District Ecologist

Acceptable, subject to conditions and informative.

WODC Drainage

No objection, subject to conditions.

Env Health Noise And Amenity

No objection, subject to the inclusion of the following condition (or likewise):

1. No development shall take place until a site-specific Construction Environmental Management Plan (CEMP), completed by a suitably competent person, has been submitted to (and approved in writing by) the Local Planning Authority. The plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce any adverse impact to the surrounding environment and community in terms of noise, vibration, dust and lighting. The plan must detail, at a minimum:

' Procedures for maintaining good public relations including a comprehensive complaints procedure.

' All works and ancillary operations which may be audible at the site boundary, including hours of operation.

' Deliveries and removals, including hours of operation.

' Mitigation measures (as defined in 'BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites') and how they shall be used to minimise noise disturbance.

' Procedures for emergency deviation of the agreed working hours.

- ' Control measures for dust and other air-borne pollutants.
- ' Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenity of surrounding occupiers during the construction of the development.

Env Health Contamination

This application is accompanied by the following technical document:
' Geo Integrity Phase I Desk Study and Phase II Geotechnical and Geo-Environmental Report (Dated July 2021. Ref: 21-05-06)

The site for this proposed development has a long history of use for vehicle maintenance and repair. There is some evidence that infill has been imported into the site historically to make up the site levels and containing amounts of anthropogenic material. This material might account for the occasionally elevated concentrations of the metals arsenic and lead within the soil noted by Geo Integrity. There is little evidence for contamination from the vehicle repair activities, but I note that no investigation has been undertaken beneath the repair building itself, where there is plenty of scope for legacy contamination.

For the previously approved planning application 20/01038/FUL, my predecessor requested a planning condition requiring ground investigation and any consequent remedial works for contamination to be completed. A later application, 22/00135/FUL (refused on appeal) was accompanied by the same technical document by Geo Integrity. My predecessor recommended the imposition of a condition requiring the submission of a full remediation scheme in order to identify and appropriately deal with any contamination found on the site.

Whilst a few years have passed since the technical information used to compile the Geo Integrity document was gathered, it is unlikely that there's been any significant change in the ground conditions since that time. Thus, it should be possible to manage the existing contamination via a remedial scheme, albeit that this scheme should include some additional investigation within the footprint of the existing workshop building and monitoring for any groundwater pollution, before proposing appropriate remedial options.

Therefore although I have no objection to the application, please consider adding the following condition to any grant of permission.

1. No development shall take place until a remediation scheme, specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The remediation scheme should address the potentially active pathways identified in the Phase I Desk Study and Phase II Geotechnical and Geo-Environmental Report (Dated July 2021. Ref: 21-05-06).

2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the

approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a verification report confirming that all works were completed in accordance with the agreed details.

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

Reason: To ensure any contamination of the site is identified and appropriately remediated. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

Conservation And Design
Officer

No conservation objections.

Parish Council

Burford Town Council objects to this planning application and requests a site visit to be held to gain more information on the plans. Council believes that the plans incorrectly show the previous planning application. There is a discrepancy of the soil contamination reports that needs to be considered. There is an issue regarding the parking which Council believes is not sufficient and the entrance is a long way down and may affect the historic wall.

Economic Development
Manager

From an economic development perspective, the following points are offered in response to the submitted marketing evidence and proposed change of use.

The West Oxfordshire Local Plan 2031 sets out a clear commitment to supporting sustainable economic growth, including the retention and re-use of existing employment sites where viable. Specifically:

- Policy E1 - Land for Employment encourages the retention of existing employment sites unless there is clear evidence that the site is no longer suitable or viable for continued employment use.
- Policy E2 - Supporting the Rural Economy supports appropriate redevelopment of rural employment sites where they are no longer fit for purpose.
- Policy E3 - Re-use of Non-Residential Buildings allows for alternative uses where continued employment use is demonstrably unviable

The marketing report submitted by Conways Commercial provides a detailed account of efforts to secure a commercial occupier over a sustained period (September 2020-2021 and again from September

2023 to present). This evidence aligns with the Local Plan's requirement under Policy E1 and E3 to demonstrate that the site is no longer suitable or viable for employment use.

The site's location, physical constraints, and lack of interest from commercial occupiers suggest that its continued designation for employment use may no longer serve the economic objectives of the district. The Local Plan acknowledges that:

"Where there is clear evidence that a site is no longer suitable or viable for continued employment use, alternative uses may be considered, particularly where they contribute positively to the local community or economy." (Policy E3)

Given the absence of demand, the poor condition of the building, and the changing nature of commercial space requirements post-COVID, the proposed change of use may be justified. From an economic development standpoint, the evidence provided supports that the site is no longer viable for commercial use. Subject to planning considerations and alignment with other Local Plan policies.

2 REPRESENTATIONS

2.1 One objection was submitted by a neighbouring property. While the neighbour supports the principle of development, they raise concerns about the treatment of the eastern boundary, potential impact on a mature tree, and stability issues from proposed ground level changes. They also highlight privacy risks from roof lights and request measures to prevent overlooking, as well as a site visit to assess boundary conditions before determination.

2.2 A further general comment has been received from a local councillor, noting concerns about the alignment of the proposed access with existing driveways and potential highway safety issues on Guildenford, as well as the removal of soil and historic deposits during construction. The comment also highlights the presence of mature vegetation and hedgehogs, requests retention of the character of the existing stone wall, and concludes that the site would benefit from redevelopment in line with Conservation Officer advice.

3 APPLICANT'S CASE

3.1 The applicant seeks full planning permission and conservation area consent for the demolition of the existing garage building and the erection of a detached dwelling with associated access, parking and landscaping at Vicks Garage, Guildenford, Burford. The site lies within the Burford Conservation Area and the Cotswolds National Landscape, and is surrounded by Grade II listed buildings. The existing structure is a utilitarian garage of poor visual quality, which makes no positive contribution to the character or appearance of the area.

