

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

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

**Date: 9th February 2026**

### **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.

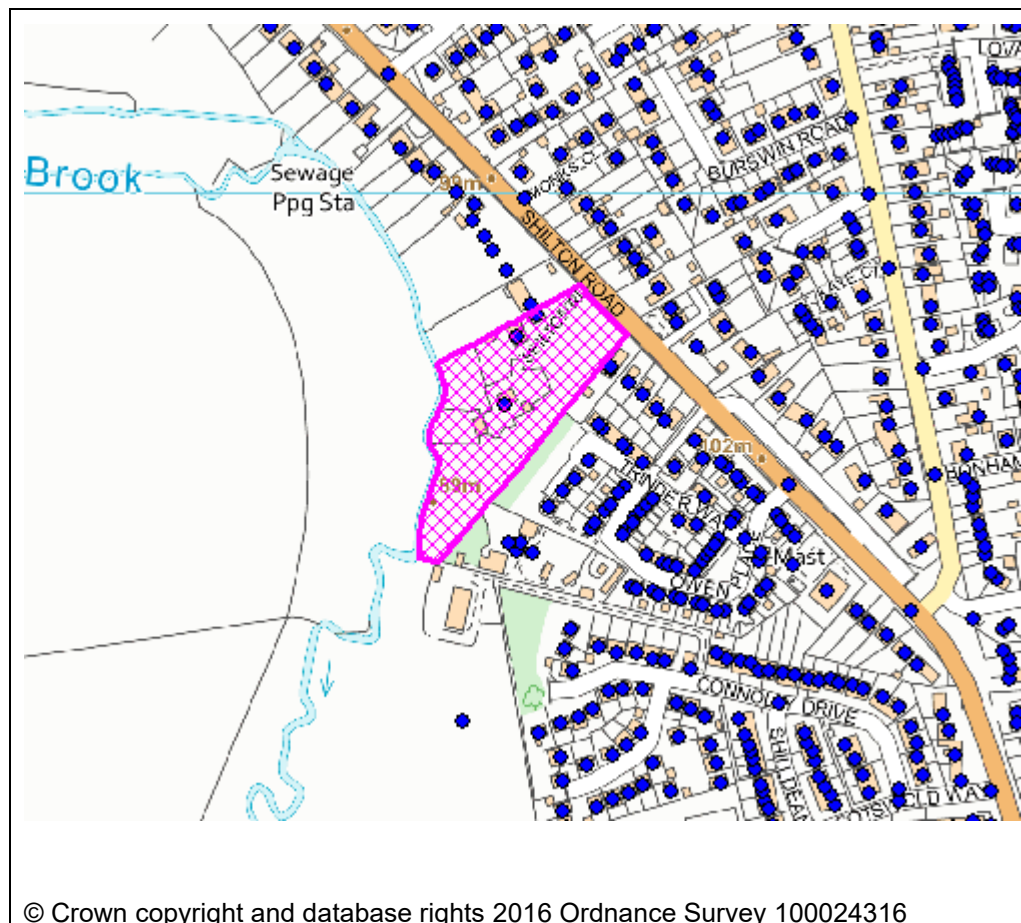
Please note that:

- 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)

| Item | Application Number           | Address                                     | Officer             |
|------|------------------------------|---|---------------------|
|      | <a href="#">25/01221/OUT</a> | Brooklands Nurseries 47<br>Shilton Road     | James Nelson        |
|      | <a href="#">25/02370/FUL</a> | 1 High Street Eynsham                       | Fern Lynch          |
|      | <a href="#">25/02600/FUL</a> | The Paddocks New Yatt                       | Clare<br>Anscombe   |
|      | <a href="#">25/02578/FUL</a> | Land Adjacent To Kencott<br>Cottages Kencot | James Nelson        |
|      | <a href="#">25/02919/HHD</a> | The Paddock Cote                            | Joshua<br>McFarland |

|                         |   |
|-------------------------|---|
| Application Number      | 25/01221/OUT  |
| Site Address            | Brooklands Nurseries<br>47 Shilton Road<br>Carterton<br>Oxfordshire<br>OX18 1EN |
| Date                    | 28th January 2026   |
| Officer                 | James Nelson  |
| Officer Recommendations | Approve subject to Legal Agreement  |
| Parish                  | Carterton Parish Council  |
| Grid Reference          | 427515 E 207860 N   |
| Committee Date          | 9th February 2026   |

### Location Map



### Application Details:

Outline application for demolition of an existing dwelling together with associated outbuildings and the erection of eighteen dwellings with associated landscaping and open space (some matters reserved).

### Applicant Details:

Mrs Ann Ceresa  
C/O Agent

## I CONSULTATIONS

|                                  |   |
|----------------------------------|---|
| District Ecologist               | No Comment Received.  |
| Parish Council                   | Objects to the application on the grounds that it would be an overdevelopment of the site. Plots 1-3 are close to the main road with their back gardens facing the road. This would be out of keeping with the other houses on the street which are more set back with frontages onto the main road. Privacy could be an issue for these plots.   |
| WODC Tree Officer                | No objection subject to condition.  |
| District Ecologist               | Holding objection due to outstanding Biodiversity Net Gain (BNG) information- full details available on the Council's website.  |
| Major Planning Applications Team | <i>Transport</i><br><br>No objection subject to conditions and S106 obligations. See latest response 8th January 2026.<br><br><i>Lead Local Flood Authority</i><br><br>No objection subject to condition. See latest response 4th November 2025.<br><br><i>Education</i><br><br>No objection subject to S106 Contributions.<br><br><i>Archaeology</i><br><br>The proposals will not impact on any known archaeological remains, and so, there are no archaeological constraints to this scheme.<br><br><i>Waste Management</i><br><br>No objection subject to S106 Contributions. |
| Conservation And Design Officer  | No Comment Received.  |
| Env Health Contamination         | No objection subject to conditions.   |
| Env Health Noise And Amenity     | No objection subject to conditions.   |

|   |  |
|---|--|
| Env Health Air Quality                  | No objection subject to conditions.  |
| Thames Water                            | No objection.  |
| Environment Agency                      | No objection.  |
| Wildlife Trust                          | Objection, in relation to the following issues: <ol style="list-style-type: none"> <li>1. Potential impact on Shill Brook and Carterton Grassland LWS</li> <li>2. The South Cotswolds Valley CTA</li> <li>3. The importance of a net gain in biodiversity being in perpetuity</li> <li>4. Hedgerow creation and the management of hedgerows</li> <li>5. Orchard management</li> <li>6. Green roofs</li> <li>7. Lighting</li> </ol> |
| WODC - Sports                           | No objection subject to S106 contributions.  |
| WODC - Arts                             | No objection subject to S106 contributions.  |
| Oxford Clinical Commissioning Group NHS | No objection subject to S106 contributions.  |
| Designing Out Crime Officer             | No objection in principle but objection to detailed design.  |
| WODC Planning Policy Manager            | No Comment Received.   |
| Oxfordshire Fire Service                | No objection.  |
| WODC Housing Enabler                    | Supportive subject to S106 obligations to secure on site affordable housing.   |

## 2 REPRESENTATIONS

2.1 The application has drawn 14 objection comments from 10 interested parties. The following planning matters are raised:

- Quantum of development excessive for the site;
- Increased traffic and congestion;
- Houses backing onto Burford Road would be uncharacteristic in the locality/would undermine spacious and open nature of frontages;
- Possible loss of trees at site frontage and within the site;
- Impact on ecology and protected species;
- Capacity of local services including health, schooling, highways and sewerage; and
- Concerns regarding feasibility of the proposed access.

2.2 Each matter is considered below in the Planning Assessment.

## 3 APPLICANT'S CASE

3.1 The Applicant has submitted a Planning Statement ('PS') in support of the proposal, the main points of which are summarised below. A Design and Access Statement has also been submitted and can be reviewed on the Council's website along with all other relevant supporting information.

#### *PLANNING STATEMENT SUMMARY*

3.2 The application site which extends to 1.14 hectares (just under 3 acres) is located on the western side of the Shilton Road on the north west edge of Carterton. The site, a former nursery, contains three dwellings (47, 49 and 49a Shilton Road), associated outbuildings, gardens, grassland, scrub and trees. There is an existing access to the Shilton Road in the north east corner of the site. The site falls gradually from east to west down to the Shill Brook.

3.3 The site is bounded to the north and south by residential development; to the north being linear in form and to the south comprising of development in depth (Owen Place and Trinder Way). To the east of the Shilton Road is an expansive area of suburban residential development. To the west is the Shill Brook, with open countryside beyond.

3.4 The site was previously the subject of an outline planning application for up to 15 dwellings and associated works (ref. 15/02407/OUT). The application was considered at the Lowlands Area Planning Sub-Committee meeting in November 2015. Councillors resolved to approve the application subject to the completion of a legal agreement.

3.5 The application seeks to demolish an existing dwelling (47 Shilton Road) and all associated outbuildings and erect 18 new dwellings. The two other dwellings on the northern boundary of the site (49 and 49a Shilton Road) are to be retained and incorporated within the new scheme. The development, although in outline form with all matters reserved except for access, is supported by an illustrative planning layout. The layout demonstrates that the site can readily accommodate 18 new dwellings, providing for adequate car parking, turning and private amenity space.

3.6 The proposed schedule of accommodation for the 18 dwellings, which is comprised of a range of detached, semi-detached and terraced houses, is set out below:

- 6 x 2 bed homes (affordable)
- 4 x 3 bed homes (open market)
- 8 x 4 bed homes (open market)

3.7 Affordable housing will be provided in compliance with policy (35%) which equates to six dwellings (calculated on the net increase of 17 dwellings).

3.8 The scheme seeks to provide a consistent wide buffer to the Shill Brook which will incorporate areas of public open space as well as a number of ecological enhancements. Mature trees on the site boundaries will be largely retained. Vehicular access will be taken from the existing Shilton Road access with parking provided on site to accord with relevant standards.

3.9 This Statement sets out the case for the application, along with the supporting information submitted, which is briefly summarised as follows:

- The site is located within the built up area of Carterton, where the principle of residential development is acceptable, a position previously acknowledged by the Local Planning Authority;
- A development of this scale can be delivered quickly and make an important contribution to supporting housing delivery rates in West Oxfordshire;
- The proposal will deliver much needed high quality market and affordable housing in a design and layout that responds positively to the site's context;
- The proposal will also deliver the provision of areas of public open space as well as new landscaping and biodiversity enhancements to the setting of the Shill Brook;
- The scheme offers the opportunity to improve local footpath connections; and
- The development will not have any adverse impacts on the amenity of existing adjoining residents or on highway safety

3.10 On the basis of the above, it is submitted that the application is in accordance with national and local planning policy and as such planning permission should be granted for the proposed development.

## **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

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH5 Sport, recreation and childrens play

EH7 Flood risk

EH8 Environmental protection

CA5 Carterton sub-area strategy

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**

5.1 This application seeks outline planning permission for the demolition of an existing dwelling together with associated outbuildings and the erection of eighteen dwellings with associated landscaping and open space at Brooklands Nurseries, 47 Shilton Road, Carterton. All matters are reserved, except for access, for which approval is sought.

