

# WEST OXFORDSHIRE DISTRICT COUNCIL

## DEVELOPMENT MANAGEMENT PLANNING SUB-COMMITTEE

**Date: 6th July 2026**

REPORT OF THE HEAD OF PLANNING



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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.

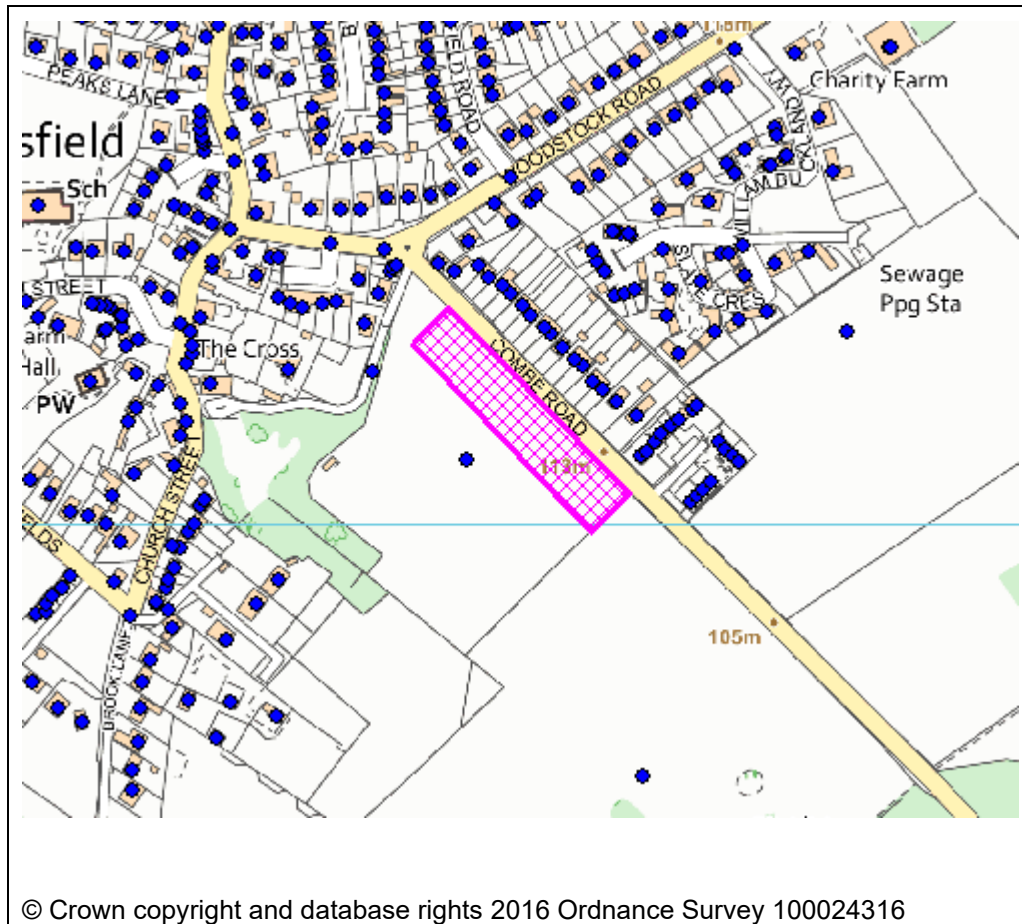
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
1	25/01897/OUT	<a href="#">Land West Of Combe Road</a>	Mike Cassidy
2	26/00374/FUL	<a href="#">5A West End Witney</a>	Clare Anscombe
3	26/00419/FUL	<a href="#">63 Barrington Close Witney</a>	Clare Anscombe
4	26/01180/FUL	<a href="#">37 Wilkins Close Brize Norton</a>	Chris Mitchell

Application Number	25/01897/OUT
Site Address	Land West Of Combe Road Stonesfield Oxfordshire
Date	24th June 2026
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Stonesfield Parish Council
Grid Reference	439596 E    217043 N
Committee Date	6th July 2026

**Location Map**



**Application Details:**

Outline planning application with some matters reserved for erection of 20 dwellings within a nature enhancement scheme.

**Applicant Details:**  
C/O Agent

## CONSULTATIONS

WODC - Sports

No objection. The Council would seek to secure, by way of planning obligations off site contributions for:

- Outdoor pitch contribution (£61,002.60) towards the provision, enhancement or improvement of outdoor sports pitches and ancillary facilities in the catchment area.
- Artificial pitch contribution (£6,713) towards the cost of providing a replacement or improvement to artificial pitches/ancillary facilities in the catchment area.
- Indoor sports contribution (£8,894) towards the provision, enhancement, or improvement of indoor sports provision in the catchment area.
- Swimming pool contribution (£11,601) towards the provision, enhancement, or improvement to swimming pool provision in the catchment area.
- Outdoor tennis court contribution (£724) towards the cost of enhancements or improvement to outdoor tennis courts and ancillary facilities in the catchment area.

Cotswolds Conservation Board

No comment to make on the application. The LPA should ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and take into account the relevant Board publications.

Parish Council

Objection to the proposal on the following grounds:

Housing need - the housing market will provide more than sufficient housing to meet identified need, so there is no need (according to the WODC Local Plan 2031 and to the recent village Housing Needs Assessment) for any additional market housing, whether within the built-up area or on adjoining land within the parish of Stonesfield. Similarly, whilst the indicative conditions for these are favourable, being social rent and limited to occupation with a Stonesfield connection, the proposed provision of affordable housing is also in excess of identified need.

Impact on important views - the proposal would have an adverse impact on views towards the settlement. The proposal notably fails to protect views towards the village from the Oxfordshire Way.

Impact on Evenlode Valley and the adjacent dip-slope lowland - the proposal would fail to protect the Valley and adjacent lowland.

Protecting Stonesfield's Local Green Spaces - the proposed development is incompatible with the Local Green Spaces policy.

Biodiversity - the proposal is likely to impact on biodiversity. The trees along the Combe Road are a well-known habitat for birds and other wildlife.

Water quality, drainage, and flood risk - the proposed development is directly adjacent to an area which has suffered significantly from sewage and drainage issues. Residents of Combe Road regularly have issues with the capacity of the pumping facility and also water pressure. The dip below the village on Combe Road is frequently flooded and there is a high risk that further development along the Combe Road would exacerbate this problem.

Major Planning Applications  
Team

Transport: No Objection subject to conditions relating to means of access, visibility splays, Construction Traffic Management Plan, off-site highway works, cycle parking, and Travel Plan/Travel Information Pack and associated informatives as suggested being attached to any permission granted.

Lead Local Flood Authority: Holding objection. A Flood Risk Assessment has been submitted and is acceptable in principle. A Sustainable Drainage Options Appraisal and Strategy has also been provided to demonstrate how surface water runoff will be managed post-development.

Notwithstanding this, the LLFA currently objects to the application pending the submission of infiltration testing in accordance with BRE365 to demonstrate soakage rates. In addition, groundwater monitoring covering both summer and winter periods is required in order to establish peak groundwater levels across the site.

Education: No objection subject to a s106 legal agreement being entered into securing a Special Education Contribution (£11,804).

Archaeology: No objection subject to conditions relating to the submission and approval of a Written Scheme of Investigation and staged programme of archaeological evaluation and mitigation as suggested being attached to any permission granted.

Waste Management: No objection subject to a s106 legal agreement being entered into securing a Household Waste Recycling Centre Contribution (£2,070).

Active Travel England

No comments to make

Climate

No Comment Received.

Conservation And Design  
Officer

The proposal would lead to 'less than substantial harm' to the Stonesfield Conservation Area. The site is currently an open area of undeveloped land, which makes an important contribution to the rural, loosely developed character of the conservation area. The

proposed development would therefore result in the loss of open space that makes a valuable contribution to the character and appearance of the area and the significance of the conservation area.

Environment Agency	No comments to make
District Ecologist	No objection subject to conditions relating to a Construction Environmental Management Plan, artificial lighting and Biodiversity Enhancement Plan and Biodiversity Net Gain informative as suggested being attached to any permission granted.
ERS Air Quality	No objection. To encourage active and low emission travel, it is recommended the provision of cycle storage and electric vehicle charging facilities, as referenced in the Transport Assessment, be conditioned should this application be approved or at the reserved matters stage.
Env Health Noise And Amenity	No objection subject to conditions relating to noise and construction as suggested being attached to any permission granted
Oxfordshire Fire Service	No objection. It is taken that the development will be subject to a Building Regulations application and subsequent statutory consultation with the fire service where applicable, to ensure compliance with the functional requirements of The Building Regulations 2010. It is also taken that suitable fire service access will be provided.
WODC Tree Officer	No objection to the proposal subject to conditions relating to compliance with the Tree Constraints Plan, and Arboricultural Impact Assessment and Method Statement submitted being attached to any permission granted.
Thames Water	Waste Comments: No objection subject to an informative relating to the requirement for a Groundwater Risk Management Permit from Thames Water as suggested being attached to any permission granted.  Water Comments: No objection subject to a condition relating water network upgrades and informative relating to water pressure as suggested being attached to any permission granted.
Designing Out Crime Officer	No Comment Received.
Natural England	No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites

## 2 REPRESENTATIONS

2.1 142 responses have been received objecting to the application on the following grounds:

- The site lies within the Cotswolds National Landscape (CNL) and Stonesfield Conservation Area, where major development should be refused unless exceptional circumstances exist. No such exceptional circumstances or public benefits have been demonstrated contrary to local plan policy.
- The proposal is outside the village envelope and constitutes unjustified encroachment into open countryside.
- The proposal would open the door to substantial further expansion and irreversible change to village character.
- The Stonesfield Neighbourhood Plan Housing Needs Assessment identifies no requirement for market housing and only a very limited need for affordable housing that could be met through small rural exception sites.
- The proposed new market housing will not address local needs and may not be affordable to local households.
- The development would have an adverse landscape and visual impact eroding the rural character and scenic beauty of the CNL.
- Harmful to key public views, including from the Oxfordshire Way and approaches to the village.
- The proposal would set a precedent for further development across the remainder of the field.
- The site forms part of the setting of Stonesfield Conservation Area, the curtilage of the Grade II listed Stonesfield Manor and the setting of the Roman Villa Scheduled Monument. The proposal fails to demonstrate that the harm to heritage assets is acceptable or outweighed by public benefits.
- Loss of meadow, mature hedgerows and trees on Combe Road which support birds, bats, and other wildlife.
- Strong concern over the removal of important boundary trees: absence of a tree survey or Arboricultural Impact Assessment.
- The nature enhancement claims made are unsubstantiated and the Biodiversity Net Gain assessment is flawed and not based on the proposed development.
- The development will increase pollution and habitat loss affecting the River Evenlode.
- Additional development will worsen flooding at the bottom of Combe Road and place further strain on an already failing drainage network.
- Surface water discharge to the mains sewer is considered unacceptable and contrary to the SuDS hierarchy.
- Prejudicial to highway and pedestrian safety, particularly for schoolchildren.
- Adverse impact on Highway Safety
- Increase in traffic and congestion on Combe Road, which is narrow with on street parking, poor visibility, and bus movements.
- The proposed site layout is considered overly dense, urban in appearance and at odds with the villages grain.
- The proposed houses turn their backs on Combe Road which would create poor frontage and erode character.
- Small gardens are proposed likely to result in future pressure to remove trees and hedgerows.
- The proposal will lead to pressure on already overstretched GP surgeries, schools, and village services.

2.2 43 responses have been received in support of the application on the following grounds:

- The development would make a meaningful contribution towards meeting the urgent and well evidenced need for affordable housing in Stonesfield. The provision of 10 affordable homes is viewed as particularly important in a village where younger households, families, and key workers often cannot access suitable accommodation. The scheme is considered essential in enabling local people to remain in, or return to, the village, reducing the loss of community members who are currently priced out of the area. There is significant unmet local housing demand and long waiting lists for affordable tenures.
- The proposal is necessary to help rebalance the villages ageing population by providing homes that younger people can afford. This is viewed as vital for maintaining a mixed and sustainable community. Concerns were expressed about the declining number of young families in the village, with specific reference to the very low recent intake at the primary school, and the potential long-term implications for local services if new homes are not provided.
- The development is expected to bring wider social and economic benefits, including increased patronage for the primary school, preschool, shop, pub, sports teams, community facilities, and local businesses. The additional population is required to sustain these services and ensure their long-term viability.
- The scheme's design approach is supported. The materials, layout and building form reflect the established pattern of development along Combe Road, helping the proposal integrate sensitively with the conservation area and wider landscape. The retention of the mature belt of roadside trees is highlighted as an important feature that preserves the existing rural character.
- A substantial proportion of the site (over 75%) would be retained as open space, with enhancements for biodiversity and opportunities for public access, including new viewpoints and a footpath. This is regarded as a balanced approach that meets local housing needs while safeguarding village character and providing environmental and recreational benefits.
- The proposal would provide a range of anticipated benefits, including increased social cohesion, support for community owned assets, enhanced access to green space, and ecological improvements.
- The development is considered to represent modest, proportionate growth in a logical and sustainable location within the village boundary, adjacent to existing housing. This is viewed as preferable to the risk of larger or speculative development proposals elsewhere around Stonesfield.