3.2 The proposal represents an opportunity to redevelop a previously developed site in a sustainable location, consistent with the spatial strategy of the West Oxfordshire Local Plan and the principles of the National Planning Policy Framework. The Council cannot currently demonstrate a five-year housing land supply, engaging the presumption in favour of sustainable development under

paragraph 11(d) of the Framework. The scheme would deliver a high-quality dwelling on brownfield land, making efficient use of an underutilised site.

3.3 The design has evolved significantly following previous refusals and an appeal dismissal. The dwelling now reflects the footprint and scale of the previously approved office building (ref. 20/01038/FUL), with a frontage width of 12 metres and depth of 6.3 metres. It is set into the ground to reduce overall height and visual impact, and incorporates traditional Cotswold vernacular detailing, including natural stone walls, pitched tiled roof, parapet gables and modest dormer windows. These measures ensure the building integrates harmoniously with the surrounding street scene and preserves the character and appearance of the Conservation Area.

3.4 The proposal addresses all previous concerns. The building's reduced width reinstates spatial gaps between Tiverton Cottage and Vicks Close, maintaining the open character of Guildenford. The omission of first-floor bedroom windows in the south elevation removes any risk of overlooking Tiverton Cottage's garden, and the garden for the new dwelling has been redesigned to provide an appropriate level of privacy and usability. The scheme also improves the amenity of Tiverton Cottage by relocating parking and creating a better-quality garden area.

3.5 The application is supported by robust marketing evidence demonstrating that the site is no longer viable for employment use, satisfying Policy EI of the Local Plan. The garage has been vacant since 2020 and marketed extensively for two years without success. The building is in poor condition and unsuitable for modern commercial requirements, and its redevelopment for residential use is justified.

3.6 The proposal includes ecological enhancements and will deliver a statutory 10% biodiversity net gain through off-site credits, alongside on-site measures such as bird boxes, swift bricks, bat features and hedgehog highways. Flood risk, contamination and highway safety have been assessed, with no technical objections raised by consultees. The scheme provides two parking spaces and a new access arrangement that improves safety compared to the existing situation.

3.7 In summary, the proposal represents a well-considered, policy-compliant redevelopment that will enhance the character of the Conservation Area, respect the setting of listed buildings, and deliver a high-quality home in a sustainable location. It addresses all previous reasons for refusal and appeal dismissal and should be supported accordingly.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H6NEW Existing housing

E1NEW Land for employment

E2NEW Supporting the rural economy

E3NEW Reuse of non residential buildings

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
T2NEW Highway improvement schemes
T4NEW Parking provision
BC1NEW Burford-Charlbury sub-area

DESGUI West Oxfordshire Design Guide
NATDES National Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks permission for the demolition of the existing building and the erection of a detached dwelling with access, parking and associated works at Vicks Garage, Guildenford in Burford.

5.2 The application site relates to a vacant commercial garage building located within the built-up area of Burford along the road known as Guildenford which runs roughly North to South, parallel to the main High Street to the west of the site.

5.3 The site sits within both the Burford Conservation Area and the Cotswolds National Landscape (CNL), formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB).

5.4 The application is before members of the sub-committee as the views of the Parish Council are clearly contrary to those of officers.

Planning History

5.5 There have been numerous planning applications on the site including appeals outlined below:

- W89/0545 - Demolition of garage, erection of 3 cottages, garages, formation of new vehicular access. - APPROVED
- 18/01872/FUL - The erection of two new semi-detached cottages with associated parking and provision of new vehicular accesses. - WITHDRAWN
- 19/02109/FUL - Remove existing garage and erection of two flats. - WITHDRAWN
- 20/01038/FUL - Demolition of existing garage buildings and construction of two storey office building (amended plans and description) - APPROVED
- 22/00135/FUL - Demolition of the existing garage outbuildings. Erection of a detached dwelling with the provision of parking for both the new and existing dwellings together with associated works. - REFUSED AND APPEAL DISMISSED

- 5.6 The 2022 appeal was dismissed on 3 main issues as below:

- Harm to the character and appearance of the Burford Conservation Area, including the setting of nearby listed buildings.
- Unjustified loss of an employment site, contrary to Policy EI of the West Oxfordshire Local Plan 2031.

- Inadequate amenity space for both the existing and proposed dwellings.

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

5.7 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:

5.8 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').

5.9 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.

5.10 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:

- i. 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
- ii. 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.

Principle

5.13 The starting point for assessing new residential development proposals is the West Oxfordshire Local Plan 2031 (WOLP), which sets out the spatial strategy and policies for housing delivery across the district. The application site lies within the built up area of the town of Burford, which is designated as a rural service centre within the settlement hierarchy, where residential development is supported in principle under Policies OS2 and H2, subject to compliance with other relevant policies.

5.14 Policy OS2 confirms that "a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton," with Burford, as a rural service centre, being suitable for a modest level of development.

5.15 The site is located within walking distance of a range of local services, including shops, schools, and public transport links, and therefore represents a sustainable location for new residential development in accordance with the spatial strategy of the Local Plan and the principles of sustainable development set out in Policy OS1 and the National Planning Policy Framework (NPPF).

5.16 The site is currently occupied by a vacant commercial garage and is designated as an employment site. The Local Plan includes a suite of policies E1, E2 and E3, which collectively seek to safeguard employment land and support economic growth. These policies are particularly relevant in assessing proposals that would result in the loss of employment-generating uses.

5.17 Policy E1 states in relation to existing employment sites:

"Non-employment uses on employment sites will be refused except in the following circumstances:

- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
- where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
- where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
- where substantial community benefits would be achieved by allowing alternative forms of development."

The policy requires applicants to demonstrate that employment sites are no longer viable or needed, and that alternative uses would not undermine the district's economic objectives. The policy is underpinned by the Local Plan's strategic objective to support sustainable economic growth, as set out in Section 6 of the Plan.