5.2 The application site lies on the western side of Shilton Road in the north west of Carterton. It contains three dwellings, associated access, outbuildings, gardens and paddock land falling outside of residential curtilages. The site is bound to the north and south by residential development, to the east by Shilton Road and predominantly residential development and to the west by 'Shill Brook' (a main river) with open countryside beyond.

5.3 The application is brought before this Committee in accordance with the Scheme of Delegation due to conflict between your Officer's recommendation for approval and the objection of Carterton Town Council on the grounds of overdevelopment of the site and concerns regarding impact on the character and appearance of the area with particular regard to the site frontage.

### **Relevant Planning History**

5.4 As noted above in Section 3, the site has previously been considered for residential development under application ref. 15/02407/OUT which sought outline consent for up to 15 dwellings. This Committee resolved to application ref. 15/02407/OUT in November 2015 subject to the signing of a S.106 legal agreement. This did not take place, and the application was finally disposed of in 2019. Therefore, no fall-back position exists in this case.

#### *Development Plan*

5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP').

5.6 Taking into account planning policy, history, other material considerations and the representations of interested parties officers are of the opinion that the key considerations for the application are:

- Principle;
- Amount and Impact upon the Character and Appearance of the Area;
- Affordable Housing/Housing Mix
- Highways/Access;
- Ecology/Trees;
- Flood Risk/Drainage/Water Supply;
- Neighbourly Amenity;
- Sustainability/Climate Change and
- Planning Obligations

5.7 Each will be considered in the following sections of this report.

#### *National Policy*

5.8 The National Planning Policy Framework 2024 ('NPPF') sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic; social; and environmental. In essence, the economic



role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.9 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.

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

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

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

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

5.12 As regards paragraph 11(d)(i), your Officers consider that the only relevant footnote 7 designation in this case is the Flood Risk Zones in the far west of the site associated with the Shill Brook. However, given the proposed development would be set well above this level (as will be fully addressed later in this report) your Officers consider that no policies in the Framework that protect areas or assets of particular importance apply that would provide a strong reason for refusal in this case.

5.13 Therefore, Paragraph 11(d)(ii) is engaged which reads:

- i. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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

5.14 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. Carterton is identified as a main service centre, which will be the focus of a 'significant proportion of new homes, jobs and supporting services'. Policy OS2 sets out that 'proposals for residential development will be considered in accordance with Policy H2'.

5.15 Policy H2 states that new dwellings may be permitted in main service centres including in the following circumstances:

- 'On previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan; and
- On undeveloped land within the built-up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.'

5.16 Your Officers consider that the site is within the built-up area, and is part previously developed given the presence of residential dwellings. Given Policy H2 is supportive of the principle of development for both developed and undeveloped sites within the built-up area of Carterton as set out above, the proposal is considered supportable in locational terms subject to demonstrating compliance with the general principles set out in Policy OS2 and other relevant plan policies listed above. The general principles considered of particular relevance in this case are that the development should:

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c) Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- d) As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- e) 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;
- f) Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- g) Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- h) Conserve and enhance the natural, historic and built environment; and
- i) Be supported by all necessary infrastructure

5.17 Assessment against the general principles, as well as other relevant policies is considered in detail below.

### **Amount and Impact upon the Character and Appearance of the Area**

5.18 Paragraph 135 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.19 As noted above, matters of appearance, landscaping, layout and scale are reserved in this case. However, having established that the principle of residential development on the site is supportable in locational terms, it is necessary to consider whether the site is capable of accommodating the quantum of development proposed whilst resulting in a suitable impact upon the character and appearance of the locality. In this regard, general principles a, b, d, e and h (listed above) are most relevant.

5.20 With regard to the existing character of the site and its surroundings, the site comprises part-previously developed land within the built-up area of Carterton. The site appears as largely self-contained and dominated by mature trees along its boundaries, with built form recessive in the streetscene. This creates a verdant and semirural character which contributes positively to the character and appearance of the area.

5.21 In terms of wider context, the eastern side of Shilton Road displays a strongly suburban character, defined by low-lying residential built form, set well back from the road but laid out in a relatively dense pattern continuing to the east. Development on the western side of Shilton Road shares a similarly low-lying appearance with large set backs, although development in depth is restricted to land to the south of the site, where development becomes increasing dense towards the town centre.

5.22 A revised proposed site plan (Drawing ref. SK034) has been submitted which shows an illustrative layout as well as revised detailed plans showing the proposed access arrangement. The revised plans detail the following elements:

- Vehicular and pedestrian access to be taken from Shilton Road at the northern extent of the eastern site boundary;
- The removal of No. 47 and retention of Nos. 49 and 49A;
- The erection of 18 dwellings comprising 2, 3 and 4 bed units with associated gardens and parking areas;
- The retention of a green buffer zone along the western portion of the site and the Shill Brook

5.23 Whilst layout is not for consideration as part of the outline application, the illustrative layout seeks to demonstrate that the site has capacity to accommodate the proposed quantum of development and the associated detailed design requirements.

5.24 The site occupies a somewhat transitional location between the more dense suburban development to the south and east, and more spacious and semi-rural edge of the town on the western side of Shilton Road. Your Officers consider that the quantum of development proposed would necessitate a density more akin to built form to the south and east than that to the north. However, the illustrative

details demonstrate that an appropriate buffer to the Shill Brook can be accommodated along with the retention of vegetation at the site frontage to ease the transition between more dense built form to the south as compared to the north. Further, it is noted that the illustrative layout shares common characteristics with that considered by this Committee in 2015, albeit likely requiring a densification of dwellings in the centre of the site, which are unlikely to be prominent in the streetscene. Your Officers therefore consider that for the purposes of the outline permission sought, the proposal has demonstrated that an appropriate form of development could be achieved that would form a logical complement to the scale and pattern of development and respect the defining features of the site in accordance with OS2 general principles a, b, d, e and h.

### **Highways/Access**

5.25 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.

5.26 All matters are reserved bar access and OCC Transport have confirmed that the proposed access would provide sufficient levels of visibility for future users.

5.27 The initial comments of OCC Transport comments noted that the initial submission did not satisfactorily demonstrate how safe and convenient access for all modes of travel (including walking, cycling, public transport and private vehicles) would be delivered. In response, the applicant has provided updated access plans and is now proposing a new footway on the western side of Shilton Road, extending from the site access to the existing western footway, this is welcomed by OCC Transport and your Officers.

5.28 It is considered by OCC Transport that both a zebra type pedestrian crossing and the bus stop shelter are necessary to ensure safe, inclusive and convenient access for pedestrians and public transport users. These facilities will be secured via legal agreement.

5.29 OCC Transport raise a number of points regarding the detailed layout and design. It is correctly noted in their response that these concerns could be addressed at reserved matters stage.

5.30 The application is therefore considered acceptable in highways and access terms.

### **Affordable Housing/Housing Mix**

5.31 Policy H3 of the Local Plan requires sites within the identified Low Zone' to provide 35% affordable housing on sites of 11 or more dwellings. The Planning Statement proposes that 35% of the dwellings are to be provided as affordable housing in accordance with requirements for low value areas set out in Policy H3. The proposal is therefore policy compliant in this regard subject to the completion of the S.106 Agreement as will be discussed in further detail below.

### **Ecology/Trees**

5.32 WOLP Policy EH3 states:

'The Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'

5.33 With regard to protected species, your Biodiversity Officer has confirmed that an impacts on great crested newts, bats or other reptiles could be adequately managed via planning conditions.

5.34 The application is also subject to statutory Biodiversity Net Gain (BNG). At time of writing, all BNG matters are considered to be resolved by your Biodiversity Officer other than the exclusion the adjacent river from the metric. This is currently being addressed and your Officers are satisfied is likely to be surmounted to enable a position recommendation to be made. Officers will provide a verbal update in this regard at the Meeting but the conditions are likely to cover the following points:

- Sensitive lighting scheme demonstrating no light spill into western retained area of site/adjacent to river
- CEMP (Construction Environmental Management Plan) consolidating method statements in EclA (section 7) for breeding birds, reptiles/GCN, 5m watercourse buffer for otter and water vole and general lighting measures
- HMMP (Habitat Management and Monitoring Plan).

### **Flood Risk/Drainage/Water Supply**

5.35 WOLP Policy EH7 relates to flood risk and states that:

"Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk".

5.36 The proposed development site is infringed upon by Flood Zones 2 and 3 on the western boundary and as such a Flood Risk Assessment has been submitted with the application. Built development and means of access/escape would be entirely located on land within Flood Risk Zone where dwellings are generally considered acceptable and the sequential and exception tests are not required. The Local Lead Flood Authority have reviewed the scheme and raised no objection subject to the imposition of a pre-commencement surface water condition. It is also noted that the Environment Agency have raised no objection.

5.37 With regard to water supply, it is noted that Thames Water have not objected to the application nor requested any planning conditions. Officers recognise objection comments received relating to foul drainage (sewerage) issues in the area. Officers are aware that this issue, however no objection has been received from Thames Water and it does not form a refusal reason.

### **Neighbourly Amenity**

5.38 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in WOLP Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.39 A detailed assessment at this stage is not possible, however, based on the indicative layout provided, officers are satisfied that the quantum of development proposed could be accommodated within the site whilst providing suitable levels of amenity for future occupiers. Further, adverse

neighbourliness impacts to adjoining properties to the north and south (such as overbearing, loss of light/outlook and overlooking) are likely to be avoided based on the indicative details provided and subject to full assessment at reserved matters stage.

## **Sustainability/Climate Change**

5.40 The application submission includes a Sustainability Standards Checklist which details that measures relating to net-zero, travel, water and waste will be included within any reserved matters submission seeking to minimise the carbon footprint of the proposed development. Given that all matters are reserved bar access, further consideration would take place at reserved matters stage.

## **Planning Obligations**

5.41 The application is recommended for approval subject to the signing of an S.106 agreement. The draft agreement would secure the following obligations:

- Affordable housing on site in accordance with Policy H3 (6 units- exact mix to be agreed with the Strategic Housing Officer).
- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works including:
  - i. Site access
  - ii. Footway extension
  - iii. Zebra type pedestrian crossing
  - iv. Bus shelter.
- OCC Education contributions as set out in initial consultation response.
- Public Open Space provision.
- BNG monitoring fee of £3,500.
- WODC Arts contribution of £2,520 towards public art as interpretation in the vicinity of the site.
- WODC Leisure Contributions towards:
  - i. Outdoor pitch provision and ancillary facilities of £35,607.96 towards enhancements and improvements to sports pitches/facilities within the catchment area.
  - ii. Artificial pitch provision of £6,118 towards the cost of a replacement or improvement to artificial pitches in the catchment area.
  - iii. Sport hall/ studio provision of £8,270 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
  - iv. Swimming pool provision of £9,976 towards the cost of an enhancement or improvement to pools in the catchment area
- NHS ICB contribution of £16,311.
- OCC Waste contribution of £1,863.

5.42 Since the initial drafting of the S.106, the Community Infrastructure Levee (CIL) has become chargeable. As such, it is expected that some of the contributions listed above will be covered by CIL and thus fall away from the S.106. A full update in this regard will be provided prior to the meeting or verbally.