2.3 Stonesfield Community Trust commented as follows:

Or iSupport for the application. There is strong evidence that Stonesfield has a very significant unmet affordable housing need and The Stonesfield Community Trust is aware that there is a shortage of affordable accommodation in the village. The development will provide 10 new affordable houses which will make a very important and significant contribution to the unmet affordable housing need and shortage of affordable accommodation in the village evidenced in the submission.

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

3.1 The submitted Planning, Design and Access Statement advances the following in support of the proposal:

Affordable Housing Need - The scheme would deliver 10 affordable homes, 8 social rent and 2 First Homes, making a significant contribution to the acknowledged unmet affordable housing need in Stonesfield as evidenced by the WODC Home seeker waiting list.

Housing Mix - A 50/50 affordable to market housing split is proposed, with unit sizes (predominantly 1 and 2 bedroom) closely reflecting the profile of those on the waiting list.

Design and Layout - The layout was arrived at following pre-application engagement with the Council's planning and conservation officers and is asserted to reflect the established pattern of housing along Combe Road, sympathetic to the Conservation Area and Cotswolds National Landscape.

Field retention - The development footprint is confined to approximately 24% of the overall site, with 76% of the field retained and opened up to public view in perpetuity.

Biodiversity Net Gain - The retained field is to be nature-enhanced to achieve at least 10% BNG, in accordance with the WODC Nature Recovery Plan 2024-2030.

Public Footpath - A new public footpath is proposed within the existing tree belt along Combe Road.

Community Benefit - The applicant has committed to gifting 10% of net development profits to the Stonesfield Community Housing Trust.

#### **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  
H5NEW Custom and self-build housing  
T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking, and cycling  
T4NEW Parking provision  
EH1 Cotswolds AONB  
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  
EH9 Historic environment  
EH10 Conservation Areas  
EH13 Historic landscape character  
BC1 Burford – Charlbury sub-area strategy  
The Cotswolds National Landscape Management Plan 2023-2025  
National Planning Policy Framework (NPPF), December 2024

NATDES National Design Guide

DESGUI West Oxfordshire Design Guide

Draft Stonesfield Neighbourhood Plan – this is at an early stage of preparation and has not yet been through examination or referendum; it therefore carries limited material weight and has not been relied upon in this assessment.

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 The application site (0.64 hectares) is located on the southern side of Combe Road within the village of Stonesfield. It comprises predominantly a grass meadow with two coppices of trees (to be retained in the proposal) and two wooden stable buildings in its western corner. The site forms the southern edge of a plateau of land above steeply sloping ground to the south, descending to the River Evenlode.
- 5.2 The site is bound to the north-east, south-east and the southern part of the south-western boundary by hedgerow trees. The north-western boundary is post and wire fence, beyond which is a drystone wall to Stonesfield Manor (Grade II listed) to the north; and the well-wooded gardens to Stonesfield Manor to the west, which continue around the site to form the northern part of the south-eastern boundary. The site is surrounded by a mixture of agricultural land as well as a number of residential properties.
- 5.3 The majority of the local street scene is made up of two / two and a half storey traditional styled Cotswold stone buildings with slate roofs. The buildings closest to the site on Combe Road itself comprise predominantly semi-detached former Council houses, dating from the 1920s onwards. The site falls within the Stonesfield Conservation Area (the north western front part only) and Cotswolds National Landscape (CNL) (formerly Area of Outstanding Natural Beauty (AONB)).

### **Proposal**

- 5.4 The proposal is for the erection of 20 dwellings with an access road proposed onto Combe Road. The application is in outline form with means of access and site layout only to be considered at this stage. As part of the proposal, 2.02ha of the existing field (circa 76% of the total), directly neighbouring the application site to the south and outside of the red line application boundary, would be nature enhanced and made publicly available.
- 5.5 The Planning, Design and Access Statement submitted states that the proposed development would offer a mix of 1-bedroom to 4-bedroom dwellings comprising 10 market and 10 affordable housing dwellings. The 10 market dwellings would comprise 6 x 3-bedroom and 4 x 4-bedroom units and the 10 affordable housing dwellings would comprise 8 social rented (6 x 1-bedroom and 2 x 3-bedroom) and 2 First-Home (2 x 2-bedroom) units.

### **Relevant Planning History**

- 5.6 Pre-application advice (24/02093/PREAPP) was provided in February 2025 for a similar form of development for 20 new dwellings.

Additional information provided during the course of the application

5.7 During the course of the application, the following additional information and amendments have been received:

- Stage I Road Safety Audit;
- Arboricultural Impact Assessment;
- Drainage Report;
- Surface Water Drainage Strategy; and
- Sustainable Drainage Options Appraisal and Strategy.

5.8 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 of Development
- Affordable Housing/Housing Mix
- Layout, Design and Scale
- Impact on Landscape/Setting of Cotswolds National Landscape (formally AONB)
- Impact on Heritage Assets
- Highway Impact and Pedestrian Accessibility
- Residential Amenity/Noise/Air Quality
- Flood Risk/Drainage/Water Supply
- Ancient Woodland/Trees/Biodiversity
- Sustainability/Climate Change
- CIL and S106 Contributions

5.9 Each of the above considerations are fully considered in the following sections of this report.

### **Principle of development**

5.10 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the TCPA 1990 provides that the local planning authority shall have regard to the provisions of the development plan, as far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

### **Development Plan Policies**

5.11 Within the Local Plan, the District is divided into five sub-areas based on landscape characteristics and local catchment areas for key services and facilities. The application site is located within the Burford Charlbury sub-area.

5.12 Policy BCI sets out that within the Burford-Charlbury sub-area the focus of new development will be in Burford and Charlbury and that these towns are relatively constrained by their AONB (now CNL) locations so are suitable for a modest level of development. It goes on to state that development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages.

5.13 Policy OS2 of the Local Plan sets out the overall strategy on the location of development for the District. It adopts a 'hierarchical' approach, with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross) and then the villages as set out in Policy OS2.

5.14 The application site is located within the village of Stonesfield, listed in Table 4b of the Local Plan settlement hierarchy as one of a number of villages. Supporting paragraph 9.6.3 to Policy BC1 indicates that beyond Burford and Charlbury, other larger settlements in the sub-area include Stonesfield, with a population of about 1,500 (at the time of the Local Plan's adoption) and a thriving community spirit, with a range of local services and facilities.

5.15 Whilst supporting text does not have the same force as policy and cannot trump it, the above nonetheless indicates that Stonesfield comprises a larger village for the purposes of the Local Plan. It certainly cannot be described as a small village, as this is defined in Table 4b as "all other villages and settlements not listed above plus open countryside".

5.16 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 including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users.

5.17 Policies OS2 (Locating development in the right places), OS4 (High quality design) and EH2 (Landscape character) each require the character of the area to be respected and enhanced. The importance of achieving high quality design is reinforced in the National Design Guide.

5.18 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it 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) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) 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;
- e) Conserve and enhance the natural, historic, and built environment; and
- f) Be supported by all the necessary infrastructure.

5.19 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres, and villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;

- On undeveloped land within the built-up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2;
- On undeveloped land adjoining the built-up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.20 The application site comprises undeveloped land which adjoins the built-up area where Policy H2, as detailed above, requires that convincing evidence is needed to demonstrate that the development is necessary to meet identified housing needs, in accordance with the distribution of housing set out in Policy H1 and accords with other policies of the Local Plan, in particular the general principles in Policy OS2. The issue of housing need and the distribution of housing is dealt with in detail below.

### **National Policy/Guidance**

5.21 The National Planning Policy Framework (NPPF) (2024) 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.

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

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

5.23 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (as identified in footnote 8).

5.24 Where policies are considered 'out of date,' planning permission should be granted unless the application of policies in the framework that protect areas or assets of particular importance provide a strong reason for refusing the development proposal; or, where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole. The NPPF further notes that this should have particular

regard to 'key policies directing development to sustainable locations, making effective use of land, securing well designed places, and providing affordable homes, individually or in combination.

5.25 The Site is within the CNL. Paragraph 11 d) i) at footnote 7 identifies that the National Landscape and 'irreplaceable habitats' are considered to be areas or assets of particular importance where the NPPF provides specific guidance regarding protection of these areas.

5.26 In relation to the CNL, paragraph 189 notes that great weight should be given to conserving or enhancing landscape and scenic beauty and that the extent of development in these areas should be limited. Paragraph 190 outlines that major development in these areas should be refused other than in 'exceptional circumstances', and where it can be demonstrated that the development is in the public interest.

5.27 Both of these matters will be considered further in the relevant sections of this report.

### **Five Year Housing Land Supply and Housing Need**

5.28 The Council is currently unable to demonstrate a deliverable five-year housing land supply (HLS). 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. In the appeal decision relating to 28 new dwellings on Land north of Woodstock Road, Charlbury (LPA Ref. 23/02399/FUL and Appeal Ref: APP/D3125/W/24/3351969), the Inspector commented (paragraph 51) in his decision notice dated 29th May 2025 that "the main parties agree that the Council is unable to demonstrate a sufficient five-year supply of housing land but dispute the extent of the shortfall. The Council suggest that it is in the region of 4.3 years, although they acknowledge that with application of the standard method for calculating housing need there is likely to be further deterioration in the supply. The appellant at the hearing advised that he considered the supply to be more likely in the region of 3.5 years." This was also the case in the recent appeal decision in December 2025 relating to a proposed single dwelling at Land at Brook Lane, Stonesfield (LPA Ref. 24/02390/PIP and Appeal Ref. APP/D3125/W/25/3363544) in which the Inspector sited a similar figure.

5.29 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 five-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

5.30 It is established that the District Council has a general housing need which needs to be met throughout the District. Whether or not the LPA can demonstrate a five year land supply, the provision of dwellings in sustainable locations (subject to other considerations) should be supported by the Council and this is reinforced in paragraph 11 d) of the NPPF. The Local Plan identifies no housing allocations in Stonesfield partly due to the location of the settlement within the CNL. This does not however, mean that there is no housing need within these areas.

5.31 As such, it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which

provide a strong reason for refusing the development proposed. These issues are considered in more detail below.

- 5.32 The application site provides for 50% affordable housing. Consultation with the Council's Housing Officer (HO) has identified that there is a significant local housing need within the Stonesfield Area. The proposal would provide ten affordable housing units in accordance with Policy H3. A weighting towards 1 and 2-bedroom units as proposed is considered to be acceptable in principle, and these would be provided predominantly as Social Rent tenancy and secured in perpetuity via a s106 legal agreement in any planning permission granted.
- 5.33 As of September 2025, there were 2365 households registered on the district register for housing. Of those, 42 households have expressed a preference of a dwelling in Stonesfield. Of these, 11 households already live in Stonesfield. The provision of 20 new dwellings, including 10 dwellings as affordable units, in this location would therefore go some way to addressing the housing needs of the local community and is supported.
- 5.34 An assessment of the development against the general principles of Policy OS2, as detailed above, is detailed further in the sections below.

### **Impact on Landscape/Setting of Cotswolds National Landscape**

- 5.35 The site is located within the CNL along with the totality of the Charlbury and Burford Sub Area. In this regard, policy EH1 of the Local Plan and paragraphs 189-191 of the NPPF are of key consideration. Essentially each of these policies set out the same considerations as the NPPF with great weight being given to conserving and enhancing the area's natural beauty.

### **Whether the Application Constitutes "Major" Development**

- 5.36 When considering applications for development within National Landscapes, paragraph 190 of the NPPF advises that:

"permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

- 5.37 Footnote 67 of the NPPF advises for the purposes of paragraph 190, "whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale, and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

- 5.38 There are no set rules as to what comprises "major development" within what is now termed a National Landscape (formerly an AONB), and the Courts have held that it is a matter of judgment in

all of the circumstances of the case (see *R (on the Application of Hilltop Experiences) v Norfolk CC* [2025] EWHC 1447 (Admin)).