5.18 Policy E2 - Supporting the Rural Economy supports appropriate redevelopment of rural employment sites where they are no longer fit for purpose. Policy E3 - Re-use of Non-Residential Buildings allows for alternative uses where continued employment use is demonstrably unviable

5.19 In accordance with Policies E1 and E3, the applicant has submitted a detailed marketing and commercial viability report prepared by Conways Commercial. The report outlines sustained efforts to secure a commercial occupier over two distinct marketing periods: September 2020 to July 2021, and

again from September 2023 to the present. The marketing strategy include listings on multiple commercial property platforms, direct engagement with local and regional businesses and on-site signage and agent-led viewings. Despite these efforts, the report confirms that no viable commercial interest has been forthcoming. The building is described as being in poor physical condition, lacking basic facilities such as heating, insulation, and modern servicing, and is unsuitable for contemporary commercial requirements.

5.20 The Council's Economic Development Manager has reviewed the submitted evidence and confirmed that it meets the expectations of Policies E1 and E3, particularly in relation to:

- The length and scope of marketing.
- The absence of demand.
- The physical constraints of the building.
- The changing nature of commercial space requirements, especially post-COVID.

The Local Plan acknowledges that where there is clear and robust evidence of unviability, alternative uses may be considered, particularly where they contribute positively to the local community or economy.

5.21 In light of the above, officers consider that the principle of residential development on this site is acceptable. The proposal accords with the spatial strategy of the Local Plan, as set out in Policies OS1, OS2 and H2, and is located within a sustainable settlement with access to services and transport. It is supported by robust marketing and viability evidence demonstrating that the site is no longer suitable or viable for employment use, in accordance with Policies E1, E2 and E3. The proposal also responds to the changing economic context and reflects the Local Plan's flexibility in allowing alternative uses where justified. Subject to compliance with other relevant policies, including those relating to design, heritage, and amenity, the principle of development is considered acceptable.

Siting, Design and Form

5.22 The application site comprises a garage and adjoining shed situated to the north of Tiverton Cottage, fronting Guildenford. The proposed dwelling is to be sited on the footprint of the previously approved office building (ref. 20/01038/FUL), measuring approximately 12 metres in width and 6.3 metres in depth. The building is to be orientated north to south, with the principal elevation and entrance facing Guildenford to the east.

5.23 The proposed dwelling is of a traditional vernacular form, incorporating a narrow span and pitched roof with a maximum ridge height of 7.5 metres, measured from the northern elevation where the land levels are lowest. The eaves height is proposed at 4.7 metres. The building is to be constructed in natural stone under a tiled roof, with detailing including parapet gables and modestly proportioned dormer windows set within the eaves line. The design reflects the scale and form of the previously approved office building and is considered to respond appropriately to the topography of the site, with the dwelling set into the ground to reduce its overall height and visual impact.

5.24 External alteration to the site includes the lowering and partial removal of the front boundary stone wall to allow for the provision of 2 parking spaces. The rear garden to the north of the dwelling is to include a patio and garden area.

5.25 The proposed dwelling is considered to be of a high standard of design, incorporating traditional proportions and materials that are consistent with the character of the surrounding built form. The

siting and scale of the building are such that it would not appear cramped within the plot, and the spatial relationship with Tiverton Cottage and neighbouring properties is considered acceptable.

5.26 The design is considered to accord with the provisions of Policy OS2 and OS4 of the West Oxfordshire Local Plan 2031, which seek to ensure that new development is of high quality, respects local character, and is appropriately sited. The proposal also aligns with the guidance set out in the West Oxfordshire Design Guide, particularly in terms of scale, form, materials and detailing. As such, the design and siting of the proposed dwelling are considered acceptable in planning terms.

Heritage Impacts

Conservation Area

5.27 The application site lies within the Burford Conservation Area, a designated heritage asset recognised for its architectural and historic significance. 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.

5.28 The character of this part of Guildenford is defined by its traditional stone-built dwellings, many of which front directly onto the street, and by the presence of substantial stone boundary walls which contribute to a strong sense of enclosure. However, the eastern side of Guildenford, where the site is located, benefits from a more open and spacious character, with buildings set back from the road and interspersed with areas of open space. This variation in layout is a key component of the Conservation Area's significance, providing visual relief and contributing positively to its overall character.

5.29 The existing garage building on the site is of poor visual quality, being primarily timber-clad with a felt roof, and is in a dilapidated condition. It is acknowledged by the Planning Inspector in the previous appeal decision (APP/D3125/W/22/3302591) that the garage is an incongruous element within the street scene and does not make a positive contribution to the character or appearance of the Conservation Area. Its removal is therefore considered beneficial in heritage terms.

5.30 The previous appeal was dismissed in part due to the impact of the proposed dwelling on the character and appearance of the Conservation Area. The Inspector concluded that the increased width and scale of the dwelling, relative to the approved office building, would result in a reduction in openness and a cramped form of development, thereby causing less than substantial harm to the significance of the Conservation Area.

5.31 In response to this, the current proposal has been revised to reflect the footprint and scale of the previously approved office building (ref. 20/01038/FUL). The dwelling now matches the approved dimensions, with a footprint of 12 metres by 6.3 metres, and is set into the site to reduce its overall height. The revised design reinstates the spatial gaps between Tiverton Cottage and Vicks Close, thereby preserving the open character of this part of Guildenford. The building is to be constructed in natural stone under a tiled roof, with traditional detailing including parapet gables and modest dormer windows, all of which are consistent with the prevailing architectural vernacular.

5.32 It is noted that planning permission has recently been granted under application reference 25/02143/FUL for a side extension to Tiverton Cottage. While this permission has not yet been implemented, it nonetheless carries significant weight in the assessment of the current proposal. The approved extension would result in an increase in built form to the south of the proposed dwelling. However, even accounting for this approved development, the proposed dwelling would retain a sufficient separation distance from Tiverton Cottage to ensure that the open character along Guildenford is preserved. The siting of the new dwelling, which reflects the footprint of the previously approved office building, together with the retained spacing between built forms, is considered to maintain the established pattern of development and the visual permeability of the street scene.

