

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 15th December 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.

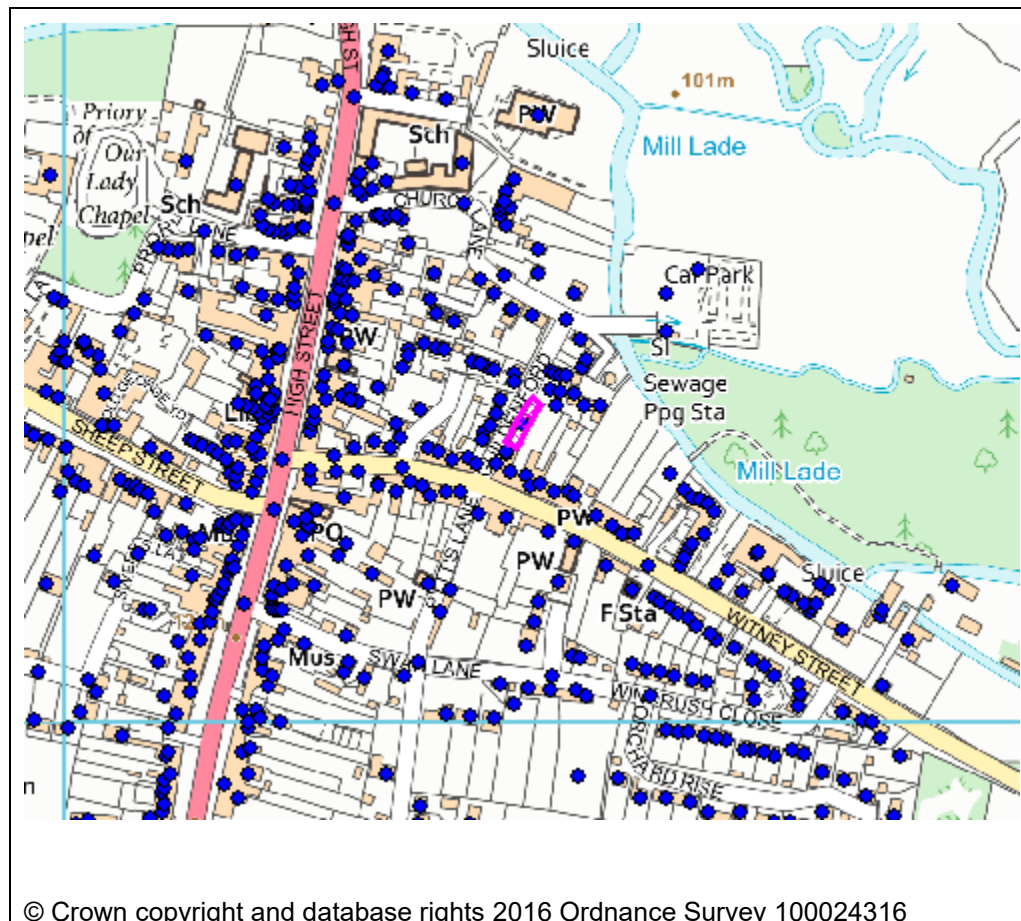
Please note that:

- 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](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
	25/02143/FUL	Vicks Garage Guildenford	Mr Emile Baldauf-Clark

Application Number	25/02143/FUL
Site Address	Vicks Garage Guilford Burford Oxfordshire OX18 4SE
Date	3rd December 2025
Officer	Mr Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425303 E 212198 N
Committee Date	15th December 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.

- I. 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.

WODC Tree Officer

No objections raised.

If roots of the in-question tree were to be positively identified during construction, then it will need to be notified (Section 211 notice) as it is not part of the proposal to issue works to this tree. Although as the area seems to be built up, with a stone wall separating the tree and development, I would say that it is unlikely that any substantial roots will be affected by this.

If the building works can be proven, that it directly caused damaged to the tree and resulted in the failure or decline this may lead to enforcement.

Town 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

Economic Development  
Manager

down and may affect the historic wall.

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 E1 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

NPPF 2024

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 was deferred from the last committee in order for members to undertake a site visit.

## 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.

## **Trees**

5.60 The Council's Tree Officer has reviewed the proposal and raises no objection. The site is separated from the nearest tree by a stone wall, and it is considered unlikely that any substantial roots will be affected by the development. However, if tree roots are encountered during construction, the applicant is reminded that works to the tree may require consent under a Section 211 notice. An informative will therefore be added to advise the applicant that any such discovery should be reported to the Local Planning Authority before proceeding with works.

## **Other Matters**

5.61 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.

5.62 Matters raised at the last committee meeting in relation to potential impact on underground pipes and damage to neighbouring walls/foundations are not considered to be material planning considerations and as such are not able to be considered as part of this proposal. The planning permission does not override personal property rights or other legislation. If any damage is caused during the construction then this will be a civil matter.

## **Planning Balance and Conclusion**

5.63 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.

5.64 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.

5.65 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.

5.66 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.

#### INFORMATIVES :-

- I. 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>.

3. The applicant is advised that if tree roots are encountered during construction, works to the tree may require consent under a Section 211 notice. In such circumstances, the Local Planning Authority must be notified immediately before any further works affecting the tree are undertaken.

**Contact Officer:** Mr Emile Baldauf-Clark

**Date:** 3rd December 2025