## **Other Matters**

5.43 Officers note the suggested conditions requested by the Environmental Health Team with regard to noise levels to future occupiers. However, it is considered that appropriate solution would likely be achieved through compliance with Building Regulations, this is not considered a significant constraint to development.

5.44 It is also noted that a condition relating to asbestos has also been requested, this cannot be applied as again it relates to Building Control matters. This is also the case for EV chargers, which are mandatory under Building Regulations.

## **Conclusion and Planning Balance**

5.45 As set out above, the decision-making process for the determination of this application is 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.

5.46 With regard to 11(d)(i), this assessment has found that the policies in the Framework that protect areas or assets of particular importance would not provide strong reason to refuse the development and as such, the 'tilted balance' under 11(d)(ii) applies.

5.47 In this regard, your Officers consider that the proposal would accord with the provisions of the development plan and have not identified any significant adverse impacts that would conflict with either the WOLP or NPPF. In terms of the public benefits arising from the development, the provision of 18 dwellings, including 6 affordable homes, would make a meaningful contribution to meeting identified housing needs within the District in a sustainable location. This carries significant weight in favour of the proposal given the national and local policy objectives of boosting the supply of homes and delivering a mix of tenures to support inclusive and balanced communities. Furthermore, the scheme would secure measurable Biodiversity Net Gain, thereby delivering environmental benefits that align with the NPPF requirement to achieve net gains for biodiversity. Moderate positive weight is therefore applied in this regard.

5.48 As such, there are no adverse impacts that would significantly and demonstrably outweigh the public benefits arising from the erection of 18 dwellings and associated works. The application is therefore recommended for approval subject to the signing of an S.106 agreement and the imposition of biodiversity conditions as required.

## **6 CONDITIONS/REASONS FOR REFUSAL**

1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and

(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2 Details of the Appearance, Landscaping, Layout and Scale, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

4 Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not necessarily be limited to the following measures/details:

- Demonstrate that the system will manage surface water runoff in accordance with the agreed strategy and design parameters.
- Ensure a minimum of 1.0 m clearance between the base of infiltration features and the maximum recorded groundwater level.
- Include all supporting calculations, maintenance responsibilities, and exceedance flow routing; and
- Provide evidence that all SuDS features have been designed in accordance with CIRIA C753 - The SuDS Manual (2015).

The development shall be implemented in accordance with the approved details thereafter prior to first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or 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.

5 No development shall take place until a desk study has been carried out to assess the nature and extent of any contamination, whether or not it originated on site. The report on this study must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site



investigation, 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 before any development begins.

REASON: To ensure any contamination of the site is identified and appropriately remediated in accordance with West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

6 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 written confirmation 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 in accordance with West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

7 No development (including site works and demolition) shall commence until an Arboricultural Impact Assessment (AIA) which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' (or any subsequent revision of this standard) has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

8 The development shall not be commenced until details of the measures that will be incorporated into the development to accord with the principles/standards of 'Secured by Design' principles have been submitted to and approved in writing by the local planning authority.

REASON: In the interests of safety of future residents.

9 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

10 Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

REASON: To ensure all residents are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

11 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.

12 Construction and demolition works, including site clearance, ground preparation and any other noise generating activities associated with the development, shall not take place outside of the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

- Monday to Friday: 08:00-18:00
- Saturday: 08:00-13:00

No such noise generating activities shall occur at any other time including Sundays, Bank Holidays or Public Holidays.

REASON: To safeguard the amenity of neighbours during construction.

### Notes to applicant

- 1 Prior to the commencement of a development, a separate agreement(s) must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed highway works (vehicular access, new footway links, bus infrastructure and pedestrian crossing) under S278 of the Highways Act 1980. For guidance and information please contact the county's Road Agreements Team via <https://www.oxfordshire.gov.uk/cms/content/contact-road-agreements-team>
- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.
- 3 The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>.

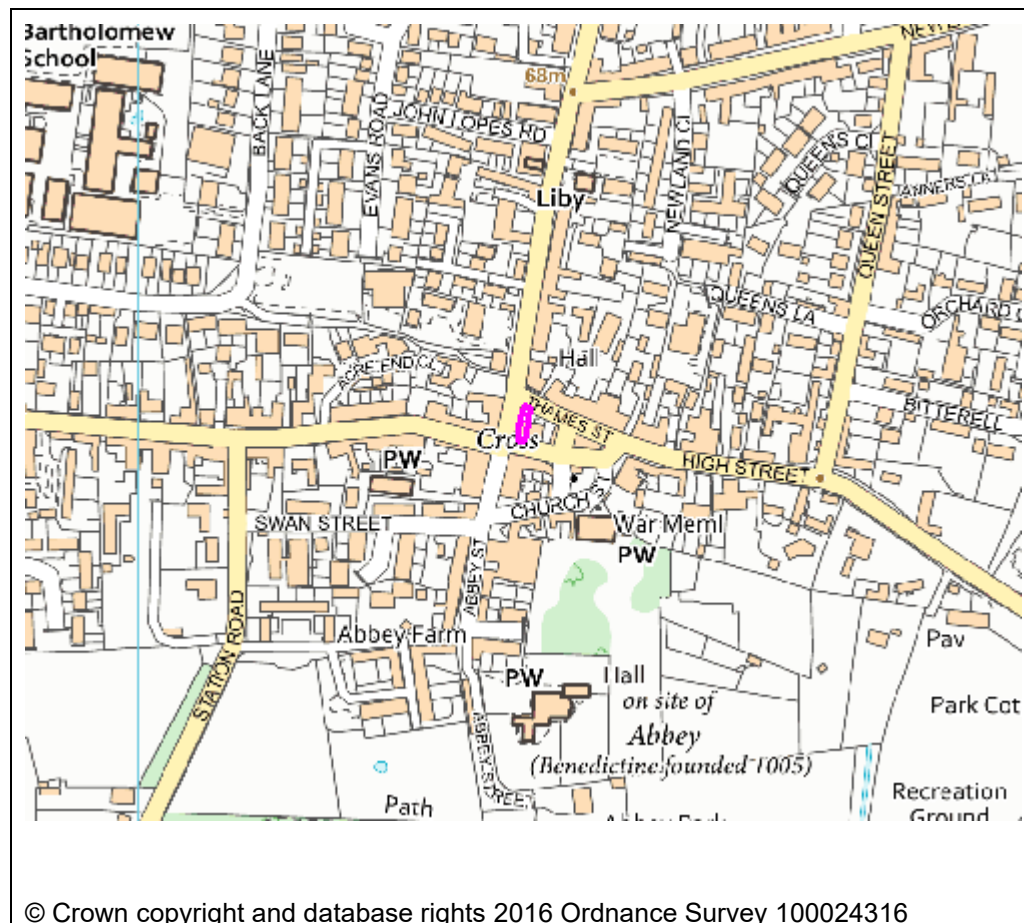
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 28th January 2026

|                         |   |
|-------------------------|---|
| Application Number      | 25/02370/FUL  |
| Site Address            | 1 High Street<br>Eynsham<br>Witney<br>Oxfordshire<br>OX29 4HA |
| Date                    | 28th January 2026   |
| Officer                 | Fern Lynch  |
| Officer Recommendations | Approve   |
| Parish                  | Eynsham Parish Council  |
| Grid Reference          | 443252 E 209287 N   |
| Committee Date          | 9th February 2026   |

### Location Map



### Application Details:

Replacement of uPVC sash window with a timber framed non opening green window (amended drawings and description)

### Applicant Details:

Mr James Rossiter  
56A Mill Street  
Eynsham  
Oxfordshire  
OX29 4JU

## **1 CONSULTATIONS**

|                                 |  |
|---------------------------------|--|
| Conservation And Design Officer | No Comment Received.   |
| Parish Council                  | Objection sustained (reconsultation).  |
| Parish Council                  | Objection raised due to proposed materials not in keeping with surroundings. |

## **2 REPRESENTATIONS**

2.1 No third party representations have been received.

## **3 APPLICANT'S CASE**

3.1 The applicant provided the following statements:

The proposal is to replace an existing ill-fitting and draughty uPVC window with one conforming to current standards. No other alterations are proposed. The building is not listed and the existing uPVC replacement window presumably replaced an earlier window without the benefit of planning permission. Pre-app advice was sought and the Conservation Officer comments were:

"If the window they are referring to is uPVC then we would have no problem with its replacement. Timber or metal is a better alternative, more befitting a historic building and more sustainable."

## **4 PLANNING POLICIES**

OS4NEW High quality design  
EH10 Conservation Areas  
EH11 Listed Buildings  
DESGUI West Oxfordshire Design Guide  
E2NEW Supporting the rural economy  
EH10 Conservation Areas  
EH12 Traditional Buildings  
EH9 Historic environment  
EH8 Environmental protection  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

5.1 The application seeks planning permission for the provision of a replacement window to the ground floor front elevation at 1 High Street, Eynsham. The application site is currently a café/deli business so does not benefit from permitted development rights.

5.2 The site is within the Eynsham Conservation Area and is also adjacent to and opposite several Listed Buildings. In addition to this the site is also covered by the Eynsham Neighbourhood Plan, policies ENV2 and ENP2 are of particular relevance and will be addressed within the report.

5.3 The application is before committee as Eynsham Parish Council have objected to the proposal. Amended plans were received to address their concerns but there is still an objection.

5.4 In considering the above, the main considerations of this application are the impact of the proposed development on the visual amenity, residential amenity and the heritage assets.

### **Siting and Design**

5.5 The application seeks consent to change an existing sash window with a six pane window in the ground floor of the front elevation of a commercial unit which historically was a residential dwelling. The scale of the window is in keeping with the surrounding form and scale of other nearby units, Although the internal use has changed from the outside the unit still has residential character. The size of the replacement window will match existing window size. The key difference is a change from UPVC sash painted white to a non-opening timber framed window with window bars painted in a shade of green that matches the existing door.

5.6 Policy ENP2 of the Eynsham Neighbourhood Plan states: 'All new development in the Parish, including streets and public areas should be of high quality in keeping with its immediate setting and character and where relevant, to the wider village and landscape context, providing a pleasant and safe place for all residents to live...Proposals for development within the conservation area or affecting its setting that do not conserve and enhance its character will not be supported. Proposals will be required to demonstrate that they are in accordance with National Policy, Policy EH10 of the WODC Local Plan and conform to the WODC Design Guide.'

5.7 Officers consider that the proposal complies with the relevant neighbourhood plan policies along with Policy OS2 of the West Oxfordshire Local Plan 2031 which states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality, as well as form a logical complement to the existing scale and pattern of development and/or the character of the area.

5.8 The Parish Council objected to the original proposal which consisted of a metal framed single pane window (no window bars) that would have been finished in an anthracite grey colour. Officers negotiated alterations to the scheme creating a more in keeping design consistent with window styles found in the immediate local street scene. Further specifications and justifications have since been received. Although the replacement window will be non opening, this is not necessary under building regulations as it is adjacent to the front door and the room also has other opening windows which will aid ventilation.