5.39 In the Hilltop case, Lieven J. observed reiterated earlier jurisprudence to the effect that "major development" for the purposes of NPPF guidance in respect of AONB/NL is not to be equated with the use of the term in the Town and Country Planning (Development Management Procedure) England Order 2015 (per Lieven J. at para 77, endorsing *Aston v SSCLG* [2013] EWHC 1936 at paragraph 93) comprising residential development of more than 10 dwellings or on a site having an area of more than 1 hectare.

5.40 At paragraph 81, Lieven J. made it clear that once a planning judgment has been formed, then it can only be challenged on the grounds of rationality (which is a high bar - see *Newsmith v SOS* [2001] EWHC 74 Admin).

5.41 The case of *Porter v Secretary of State for Communities and Local Government* [2013] EWHC 2314 (Admin) (commonly referred to as Porter No.2) is a key legal precedent in understanding what constitutes "major development" in AONBs (now National Landscape). In this case, the key judgement points made by Sullivan LJ. were as follows:

- 1) "Major development" is not just about scale or size. It is a planning judgment, not a purely quantitative or threshold-based one.
- 2) Context matters. What might be a small development in an urban area can be major in a sensitive AONB context. The nature, location, and potential impact on the AONB are all relevant to deciding whether something is "major."
- 3) There is no fixed definition. The court rejected the idea that "major development" should be defined only by the thresholds in the Town and Country Planning (Development Management Procedure) (England) Order 2010, which defines major development more rigidly (e.g. 10+ dwellings, 1,000+ sqm floor space).
- 4) Ultimately, it is for the decision-maker (the LPA) to decide, subject to rationality. So long as the planning authority considers all relevant factors and comes to a reasoned judgment, courts will be slow to interfere.

5.42 The Porter No. 2 judgment confirms that "major development" in AONBs is a flexible, context-sensitive concept, and not automatically defined by rigid legislative thresholds. It gives LPAs authorities discretion, but this discretion must be exercised carefully and with clear justification, especially given the high level of protection afforded to AONBs.

5.43 In Summary, the Porter No. 2 case established that the determination of whether a proposal is "major development" in an AONB is a matter of planning judgment — based on the proposal's scale, impact, and sensitivity of its context — not simply on legislative thresholds.

5.44 It is important to note from the above case law that in relation to consistency it does not indicate that there needs to be a "good reason" to depart from a decision reached in a materially similar case. All that is required is that any departure from a materially similar case/decision is adequately reasoned. Provided there is a rational reason that is properly and adequately explained, it is entirely permissible to depart from a previous decision/finding. This is because of the common law rule

against fettering of discretion and also the fact that under the TCPA 1990 all applications must be determined on their own merits.

5.45 In the May 2025 appeal decision relating to Land north of Woodstock Road, Charlbury (LPA Ref. 23/02399/FUL referenced above, the Inspector did not consider a proposal for 28 new dwellings to be "major development" He noted (paragraphs 18 to 20):

"The National Landscape designation does not preclude development and there would be beneficial impacts from the Cotswolds vernacular design, and a landscape led approach mainly in the form of the managed boundary buffer. Albeit on a small and enclosed field atypical of the wider landscape there would be a major adverse change through the development of a green field for residential development and the introduction of built form, hard surfacing, and associated infrastructure.

Given the overall size of the Cotswolds NL and the particular characteristics of the site its loss to development would not be significant in the context of the key qualities and landscape features of the Cotswolds NL as a whole. That said, paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Framework states that for the purposes of paragraph 190 it is a matter for the decision maker to determine whether a proposal constitutes major development in a NL. The appellant, Council and Cotswolds Conservation Board are of the view that the proposed development would not be major development in the Cotswolds NL. Based on the evidence before me I have no reason to conclude otherwise."

5.46 The proposed development comprises 20 dwellings on a 0.64 hectare site on the southern edge of Stonesfield, a village within the Cotswolds National Landscape. The development footprint is confined to approximately 24% of the overall site area, with the remaining 76% to be retained as open space and nature-enhanced. The site is enclosed to the north, south and east by boundary vegetation and hedgerow trees, providing a degree of containment. Whilst the scale of the proposal, 20 dwellings, is above the 10-dwelling threshold for major development under the DMPO, that threshold is not determinative in the National Landscape context. The proposed dwellings are intended to be two storeys in height, in keeping with the character of development along Combe Road, and would not be visible from the majority of publicly accessible viewpoints in the wider National Landscape.

5.47 Taking into taking into account the nature, scale, and setting of the current proposal, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined, and applying planning judgment and fact and degree, based on a professional evaluation of the current proposals, Officers do not consider that the current proposal would constitute "major development."

### **Impact on Landscape and Setting of Cotswolds National Landscape**

5.48 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by The Landscape Workshop (May 2025), assessed to the standard of the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). The assessment was undertaken by a

Chartered Member of the Landscape Institute and is considered to represent a robust and proportionate evaluation of the proposal's landscape and visual effects.

## **Landscape Context**

5.49 The site occupies a gently sloping improved pasture field of approximately 0.64 hectares on the south-eastern edge of Stonesfield village, lying at approximately 113-117m AOD. It falls within the Cotswolds National Landscape (NCA 107 - Cotswolds), within the Stonesfield Conservation Area, and within the local landscape character area identified in the Stonesfield Parish Landscape Character Assessment as the Stonesfield Inner Fields and Baggs Bottom Local Landscape Character Area (LLCA). At district level it falls within the Lower Evenlode Valley character area (Semi-enclosed Limestone Wolds character type) as defined by the West Oxfordshire Landscape Assessment 1998, and within the Wooded Estatelands landscape type as defined by the Oxfordshire Wildlife and Landscape Study 2004. The site is assessed as having a high landscape sensitivity to the proposed form of residential development at all scales from national to site-specific level.

5.50 The site is bounded to the north and east by existing residential development, with strong tree-lined hedgerows to the north, west and east. A mature hedge runs along the south-eastern boundary, providing containment. The site forms a transitional edge between the village and the open farmland and valley landscape to the south and east. A Site of Special Scientific Interest (Stonesfield Common,

Bottoms & Banks) lies approximately 320m to the south, and Notoaks Wood (Ancient Woodland) is visible in the middle distance beyond the southern boundary.

## **Visual Baseline**

5.51 Ten viewpoints (VP1 to VP10) were assessed, selected from publicly accessible land including Public Rights of Way and Combe Road. The site visit took place on 27 April 2025. Photographs were taken using a full-frame DSLR camera at 50mm focal length in accordance with Landscape Institute guidelines.

5.52 From the majority of the assessed viewpoints, including Shakespeare's Way to the north (VP1), the Wychwood Way to the east (VP2), the bridleway to the west (VP3), viewpoints VP6, VP9 and VP10 to the south and west, and the public right of way at VP8 to the south-east, the site is either not visible or not discernible, being screened by intervening landform, hedgerows, woodland blocks and/or existing settlement. Visual effects at these locations are assessed as neutral at both Year 1 and Year 10.

5.53 The most significant visual effects are identified from viewpoints along Combe Road (VP4 and VP5), where filtered views through existing roadside vegetation would allow glimpses of new dwellings and the proposed access, particularly during winter months when deciduous cover is reduced. From VP8 (public right of way to the south-east), partial views of upper elevations and rooflines would be perceptible within the broader view towards the settlement edge, though the development would be read as part of the established village rather than as isolated incursion into open countryside.

## **Landscape Effects**

- 5.54 At the national scale (NCA 107 - Cotswolds), the site's limited extent and adjacency to existing built form means the proposal would not materially disrupt the broad landscape characteristics of the designation. The magnitude of change is assessed as low, with a slight adverse effect at Year 1 reducing towards neutral by Year 10 as mitigation planting matures.
- 5.55 At district and county level, the development occupies only a very small proportion of the Semi-enclosed Limestone Wolds and Wooded Estatelands character types and does not fragment landscape patterns or disrupt primary visual corridors. The magnitude of change is low, resulting in a slight adverse effect at Year 1 reducing to neutral by Year 10.
- 5.56 The most significant landscape effects are at the local level. Within the Cotswolds National Landscape Character Assessment area 11B (Stonesfield Lowlands) and the Stonesfield Inner Fields and Baggs Bottom LLCA, the site's transitional character, its role in forming the rural setting of the village edge, and its proximity to the Conservation Area and heritage assets contribute to a higher sensitivity. The conversion of an improved pastoral field to a residential use represents an immediate and locally apparent change in land use and character. The magnitude of change is assessed as medium at Year 1, resulting in a moderate adverse landscape effect. However, the proposed layout, which mirrors the scale and rhythm of existing development on the opposite side of Combe Road, retains and reinforces the boundary vegetation framework and commits to native planting to all boundaries. By Year 10, as planting matures, the magnitude of change is expected to reduce to low, with the resulting landscape effect assessed as slight adverse.
- 5.57 At the site-specific level, the development transforms part of a semi-enclosed pasture field that currently performs a perceptual role in the rural setting of the village. The magnitude of change is medium at Year 1 (moderate adverse), reducing to low at Year 10 (slight adverse) as the development becomes absorbed into the village edge and mitigation planting establishes.

## **Visual Effects**

- 5.58 The visual effects are assessed at most as moderate adverse at Year 1 from nearby sections of Combe Road, reducing to slight adverse by Year 10. From Viewpoint 8 (public right of way 173/10/10 to the south-east), a moderate adverse effect is also identified at Year 1, reducing to slight adverse by Year 10 as boundary planting matures. In the majority of wider public viewpoints, no adverse visual effect is identified.
- 5.59 The retention and enhancement of existing roadside vegetation, supplemented by new native hedgerow and tree planting to all boundaries, is identified as the primary mitigation measure. This planting is expected to achieve sufficient maturity within ten years to provide effective visual containment and integration. Given that the development would be seen against the backdrop of existing housing along Combe Road rather than as an isolated rural incursion, the adverse effects identified are considered to be localised in extent and limited in duration.

## **Cotswolds National Landscape Board**

- 5.60 The Cotswolds National Landscape Board was consulted and responded on 23 October 2025. The Board confirmed that, due to consultation workload, it was not providing a comprehensive response on this occasion, directing the local planning authority to relevant Board publications

including the CNL Management Plan 2025-2030, Landscape Character Assessment and Strategy and Guidelines, and relevant Position Statements. The Board's response does not constitute an objection.

### **Officer Assessment**

- 5.61 Officers note that the LVIA has been prepared to the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) and that its methodology and conclusions have not been disputed by any technical consultee. The landscape and visual sensitivity of the site, within the Cotswolds National Landscape, the Stonesfield Conservation Area, and a locally valued transitional landscape, is high. The proposal would cause a moderate adverse landscape effect at the local level at Year 1. However, this must be weighed against the limited extent of the development (a single strip of land facing Combe Road, covering only 24% of the application site), the retention and nature enhancement of 76% of the wider field, the development's relationship to existing housing directly opposite, and the mitigation measures proposed. By Year 10, effects at all scales reduce to slight adverse or neutral as planting matures.
- 5.62 Officers are satisfied that the landscape and visual impacts, whilst adverse in the short term, are not of a severity that would justify refusal on landscape grounds alone when weighed in the overall planning balance. The impacts are considered to be adequately addressed by appropriate conditions requiring a detailed landscaping scheme, phased implementation of boundary planting, and long-term management provisions.
- 5.63 The proposed development is therefore considered to comply with Policy EH1 of the Local Plan. Should the Committee consider that the proposal constitutes "major development" for the purposes of paragraph 190 of the NPPF, Officers address the exceptional circumstances test in the Conclusion and Planning Balance section below.

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

- 5.64 Policy H3 of the Local Plan sets out the Council's requirements in relation to affordable housing. In order to address identified affordable housing needs, it states 'the Council will require 'qualifying' market housing schemes to make an appropriate contribution towards the provision of affordable housing within the District. Within the Cotswolds AONB, housing schemes of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000m<sup>2</sup> will be required to make a financial contribution towards the provision of affordable housing off-site within the District. This commuted sum will be deferred until completion of the development to assist with viability.' Across the District as a whole, housing schemes of eleven or more units or which have a maximum combined gross floorspace of more than 1,000m<sup>2</sup> will be required to provide affordable housing on site as a proportion of the market homes proposed'. As the proposal includes twenty new residential units, 50% on-site affordable housing provision would be required in accordance with Policy H3.
- 5.65 The application proposes 20 dwellings which would equate to an affordable housing provision of 10 units. The current application proposes 10 affordable dwellings on site equating to a 50% provision of affordable housing in accordance with the requirements of Policy H3.
- 5.66 Policy H4 of the Local Plan seeks to provide a good, balanced mix of property types and sizes. The submitted Planning, Design and Access Statement sets out that a mix of sizes from 1-bedroom to 4

-bedroom dwellings are proposed. This mix together with the affordable housing mix on the site would provide an appropriate mix of smaller and larger size dwellings.