5.33 The revised proposal is considered to overcome the concerns raised in the previous appeal. The scale and siting of the dwelling are now comparable to the approved office building, and the design is sympathetic to the character of the Conservation Area. The removal of the existing garage and its replacement with a traditionally designed stone cottage will enhance the appearance of the site and contribute positively to the street scene.

5.34 The Council's Conservation Officer has confirmed that, subject to appropriate conditions securing external materials and detailing, there are no objections to the proposal. The proposed alterations to the boundary wall, which include a modest reduction in height to facilitate access and parking, are considered acceptable and will retain the sense of enclosure along Guildenford.

5.35 In light of the above, the proposal is considered to preserve the character and appearance of the Burford Conservation Area and to enhance its setting through the removal of a visually harmful structure and the introduction of a well-designed dwelling of appropriate scale and form. The development accords with Policies OS2, OS4, EH9 and EH10 of the West Oxfordshire Local Plan 2031, and with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Listed Buildings

5.36 The site falls in close proximity to a number of Listed Buildings, all Grade II listed, located along Guildenford, including, but not limited to the Castle's Almshouses to the North of the site, Nrs 1 & 2 and 5 & 8 Guildenford as well as the rears of several listed buildings along Witney Road to the south. As such officers are required to take account of section 16(2) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

5.37 Policy EH11 of the West Oxfordshire Local Plan 2031 similarly requires that proposals affecting listed buildings demonstrate that they conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance, character and setting.

5.38 The principle of development on the site has previously been accepted through the grant of planning permission for a two-storey office building under application 20/01038/FUL. That scheme was considered to respect the setting of nearby listed buildings and was found to be acceptable in design and heritage terms. In contrast, the subsequent appeal proposal (ref. APP/D3125/W/22/3302591) was dismissed, with the Inspector concluding that the increased width and scale of the dwelling would result

in a reduction in openness and a cramped form of development, thereby causing less than substantial harm to the character of the Conservation Area and the setting of nearby listed buildings.

5.39 The current proposal has been revised to reflect the approved office scheme in terms of footprint, scale and siting. The building has been reduced in width and set into the site to respond to the topography, thereby reinstating the spatial gaps between Tiverton Cottage and Vicks Close. As such, the proposal is considered to preserve the open character of this part of Guildenford, which the Inspector previously identified as contributing positively to the setting of listed buildings.

5.40 The proposed dwelling, by virtue of its siting, scale, and traditional detailing, is not considered to obscure or detract from the architectural composition or significance of any nearby listed buildings. The development would preserve their setting and is therefore considered to comply with Policy EH11 and the statutory duties under the 1990 Act.

Cotswolds National Landscape

5.41 The site falls within the Cotswolds National Landscape (CNL), formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB). The NPPF requires great weight to be given to conserving and enhancing landscape beauty in National Landscapes. Policy EH1 of the West Oxfordshire Local Plan 2031 also seeks to give great weight to conserving the landscape and scenic beauty.

5.42 Given the location of the site within the built-up area of the town of Burford as well as the scale of the proposed development, officers are of the opinion that there would no harm in regard to the setting or views in/out of the National Landscape. As such the proposal is considered to comply with Policy EH1 of the WOLP as well as the relevant sections of the NPPF.

Amenity

5.43 Starting with the amenity for future occupiers, the proposed dwelling is to provide three bedrooms and five bedspaces, as defined by the "Technical Housing Standards - nationally described space standard". This standard requires a minimum internal floor area of 93 square metres for a dwelling of this size. The proposed dwelling is to provide approximately 115 square metres of internal floorspace, thereby exceeding the minimum requirement and ensuring a good standard of internal living accommodation.

5.44 In terms of external amenity, the dwelling is to benefit from a private garden area located to the north of the building. This space is considered sufficient to meet the day-to-day needs of future occupiers, including sitting out, drying clothes, bin storage and incidental play. The garden is to be set below road level and enclosed by existing boundary treatments, with scope for further screening through planting or fencing which would be conditioned as a boundary treatment plan. The relationship between the garden and the public realm is such that an appropriate level of privacy can be achieved, and the space is considered to be both usable and well-integrated into the overall layout.

5.45 Turning to the impact on neighbouring residential amenity, the previous appeal scheme was dismissed in part due to the presence of two first-floor bedroom windows in the south-facing elevation, which were found to directly overlook the garden area of Tiverton Cottage. In contrast, the current proposal omits these windows entirely, with only a single, obscurely glazed window proposed at first floor level in the south elevation, serving an en-suite bathroom. This change is considered to address the Inspector's concerns and ensures that the proposed dwelling would not result in unacceptable overlooking or loss of privacy to the garden of Tiverton Cottage.

5.46 Furthermore, the overall scale and massing of the proposed dwelling has been reduced relative to the previously refused scheme. The building now reflects the footprint and height of the previously approved office building (ref. 20/01038/FUL), which was found to be acceptable in terms of its relationship with neighbouring properties. The siting of the dwelling, together with its reduced height and the absence of intrusive fenestration, ensures that it would not appear overbearing or result in any undue loss of light or outlook to adjacent occupiers.

5.47 In addition, Environmental Health Officers have recommended a condition requiring the submission and approval of a site-specific Construction Environmental Management Plan (CEMP) prior to commencement. The CEMP must demonstrate best practicable means to minimise noise, vibration, dust and lighting impacts during construction, and include details of working hours, delivery arrangements, mitigation measures in accordance with BS 5528, and procedures for public engagement and complaints. This condition is considered necessary to safeguard the amenity of surrounding occupiers during the construction phase.