5.9 The proposal will be visible on the street scene, however given the provision of windows to match existing character of windows in the immediate street scene, and the context of the immediate setting which is on a narrow road, often with cars parked in front of it so it is not prominent in views, officers consider it would not give rise to any adverse impacts with regard to visual amenity and consequently is considered to be in line with local plan policy OS2, the neighbourhood plan and the West Oxfordshire Design Guide.

## **Neighbouring Amenity**

5.10 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4 and the West Oxfordshire Design Guide.

5.11 Given the modest installation and siting of the proposal, officers are of the opinion that the development would not give rise to any adverse impacts in regards to neighbouring amenity in terms of overlooking, overbearing or loss of light.

## **Listed Building**

5.12 Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard for the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.

5.13 With regard to the impact on the setting of the adjacent listed buildings, the proposed replacement window is not considered to obscure the historical architecture of the existing listed buildings nearby. The proposal would see a minor alterations to the front facade of an unlisted building which is replacing an opening of the same size. Officers consider that the proposed replacement window would still be in keeping with the existing property and the character of adjacent heritage assets, thus preventing any detrimental impact on the adjacent listed buildings. The proposed development would maintain the setting of the heritage asset given the nature of what is proposed and its location.

## **Conservation Area**

5.14 Within a Conservation Area, Officers are required to take into account 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 the consideration of the application. In this regard, the proposal will be in keeping with the existing street scene and will use appropriate materials and therefore would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

## **Conclusion**

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

## **6 CONDITIONS/REASONS FOR REFUSAL**

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 All new external joinery shall painted or stained in the colour green as detailed within the submitted plans within 3 months of installation and shall be retained as such thereafter.

REASON: In the interests of visual amenity

### **Notes to applicant**

- 1 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.
- 2 This proposal is exempt from C.I.L.

**Contact Officer:** Fern Lynch

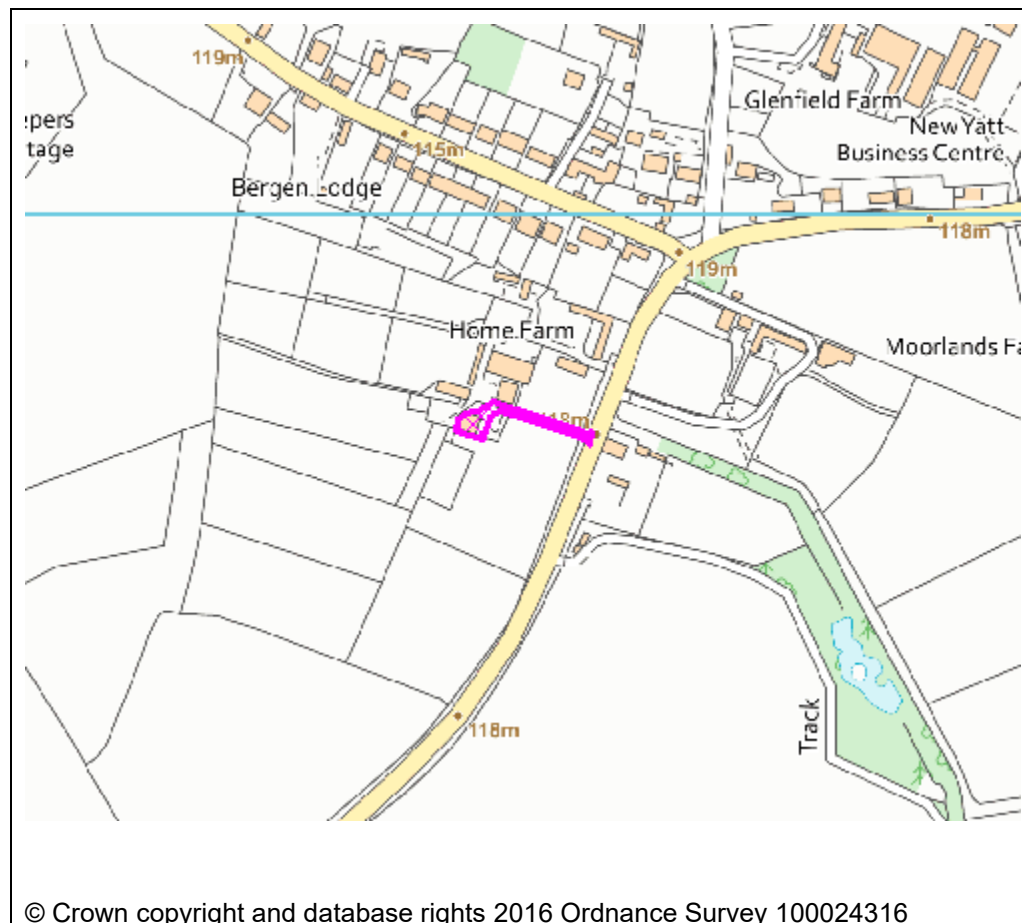
**Telephone Number:**

**Date:** 28th January 2026



|                         |   |
|-------------------------|---|
| Application Number      | 25/02600/FUL  |
| Site Address            | The Paddocks<br>New Yatt<br>Witney<br>Oxfordshire<br>OX29 6TE |
| Date                    | 28th January 2026   |
| Officer                 | Clare Anscombe  |
| Officer Recommendations | Refuse  |
| Parish                  | Hailey Parish Council   |
| Grid Reference          | 437453 E 212902 N   |
| Committee Date          | 9th February 2026   |

### Location Map



### Application Details:

Conversion of existing workshop building (B2 use) into a single dwelling together with associated ancillary development works.

### Applicant Details:

Mr And Mrs P And R Conlon  
Staddle Stones  
Beech Grove  
Fulbrook  
Oxfordshire  
OX18 4DE

## I CONSULTATIONS

Newt Officer

The applicant has provided a Precautionary Working Methods Statement within their Ecological Assessment Report (Cotswold Environmental, September 2025), this is deemed suitable for the proposed development and should be secured via condition if you are minded to approve the application.

Env Health Contamination

I note that the building proposed for conversion under this application has been previously used for road vehicle repair. It's likely that this activity will have left some legacy of ground contamination. Therefore, although I have no objections in principle to the application, the following condition is recommended so as to ensure that the land is suitable for the proposed use:-

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report 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 before any development begins

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 written confirmation that all works were completed in accordance with the agreed details, including relevant supporting evidence.

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 District Council Local Planning

|                                 |   |
|---------------------------------|---|
|                                 | Policy EH8 and Section 15 of the NPPF.  |
| Thames Water                    | No Comment Received.  |
| Parish Council                  | Supports subject to covered cycle parking, mitigation and enhancement measures in the ecological appraisal and bat survey report, and implementation of rainwater harvesting measures.  |
| OCC Highways                    | No objection, subject to condition.   |
| Env Health Noise And Amenity    | No adverse comment from a noise perspective   |
| Conservation And Design Officer | No Comment Received.  |
| District Ecologist              | In accordance with Regulation 55 of the CHSR 2017 (often referred to as the "three tests"), the case officer must be satisfied that there are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" and that there is "no satisfactory alternative" to the action authorised. |
|                                 | No objection, subject to conditions and informative.  |

## 2 REPRESENTATIONS

2.1 No third party representations have been received.

## 3 APPLICANT'S CASE

3.1 In summary, the applicant has submitted a planning statement which makes the following points:

- The application proposal represents a carefully considered scheme which, through the deployment of good design principles, will deliver a high standard of design.
- The site lies towards the edge of the settlement, but within an existing cluster of development in a location where Local Plan policies support new residential development in certain specified circumstances (which this proposal meets).
- There is a clear and demonstrable need for additional housing locally, given the significant affordability issues and historically poor delivery rates across the District, which have resulted in consistent undersupply of new homes compared to the adopted Local Plan's trajectory. Furthermore, the Hailey Neighbourhood Plan identifies clear housing priorities for the locality, which this proposal addresses.
- This application represents a small-scale windfall site that can be quickly developed by an SME developer. In line with the principles of sustainable development, the proposal makes effective (re)use of an existing building and available land and will make a small but positive contribution towards boosting the supply of housing available in the area.

- The site is in a reasonably sustainable location, benefiting from services/facilities in adjacent Hailey, as well as a much greater range available in nearby Witney, one of the district's three 'Main Service Centres'. Employing a simple palette of high-quality cladding materials, the proposed appearance will be complementary to the wider character of this part of the village, taking into account existing (and approved) neighbouring development.

- The current proposal accords fully with all relevant policy criteria and will not generate adverse impacts that would significantly and demonstrably outweigh the benefits of approving the application. Therefore, in line with NPPF and Local Plan policy, planning permission should accordingly be granted.

#### **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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

E1NEW Land for employment

H4NEW Type and mix of new homes

E3NEW Reuse of non residential buildings

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

WIT6NE Witney sub-area strategy

DESGUI West Oxfordshire Design Guide

HAILNP Hailey Neighbourhood Plan

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

#### **5 PLANNING ASSESSMENT**

5.1 This application relates to an existing single-storey, general industrial building located towards the south of New Yatt within a cluster of buildings that comprise 'The Paddocks,' which have a range of different uses, set around a yard. To the south of the site is a manage used for commercial equestrian use. The site lies in the Hailey Neighbourhood Plan Area.

5.2 The proposed development is for the 'Conversion of existing workshop building (B2 use) into a single dwelling together with associated ancillary development works.'

5.3 The application is before members because the view of the Parish Council is clearly contrary to the Planning Officer's.

5.4 Relevant planning history is as follows:

*24/00588/CLE - Certificate of Lawfulness in respect of the use of a building for B2 general industrial use and the use of land and buildings for mixed agricultural, commercial equestrian and B2 uses with associated operational development (amended). Approved.*

5.5 This certificate of lawfulness permitted the building the subject of this pending application to be used for B2 use and the access road for B2, commercial equestrian and agriculture. Land to the west was permitted to be used for B2, commercial equestrian use. Buildings to the north of the site were permitted to be used for B2, commercial equestrian and agriculture, and commercial equestrian use.

*24/02208/PN56 - Conversion of existing agricultural building into dwelling house. Approved.*

The building to the north-west of the application site is permitted to be used as a dwelling under application ref. 24/02208/PN56.

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

- Principle/ Compliance with the Development Plan
- National Policy
- Conclusions on the principle of development;
- Accessibility/highways issues;
- Layout, form and design;
- Loss of employment;
- Impact on residential amenity;
- Impact on flood risk; and
- Impact on ecology and biodiversity
- The Overall Benefits of the development;
- The Paragraph 11(d)(ii) "Tilted Balance"

### **Principle/ Compliance with The Development Plan**

5.7 The adopted West Oxfordshire Local Plan (WOLP) identifies New Yatt as falling within the 'small villages, hamlets and open countryside' category of the Settlement Hierarchy. Policy H2 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in certain circumstances, including the following of relevance to the current proposal (which would not represent the optimal viable use of a heritage asset or appropriate enabling development to secure the future of a heritage asset; would not represent residential development of exceptional quality or innovative design; would not provide accommodation for travelling communities; would not be ancillary to any existing dwellings; would not replace any existing dwelling; and is not allocated for housing within an adopted neighbourhood plan):

- Where there is an essential operational or other specific local need that cannot be met in any other way; or
- re-use of an appropriate existing building which would lead to an enhancement of its immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

5.8 In terms of whether the proposed development would meet an essential operational or other specific local need that cannot be met in any other way, Officers are not convinced that there is a requirement for the applicant to live on site to meet an essential operational need. The applicant has claimed that there is a requirement for the applicant to live on site to help support their daughter who runs the commercial equestrian business on the wider site with benefits to animal welfare, security, and improving the operation of the established equestrian business by having somebody present at the site 24/7. However, from the information submitted, Officers are not convinced that there is a clear operational need for the applicants to be on site to support the commercial equestrian business. The scheme proposes specialist housing for elderly persons which has been designed to meet M4(2) accessible and adaptable dwellings building regulations requirements and the need for smaller dwellings for the elderly is identified as a need in the Hailey NP. The application does not explain why the building cannot be re-used for recreational, community use, tourist accommodation or visitor facilities.