5.67 The proposed development provides for affordable housing to meet the identified local housing need within the Stonesfield Area. The affordable housing will be retained in perpetuity via a s106 with an appropriate mechanism for nominations for the affordable housing and offered to Stonesfield local residents first through the use of a cascade mechanism. The proposal is therefore considered to comply with policies H2, H4 and H5 of the Local Plan.

### **Layout, design, and scale**

5.68 Paragraph 135 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and require development of a high quality 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 and the West Oxfordshire Design Guide 2016.

5.69 This is an outline application with means of access and site layout submitted for approval at this stage. Appearance, landscaping, scale, and internal access details are reserved for future determination. The assessment of design and layout is therefore necessarily based on the indicative layout submitted, which has been developed through pre-application engagement with the Council's planning and conservation officers and is intended to reflect the character and grain of the established housing in this part of Combe Road.

### **Layout**

5.70 The indicative layout proposes a single row of dwellings one to two units deep along the Combe Road frontage, accessed from a single priority junction onto Combe Road. This approach was arrived at following detailed pre-application engagement with officers, including the Council's Conservation and Design Officer, who advised that development should be confined to the area immediately facing the existing housing on the eastern side of Combe Road and should reflect the established linear grain of that frontage. The submitted layout directly follows this advice.

5.71 The arrangement of dwellings mirrors the prevailing pattern of housing on the opposite side of Combe Road, which comprises predominantly semi-detached and short-terrace former Council housing dating from the 1920s onwards. This approach ensures the proposed development reads as a logical complement to the existing built form rather than an alien intrusion, in accordance with the general principles of Policy OS2. Active frontages face onto Combe Road, with gardens and amenity space to the rear. The layout ensures that the majority of the wider field, approximately 76% of the total landholding, remains undeveloped, open to public view and available for nature enhancement.

5.72 The Council's Conservation and Design Officer has engaged with the scheme through the pre-application process, and the indicative layout reflects the advice given. Officers are satisfied that the layout as submitted is appropriate in principle and would form a logical complement to the existing scale and pattern of development in this part of Combe Road, in accordance with Policy OS2.

## Design and Materials

- 5.73 As an outline application, detailed design matters are reserved. However, the Planning, Design and Access Statement sets out the applicant's design intentions, which have been informed by the West Oxfordshire Design Guide and the character of the local vernacular. Stonesfield falls within the Limestone Wolds character area of the Design Guide, where the distinctive building features include creamy limestone walling, limestone slate or imitation stone slate roofing, long frontages, narrow gables, and steeply pitched roofs. These are the defining characteristics of the local vernacular and are well represented in the older buildings of the village.
- 5.74 The applicant proposes that facing materials will comprise a mix of natural local limestone and render, reflecting the established mix of materials on the opposite side of Combe Road. Roofing materials are proposed as Cotswold-style concrete tiles or dark blue slates, with imitation stone slates proposed for the two detached dwellings at the southern end of the site which are most visible on the approach to the village from the south. Fenestration is intended to reflect the traditional character of the area, with vertical emphasis, plain gables without bargeboards and steeply pitched roofs. The applicant has confirmed willingness to accept the advice of the Council's Conservation and Design Officer on detailed appearance and materials at the reserved matters stage.
- 5.75 Officers consider the design approach set out in the Planning, Design and Access Statement to be appropriate in principle and consistent with the character of the Conservation Area and the CNL. The detailed design, materials and appearance of all dwellings will be assessed at the reserved matters stage and can be secured by condition to ensure compliance with the local vernacular and the requirements of the West Oxfordshire Design Guide.

## Scale

- 5.76 The proposal is for 20 dwellings in outline, with scale a reserved matter. The indicative layout demonstrates that 20 dwellings can be accommodated within the application site in a manner that is proportionate to the existing settlement and does not overwhelm the character of Combe Road. The development footprint of approximately 0.64 hectares represents a modest addition to the village and is consistent with the scale of the existing housing along this stretch of Combe Road. The applicant has confirmed an intention to limit building heights to two storeys, in keeping with the prevailing height of dwellings in the immediate vicinity.

## Securing Design Quality

- 5.77 Given the sensitivity of the site within the Stonesfield Conservation Area and the Cotswolds National Landscape, Officers consider it essential that detailed design quality is secured robustly at the reserved matters stage. Conditions requiring the submission and approval of detailed design drawings, a schedule of external materials, hard and soft landscaping details and boundary treatment details will be attached to any permission granted. The Council's Conservation and Design Officer will be consulted on all reserved matters submissions.
- 5.78 Having regard to the above, Officers are satisfied that the indicative layout and design approach are acceptable in principle and that the proposed development would, subject to the detailed design

being secured at the reserved matters stage, be in accordance with Policies OS2 and OS4 of the Local Plan, the West Oxfordshire Design Guide, the National Design Guide, and the relevant provisions of the NPPF.

### **Impact on Heritage Assets**

5.79 The site lies within the Stonesfield Conservation Area and in the setting of a number of designated heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving listed buildings and their settings (Section 66(1)) and special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas (Section 72(1)). Relevant policies of the Local Plan reflect these statutory duties, in particular Policies EH9, EH10 and EH13.

5.80 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 212 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm or less than substantial harm. 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 (paragraph 215).

### **The Stonesfield Conservation Area**

5.81 The application site lies within the Stonesfield Conservation Area, with the north-western frontage portion of the site falling within the Conservation Area boundary. The site currently comprises an open pasture field which makes a contribution to the rural, loosely developed character of this part of the Conservation Area, providing an open aspect and reinforcing the transitional character between the built village edge and the surrounding countryside.

5.82 The Council's Conservation and Design Officer has commented that whilst limiting the development spread to the south and north-west of the original scheme is an improvement, there would still be a significant impact on the Conservation Area, albeit one that is arguably less than substantial. The CDO has noted that development on both sides of a road is inevitably urbanising in character, and that whilst vegetation would mitigate this impact to a degree, it would be unwise to rely on vegetation in perpetuity as a means of addressing that harm. The CDO's position remains that there would need to be strong social justification for the proposal.

5.83 Officers have carefully considered the CDO's assessment. It is accepted that the development of land on the western side of Combe Road, bringing built form onto both sides of the road, would have an urbanising effect on this part of the Conservation Area and that this represents a real and material harm to its character and appearance. The mature roadside tree belt provides significant screening and visual mitigation, but as the CDO notes, this cannot be relied upon in perpetuity, and the character of the Conservation Area would be altered in a manner that cannot be fully reversed. Officers assess the level of harm as less than substantial, consistent with the CDO's own assessment but acknowledge that it sits at the more significant end of that range rather than at the lower end as originally indicated in pre-application discussions.

Stonesfield Manor (Grade II Listed Building)

5.84 Stonesfield Manor and Manor Lodge are Grade II listed buildings located approximately 110 metres to the west of the application site. The north-western boundary of the site is defined by a post and wire fence beyond which is a drystone wall to the Manor, and the well-wooded gardens to the Manor continue around the site to form part of the south-eastern boundary. The proposed development would be visible in oblique views from the Manor and its grounds and would alter the open rural character of the land immediately to its east. However, given the intervening boundary vegetation and the separation distance, the impact on the setting of the Manor is considered limited. The level of harm to the significance of this asset is assessed as less than substantial at the lower end of that scale.

#### Church of St James the Great (Grade II Listed Building)

5.85 The Church of St James the Great is located approximately 212 metres to the west of the application site. The church is a prominent landmark in the village, and its setting is informed in part by the open countryside to its south and east. The proposed development would be seen in the context of the existing built edge of the village when viewed from the churchyard and surroundings and would not materially affect the principal views to and from this asset. Officers consider the harm to the significance of the church and its setting to be less than substantial and at the lower end of that scale.

#### Stonesfield Roman Villa (Scheduled Monument)

5.86 The Stonesfield Roman Villa is a Scheduled Monument located to the south-east of the application site, just north of the Oxfordshire Way (Akeman Street). The monument lies outside the application site boundary and is separated from the proposed development by open agricultural land. The LVIA confirms that the site is not visible from the public right of way adjacent to the monument at Viewpoint 10, where visual effects are assessed as neutral. Officers are satisfied that the proposed development would not materially affect the setting or significance of the Scheduled Monument.

### Archaeology

5.87 The County Archaeological Officer raises no objection to the application, noting that an archaeological evaluation was not required given the existing evidence base for this area. No further archaeological investigation is required prior to determination and there are no archaeological constraints to the development of this site. Conditions requiring a written scheme of investigation and programme of archaeological evaluation is recommended in the event that unexpected finds are made during development, in line with standard practice.

### Overall Heritage Balance

5.88 In line with paragraph 215 of the NPPF, Officers have weighed the less than substantial harm identified across the heritage assets, and in particular to the Stonesfield Conservation Area, against the public benefits of the proposal.

5.89 The Council cannot demonstrate a five year housing land supply. The application proposes 20 dwellings of which 10 are affordable, comprising 8 social rented units and 2 First Homes, all to be offered to Stonesfield residents in the first instance through a cascade mechanism secured by s106. As of January 2025 there were 35 households on the WODC Homeseeker register seeking accommodation in Stonesfield, of whom 11 were already living in the village, with a significant

proportion requiring one or two bedroom units of the type proposed. The Stonesfield Community Housing Trust has confirmed strong support for the scheme and the unmet need for affordable housing in the village is well evidenced. These are substantial and directly evidenced social benefits that go materially beyond the general case for housing delivery and attract significant weight in favour of the grant of permission. The applicant's stated intention to gift 10% of net development profits to the Trust is noted and commended; however, as this commitment is not capable of being secured as a planning obligation and has no basis in development plan policy, it cannot be treated as a material planning consideration and has not been taken into account in the planning balance.

- 5.90 In addition to the affordable housing benefits, the proposal would deliver the nature enhancement and permanent public opening of approximately 76% of the wider field, a new public footpath within the existing tree belt along Combe Road, biodiversity net gain in excess of the statutory 10% requirement, and financial contributions to education, sports, recreation, and community facilities secured by s106. The applicant's commitment to use of local vernacular materials and forms, and to detailed design engagement with the Conservation and Design Officer at the reserved matters stage, will ensure the development makes a positive contribution to the character of the Conservation Area insofar as is achievable.
- 5.91 Officers consider that these public benefits, individually and in combination, clearly outweigh the less than substantial harm to the designated heritage assets identified above, and that the strong social justification required by the CDO is demonstrated. The proposed development is therefore considered to accord with the requirements of Policies EH9, EH10 and EH13 of the Local Plan and the relevant provisions of Section 16 of the NPPF, subject to appropriate conditions.

### **Highway Impact and Pedestrian Accessibility**

- 5.92 Policy T1 of the Local Plan 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. And that, all new development will be designed to maximise opportunities for walking, cycling and the use of public transport. Similarly, Policy T3 states that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport and that where opportunities for walking, cycling, and using public transport are more limited, other measures will be sought to help reduce car use as appropriate.
- 5.93 The application site is located within Stonesfield, a village with a range of day-to-day services and facilities including a primary school, convenience store with post office, a public house and pre-school, all of which are accessible on foot from the site via the existing footway network on Combe Road. The village is served by the Stagecoach S3 Gold Service from bus stops on Combe Road approximately 100 metres from the proposed site access, providing a regular daily connection six days a week. The site is therefore considered to be in a sustainable location where the need to travel by private car can be minimised.
- 5.94 The proposed parking provision has been reviewed by OCC Highways, the Local Highway Authority. The site layout (drawing no. PCD714/001 Rev B) includes parking in accordance with OCC's adopted parking standards, which require up to one space per one-bedroom dwelling and up to two spaces for two, three and four bedroom dwellings. OCC Highways is satisfied that the proposed parking provision is acceptable.