5.48 No other neighbouring properties are considered to be adversely affected by the proposal. The scale, siting and form of the dwelling are consistent with the previously approved office building, and the separation distances to surrounding dwellings are sufficient to avoid any material harm to residential amenity. As such, the proposal is considered to comply with Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, which seek to ensure that development provides a high standard of amenity for both existing and future occupiers.

Highways

5.49 Oxfordshire County Council Highways Officers were consulted on the application and initially raised concerns regarding the proposed pedestrian access through a new opening in the stone boundary wall. Amended plans were subsequently submitted omitting this element, and OCC now raise no objection to the proposal, subject to conditions securing the retention of the parking layout and specifications for the vehicular access.

5.50 The proposed access arrangements represent a material improvement over those previously approved under application 20/01038/FUL for a two-storey office building. That scheme permitted a more intensive commercial use of the site, with access positioned adjacent to Tiverton Cottage and a shortfall of four parking spaces when assessed against the County Council's standards at the time. In contrast, the current proposal provides a centrally located access with improved visibility and safety, serving both the proposed dwelling and Tiverton Cottage. The layout includes two on-site parking spaces, which, while technically below the standard requirement, nonetheless represent a betterment in comparison to the office scheme and are considered appropriate given the site's sustainable location within Burford.

5.51 The proposal is therefore considered acceptable in terms of highway safety, access and parking provision, and complies with Policies T2 and T4 of the West Oxfordshire Local Plan.

Drainage

5.52 WODC Drainage Officers have been consulted as part of this proposal and have raised no objection subject to a pre commencement condition requiring a full surface water drainage strategy to be submitted to and approved in writing by the LPA. As such the proposal is considered acceptable in this regard and complies with policy EH7 of the WOLP.

Environmental Health

5.53 The application site has a longstanding history of use for vehicle maintenance and repair. In light of this, Environmental Health Officers have been consulted regarding potential land contamination. The application is supported by a Phase I Desk Study and Phase II Geotechnical and Geo-Environmental Report (Geo Integrity, July 2021), which identifies the presence of anthropogenic material used historically to raise site levels, with occasional elevated concentrations of metals such as arsenic and lead.

5.54 While there is limited evidence of contamination directly arising from the historic vehicle repair use, it is noted that no intrusive investigation has been undertaken beneath the footprint of the former workshop building, where there remains potential for legacy contamination. The Environmental Health Officer has advised that, although the supporting technical information is now several years old, it remains relevant and sufficient to inform a remediation strategy, subject to additional investigation within the footprint of the workshop and monitoring for any groundwater pollution.

5.55 Accordingly, the Environmental Health Officer raises no objection to the proposed development, subject to the imposition of a planning condition requiring the submission and implementation of a full remediation scheme. This scheme should address the potentially active pathways identified in the submitted reports and include verification measures to confirm that the site has been rendered suitable for residential use. The recommended condition is considered necessary to ensure compliance with Policy EH8 of the West Oxfordshire Local Plan 2031 and Section 15 of the National Planning Policy Framework.

Ecology

5.56 The application is supported by a Preliminary Ecological Appraisal and Biodiversity Net Gain Report, alongside a Statutory Biodiversity Metric. The site comprises a small parcel of developed land with a vegetated garden, and the proposed development would result in the loss of approximately 100 square metres of garden space. The submitted metric identifies an on-site biodiversity net loss of 19.58%, with indicative modelling of off-site scrub creation resulting in an overall net gain of 36.21%. However, the off-site enhancement is illustrative only, and the applicant intends to purchase biodiversity units to meet the statutory requirement of a minimum 10% net gain. Evidence of this purchase will be required prior to commencement, in accordance with the deemed biodiversity gain condition under Schedule 7A of the Town and Country Planning Act 1990.

5.57 The ecological appraisal finds the existing garage to have negligible potential to support roosting bats. The potential for nesting birds and terrestrial mammals is noted, but impacts can be avoided through adherence to the mitigation measures set out in section 4.4 of the ecological report. These include minimising artificial lighting, avoiding vegetation clearance during the nesting season (March to August), and ensuring excavations are covered or escape routes provided to prevent harm to badgers or other terrestrial animals. A condition is recommended to secure these measures.

5.58 In addition to mitigation, the report recommends a suite of ecological enhancements, including the installation of one bat box, two bird boxes (open-fronted and enclosed), two swift bricks, insect bricks, hedgehog highways, and native planting within the soft landscaping scheme. These features are not currently shown on the submitted plans, and a condition is recommended requiring the submission and approval of an Ecological Enhancement Plan prior to works above slab level. The plan should include

full elevation drawings showing the location and specification of integral ecological features, hedgehog access points in boundary fencing, and a planting schedule comprising primarily native species.

5.59 Subject to the recommended conditions and the submission of a Biodiversity Gain Plan, the proposal is considered acceptable in ecological terms and compliant with Policy EH3 of the West Oxfordshire Local Plan 2031 and paragraphs 187, 192 and 193 of the NPPF.

Other Matters

5.60 Burford Town Council raised objection to the planning application raising concerns with the submitted plans and contamination reports and also raises concerns regarding parking citing this to be insufficient and affects a historic wall.

Planning Balance and Conclusion

5.61 The application has been assessed against the relevant policies of the West Oxfordshire Local Plan 2031, the National Planning Policy Framework, and all other material considerations. The site lies within the built-up area of Burford, a sustainable location where the principle of residential development is supported. The Council cannot currently demonstrate a five-year housing land supply, engaging the presumption in favour of sustainable development under paragraph 11(d) of the Framework.

5.62 The previous appeal (ref. APP/D3125/W/22/3302591) was dismissed on three grounds: harm to the character and appearance of the Burford Conservation Area and the setting of listed buildings, unjustified loss of an employment site, and inadequate amenity provision for both the existing and proposed dwellings. The current proposal has been comprehensively redesigned to address these concerns. The dwelling now reflects the footprint and scale of the previously approved office building (ref. 20/01038/FUL), reinstating spatial gaps to maintain the open character of Guildenford. The omission of first-floor bedroom windows in the south elevation removes any risk of overlooking Tiverton Cottage's garden, and the proposed garden for the new dwelling provides a usable and private amenity space. Robust marketing evidence demonstrates that the site is no longer viable for employment use, satisfying Policy EI.