5.9 It is argued that the proposal would meet criterion one of H2 as it meets a specific local need. However, this criterion is clear that to be supported, that need cannot be met in any other way and information in this regard has not been provided. Your Officers consider that this concern is particularly applicable where housing for older persons is proposed as older persons would be more likely to struggle to access village services in Hailey without reliance on private cars and thus to genuinely meet this need, your Officers would expect such accommodation to be better related to services in the Parish. Further, H2 also requires accordance with the general principles set out in policy OS2. That will be assessed further in this report.

5.10 In terms of the principle of the conversion of the building, Policy E3 of the WOLP supports the re-use of non-residential, non-traditional buildings for employment, tourism and community uses within or adjoining Service Centres or Villages, or where it forms part of an agricultural holding and the proposal is part of a farm diversification scheme under policy E2 or where re-use would address a specific local need which cannot be met in an alternative way. This is provided that the general character and form of the building is not harmful to its surroundings and the scale and type of use is suitable to its location and will not result in excessive alteration(s) or extension(s) to the host building.

5.11 The scheme is not farm diversification and whilst Officers consider that the proposed alterations would be minimal and therefore would not result in excessive alterations, there are very limited local services and facilities within New Yatt. Further, the site is some distance from the centre of the nearest village of North Leigh where most of the limited local services and facilities are concentrated. Access to North Leigh on bicycle or foot from the site would be along an unlit public right of way and/or an unlit section of road where there is no pavement. The outskirts of Witney are also some distance to the south along a narrow unlit country lane where traffic speeds are high; and the centre of Witney is approximately 4.0km from the site. Therefore, Officers consider that the proposed development would not be provided with safe and convenient pedestrian access to local services and amenities, and it is likely that this would discourage trips by foot or bicycle (particularly during hours of darkness and in poor weather conditions) and that trips from the site would be likely to be made predominantly by car. For similar reasons, and variable ground conditions, public footpaths would also not be reliable routes either. This would particularly be the case for families with young children, older people or those with mobility issues. The application states that home-working opportunities would be encouraged through the provision of superfast broadband. However, for the above reasons, access to shops and other day-to-day facilities would still be likely to be made predominantly by car. Given the proposed use for older person(s), who may be less mobile, this is of concern. Therefore, the location is not considered to be sustainable for the residential use proposed and is therefore inappropriate to its location contrary to policies H2 and E3 of the WOLP.

5.12 The unsustainability of this part of New Yatt was highlighted in a recent appeal (ref. APP/D3125/W/25/3369835) for one new dwelling close to the site at 'Land to the south of Heath Holm' where the Inspector considered that the location of the proposed development would be unsustainable.

#### *National Policy*

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

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

- i. the application of policies in this 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 this 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.

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

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.

- Paragraph 78 inter alia re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.16 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 development**

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

5.18 In respect of bullet point i), detailed above, there are no specific policies in the framework that protect areas or assets of particular importance that provide a strong reason for refusing the development.

5.19 Notwithstanding this, whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits (paragraph 11dii) is considered below.

### **Accessibility/Highway Issues**

5.20 The site is to be accessed from New Yatt Road. Two car parking spaces are proposed.

5.21 The Highways Officer has not raised an objection to the proposal, subject to a condition securing car parking as per the plan. Therefore, subject to condition, the proposed development would not have a significant detrimental impact (in terms of highway safety) on the adjacent highway network and the proposal is acceptable on highway safety grounds.

5.22 In terms of accessibility, policy T1 of the WOLP gives priority 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 cycling, walking and the use of public transport. At the crux of the NPPF is a golden thread of sustainable development (paragraph 7). This includes ensuring that appropriate opportunities to promote sustainable transport modes can be taken up (paragraph 110).

5.23 For the reasons outlined above, Officers do not consider that the proposed development would be provided with safe and convenient pedestrian access to local services and amenities, and it is likely that this would discourage trips by foot or bicycle (particularly during hours of darkness and in poor weather conditions) and that trips from the site would be likely to be made predominantly by car. Therefore, the location is not considered to be sustainable for the residential use proposed and is therefore inappropriate to its location contrary to policies OS2, OS3, H2, T1, T3 and E3 of the WOLP.

### **Layout, Form and Design**



5.24 The layout/scale and siting of the existing building will remain the same. External amenity space is provided to the eastern side of the building with two parking spaces. The building is to be clad with vertical and horizontal timber cladding, with a natural weathered finish. The base of the structure will be clad with red multi-brickwork slips (up to dpc level), as will the existing external rendered piers. The roof material will be slim profile zinc cladding. The position of proposed fenestration reflects the existing window openings in the building, albeit some are proposed to be enlarged by lowering the cill levels. The windows and doors will be aluminium (anthracite coloured) double glazed units with solar control coating. Six slim-profiled rooflights are proposed in the roof, to enhance internal light levels. Overall, Officers consider that the design is acceptable, subject to conditions securing material samples, boundary treatment details, and window and door detailing.

### **Loss of Employment**

5.25 Policy EI of the WOLP states that non-employment floorspace 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.

5.26 The application argues that the existing use of the building is non-conformist, particularly given the surrounding agricultural, equestrian and residential uses. Further, it states that the building is unsuitable for reuse as offices or other employment uses because it has no amenities, lacks sufficient heating and ventilation or adequate fire safety features, and that the proposal is an opportunity to address any potential historic contamination issues. Further, the application states that the proposals will not result in the loss of an active employment site because the site has not been used for any full-time jobs since 2013/14 and that the removal of the existing use will deliver amenity benefits to neighbouring residential properties. Therefore, the application claims that the site is unsuitable on amenity grounds for employment use.

5.27 However, Officers consider that the building is in employment use because of the lawful development certificate which was granted, and that the loss of employment is unjustified because Officers are not convinced that the site is not reasonably capable of being re-used or redeveloped for employment purposes. This is because if the extent of work to convert the building to a dwelling is going to be carried out then from a practical point of view, it must be possible to carry out the relatively minor works by comparison to make the property suitable for industrial use. Further, the recently permitted dwelling which is adjacent to the site is to be converted with noise mitigation features, as required by the permission, and so any noise impact of the existing use on that dwelling should be limited and acceptable. It has not been demonstrated that the site access is unsuitable for use by other vehicles that may be associated with other employment uses, such as an office. As such, Officers are also not convinced that the site is unsuitable, and could not be made suitable on amenity or environmental grounds, for employment uses. In addition, no robust marketing evidence has been submitted to demonstrate that the site is unviable for employment use. Therefore, Officers consider that the

justification for the loss of the existing employment use is inadequate and unconvincing, and so the proposal is contrary to policy EI of the adopted WOLP.

### **Impact on residential amenity**

5.28 In terms of impact on the amenity of future occupants, the building meets the Government's minimum internal space standards requirements, and it is considered that sufficient indoor and outdoor amenity space is provided. Bin storage is to be provided at the entrance to the site. The Council's EHO (Noise & Amenities) has no objection to the scheme. Due to the oblique relationship and separation distance between the proposed dwelling and recently permitted dwelling under Class Q, it is considered that the proposal would have an acceptable impact on the amenity of neighbouring residents. Conditions can be proposed to limit potential land contamination. Therefore, subject to conditions, the proposed development is unlikely to harm the amenity of future occupants and neighbouring residents.

### **Impact on flood risk**

5.29 The site lies in floodzone 1 according to the Environment Agency's flood maps for planning and surface water is proposed to be disposed of via sustainable drainage system and foul sewage via mains sewer using the existing drainage system for the adjacent farrowing shed. There should be no increased risk of surface water flooding because of the nature of the proposed works. Thames Water have been consulted but no comments have been received. Therefore, it is considered that the proposed development would not be at risk of flooding and is unlikely to increase flood risk elsewhere in accordance with policies OS2 and EH7 of the adopted WOLP.

### **Impact on ecology and biodiversity**

5.30 In terms of impact on ecology, the proposal would result in the loss of two day roosts for bats which are located underneath the bargeboard on the northeast elevation of the building. In accordance with Regulation 55 of the CHSR 2017 (often referred to as the "three tests"), the case officer must be satisfied that there are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" and that there is "no satisfactory alternative" to the action authorised.

5.31 Regarding the first and second test, Officers are not convinced that there are imperative reasons of overriding public interest to justify the loss of the bat roosts when it has not been demonstrated that the additional dwelling cannot be met in any other way. Further, it has not been demonstrated why works to the roof are necessary and why the removal of the roosts is therefore necessary to convert the building. Therefore, Officers are also not convinced that 'there is no satisfactory alternative' to the removal of the roosts. Therefore, Officers do not consider that the proposal is likely to meet the three tests and would not be sufficient for a licence to be obtained from Natural England. Therefore, the proposal fails to conserve and enhance biodiversity contrary to policy EH3 of the WOLP and the NPPF 2024.

5.32 There are no other objections from the Newt and Biodiversity Officer, subject to conditions and informatives.

### **The Overall Benefits of the Development and Planning Balance**

5.33 In terms of the proposed use, officers consider that the main benefit of the proposed development would be to deliver an additional dwelling at a time when the Council's current five-year housing land

supply position is in shortfall. However, given that only one dwelling is proposed, limited weight at most is attached to this benefit.

5.34 Other benefits claimed for by the applicant include the effective re-use of an existing building in an area where there are identified local needs and where land supply is constrained, visual improvements to the setting, the sustainability credentials of the proposed design, help to support the vitality of the community at New Yatt, addressing a local housing need, supporting the viability and vitality of other nearby settlements, the redevelopment of a small site which can be built out relatively quickly, as well as economic/employment and environmental benefits such as the biodiversity enhancements included within the PEA. As the proposal would not offer a genuine choice of transport or prioritise sustainable transport modes, it is not clear to what extent the proposal would enhance or maintain the vitality of the nearby community. Officers acknowledge that the proposal would enhance the immediate setting of the site and re-use a disused building. Therefore, cumulatively, Officers consider that these benefits should attract limited to modest weight.

5.35 These benefits must be weighed against the adverse impacts of the proposal, which are identified above. Weight should be afforded to policies of the development plan according to their degree of consistency with the NPPF. In this regard, the NPPF seeks rural housing to be located where it will enhance or maintain the vitality of rural communities. Further, it seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised. In addition, it seeks to conserve and enhance the natural environment and support the rural economy by enabling the sustainable growth of business in rural areas. Therefore, Officers are of the view that the adverse impacts from locating a dwelling in an unsustainable location and impacts to biodiversity, identified above, should attract at least considerable weight.