- 5.95 OCC Highways initially raised an objection to the proposed development on the grounds that the proposed access had not been demonstrated to accommodate all vehicle sizes, and that safe pedestrian access to key destinations including Stonesfield Primary School had not been demonstrated. The applicant subsequently provided a Transport Technical Note and a Stage I Road Safety Audit to address these concerns. The swept path analysis was updated to track an 11.6m refuse vehicle, the Stage I RSA raised no safety concerns, and the proposed pedestrian footways have been extended and widened to 2m, connecting the site to the existing bus stops and to the village centre to the north-west. The LHA is now satisfied with the proposed access arrangements and raises no objection, subject to conditions and a s278 agreement for offsite highway works.
- 5.96 OCC has confirmed that the proposed site layout (drawing no. PCD714/001 Rev B) is acceptable. The layout incorporates 2m wide pedestrian footways throughout, a 6m wide shared surface with 0.8m grass margins, and two turning heads to facilitate an 11.6m refuse vehicle. Visibility splays as shown on the approved drawings are required to be maintained free of obstruction above 0.6m by condition.
- 5.97 Having regard to the above, and to the no-objection position of the Local Highway Authority subject to conditions and a s278 agreement, officers are satisfied that the proposed development would not have an unacceptable impact on highway safety or the operation of the local highway network. The proposal is considered to accord with Policies T1, T3 and T4 of the Local Plan and the relevant provisions of the NPPF.

### **Residential Amenity/Noise/Air Quality**

- 5.98 Section 12 of the NPPF seeks to achieve well-designed places and paragraph 135 sets out, inter alia, that places should promote health and well-being, providing a high standard of amenity for existing and future users. This advice is reflected in Policies OS2 and OS4 of the Local Plan which seek to ensure that new development does not have a harmful impact on the amenity of existing occupants.
- 5.99 In terms of layout and impact on neighbouring residents, given the orientation, separation distances and existing landscaping, there will not be an adverse impact on the amenity of neighbouring residents in respect of overlooking, loss of daylight/sunlight and overbearing issues. Similarly, the proposed relationship between the new dwellings is considered to be acceptable.
- 5.100 With regard to contaminated land and potential risk to human health, the Council's Environmental Health Contamination Officer has not provided comments on the proposal. As such, it is recommended that a desk study and if required, a remediation scheme, be secured by condition in any permission granted.
- 5.101 Given the relative proximity to the Coomb Road (as close as 10m), the development must incorporate suitable measures to limit road traffic noise to residents. In addition, given the proposed layout, there is also a likely need for careful consideration of Air Source Heat Pumps (ASHP's) serving the development. The Council's Environmental Health Noise Officer has reviewed the proposal and has raised no objection subject to conditions controlling noise from plant and the hours of construction as suggested being attached to any permission granted.
- 5.102 With regards to air quality, the ERS Environmental Protection Officer has no objection in principle and welcomes the inclusion of cycle storage and electric vehicle charging in each property.

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

- 5.103 The site is located within Flood Zone 1 for fluvial flooding meaning it is at the lowest risk of flooding. Furthermore the site is not in a risk area for surface water or reservoir flooding.
- 5.104 Policy EH7 of the Local Plan relates to water and flood risk. It highlights that all developments should use sustainable drainage systems to manage run-off and support improvement in water quality. It also requires a site specific floor risk assessment for all development with a site area over 1 hectare.
- 5.105 A Flood Risk Assessment (FRA) and a Sustainable Drainage Options Appraisal and Strategy have been submitted in support of the application. The site comprises a 0.64ha plot of grassland on limestone bedrock with no superficial deposits, and the drainage strategy is based on infiltration-based sustainable drainage in accordance with the hierarchy set out in national standards for SuDS.
- 5.106 The drainage strategy proposes the use of pervious paving in the proposed access road and parking areas, and soakaways in the rear gardens of each dwelling to manage runoff from roof and patio areas. The applicant's drainage consultant has calculated the greenfield runoff rate for the site as 1.7 l/s for the 1% AEP event using the HR Wallingford FEH statistical method, with a minimum discharge rate of 1.92 l/s (3 l/s/ha) applying. The proposed drainage strategy is designed to limit surface water discharge to no greater than the calculated greenfield rate and to constrain the runoff volume from the site to as close to the greenfield volume as is reasonably practicable.
- 5.107 Infiltration testing in accordance with BRE 365 is required to confirm ground soakage rates and determine the required sub-base depths for the pervious paving and the minimum soakaway sizes. The Lead Local Flood Authority (LLFA) has raised a holding objection pending the submission of infiltration test results and groundwater monitoring data covering both summer and winter periods to establish peak groundwater levels across the site. This information is required prior to commencement of development and can be secured by condition.
- 5.108 With regard to foul drainage, Thames Water has confirmed no objection to the application subject to an informative relating to the requirement for a Groundwater Risk Management Permit, and a condition relating to water network capacity upgrades if required.
- 5.109 The proposed development complies with national and local planning policy in relation to flood risk and drainage, subject to the resolution of the LLFA's holding objection through the submission and approval of the required infiltration and groundwater monitoring data by condition. This is consistent with Policy EH7 of the Local Plan and the relevant provisions of the NPPF.

## **Trees and Biodiversity**

### **Trees**

- 5.110 Policy EH2 of the Local Plan identifies that development proposals should conserve and where possible enhance the intrinsic character and quality of the local landscape.
- 5.111 The site is located on the south-eastern fringe of Stonesfield and is characterised by strong tree-lined hedgerows along its northern, western, and eastern boundaries. A mature hedgerow also runs along the south-eastern boundary. A belt of mature trees runs along the Combe Road frontage of the site, forming a prominent and visually significant feature of the local street scene. To the south-east of the site, several clumps of trees occupy former spoil heaps known locally as

"chipping banks," created by waste material from historic slate extraction. These features contribute to the character of the site and its setting within the Stonesfield Conservation Area and the Cotswolds National Landscape.

- 5.112 An Arboricultural Impact Assessment (AIA) and Method Statement have been submitted in support of the application. The survey was conducted in accordance with BS 5837:2012 and records a total of 11 trees or groups of trees within the survey area, comprising 5 Category B (moderate quality), 5 Category C (low quality) and 1 Category U (poor quality) features. No Category A trees are present, and no ancient or veteran specimens have been identified. The tree stock consists primarily of native or naturalised species and is generally early-mature to mature in age.
- 5.113 The Council's Tree Officer has reviewed the submitted arboricultural information and raises no objection to the proposal, subject to conditions requiring compliance with the Tree Constraints Plan and the approved AIA and Method Statement. A number of third party representations raised concern about the potential loss of the boundary trees along Combe Road, which are recognised as providing important habitat for birds and other wildlife, and questioned whether a tree survey had been undertaken. The submitted AIA directly addresses these concerns.
- 5.114 The mature roadside tree belt along the Combe Road frontage is to be retained in its entirety as part of the proposed development. The proposed development will require the partial removal of one boundary group only (G1, including trees G3, T4, T5, T6, T7, T8, T9 and T10, approximately 250m<sup>2</sup>), confined to the area within the footprint of the new access junction and visibility splays. The trees proposed for removal include Category B, C and U specimens of varying individual quality; collectively they form part of the moderate quality boundary group. The AIA assesses the impact of this loss as moderate and short-term in nature, having regard to the adjacent highway and properties. One group of trees (G1) will require facilitation pruning, consisting of lateral crown reductions and crown lifts to facilitate construction access, visibility splays and to alleviate potential nuisance post-construction. Root Protection Area incursions are limited to the periphery of the RPAs of G1 and T11 (circa 1-3% of total RPA) and will be managed by supervised excavations and temporary ground protection measures in accordance with the approved AIA and Method Statement.
- 5.115 The proposed development would not result in the loss of any trees of arboricultural or amenity value beyond those required to facilitate the access junction. Retained trees and hedgerows would be protected during construction in accordance with BS 5837:2012, as secured by condition. Compensation for tree loss is proposed through replacement planting around the site perimeter, including understorey planting to reinforce the existing boundary group along Combe Road and native hedgerow planting to internal boundaries. A new public footpath is proposed within the retained tree belt, providing public access along the Combe Road frontage. Detailed replacement planting plans are to be secured by condition as part of the Reserved Matters application.
- 5.116 Having regard to the above, the proposed development is considered to accord with Policies EH2 and EH3 of the Local Plan and the relevant provisions of the NPPF.

## **Biodiversity**

- 5.117 Policy EH3 of the Local Plan requires development proposals to protect and enhance biodiversity with the requirement to achieve an overall net gain in biodiversity where possible. Paragraph 193 of the NPPF requires that where significant harm to biodiversity resulting from a development

cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 180 of the NPPF further requires that planning decisions contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains, including by establishing coherent ecological networks.

- 5.118 A Preliminary Ecological Appraisal has been submitted in support of the application. The assessment considers a range of species and habitats including bats, birds, badger, great crested newts, hedgehogs, reptiles, and amphibians. The Council's Ecology Officer has reviewed the submitted ecological information and raises no objection to the proposal in principle, subject to conditions securing a Construction Environmental Management Plan (CEMP), details of external artificial lighting, and a Biodiversity Enhancement Plan (BEP).
- 5.119 Natural England raises no objection to the application and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or species. Natural England's standing advice on protected species is also relevant and will be drawn to the applicant's attention by informative.
- 5.120 With regard to great crested newts, the application site lies within a red impact zone as identified on the modelled district licence map, indicating that there is highly suitable habitat for great crested newts within the surrounding area. Whilst the ecological assessment concludes that there is a low risk of great crested newts being present on the site itself, an informative will be attached to any permission granted advising the applicant of the relevant legal protections and the potential requirement to join the Council's District Licence scheme.
- 5.121 Stonesfield Parish Council and a number of third party representations have raised concern regarding the potential impact of the development on biodiversity, including the habitat value of the Combe Road boundary trees and hedgerows for bats, birds and other wildlife, and the potential impact of additional residents and domestic pets on the wider field and its ecology. These concerns have been carefully considered by the Council's Ecology Officer. The retention of the mature boundary tree belt and hedgerows in their entirety, together with the proposed nature enhancement of approximately 76% of the wider field to the south of the application site, is considered to provide meaningful mitigation. Conditions securing a CEMP with bat-sensitive working methods, restrictions on artificial lighting affecting key foraging and commuting corridors, and a Biodiversity Enhancement Plan including integral nest boxes, hedgehog highways and artificial hibernacula will be attached to any permission granted.
- 5.122 A Statutory Biodiversity Metric has been submitted (Arbtech, April 2025). The application site (0.59ha) consists entirely of other neutral grassland in moderate condition, with a 200m hedgerow/line of trees in good condition adjacent to the site. The proposals will result in the loss of all onsite grassland and the removal of approximately 10m of the adjacent hedgerow/tree line to create the site access. To address the resulting onsite biodiversity net loss, the applicant proposes to deliver offsite biodiversity gains on an adjacent 1.3ha area of neutral grassland (moderate condition), enhancing this to lowland meadow (target: moderate condition), together with onsite hedgerow planting comprising 370m of native hedgerows around the perimeter of the site outside of the proposed residential curtilage. Accounting for these measures, the submitted metric demonstrates overall gains of 14.86% in habitat units and 28.71% in hedgerow units, both exceeding the statutory 10% requirement.
- 5.123 As the offsite gains are on land owned by the developer but outside the red line boundary, they must be secured by way of a deed of conservation covenant or S106 agreement. The legal

agreement will need to secure the submission of a Habitat Management and Monitoring Plan (HMMP) covering both onsite and offsite gains, timescales for habitat creation and a completion report, monitoring reports over a 30-year period, and a monitoring fee of £4,000.

- 5.124 The Council's Ecology Officer has raised no objection to the proposed development in principle, subject to conditions securing a CEMP, an external lighting scheme and a Biodiversity Enhancement Plan (including integral swift bricks on a 1:1 ratio to new dwellings, hedgehog highways, and artificial hibernacula), and subject to a BNG informative being attached to any permission granted.
- 5.125 Subject to the completion of a satisfactory legal agreement securing the offsite biodiversity gains and the HMMP and associated monitoring requirements, the proposed development is considered capable of meeting the statutory 10% biodiversity net gain requirement. The proposed development is therefore considered to comply with Policy EH3 of the Local Plan and the relevant provisions of the NPPF.