5.63 No technical objections have been raised by statutory consultees in respect of highways, drainage, contamination, ecology, or heritage. The design is considered to preserve the character and appearance of the Conservation Area, respect the setting of listed buildings, and enhance the street scene through the removal of a visually harmful structure. Ecological enhancements and biodiversity net gain will be secured by condition, and contamination risks will be appropriately managed.

5.64 In the planning balance, the proposal represents a high-quality, policy-compliant redevelopment of a previously developed site, delivering a single dwelling in a sustainable location without giving rise to any identified harm. The scheme addresses all previous reasons for refusal and appeal dismissal and is therefore considered acceptable. Planning permission is recommended, 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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofslopes 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 dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

6 Before first occupation of the dwelling hereby permitted the first floor window on the southern side elevation; shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

7 Prior to the commencement of development, a full surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% climate change event has been submitted to and approved in writing by the Local Planning Authority.

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

8 The development shall be completed in strict accordance with the recommendations in Section 4.4 of the Preliminary Ecological Appraisal & Biodiversity Net Gain Report (Aware Ecology, July 2025) unless varied by a Protected Species Mitigation Licence issued by Natural England. These recommendations include measures to avoid impacts to roosting bats by minimising use of artificial lighting, nesting birds by avoiding vegetation clearance during the core nesting period (March through August) and badgers/other terrestrial animals by providing means of escape from any excavations if these are left uncovered overnight.

REASON: To avoid harm to biodiversity in accordance with the NPPF 2024 paragraph 193 and Local Policy EH3. With consideration for priority species in accordance with the NPPF 2024 paragraph 192 under the Natural Environment and Rural Communities Act 2006.

9 Prior to any works above slab level, an Ecological Enhancement Plan (EEP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the 4.5.1 of the Preliminary Ecological Appraisal & Biodiversity Net Gain Report (Aware Ecology, July 2025) associated with the planning application and shall include details of the following:

- a) Full elevations plans detailing the model and location of integral swift, bat and insect features in accordance with BS 42021:2022;
- b) Locations of 13×13cm holes in closed board fencing provided for hedgehogs; and
- c) A full planting schedule and details of soft landscaping utilising primarily native species.

The approved plan shall be implemented as described and retained thereafter.

REASON: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

11 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.

12 No development shall take place until a site-specific Construction Environmental Management Plan (CEMP), completed by a suitably competent person, has been submitted to (and approved in writing by) the Local Planning Authority. The plan must demonstrate the adoption and use of the Best Practicable Means (BPM) to reduce any adverse impact to the surrounding environment and community in terms of noise, vibration, dust and lighting. The plan must detail, at a minimum:

- Procedures for maintaining good public relations including a comprehensive complaints procedure.

- All works and ancillary operations which may be audible at the site boundary, including hours of operation.
- Deliveries and removals, including hours of operation.
- Mitigation measures (as defined in 'BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites') and how they shall be used to minimise noise disturbance.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

REASON: In the interests of the amenity of surrounding occupiers during the construction of the development.

13 No development shall take place until a remediation scheme, specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The remediation scheme should address the potentially active pathways identified in the Phase I Desk Study and Phase II Geotechnical and Geo-Environmental Report (Dated July 2021. Ref: 21-05-06).

REASON: To ensure any contamination of the site is identified and appropriately remediated. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

14 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a verification report confirming that all works were completed in accordance with the agreed details.

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

REASON: To ensure any contamination of the site is identified and appropriately remediated. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

15 No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

Notes to applicant

- 1 Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:

- Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
- Wall, floor and roof insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling
- Materials with low embodied carbon

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/planning-application-supporting-information/sustainability-standards-checklist/>
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

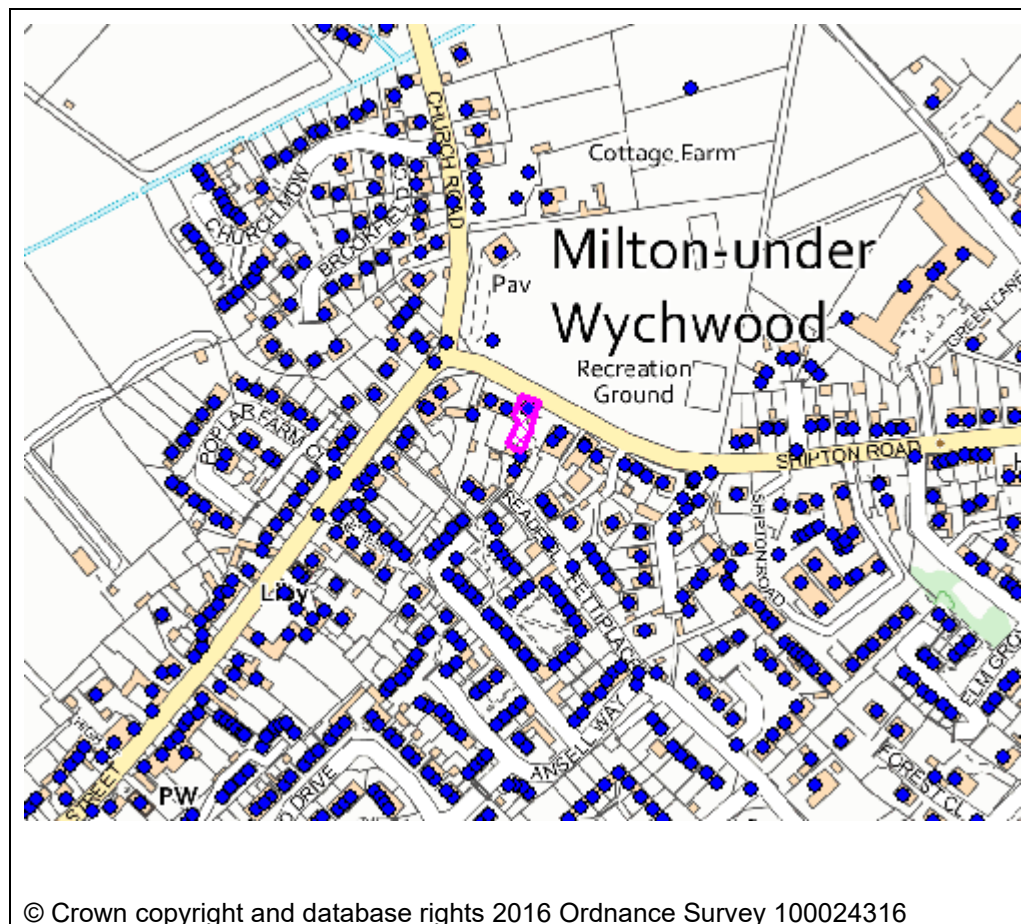
- 2 Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Contact Officer: Mr Emile Baldauf-Clark