## **Recommendation**

5.36 In conclusion, taking into account planning policy, other material considerations and the comments of interested parties, the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits and so the application is recommended for refusal.

## **6 CONDITIONS/REASONS FOR REFUSAL**

I The proposed development would not represent sustainable development given the very limited range of services and facilities within New Yatt. The provision of a new dwelling on the site would lead to a clear policy breach of the spatial strategy and the proposed development would fail to conserve and enhance biodiversity. The justification for the loss of the existing employment use is inadequate and unconvincing. The adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits associated with the provision of the new dwelling towards the overall housing land supply. The proposal is therefore contrary to Sections 2, 6, 9 and 15 of the National Planning Policy Framework 2024, policies OS2, OS3, H1, H2, T1, T3, E1, E3, EH3 and WIT6 of the West Oxfordshire Local Plan 2031 and policy H1 of the Hailey Neighbourhood Plan 2019.

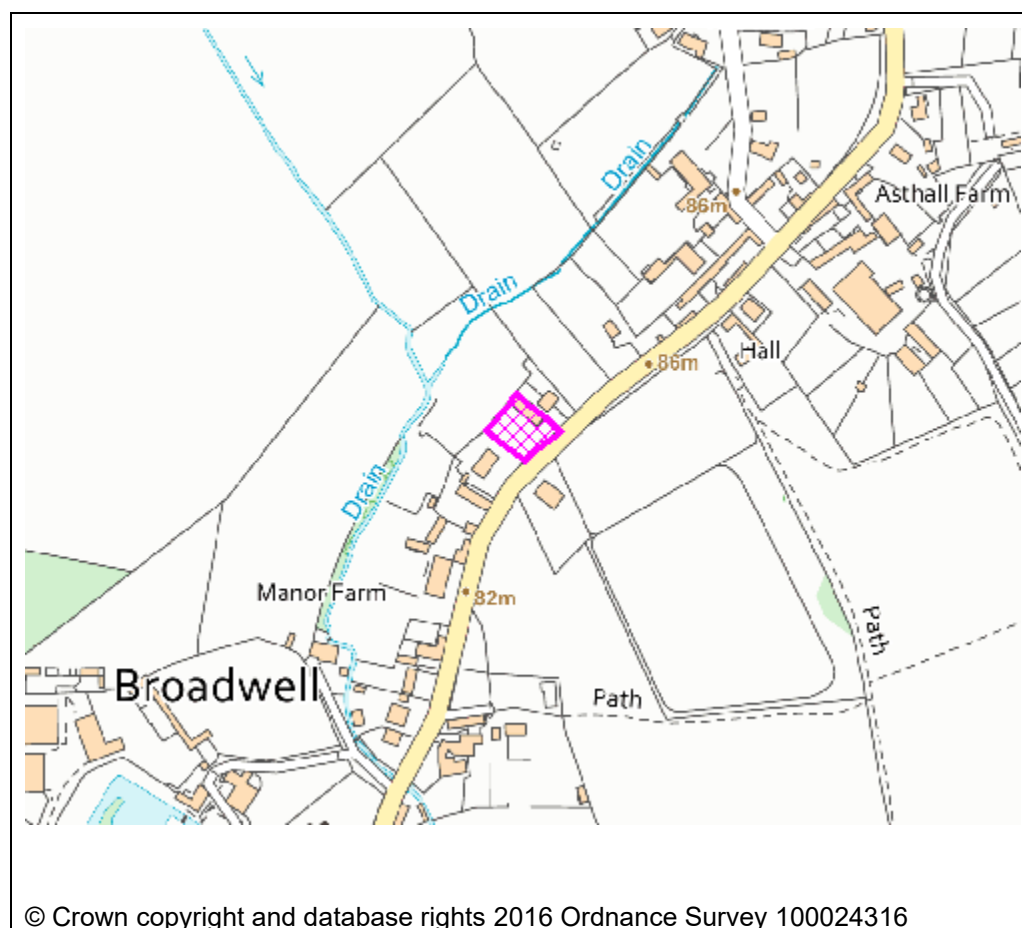
**Contact Officer:** Clare Anscombe

**Telephone Number:**

**Date:** 28th January 2026

|                         |  |
|-------------------------|--|
| Application Number      | 25/02578/FUL   |
| Site Address            | Land Adjacent To Kencott Cottages<br>Kencot<br>Oxfordshire |
| Date                    | 28th January 2026  |
| Officer                 | James Nelson   |
| Officer Recommendations | Refuse   |
| Parish                  | Kencot Parish Council                                      |
| Grid Reference          | 425361 E 204448 N  |
| Committee Date          | 9th February 2026  |

### Location Map



### Application Details:

Erection of a detached two-storey self-build dwelling with access, parking, amenity space and associated works.

### Applicant Details:

Mr And Mrs P Monk

C/O Agent

## I CONSULTATIONS

Parish Council

Comments in support

A Parish Village meeting was held with the applicants, Mr & Mrs Monk, at very short notice which 8 attended and 4 others sent in comments. All were in favour of a house being built in the position described on the plans but a number were concerned that the external finishes were not in keeping with the surrounding properties, lack of Cotswold stone. Mr & Mrs Monk said that that they were happy to make changes to the cladding and stone if required. I have also spoken to a number of other people in the village who were all in favour of this application.

Thames Water

No Comment Received.

Env Health Contamination

No objection.

OCC Highways

No objection subject to conditions.

Conservation And Design Officer

Objection

In the CA appraisal, the site isn't obviously identified as an important gap, or a place where there are important views out from the road. But nonetheless, in my visit this morning I felt that the gap made a very significant contribution to the loosely developed, highly rural feel of the settlement. So, infilling here isn't eminently supportable, in my view. If they were proposing to remove the barn (which is a part-stone and part-modern steel concoction) and set the building towards the north of the site, it might better preserve the current character, but I might well remain uneasy.

With respect to the current design, I note that it presents a somewhat blocky, rectilinear elevation to the road - also somewhat fussy, with busy fenestration. And I think that we need a street elevation showing the buildings to north and south to be able to judge it.

District Ecologist

No objection subject to conditions.

WODC Drainage

No objection subject to conditions.

## 2 REPRESENTATIONS

2.1 The application has attracted four comments from. All support the principle of development but one comment is classified as neutral as it raises concerns over the design and appearance of the dwelling. The following other points are raised in support comments:

- Design would be of high quality and would be in keeping with the Conservation Area; and
- Two parties raise support for the principle of development and siting but note that the architectural detailing would be somewhat at odds with its context

2.2 Matters of design and impact upon the character and appearance of the area are considered in the Planning Assessment.

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

3.1 The application is supported by a Planning, Heritage, Design and Access Statement ('PHDAS'). The full document is available to view on the Council's website and the main points are summarised below.

3.2 'The application seeks full planning permission for the erection of a detached two-storey self-build dwelling with access, parking and amenity space. As shown on the site plan, the proposed dwelling would be set-back, on average, 9.0m from the front (south-east) boundary of the site and would have an 'L-shaped' plan form with the flank elevations positioned approximately 10.8m and 6.7m from the north-east and south-west site boundaries respectively.

3.3 The main part of the dwelling would extend through the site on a north-east to south-west axis and, to the front (south-east) elevation would be finished with a mixture of Cotswold stone and vertical timber cladding, all under a pitched, grey tiled/slate-like roof to a ridge height of approximately 8.8m and with ridge line running parallel to the road. A single and two-storey projection is proposed from the right-hand side of the rear elevation, the former finished with a flat roof that would act as a balcony/terrace to the first-floor bedroom. The rear projection would be finished with a pitched grey tiled/slate-like roof, the ridge line of which would extend perpendicular to, but lower than, the main ridge line. The side and rear elevations would be finished with a combination of off-white/stone coloured render and vertical timber cladding, the latter contained to the first-floor rear elevation. The proposed dwelling - designed specifically for Mr and Mrs Monk - would provide a range of living accommodation at ground floor level (including an office/bedroom) with three further bedrooms with bathroom facilities at first floor level.

3.4 The Council accept that a five-year supply of deliverable housing land cannot currently be demonstrated. As such, the housing land supply policies of the Development Plan are deemed to be out-of-date and the tilted planning balance, as set out in paragraph 11(d) of the Framework, is engaged. This sets out that there is a presumption in favour of granting planning permission for sustainable development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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'.

3.5 In addition to the housing land supply position, the Statement details that the Council have not met statutory requirements for the delivery of an equivalent number of permissioned self/custom-build plots for the number of registrations. The proposal is for a self-build plot, with the applicants registered on the Council's (Part 2) register for such. That being the case, the provision of a self-build plot for persons on the Council's register is a matter that also attracts substantial positive weight in the overall planning balance.

3.6 Notwithstanding the fact that the spatial housing policies of the adopted Local Plan are deemed to be out-of-date by reason of the sub five-year housing land supply position, the significant positive weight to be attributed to the above noted factors (addressing housing land supply and self/custom-build) combined with the fact that, in locational terms, the proposals are consistent with the Framework, is such that the principle of the proposed development is considered to be acceptable.

3.7 In addition, the Statement details/demonstrates:

- That in terms of matters of siting, layout, scale and design the proposals would preserve the significance of the special character and appearance of the Kencot Conservation Area, and the area more generally;
- That there would be no adverse impact on neighbouring residential amenity;
- That an appropriate and high-quality living environment would be created;
- There are no flood risks constraints or limitations to the proposed development;
- That the development would be served by a suitable, safe and convenient access, with sufficient parking and turning provided; and
- That there are no ecological constraints to the proposed development

3.8 Given such, and recognising that there is a presumption in favour of granting planning permission by reason of the fact that the 'tilted planning balance' is engaged<sup>10</sup> - with substantial positive weight to also be given to the delivery of a self-build property for applicants on the Council's register - it is considered that planning permission should be granted for the proposed development.'

## **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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H5NEW Custom and self build housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH16 Non designated heritage assets

CA5 Carterton sub-area strategy

DESGUI West Oxfordshire Design Guide

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



## **5 PLANNING ASSESSMENT**

5.1 The application seeks planning permission for the erection of a detached two-storey self-build dwelling with access, parking, amenity space and associated works at Land Adjacent to Kencott Cottages, Kencot.

5.2 The application site comprises an undeveloped area of paddock and modest, open-fronted agricultural building adjacent to the main thoroughfare running through the village. The site is bounded by characterful stone walls and benefits from access via a field gate.

5.3 The site is situated within the Kencot Conservation Area ('CA') and is located approximately 80m to the north of the grade II listed Manor Farmhouse. There are a number of locally listed buildings in close proximity including Kencot Cottages, Shillbrook House and De Rougemont.

5.4 The application is brought before this Committee due to conflict between your Officer's recommendation and the position of the Kencot Parish Council and was deferred at the January meeting to enable a committee site visit.

### **Relevant Planning History**

5.5 In March 2021 application ref. 21/01063/FUL was submitted seeking consent for the conversion of the existing barn on the site to form three multi-use units with associated works. That application was withdrawn, prior to determination, in June 2021.