### **Sustainability/Climate Change**

- 5.126 In accordance with Policy OS3 of the Local Plan, the development is required to demonstrate consideration of the efficient and prudent use and management of natural resources including minimising the use of non-renewable resources and energy demands / loss through design, layout, orientation, landscaping, materials, and the use of technology.
- 5.127 In accordance with Policy OS3 of the Local Plan, development is required to demonstrate consideration of the efficient and prudent use and management of natural resources, including minimising the use of non-renewable resources and energy demands through design, layout, orientation, landscaping, materials, and the use of technology.
- 5.128 The application site is located within the village of Stonesfield, which has a population of approximately 1,700 people. The village benefits from a range of day-to-day services and facilities including a primary school, a convenience store with post office, a public house, and a pre-school. These facilities are accessible on foot from the application site, which lies on the southern edge of the village and is connected to the village centre by the existing footway network on Combe Road and the pedestrian infrastructure to be improved as part of the s278 highway works. The majority of day-to-day needs could therefore be met without recourse to the private car.
- 5.129 The village is served by the Stagecoach S3 Gold Service from bus stops on Combe Road approximately 100 metres from the proposed site access, providing hourly connections seven days a week to Oxford, Kidlington, Charlbury, Woodstock, Enstone, Chipping Norton and Yarnton. As set out in the Highway Impact section above, the applicant has agreed to provide an improved bus stop facility as part of the s278 agreement. This demonstrates that the development is located where the need to travel by private car can be minimised and where alternative sustainable transport options are available within easy walking distance, in accordance with Policy T1 of the Local Plan.
- 5.130 In terms of the sustainability of the dwellings themselves, the applicant has committed to providing air source heat pumps for heating and hot water, solar panels to reduce reliance on the national grid, and electric vehicle charging points for all dwellings with a private driveway. These measures exceed the requirements of Policy OS3 and represent a significant improvement in sustainability credentials compared to standard new build provision. The Council's Air Quality Officer

welcomes the inclusion of cycle storage and electric vehicle charging and raises no objection to the proposal.

- 5.131 The Council's Environmental Health Air Quality Officer has raised no objection to the proposal and recommends that the provision of cycle storage and electric vehicle charging facilities be conditioned at this stage or at the reserved matters stage, which officers consider appropriate.
- 5.132 Having regard to the above, the proposed development is considered to represent a sustainable form of development in accordance with Policy OS3 of the Local Plan and the relevant provisions of the NPPF. The site is well located in relation to the services, facilities, and public transport available in Stonesfield, and the proposed dwellings will be constructed to a specification that minimises energy use and carbon emissions.

### **SI06 Contributions**

- 5.133 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.
- 5.134 The applicant has referred to the provision of 50% affordable housing required by policy. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.
- 5.135 Matters relating to the provision of green Infrastructure, biodiversity and open space will also be secured via the SI06 legal agreement together with required monitoring costs. The following financial contributions towards sports and recreational and health care facilities requested by WODC are:
- Outdoor pitch provision contribution of £61,002.60 towards the cost of the provision, enhancement or improvement of outdoor sports pitches and ancillary facilities in the catchment area.
  - Artificial pitch provision contribution of £6,713 towards the cost of providing a replacement or improvement to artificial pitches/ancillary facilities in the catchment area.
  - Indoor sports provision contribution of £8,894 towards the provision, enhancement, or improvement of indoor sports provision in the catchment area.
  - Swimming pool provision of £11,601 towards the provision, enhancement, or improvement to swimming pool provision in the catchment area.
  - Outdoor tennis court provision contribution of £724 towards the cost of enhancements or improvement to outdoor tennis courts and ancillary facilities in the catchment area.
  - Primary health care contribution of £17,280 towards the creation of additional clinical capacity within Stonesfield or an identified primary care estates project in the local area to serve the development.
- 5.136 The following on and off site contributions have also been sought by OCC, as set out in their consultation response:
- Education contribution of £11,804 towards special school education capacity serving the development; and
  - Waste contribution of £2,070 towards household waste recycling centres within the vicinity of the site.

5.137 The proposal would also be liable for the Community Infrastructure Levy (CIL). Based on a total residential floorspace of 2,047.6sqm (GIA) at a rate of £225psqm, the gross CIL liability amounts to £460,710, reduced to £331,200 should Formal Relief be granted in respect of the Affordable Housing floorspace.

## **6 CONCLUSION AND PLANNING BALANCE**

6.1 The application seeks outline planning permission for 20 dwellings, of which 10 are affordable, on land west of Combe Road, Stonesfield, within the Cotswolds National Landscape and the Stonesfield Conservation Area. The key planning considerations have been assessed in detail in the preceding sections of this report. This section draws together the overall planning balance.

### **The Development Plan and Housing Land Supply**

6.2 The determination of this application falls to be made in accordance with the development plan unless material considerations indicate otherwise, pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development plan comprises the West Oxfordshire Local Plan 2031, adopted September 2018.

6.3 As set out in the Principle of Development section above, the Council cannot currently demonstrate a five year supply of deliverable housing sites. Officers anticipate the shortfall is likely to worsen when the next housing land supply position statement is published, with the supply likely to be in the region of 3.5 to 4.3 years. Accordingly, paragraph 11(d) of the NPPF is engaged, and the policies most important for determining this application that relate to the supply of housing are considered out of date. The tilted balance therefore applies.

6.4 Under paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless 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. However, as the site lies within the Cotswolds National Landscape, paragraph 11(d)(i) is also engaged: the policies in the Framework that protect areas of particular importance — in this case paragraph 189, which requires great weight to be given to conserving and enhancing landscape and scenic beauty in National Landscapes — must be considered as a potential strong reason for refusal.

### **Harms**

6.5 Officers have identified the following harms associated with the proposed development.

6.6 In landscape terms, the LVIA concludes that the development would result in moderate adverse landscape effects at the local level at Year 1, reducing to slight adverse by Year 10 as mitigation planting establishes. Visual effects are at most moderate adverse at Year 1 from close-range viewpoints along Combe Road, reducing to slight adverse by Year 10. The site is not visible from the majority of publicly accessible viewpoints in the wider National Landscape. The harm to landscape character is real and must be given great weight, but it is localised, time-limited and does not materially erode the special qualities of the CNL as a whole.

6.7 In heritage terms, the proposed development would result in less than substantial harm to the Stonesfield Conservation Area, to the setting of Stonesfield Manor (Grade II), and to the setting of the Church of St James the Great (Grade II\*). The Conservation and Design Officer has noted the inevitably urbanising effect of development on both sides of Combe Road and has indicated that

strong social justification would be required. Officers accept this assessment. The harm to the Conservation Area sits at a more significant point within the less than substantial range and must be given great weight pursuant to Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 212 of the NPPF.

6.8 No other significant harms have been identified. Highway, drainage, ecology, trees, and residential amenity matters are all capable of being addressed by condition or s106 obligation, as set out in the relevant sections above.

## **Benefits**

6.9 Officers have identified the following public benefits associated with the proposed development.

6.10 The most significant benefit is the provision of affordable housing. The proposal would deliver 10 affordable dwellings comprising 8 social rented units and 2 First Homes, all to be offered to Stonesfield residents in the first instance through a cascade mechanism secured by s106. This represents a 50% affordable housing provision in accordance with Policy H3. There is a well-evidenced and significant unmet need for affordable housing in Stonesfield, with 35 households on the WODC Homeseeker register seeking accommodation in the village as of January 2025, of whom 11 were already living in the village. The Stonesfield Community Housing Trust has confirmed strong support for the scheme. Significant weight is attached to this benefit. The applicant's stated intention to gift 10% of net development profits to the Trust is noted and commended; however, as this commitment is not capable of being secured as a planning obligation and has no basis in development plan policy, it cannot be treated as a material planning consideration and has not been taken into account in this assessment.

6.11 The proposal would also deliver 10 market dwellings, contributing to the Council's housing land supply at a time when the LPA cannot demonstrate a five year supply. Moderate weight is attached to this benefit.

6.12 The retention and nature enhancement of approximately 76% of the wider field, to be opened to public view and access in perpetuity, represents a meaningful environmental and recreational benefit. A new public footpath within the existing tree belt along Combe Road would provide a safe off-road walking route for residents. The biodiversity net gain assessment demonstrates a 22.06% net gain in habitat units and a 78.34% net gain in hedgerow linear units, significantly exceeding the statutory 10% requirement. These environmental benefits attract moderate weight.

6.13 The proposed dwellings will incorporate air source heat pumps, solar panels and electric vehicle charging points, exceeding the sustainability requirements of Policy OS3. Limited weight is attached to this benefit, which is increasingly standard in new residential development.

6.14 The economic benefits of the construction phase, including local employment and supply chain expenditure, and the longer-term economic contribution of additional residents to local businesses and services, attract limited weight.

## **The Planning Balance**

6.15 Officers have carefully weighed the harms and benefits set out above.

- 6.16 The landscape harm, whilst real and requiring great weight to be given to it in line with paragraph 189 of the NPPF, is localised, affects primarily the immediate local character area, reduces substantially over time, and does not materially erode the special qualities or purposes of the Cotswolds National Landscape as a whole. The proposal does not constitute major development for the purposes of paragraph 190 of the NPPF in Officers' assessment, for the reasons set out in the relevant section above. However, even if the Committee were to take a different view on this question, Officers consider that the exceptional circumstances test would be met in this case. The combination of significant and evidenced unmet affordable housing need, the absence of any realistic alternative site within or adjoining the village capable of delivering equivalent provision, the constrained nature of the Burford-Charlbury sub-area within which virtually all land is designated CNL, the limited and time-reducing nature of the landscape harm, and the substantial wider public benefits including the nature enhancement of the majority of the field, together constitute the unique combination of factors required to demonstrate exceptional circumstances under paragraph 190.
- 6.17 The heritage harm, whilst also requiring great weight pursuant to the statutory duties under the 1990 Act and paragraph 212 of the NPPF, falls within the less than substantial range. As set out in the Heritage Assets section, Officers are satisfied that the strong social justification identified by the Conservation and Design Officer is demonstrated by the evidenced affordable housing need and the wider public benefits of the scheme. The public benefits clearly outweigh the less than substantial harm in accordance with paragraph 215 of the NPPF.
- 6.18 Taking all of the above into consideration, Officers are of the opinion that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The social benefits arising from the provision of affordable housing to meet an evidenced and significant local need, combined with the environmental, recreational, and financial benefits of the scheme, are compelling when weighed against harms that are localised, reduce over time and do not fundamentally compromise the designations within which the site falls.
- 6.19 The application is therefore recommended for approval, subject to the completion of a satisfactory S106 legal agreement securing the matters set out in the S106 Contributions section of this report, and subject to the conditions set out below.

## **7 CONDITIONS**

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, scale and accessibility, (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. That the development be carried out in accordance with the approved plans listed below:

23028.1 Rev I - Site Location Plan

23028.2 Rev G - Site Plan

23026.6 Rev D - Site Layout

PCD714 / 001 Rev A - Proposed Site Layout & Highway Works

PCD714 / TR01 Rev A - Vehicular Swept Paths Analysis using Large 4-Axle Refuse Vehicle

PCD714 / TR02 (1) Rev A - Vehicular Swept Paths Analysis using Large Size Car (Sheet 1 of 5)

PCD714 / TR02 (2) Rev A - Vehicular Swept Paths Analysis using Large Size Car (Sheet 2 of 5)

PCD714 / TR02 (3) Rev A - Vehicular Swept Paths Analysis using Large Size Car (Sheet 3 of 5)

PCD714 / TR02 (4) Rev A - Vehicular Swept Paths Analysis using Large Size Car (Sheet 4 of 5)

PCD714 / TR02 (5) Rev A - Vehicular Swept Paths Analysis using Large Size Car (Sheet 5 of 5)

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

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

REASON: To ensure a safe and adequate access.

5. Visibility splays as shown on the approved drawings shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

REASON: In the interests of road safety.

6. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans," to include details of a Travel information Pack for residents, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework (2024).

7. No other part of the development hereby approved shall be occupied until the offsite highway works have been laid out and constructed in accordance with details to be submitted to and first approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall include:
  - A scheme for signage between the site and Stonesfield Primary School
  - Public Transport Infrastructure on Combe Road

REASON: To ensure a safe and adequate access to the site for all users.

8. Prior to first occupation of any of the dwellings hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority. The EVCP shall be installed and brought into operation in accordance with the details agreed prior to occupation of the development.

REASON: In the interests of air quality and to reduce greenhouse gases.

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 approved CTMP shall be implemented and operated in accordance with the approved details. The CTMP will need to incorporate the following in detail:
  - Routing of construction traffic and delivery vehicles is required to be shown signed appropriately to the necessary standards/requirements. This includes means of access into the site.
  - Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
  - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
  - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure, and the residential amenities of neighbouring occupiers.

10. Prior to the first occupation of the development, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework (2024).

11. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report 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 prevent pollution of the environment in the interests of the amenity.