Date: 5th November 2025

Application Number	25/02145/FUL
Site Address	Dashwood House Shipton Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JH
Date	5th November 2025
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426531 E 218289 N
Committee Date	17th November 2025

Location Map



Application Details:

Proposed alterations and enlargement of existing building including extension at rear ground floor for kitchen/dining area for first and second floor flat (part retrospective)

Applicant Details:

Mr and Mrs Potter
Dashwood House
Shipton Road
Milton Under Wychwood
Chipping Norton
Oxfordshire
OX7 6JH

I CONSULTATIONS

Economic Development
Manager

No Comment Received.

Parish Council

The application does not accord with Local Plan policies OS2, H2, E1 and E5, Milton under-Wychwood Neighbourhood Plan policies FI and F2 and the relevant policies of the NPPF and as such should be refused. The Planning Statement submitted by the applicant's agent states that the applicants with regret and misunderstanding permitted development rights converted the property into a single-family dwelling house and believed that the property had changed to Use Class C3. There is a need for retail units in the village, the Parish Council insist that all the works carried out should be reversed and the building returned to its original state. That is to say that on the ground floor there should be two retail units with their own front doors and shop window and each with their own kitchenette and toilet.

2 REPRESENTATIONS

2.1 3 letters of objection have been received; the full comments can be found on the West Oxfordshire planning website but are summarised below:

- The village should retain as many shop units as possible and any loss would be contrary to the local plan;
- The rear extension has resulted in a feeling of being overshadowed.

3 APPLICANT'S CASE

3.1 The applicant's Design and Access statement concludes the following:

"... it is duly considered that the proposal represents an appropriate form of development on the basis that:

- the design, form and detailing of the proposed new extensions would assimilate comfortably with its context and be in keeping with the character and appearance of other dwellings in the vicinity;

- the proposed development would provide a good standard of amenity for the applicants and would not result in tangible harm to the amenities enjoyed by the residents of adjoining properties;
- the replacement extension would be constructed to an enhanced standard of energy and water efficiency relative to the existing building;

We consider the proposed development is supported by the West Oxfordshire Local Plan 2031. The proposed development will bring a vacant building back into use and so is clearly aligned with the aspiration of local and national planning policy to ensure efficient use is made of land and buildings. It is also encouraged by heritage policy which identifies that historic buildings are best protected by ensuring they are maintained in viable use.

The proposal is for the improvement of an existing dwelling and commercial premises within the built limits of Milton under Wychwood, it is therefore a form of development supported in principle."

4 PLANNING POLICIES

OS2NEW Locating development in the right places
 OS4NEW High quality design
 H6NEW Existing housing
 EI NEW Land for employment
 E5NEW Local services and community facilities
 EH1 Cotswolds AONB

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1. This is part-retrospective application for 'Proposed alterations and enlargement of existing building including extension at rear ground floor for kitchen/dining area for first and second floor flat' at the site known as Dashwood House, in Milton-under-Wychwood.

5.2. Dashwood House is a detached, two-storey traditional property constructed in natural stone under a blue slate roof. It is not listed but is a traditional building and considered to be a non-designated heritage asset. The ground floor of the premises was previously divided into two commercial units with a flat on the upper floors accessed from the rear of the building.

5.3. The application is seeking to regularise the built form of the unauthorised rear extension but to alter the internal arrangements in order to reinstate the commercial use of the ground floor. The application is also seeking to regularise some external changes to the front elevation.

5.4. The site is located within the Cotswolds National Landscape.

5.5. Amended plans to change the internal layout were submitted during the application. It is before Members of the sub-committee for consideration as the views of the Parish Council are clearly contrary to your officers recommendations.

Relevant Planning History

- 23/02664/FUL - Erection of rear extension along with various other external alterations, associated works and operations (retrospective) - refuse
- 23/01677/FUL - Change of use of Dashwood House to a single dwelling, works to include erection of a rear extension and associated works (part retrospective) - refused
- 22/02294/FUL - Alterations to include removal of an external staircase, erection of rear entrance porch, insertion of two front dormer windows and a rear rooflight. Change of use and layout of part of the ground floor to provide a hall and installation of the internal staircase to serve flat above - Approve
- W2003/0054 - Change of use of part of ground floor from use class a1 (retail shop) to use class a2 (financial and professional services) - Approve
- 04/1580/P/S73 - Variation of condition 4 of planning permission w2002/0671 - to allow occupancy of the first floor flat by a person not employed on site (retrospective) - Application Withdrawn
- 08/1459/P/FP - Part change of use from estate agents to veterinary surgery - APPCON
- W88/1603 - Change of use of attic to flat - Approve
- W88/1059 - Conversion of flat into two flats - Refused
- W93/0696 - Renewal of planning permission 1603/88 for change of use of attic to flat - Approve

Principle of Development

5.6. With regard to the principle of development Policy OS2 of the Local Plan provides an overall strategy for the location of development within the District. It sets out a 'settlement hierarchy' for the district, in which Milton-under-Wychwood is identified as a Village and, therefore, is suitable for limited development, which respects the village character and local distinctiveness and would help maintain these communities' vitality.