5.6 In October 2021, an application was made under Class R of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 for a material change in the use of the land from an agricultural barn to an office. Officers advised at the time that as the development related to less than 150 sqm of floorspace, no prior approval was required and that the onus was on the applicant to comply with Class R and for formal confirmation that the proposal was lawful, a lawful development application should be made. There is no record that such an application was made and Officers observations on site indicate that the site remains in agricultural use. As such, Officers do not consider that any meaningful fall-back position exists in this case.

### *Development Plan*

5.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP').

### *National Policy*

5.8 The National Planning Policy Framework 2024 ('NPPF') sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic; social; and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to

protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.9 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.

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

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

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

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

5.12 Taking into account planning policy, history, other material considerations and the representations of interested parties officers are of the opinion that the key considerations for the application are:

- Principle
- Siting, Scale and Appearance
- Impact upon Heritage Assets
- Neighbourly Amenity
- Highways Impacts
- Ecology
- Drainage/Flood Risk

5.13 Each will be considered in the following sections of this report.

## **Principle**

5.14 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. It takes a hierarchical approach as set out in table 4b, which differentiates between main service centres, rural service centres, villages and finally, small villages, hamlets and open countryside which are defined as 'all other villages and settlements not listed above plus open countryside'. Kencot is not listed in table 4b and as such, falls within this latter category.

5.15 Policy OS2 also contains a set of general principles with which new development should comply including that proposals should:

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

5.16 Policy OS2 goes on to state that:

'Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2.'

5.17 Policy H2 sets out that:

'New dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the following circumstances:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design;

- new accommodation proposed in accordance with policies specifically for travelling communities;
- accommodation which will remain ancillary to existing dwellings;
- replacement dwellings on a one for one basis;
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met; and
- on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.'

5.18 As the proposal seeks consent for a custom build dwelling, WOLP Policy H5 is also relevant to the principle of development. H5 outlines that:

'Proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan including Policies OS2 and H2'.

5.19 Policy CA5 reinforces the spatial strategy of the WOLP with regard to the Carterton sub-area and states:

'The focus of new housing, supporting facilities and additional employment opportunities will be Carterton. New development in the rest of the subarea will be limited to meeting local community and business needs and will be steered towards the rural service centre and larger villages.'

5.20 Officers consider that the spatial strategy as set out in the WOLP remains consistent with the NPPF which expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Officers note that the 'elevated' policies of the NPPF with regard to the Paragraph 11dii balance as set out at footnote 9 (see for example NPPF Paras. 110, 115 and 129) evidence the consistency of the spatial strategy of the WOLP and the NPPF with regard to development in the small villages, hamlets and open countryside. In this context, officers note that Kencot is served by a very limited range of services with infrequent bus connections to larger towns such as Carterton and future occupiers of the proposed dwelling would be highly reliant on private car travel to meet their daily needs.

5.21 Officers consider that the application has not provided evidence to indicate that any of the circumstances set out in Policy H2 apply in this case. This is confirmed in the submitted Planning, Heritage and Design and Access Statement which confirms that the proposal 'would be in conflict with Policy H2 of the adopted Local Plan'. The proposed residential use of the site therefore conflicts with the strategic policies in the WOLP and aims of the NPPF with regard to the sustainability of new residential development. Notwithstanding this 'in principle' objection, it may be the case that material considerations could overcome this conflict. As such, a further assessment is completed below including against the general principles of OS2 as set out above and all other relevant policies, legislation and guidance.

### **Siting, Scale and Appearance**

5.22 WOLP Policy OS4 states 'high design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality, contribute

to local distinctiveness and, where possible, enhance the character and quality of the surroundings'. Officers also acknowledge the general principles of OS2 with regard to design.

5.23 Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131). Paragraph 135 is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Paragraph 139 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.

5.24 The proposed dwelling would be sited forward in the site between 7-10m back from the south eastern boundary and have a footprint of 116sqm. The existing building would be retained in situ with a parking and turning area adjacent to the access. In terms of scale and massing, the dwelling would be two-storey reaching a ridge height of 8.9m with eaves set at 5.2m. The building would be formed of a main block fronting the road with a façade running 13.5m and a set down rear projecting gable. A variety of materials would be employed including Cotswold stone, vertical timber cladding and render under a grey tiled roof with timber window frames. The impact of the proposal upon the character and appearance of the area, with particular regard to the CA and whether the proposed development would preserve the setting of the nearby Grade II listed building is fully considered in the following section.

### **Impact upon Heritage Assets**

5.25 Given the application site lies within the CA, 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.

5.26 As the proposed development would lie in relatively close proximity to the listed Manor Farmhouse, officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.

5.27 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 213). Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use. Officers also note the provisions Policies EH9 and EH16 and NPPF paragraph 216 regarding the approach to be taken when assessing the effect of a proposal on the significance of non-designated heritage assets (the above identified locally listed buildings). WOLP Policies OS4, EH9, EH10, EH11, EH13 and EH16 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

### *Main elements contributing to the character and appearance of the CA*

5.28 The significance of the CA is charted in the Kencot Conservation Area Character Appraisal ('the appraisal'), which is a material planning consideration in this assessment. The appraisal outlines that the heritage significance of the CA derives primarily from its collection of vernacular limestone buildings and listed structures which result in a notable sense of harmony in its built form. In addition, the historic significance of Kencot is closely linked to its distinctive and enduring settlement pattern, which whilst appearing as broadly linear, displays a polyfocal form comprising four distinct clusters with important areas of open land ensuring the legibility of the historic settlement pattern. This scattered arrangement, punctuated by open fields, mature trees, and drystone walls, underscores the agricultural origins of the settlement and its gradual, organic growth. Kencot's settlement pattern has remained largely unchanged since the 19th century, with minimal infill during the 20th century. This continuity preserves the historic character of the village and contributes to its special interest.

### *Contribution of the application site to the character and appearance of the CA*

5.29 The application site is situated in a prominent location adjacent to the road through the CA and includes locally characteristic boundary walling that is identified in the appraisal. The application site is not expressly identified in the appraisal but officers have regard to the advice of the Council's Conservation and Design Officer who states that the gap in the settlement pattern formed by the site makes a very significant contribution to the loosely developed, highly rural feel of the settlement. The undeveloped rural character of the site and recessive position and massing of the existing building allow views out of the settlement to the open countryside to the west and as such, officers consider Policy EH2 to also be of relevance which requires the quality, character and distinctiveness of West Oxfordshire's natural environment to be conserved and enhanced. The site therefore contributes to the polyfocal and dispersed settlement pattern of Kencot by providing a break between building clusters. This openness reflects the historic arrangement of pastures and agricultural land interspersed with dwellings, which is a defining feature of Kencot, the settlement pattern of which has been little altered since the 19th Century.

### *Impact of the scheme upon the character and appearance of the CA*

5.30 Officers consider that the introduction of a new dwelling as proposed would result in the loss of an important break between building clusters which reinforces the polyfocal settlement pattern of the village in a highly prominent position on its only thoroughfare. Infilling this gap would erode the historic sense of openness in this location and the result in the loss of an area of open space that forms a significant positive contribution to the loose knit, fragmented and varied rural character of this part of the settlement and CA. The introduction of a dwelling and its associated curtilage would introduce a significant amount of built form into this currently undeveloped paddock, eroding the historic settlement pattern. It would also result in a change in the character of the remaining land from a rural agricultural paddock to a formalised residential garden, which would result in a harmful and transformative impact upon its character and appearance. Whilst it is noted that the existing boundary treatments would be retained, this is considered a neutral impact in isolation.

5.31 In addition, this harm is exacerbated by the detailed design itself. Officers consider that the siting of the dwelling, central and forward in the plot, would lead to a very prominent building in the streetscene, which is compounded by the blocky nature of the street-facing elevation. Further, the elevational treatment of the building is considered cluttered and busy owing to the variety and amount of window

openings and mixed materials approach which would result in conflict with the harmonious nature of built form in the CA, as set out in the appraisal.

5.32 The LPA's Conservation and Design Officer has confirmed their objection to the scheme and raised concerns regarding the erosion of this important and prominent area of open space on the main route through the historic core of the village. Notwithstanding this fundamental concern, the detailed design further compounds this harm owing primarily to its siting, massing and elevational treatment. In the terms of the NPPF, this harm would remain 'less than substantial' and would fall around the mid-point of that range given that the scheme would be transformative in its immediate context and visible for a considerable distance when travelling along the streetscene. However, it is recognised that the effect on the CA as a whole would be somewhat localised.

5.33 The proposed dwelling would also be sited in close proximity to three locally listed dwellings: Kencot Cottages; Shillbrook House; and De Rougemont. Officers consider that the loss of this important area of undeveloped land in close proximity to these assets and subsequent erosion of the historic settlement pattern would undermine the contribution of the locally listed buildings to the significance of the wider CA. Further, the prominent siting of the proposed dwelling as well as its mixed materials approach and fenestration would diminish the 'pleasingly harmonious' appearance of the CA, to which the locally listed buildings provide a positive contribution. Therefore, the introduction of the proposed dwelling would undermine the contribution of the locally listed buildings in this respect.

#### *Impact on listed buildings*

5.34 The listed building identified above lies in relatively close proximity to the site, and therefore the impact of the proposal upon their setting must be assessed as per the legislative and policy context set out above. In this case, the significance of the designated heritage assets derives primarily from its individual historical and architectural special interest and built form. Whilst the site displays a rural and undeveloped character, in this case no harm to the setting of manor Farmhouse is identified due to the lack of clear visual or functional relationship between the site and Manor Farmhouse.

#### *Heritage balance*

5.35 Paragraph 215 of the NPPF and WOLP Policy EH9 require the less than substantial harm identified to the significance of designated heritage assets to be weighed against the public benefits of the proposal. The NPPF requires the harms identified to the character and appearance of the CA to be given great weight in this balance. In terms of public benefits, the economic and social benefits associated with the provision and construction of a single dwelling, in the context of the LPA's housing land supply position, are recognised but are awarded very limited weight given only a single dwelling would be provided which would result in a very minor impact upon overall housing delivery. The scheme is put forward as a 'self-build' dwelling. Officers acknowledge that the LPA cannot demonstrate that it has met its statutory duty to provide serviced plots under the Self-build and Custom Housebuilding Act 2015 and therefore this application would make a limited contribution in that regard. However, Officers would expect the applicant to provide a unilateral undertaking to secure the dwelling as a self-build, which has not been provided. Therefore, limited weight is attributed to this benefit. Overall, when applying great weight to the harm to the CA and having regard to the adverse impact of the proposal on the setting of identified locally listed buildings, officers consider that this initial heritage balance falls against the scheme.

5.36 Consequently, the proposal would conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Policies OS2, OS4, EH2, EH9, EH10, EH13 and EH16 of the WOLP, the

West Oxfordshire Design Guide 2016, the Kencot Conservation Area Character Appraisal and Section 16 of the NPPF.

### **Neighbourly Amenity**

5.37 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.38 Due to its proposed siting, scale and design, the proposed dwelling would not give rise to any material impacts upon neighbouring dwellings by way of loss of light, noise, overlooking or overbearing matters.