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

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

REASON: To prevent pollution of the environment in the interests of the amenity.

13. Prior to any demolition and the commencement of the development, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

14. Following the approval of the Written Scheme of Investigation referred to in condition 13, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis, and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

15. No part of the development hereby approved shall be occupied until confirmation has been provided that either:-
1. All water network upgrades required to accommodate the additional demand to serve the development have been completed; or –
  2. a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

16. Construction shall not begin until/prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element,
  - Details of how water quality will be managed during construction and post development in perpetuity;
  - Confirmation of any outfall details, including infiltration testing to BRE365 standards to demonstrate the soakage rates for the site and groundwater monitoring data covering both summer and winter monitoring periods to establish peak groundwater levels.
  - Consent for any connections into third party drainage systems.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

17. Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- (a) As built plans in both .pdf and .shp file format;
  - (b) Photographs to document each key stage of the drainage system when installed on site;
  - (c) Photographs to document the completed installation of the drainage structures on site;
  - (d) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

18. Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

19. No development shall commence until a suitably qualified acoustic consultant has identified what measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms and gardens) is unlikely to result. A written report shall be submitted to the Planning Authority which shall detail:

- all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based;
- an assessment of plant noise from ASHP's, complaint with BS4142:2014+A1(2019).

Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation of any part of the development.

REASON: In the interests of residential amenity.

20. No development shall commence until a suitably qualified acoustic consultant has identified what measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms and gardens) is unlikely to result. A written report shall be submitted to the Planning Authority which shall detail:

- all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based;
- an assessment of plant noise from ASHP's, complaint with BS4142:2014+A1(2019).

Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation of any part of the development.

REASON: In the interests of residential amenity.

21. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays. For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

22. Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the local planning authority. The plan shall include full details of biodiversity enhancements which shall include but not be limited to:

- a) Elevations drawings clearly detailing the model and location of integral nest boxes for birds provided on a 1:1 ratio to new dwellings and in accordance with BS 42021:2022 'Integral nest boxes;'
- b) The creation of marked hedgehog highways (by creating small 13×13cm gaps in close board fencing so that hedgehogs can disperse freely throughout the site); and
- c) The provision of artificial hibernacula for reptiles and amphibians. The approved plan shall be implemented as described and retained thereafter.

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

- 23. The development hereby approved shall be carried out in accordance with the Arboricultural Impact Assessment by Tree Frontiers dated 29 October 2025 unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure the success of the proposed landscaping scheme and associated biodiversity enhancements.

- 24. No development shall be undertaken (including any site and/or vegetation clearance) until a construction environmental management plan (CEMP) which contains full details of the measures outlined in the Preliminary Ecological Appraisal (Arbtech, June 2024) associated with the planning application has been submitted to and approved in writing by the local planning authority. The CEMP shall include consideration of the following:
  - a) The results of a ground-level tree assessment (GLTA) for bats focusing on trees to be removed, as well as any additional required surveys and mitigation measures for bats;
  - b) Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
  - c) Specific measures (which may be presented as a series of method statements) to avoid impacts to nesting birds, reptiles, and terrestrial mammals (badger and hedgehog);
  - d) The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s); and
  - e) Copies of any protected species mitigation licences required for work to commence, if required.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

REASON: To ensure that biodiversity is safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as Amended, The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 25. Notwithstanding the submitted details and before works above slab level commence, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution to tree lines, hedgerows, or adjacent grassland habitats to protect key foraging and commuting corridors for bats. The details shall include, but not be limited to, the following:

- d) Technical description, design, or specification of external lighting to be installed including shields, cowls, or blinds where appropriate;
- e) A description of the luminosity of lights and their light colour;
- f) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- g) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
- h) Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To protect roosting, foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

#### INFORMATIVES :-

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, pedestrian refuge island, carriageway widening and new right-turn lane) 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. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
3. No vehicles associated with the building operations on the development site shall be parked on the public highway, so as to cause an obstruction. Any such obstruction is an offence under S137 of the Highways Act 1980.
4. **IMPORTANT:** the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.
5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames

Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.efluent@thameswater.co.uk](mailto:trade.efluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale, Business customers, Groundwater discharges section.

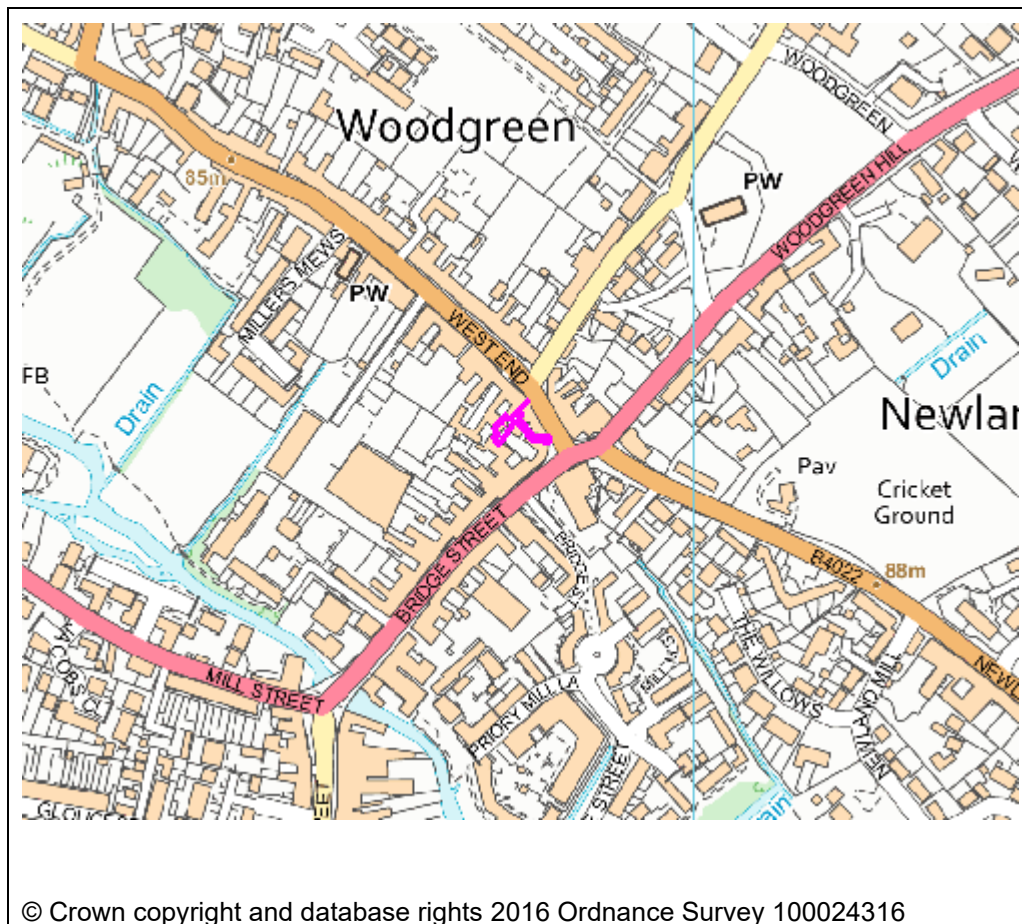
6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online At [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).
7. Please note that the proposed development set out in this application will be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The amount of the liability will be calculated when the related reserved matters application is determined. Further information about CIL is available at [www.westoxon.gov.uk](http://www.westoxon.gov.uk)

**Officer:** Mike Cassidy

**Date:** 24th June 2026

Application Number	26/00374/FUL
Site Address	5A West End Witney Oxfordshire OX28 1NG
Date	24th June 2026
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435892 E 210372 N
Committee Date	6th July 2026

### Location Map



### Application Details:

Demolition of a timber workshop and erection of a replacement building comprising 2 x 1-bedroom apartments and associated works.

### Applicant Details:

Inside Out Developments Ltd  
C/o Agent

## I CONSULTATIONS

WODC Drainage	The FRA can be approved and a drainage condition requested.
Conservation And Design Officer	<p>This would be a fairly dense development, but that is not unusual in these back-land sites. And it would represent a significant tidying up of the site, with the removal of a decrepit and sizeable shed.</p> <p>We also note that the proposed building would not be at all prominent beyond the immediate site.</p>
District Ecologist	Acceptable subject to a condition securing biodiversity enhancements and informative.
OCC Highways	<p>No objection.</p> <p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety ) on the adjacent highway network.</p>
Parish Council	<p>Witney Town Council does not object to this application in terms of material planning considerations.</p> <p>Members welcome the provision of one-bedroom accommodation close to the town centre, which contributes to housing choice within the town and supports sustainable patterns of development. This aligns with the objectives of the West Oxfordshire Local Plan 2031, including Policy H2 (Delivery of New Homes) and Policy OS2 (Locating Development in the Right Places), which encourage the provision of housing within accessible and sustainable locations.</p> <p>Members note that national policy within the National Planning Policy Framework (NPPF) supports the efficient use of land and encourages developments that make effective use of previously developed land, particularly in accessible locations (see NPPF paragraphs 124'125).</p> <p>However, Members raise some concern that the proposed bedroom size appears relatively compact, and request that officers consider whether the internal layout provides an adequate standard of accommodation, having regard to the principles set out within the NPPF relating to the creation of high-quality, well-designed places (see NPPF Section 12, Achieving well-designed places) and any relevant internal space standards.</p> <p>Members also ask that the comments from Environmental Health are taken into account and support the inclusion of a land contamination condition, requiring investigation, risk assessment and remediation should contamination be identified during development. This would be consistent with Policy EH8 (Environmental</p>

Protection) of the West Oxfordshire Local Plan 2031 and national policy within NPPF Section 15 (Conserving and Enhancing the Natural Environment).

In addition, Members note the comments of the Flood Risk Management Officer regarding the site's susceptibility to groundwater flooding notes at 50'75% and request that appropriate drainage and mitigation measures are secured as part of the development in accordance with Policy EH7 (Flood Risk) of the West Oxfordshire Local Plan 2031 and the principles set out in NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change).

Env Health Contamination

Given the proposed residential development please consider adding the following condition to any grant of permission as a precaution:  
1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Land Contamination: Risk Management (LCRM), and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.  
Reason: To prevent pollution of the environment in the interests of the amenity.  
Relevant Policies: West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

Env Health Noise And Amenity

No objection, subject to a condition restricting construction hours to safeguard the amenity of residents.

Thames Water

Waste:-With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Thames Water would advise that with regard to waste water network and sewage treatment works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WATER:- With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

## **2 REPRESENTATIONS**

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

- Impact on ecology
- Increased danger of flooding
- Neighbourliness
- Overdevelopment
- Harm to residential amenity of No. 7
- Parking and highways safety
- Harm to character of the area contrary to policies OS4 and H6
- Harm to living conditions of existing residents

## **3 Applicant's Case**

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

3.2 The proposed development will deliver the following benefits:

- 2 x 1 bedroom apartments in a town centre location
- Development will deliver homes of an affordable cost for those seeking to get a start on the housing ladder.
- Makes use of a town centre brownfield site.
- Substantially improve the appearance of the immediate locality, the communal area, and the outlook of neighbouring occupiers.
- Through the construction stage, contribute to the local economy.

3.3 It has been demonstrated that the proposed development can be brought forward without increasing the risk of flooding in the immediate or wider area. The proposed development will preserve the existing amenity enjoyed by neighbouring occupiers. Future occupiers of the new apartments will enjoy a good standard of living in a comfortable and attractive environment.

3.4 The presumption of sustainable development is engaged. The planning balance clearly demonstrates that the proposed development will have no adverse impacts that would significantly and demonstrably outweigh the benefits of 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

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
WIT6NE Witney sub-area strategy  
DESGUI West Oxfordshire Design Guide  
NPPF 2024  
NATDES National Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 This application seeks planning permission for the demolition of a timber workshop and erection of a replacement building comprising two 1-bedroom apartments and associated works at 5A West End, Witney.
- 5.2 The application site relates to an existing, single-storey timber workshop located in the Witney and Cogges Conservation Area with pedestrian access from Bridge Street.
- 5.3 The site is situated within close proximity of a number of listed buildings, such as Number 5/5a West End and Number 1-3 West End. The south-western corner of the site lies in Flood Zone 2. To the north-west is Number 9a West End. The Old Court Hotel and car park is to the south and to the north-east is Number 7 West End. Numbers 5 West End are to the east and 5d/e are to the south-east.
- 5.4 The application is a resubmission of application reference 24/02592/FUL, which was refused in January 2025. The application is before members because the Planning Officer's view is clearly contrary to the Town Councils. In addition, the application has been called-in by a local member for determination due to concerns about impact on other properties from flooding, and loss of light and enclosure to neighbouring properties.