5.7. Policy OS2 requires that all development "Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality", "Form a logical complement to the existing scale and pattern of development and/or the character of the area", and, in the National Landscape, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development.

5.8. The site has previously been assessed against policy E5 (local services and community facilities) of the Local Plan which addresses commercial uses such as shops supports development and retention of local services to meet local needs and to promote social well-being, interests, interaction and healthy inclusive communities. Officers also note that due to the changes to the use classes order in 2020, the description of the use class of the ground floor would more accurately be described as Class E which encompasses a wide range of low impact commercial uses. Local plan policy E1 (land for employment) addresses uses that are office-based and that supports development to improve the effectiveness of existing employment sites.

5.9. Regarding commercial premises, the Milton-under-Wychwood Neighbourhood Plan 2023 states in Policy F1 "Where planning permission is required, the change of use or loss of buildings and areas currently occupied by small businesses and/or shared workspaces, including the village's central area (Groves Business Park) will not be supported."

5.10. Policy F2 seeks to encourage "Development proposals which would help to retain and, where possible, enhance existing retail and other local service provision (including the longer-term viability of such services) will be supported."

5.11. The application proposes to retain the existing ground floorspace in a commercial use and use part of the new rear extension as commercial floorspace and part as a small extension to the flat. The western half of the extension has a similar floorspace to the previous extension and so officers consider this arrangement conserves the commercial floorspace. Amended plans were submitted and show the commercial space providing two separate units that could be occupied by different businesses. On this basis, there is no material loss to the amount of commercial floorspace, and the plans reflect previous iterations of the ground floor layout retaining two units.

5.12. The use of part of the rear extension by the flat is considered to be a minor addition to the residential use that is acceptable in principle.

5.13. As such, officers consider the principle of development is acceptable subject to the relevant material considerations such as design and form, residential amenity, and the Cotswolds National Landscape.

Design and Form

5.14. Dashwood House fronts onto the south-western side of Shipton Road, close to its junction with Church Road and High Street. The car park of Hillborough House abuts its eastern elevation and rear garden boundary wall. Hillborough House is situated to the south and east of Dashwood House, and there is significant separation distance between the two buildings.

5.15. The Hollies, a two-storey cottage dwelling located to the west of Dashwood House, is set back from the highway behind a large front garden. A side passage leading to the rear of Dashwood House separates the two buildings. The Hollies comprises an existing single-storey rear extension adjacent to the passage.

5.16. The application premises already had a single-storey rear extension attached to the existing 3m high rear boundary wall along the shared boundary with Hillborough House, with a floorspace of approximately 28.5m². The current extension has replaced the previous extension and covers a much larger floorspace of approximately 54m². The new extension now extends the entire rear elevation and consists of a concealed flat roof behind a parapet wall. The new extension measures approximately 3m in height to the coping stones. There are two skylights fitted centrally within the roof.

5.17. The application proposes to use the eastern half of the rear extension for commercial purposes but use the western half as amenity space for the flat. However, this will only require internal changes and therefore the external appearance of the extension will be unaffected.

5.18. The external changes that have been made to the front elevation are also considered to be acceptable and are commensurate with the existing character of the building and would not have a detrimental impact on the significance of the non-designated heritage asset.

5.19. It is considered that the single-storey rear extension is modest in scale and acceptable in terms of design and appearance and forms an appropriate addition to the existing building that does not appear out of keeping nor does it harm the character of the building or wider area. As such, the extension complies with policies OS2, OS4, and H6 of the Local Plan and policy CH1 of Milton-under-Wychwood Neighbourhood Plan 2026.

Residential Amenity

5.20. Dashwood House has two neighbours, Hillsborough House and The Hollies.

5.21. Given the scale of the extension and the distance between Dashwood House and Hillsborough House, it is not considered that the extension harms the amenities of neighbouring residents.

5.22. The side passage between the application site and The Hollies provides approximately 2.5m of separation. There are no windows within The Hollies' east side elevation facing onto the application site. The existing single-storey rear/ side extension to The Hollies provides sufficient screening against any perceived overbearing impact.

5.23. The proposed uses are consistent with past uses of the site and so are not considered to have any material impacts to the amenity of neighbours.

5.24. In terms of residential amenities, due to the moderate scale, siting and stepped design of the rear extension, the development is not considered overbearing, nor does it result in any loss of light or privacy to the detriment of the neighbouring residents and therefore complies with policies OS2 and OS4 of the Local Plan.

The Impact upon the Cotswold National Landscape

5.25. Paragraph 189 of the NPPF requires great weight to be given to conserving and enhancing landscape beauty in National Landscapes. Given the nature of the proposals and the built-up residential context of the site, the proposed development is not considered to have any visual impact beyond its immediate setting. It therefore conserves the landscape and scenic beauty of the Cotswolds National Landscape in compliance with paragraph 189 of the NPPF and local plan policy EH1.

Other Matters

5.26. Representations have been made as to the retrospective nature of the application and the history of the site. Officers note the concerns however this is not a material consideration and that the assessment of this application is limited to the current proposal.

Conclusion

5.27. On the basis of the above assessment, officers consider the proposal is acceptable with regard to Local Plan policies OS2, OS4, EI, E5, H6, EH16, and EH1, relevant paragraphs of the NPPF, the Milton-under-Wychwood Neighbourhood Plan and the West Oxfordshire design guide.

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.

Contact Officer: Rebekah Orriss

Date: 5th November 2025