### **Highways Impacts**

5.39 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. Policy T4 states that: 'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'.

5.40 The Highways Authority have been consulted on the application and have stated that subject to planning conditions, the application would not result in a detrimental impact on highway safety. The application is therefore acceptable highways safety terms.

5.41 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. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'.

5.42 There are very limited local services and facilities within Kencot and Broadwell which lies adjacent to Kencot to the south and poor public transport connectivity. Therefore, Officers consider that the proposed development would not be provided with safe and convenient pedestrian access to local services and amenities, and it is likely that this would discourage trips by foot or bicycle and that trips from the site would be likely to be made predominantly by car. This is reflected in the above discussion regarding the spatial strategy of the WOLP and its consistency with the aims of the NPPF in this regard and further adds weight to the conclusion that the proposal is unacceptable in locational terms.

### **Ecology**

5.43 WOLP Policy EH3 states:

'The Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'

5.44 The application is exempt from statutory Biodiversity Net Gain as it is put forward as a self-build.

5.45 The Council's Biodiversity Officer has reviewed the application and considers that subject to additional mitigation features, such as a kestrel nest box on the north east side of the barn to mitigate



any disturbance to a kestrel nest site in close proximity to the site, the proposed development would accord with the above policy context and statutory protections afforded to protected species. Therefore, this matter could be adequately dealt with via condition.

### **Drainage/Flood Risk**

5.46 The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. Officers are therefore satisfied that these matters could therefore be dealt with by condition.

### **Conclusion and Planning Balance**

5.47 The proposed development by reason of its siting, scale and design, would also result in the erosion of an area of open space which makes an important contribution to the open and rural character of the settlement, as well as failing to satisfactorily relate the existing loose knit pattern of development. This would result in a transformative and dominating impact on the visual amenity of the streetscene and result in less than substantial harm to the heritage significance of the Kencot Conservation Area and harm to the setting of neighbouring locally listed buildings, which would not be outweighed by the public benefits associated with the construction of a single residential unit, which officers regard as very limited, as these benefits should be considered proportionate to the scale of development proposed. Limited positive weight is also attributed to the provision of a self-build dwelling for the reasons as set out the heritage balance. Officers therefore consider that application of policies in the NPPF that protect assets of particular importance provides strong reason for refusing the development.

5.48 Notwithstanding the failure of the application to overcome the paragraph 11d test, the proposed development would also conflict with regard to the spatial strategy of the WOLP (Policies OS2, H2, H5 and CA5 and supported by T1 and T3), which is considered consistent with the policies contained in the NPPF and should therefore be attributed near full statutory weight.

5.49 Therefore, the proposed development would fail to comply with the provisions of Policies OS2, OS4, H2, H5, CA5, T1, T3, EH2, EH9, EH10, EH13 and EH16 of the West Oxfordshire Local Plan 2031, Section 16 of the National Planning Policy Framework, the WODC Design Guide 2016, the Kencot Conservation Area Appraisal and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal is therefore recommended for refusal.

## **6 CONDITIONS/REASONS FOR REFUSAL**

1 The development site is located in the in the 'small villages, hamlets and open countryside' criteria of the settlement hierarchy and the proposed development does not meet any of the exceptions set out in the West Oxfordshire Local Plan 2031 that would permit a new dwelling in such a location. The proposed development therefore would introduce a new dwelling in an unsustainable location contrary to Policies OS1, OS2, H2, H5, CA5, T1 and T3 of the adopted West Oxfordshire Local Plan 2031 and the provisions of the National Planning Policy Framework 2024.

2 The proposed development by reason of its siting, scale and appearance, would result in the loss of an important area of open land eroding the loose-knit, fragmented and varied rural character of Kencot and would appear transformative and dominant in the streetscene. The proposal would therefore result in less than substantial harm to the heritage significance of the Kencot Conservation Area, which would

fail to be outweighed by the public benefits arising from the proposed development, and harm to the setting of neighbouring locally listed buildings (Kencot Cottages, Shillbrook House and De Rougemont). Therefore, the proposed development would fail to comply with Policies OS2, OS4, EH2, EH9, EH10, EH13 and EH16 of the West Oxfordshire Local Plan 2031, Section 16 of the National Planning Policy Framework, the WODC Design Guide 2016, the Kencot Conservation Area Appraisal and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

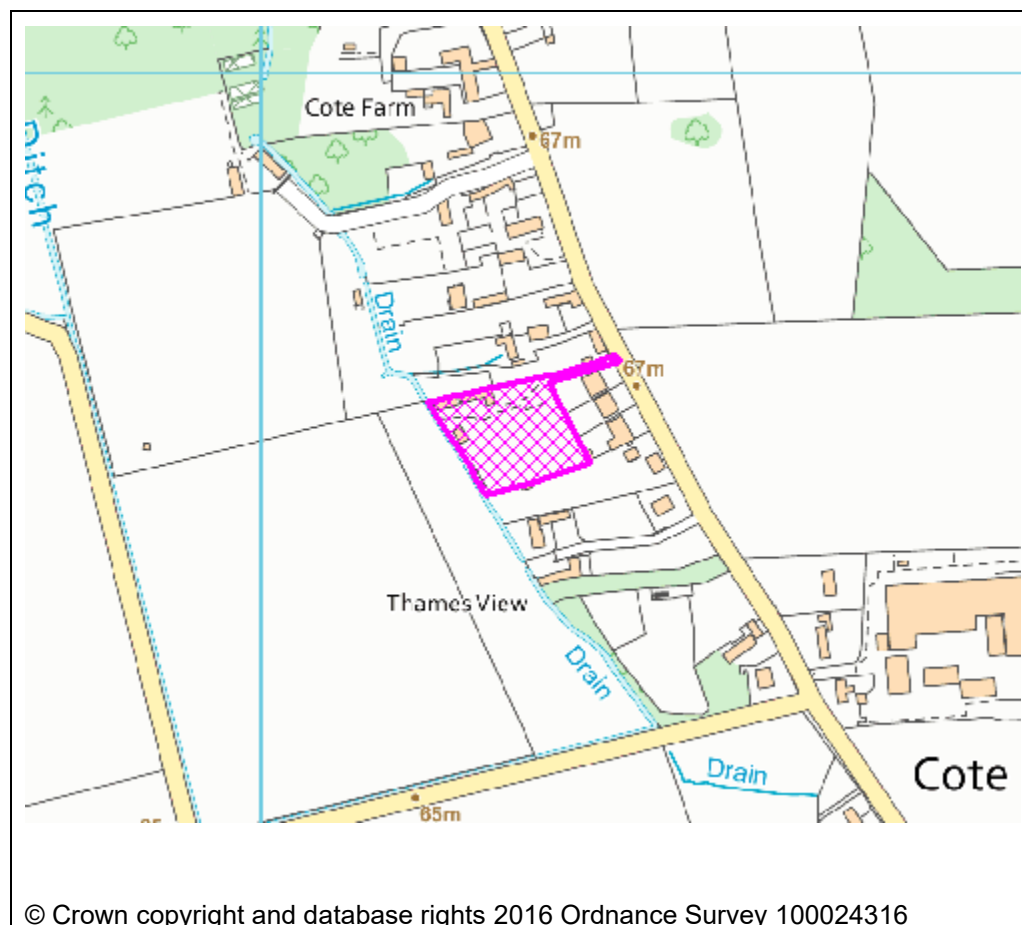
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 28th January 2026

|                         |   |
|-------------------------|---|
| Application Number      | 25/02919/HHD  |
| Site Address            | The Paddock<br>Cote<br>Bampton<br>Oxfordshire<br>OX18 2EG |
| Date                    | 28th January 2026   |
| Officer                 | Joshua McFarland  |
| Officer Recommendations | Approve   |
| Parish                  | Aston, Cote, Shifford And Chimney Parish Council          |
| Grid Reference          | 435146 E 202788 N   |
| Committee Date          | 9th February 2026   |

### Location Map



### Application Details:

Erection of single storey side extension with roof lights, and associated works

### Applicant Details:

Mr Phil Godfrey

The Paddock  
Cote  
Bampton  
Oxfordshire  
OX18 2EG

## **I CONSULTATIONS**

Parish Council

No objection.

## **2 REPRESENTATIONS**

2.1 No third party representatives have been received.

## **3 APPLICANT'S CASE**

3.1 A Design, Access and Sustainability Statement has been submitted in support of the application. The full document can be viewed on the Council's website, the main points are set out below.

3.2 'The proposed design has been chosen to reflect the individual character and grain of the existing area, using facing materials that will be sympathetic and in keeping with the both the host dwelling and the overall vernacular style of the immediate enclave and the wider surrounding area. We consider that the design will integrate well into the existing developed form with no detrimental impact by virtue of scale, appearance, privacy or loss of daylight.

3.3 The new construction will meet all Approved Documents for building standards in operation including upgrading the current building fabric to increase the overall energy performance. This is considered to have a positive impact on the existing housing stock with regards to the health of the occupants and reducing its current carbon emissions. It is considered to have a positive impact on the wider environment with a positive impact on climate change.

3.4 The proposal is not considered to have any adverse impacts on the surrounding ecology and would not result in the loss of local ecological assets including wildlife habitats or significant or protected trees. It is not considered to have any adverse impact on the wider green infrastructure.

3.5 The proposal will not increase the risk of either surface or fluvial flooding for the individual property nor have any detrimental impacts on the wider locality.'

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

5.1 The application seeks planning permission for the erection of a single storey side extension with roof lights, and associated works at The Paddock, Cote. The application site relates to a detached dwelling located down a private track in Cote.

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

5.3 Officers note that this application is before members of the sub-committee due to it relating to a dwelling owned by a Councillor.

### **Siting and Design**

5.4 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).

5.5 Proposed is the erection of a single storey side extension, located to the East side of the dwelling. The extension would be of a lean-to nature, using matching stone for the walls, matching roof tiles, and would have three rooflights. The extension would measure 4m in depth, 3.8m in height, and 11.6m in width.

5.6 The proposed extension would not be visible on the street scene and would be clearly secondary and subservient to the host dwelling with appropriate materials and design and therefore would not give rise to any adverse impacts in regards to visual amenity.

### **Neighbouring amenity**

5.7 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4 and the West Oxfordshire Design Guide.

5.8 Given the nature of the single storey extension, and its secluded location, officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity.

### **Other Matters**

5.9 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.

5.10 Cote Cottage, a Grade II listed building sits adjacent to the site access but noting the statutory protections afforded to the settings of listed buildings, no impact in this regard is identified given the physical separation between the buildings and modest scale of the extension.

### **Conclusion**

5.11 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS/REASONS FOR REFUSAL**

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.

### **Notes to applicant**

- 1 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - o Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers;
  - o Wall, ceiling, roof, and floor insulation, and ventilation;
  - o High performing triple glazed windows and airtight frames
  - o Energy and water efficient appliances and fittings
  - o Water recycling measures
  - o Sustainably and locally sourced materials

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 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.

**Contact Officer:** Joshua McFarland

**Telephone Number:**

**Date:** 28th January 2026