### **Relevant Planning History**

24/02592/FUL - Demolition of existing timber shed and erection of a replacement building comprising 2 x 1 bedroom apartments. Refused. 16th January 2025.

The application was refused on the grounds that no Flood Risk Sequential Test had been submitted as part of the application and that no adequate evidence had been submitted to show that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Further, it was considered that the adverse impacts of the proposed development, including the harm to the amenity of existing residents and future users of the development resulting from poor quality design, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the National Planning Policy Framework (NPPF, 2024) taken as a whole. In addition, insufficient information had been submitted to demonstrate the biodiversity gain objective can be met and that the biodiversity gain plan condition could be discharged successfully.

No. 9a West End

18/00201/HHD - The addition of a single storey conservatory to the existing private residential dwellinghouse. Refused. Appealed.

APP/D3125/D/18/3203323 - Appeal dismissed. The proposed conservatory was to be constructed on the boundary which is shared with and defines the end of No 7's garden. The proposed development sits along the other (adjoining) boundary that defines the end of No7's garden.

The proposed conservatory involved raising the height of the wall by 0.3m, with the eaves of the conservatory sitting atop the raised wall. The pitched roof was an additional 2.1m in height. The total height of the proposed conservatory was 2.4m above that of the existing boundary wall.

The Inspector concluded that, given the presence of the walls along two sides of the garden area, the additional height of the conservatory roof, projecting above the raised boundary wall, would impinge upon the only outlook from the garden and rear windows of number 7 so would appear overbearing and introduce an unacceptable level of enclosure for the occupants of No 7.

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

- Principle of development
- Impact on heritage assets
- Impact on flood risk
- Design, Form, Scale and Impact on Amenity
- Impact on highway safety
- Impact on ecology
- Public Benefits of the Proposed Development
- Planning Balance

5.5 Each of the above considerations are fully considered in the following sections of this report.

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

5.6 Policy OS2 of the adopted West Oxfordshire Local Plan (WOLP, 2031) sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross). The site lies within Witney, a main service centre.

5.7 Policy H2 of the WOLP states that new dwellings will be permitted in main service centres, including Witney, on previously developed land within the built up area provided that 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 the plan.

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

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

5.9 Officers' concerns in relation to these particular General Principles will be discussed further below. Paragraph 11d) of the NPPF (2024) applies and this is explained below.

5.10 The Witney sub-area strategy policy WIT6 states that the focus of new housing will be Witney.

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

5.11 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.

5.12 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.

5.13 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).

5.14 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.

5.15 As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

### **Conclusions on the principle of residential development and paragraph 11(d) of the NPPF**

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

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

5.17 In respect of bullet point i), detailed above, specific policies relating to designated heritage assets and flooding are relevant.

5.18 In respect of bullet point ii), detailed above, footnote 9 clarifies that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12. The application is assessed against paragraph 11(d) ii) of the NPPF below.

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

### **Impact on Designated Heritage Assets**

5.20 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 16 of the NPPF (2024) is also relevant.

5.21 The existing shed is of no great merit, and the site is surrounded by buildings and is not prominent in views from beyond the immediate site except for glimpsed views of the corrugated asbestos roof from the narrow entrance to the adjoining hotel car park. The proposal would not be uncharacteristic of such back-land residential development in the town, and the proposed materials are considered to reflect those used in this part of the conservation area. Therefore, the proposed development is considered to conserve the character and appearance of the conservation area.

5.22 In relation to nearby listed buildings and in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.23 The application claims that the site lies within the curtilage of 5 and 5A West End, a grade II listed building. The submitted heritage statement describes the significance of 5 and 5A West End and concludes that as the proposals are remote from the main building, only being within the curtilage, they would have a negligible impact on the existing historic structure and appearance of the building. The Council's Conservation Officer concurs with this assessment and also has no objection in terms of impact on the setting of other nearby listed buildings. Therefore, in accordance with Section 66(1) of the Planning Act 1990 and Section 16 of the NPPF (2024), the proposal is considered to conserve the significance of designated heritage assets.

### **Impact on flood risk**

5.24 In terms of impact on flood risk, the Council's Flood Risk Management Officer identifies that the site is within Floodzones 1 and 2 and the historic flood map. The western end borders on Floodzone 3.

5.25 Paragraph 170 of the NPPF (2024) states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

5.26 Paragraph 172 states: 'All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- a) applying the sequential test and then, if necessary, the exception test as set out below;
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
- d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.'

5.27 Paragraph 173 of the NPPF states:

'A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding, by following the steps set out below.'

5.28 Paragraph 174 states:

'Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.'

5.29 Paragraph 175 of the NPPF states: 'The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).'

5.30 Planning Practice Guidance states that 'in applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future *surface water* flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied' (our emphasis). From this, it is clear that this exception only applies to surface water and not other sources of flooding, such as from rivers.

5.31 In terms of impact on surface water flooding, an amended site-specific Flood Risk Assessment has been submitted which identifies that the site is subject to a risk of surface water flooding (see section 6.3 of the FRA). Flood resistance and resilient measures have been set out in section 8 of the FRA. In summary, these are as follows:

- Flood barriers to external door openings in combination with suitable ground floor construction techniques to prevent water entering the dwelling from the under-floor void
- The following flood resilient construction techniques are to be included where reasonably practical:
- All walls at risk of coming into contact with flood water lime plastered or screeded with waterproof screed.

- When installing plasterboard, it should be installed lengthways to minimize the amount of plasterboard that would need to be replaced in the event of flooding.
- Plastic skirting could be used as these will not soak up water during a flood event.
- Electrical units, including boilers and heaters, should be raised on plinths.
- Kitchen units should be installed on legs to raise them or be constructed with plastic carcasses and removable doors, again to ensure no wooden features get wet.
- Ground floors should be laid with tiles, using a waterproof adhesive.
- Waste pipes and mains pipes should be fitted with non-return valves to prevent the ingress of floodwaters.
- Internal doors can be installed with lift-off hinges to allow easy removal if flood waters are expected.
- Sealed PVC external framed doors should be used, and where wooden doors are preferred, all effort should be made to ensure a good fit and seal to their frames.
- Raising floor levels above the 1% AEP fluvial flood level plus an allowance for climate change assuming 40% increase in flow over the next 100 years.
- Finished floor levels including a freeboard above the flood level of 600mm with a minimum floor level at least 82.32AOD

5.32 In accordance with the Council's Flood Risk Management Officer's advice, it has been demonstrated that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development without increasing flood risk elsewhere.

5.33 However, the Council's Flood Risk Officer identifies the site as falling within Floodzones 1 and 2 and the historic flood map with the western end bordering floodzone 3. Floodzone 2 means that there is a medium probability of flooding with between a 0.1% and 1.0% annual probability of river flooding (a 1 in 100 to 1 in 1,000 year event). Therefore, Officers consider that a sequential test is still required because the development would be at risk from river flooding. A sequential test has not been submitted and so the proposed development is contrary to Section 14 of the NPPF 2024.

5.34 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>63</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

5.35 The development has been laid out so that the more vulnerable parts of the development are located in the areas of lowest flood risk and the garden in the area at highest risk. Flood resistance

and resilient measures have been set out in section 8 of the FRA. Sustainable drainage systems can be secured by condition. Recommendations have been made to safely manage residual risk in section 8.2 of the FRA. Section 9 of the FRA sets out safe access and escape routes which includes via West End, either to the west or to the north, and then to an area in Flood Zone 1 either East into Newland or Woodstock Road, or north into Woodgreen.

5.36 Regarding foul water disposal, this is proposed to be via the existing mains sewer connection. Thames Water have been consulted, and no objection has been raised subject to the sequential approach to the disposal of surface water being followed. A full surface water drainage strategy can be conditioned for submission and approval in consultation with the Council's Flood Risk Management Officer prior to the commencement of development.

5.37 With regard to the waste water network and sewage treatment works infrastructure capacity, Thames Water have no objection, based on the information provided.

5.38 Therefore, in the absence of a sequential test, the application fails to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and so does not comply with Chapter 14 of the NPPF (2024), policy EH7 of the adopted WOLP and the Environment Agency's Flood Risk Standing Advice (2024).

### **Conclusions on first arm of paragraph 11d i)**

5.39 In conclusion, for the reasons set out above, the application of policies in the NPPF that protect areas or assets of particular importance, which includes areas at risk of flooding, provide a strong reason for refusing the development proposed. Notwithstanding this, the second arm of paragraph 11d of the NPPF (2024) is considered below.

### **Design, Siting, Scale and Impact on Amenity**

5.39 The site is surrounded by other residential dwellings. Paragraph 135 of the NPPF (2024) states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

- 5.40 Paragraph 139 states: 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes...'
- 5.41 In terms of scale and form, the proposed apartments are split over two-storeys and the building has a pitched roof form to be constructed of rubble coursed limestone with a natural slate roof and solid timber windows and doors with traditional flush casements and doors. The building is of modest proportions with a tidy design and would have a very similar footprint to the existing shed, although taller.
- 5.42 In terms of whether the proposal leads to a high standard of amenity, in the previous application Officers had some concerns regarding loss of light to Number 7 and Number 9a but also whether the proposed apartments receive adequate levels of light. A Daylight and Sunlight Report has been submitted which examines the impact of the proposed scheme using BRE guidelines, which is the set of guidelines used by local authorities to assess the impact of proposed development on existing Daylight and Sunlight.
- 5.43 The report states that the daylight and sunlight reductions to Number 7, West End will be negligible and that in relation to number 9a, West End, the reduction in relation to sunlight (Annual Probable Sunlight Hours), will be minimal and the dining room will retain excellent levels of sunlight, over three times the acceptable level. The report also states that the daylight amenity within all rooms meet the target default criteria and fully comply with the BRE guidelines. Furthermore, with reference to the attached table for Sunlight Exposure, the results show that all units will meet the recommended guidelines. The report concludes that the daylight and sunlight impact of the proposed scheme accords with the BRE guidelines and that the overshadowing impact to the neighbouring amenity areas will be minimal and fully compliant with the BRE guidelines. Overall, the report states that the daylight and sunlight impact of the proposed development accords with the BRE guidelines.
- 5.45 However, whilst the Daylight and Sunlight Report (February 2026) shows that the impact of the proposed scheme accords with the BRE guidelines, it is noted that first and second floor windows in the rear elevation of number 7, West End have not been included in the assessment.
- 5.46 In addition, the outlook from the rear windows of Number 7, West End is towards a boundary wall at the end of the garden providing outlook towards the adjoining garden area of No 9a. The two sides of number 7's garden are enclosed by high walls of neighbouring buildings. From a site visit, the height of the boundary wall from the garden of number 7 is around chest height. Based on the submitted drawings, the eaves of the proposed scheme would sit circa 1.5m above the height of the boundary wall and the total height above the boundary wall is approximately 4.15m (these measurements may be higher as the boundary wall appears to have been drawn higher than it is). Whilst Officers acknowledge that the pitched roof slopes away from the boundary with number 7 and rooflines to the southwest will still be visible, it is considered that due to the eaves height, the proposed development would introduce an unacceptable level of enclosure for the occupants of number 7.
- 5.47 Further, due to the proposed eaves height, proximity to number 5e, and position of windows serving habitable rooms in the side elevation of number 5e, it is considered that the proposal would have an overbearing impact on occupants of number 5e.

5.48 The proposed bedrooms have a minimum width of c.2.62m which does not meet the recommended minimum width of 2.75m for a double bedroom which is set out in the technical housing standards (nationally described space standard). Given the proposed headroom and based on the section drawing, the first floor apartment does not meet the minimum gross internal floor area that is recommended by the technical housing standards (nationally described space standard) for a one-bedroom single storey apartment. Whilst these standards are not included in any adopted local plan policy, paragraph 135 of the NPPF does state that planning decisions should ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. It is considered that due to the size of the apartments, that the proposed development would be cramped, create an oppressive environment, and so not provide an acceptable standard of amenity for future occupants.

5.49 The daylight and sunlight report concludes that the daylight amenity within all rooms of the proposed apartments meet the target default criteria and fully comply with the BRE guidelines, and that all units would meet the recommended guidelines for Sunlight Exposure.

5.50 In light of the changes to the internal arrangements of the first floor of the apartment to include the bedroom facing number 5 West End, separation distance, and offset between windows and the existing balcony, Officers consider that the proposed development would have an acceptable impact on the amenity of existing residents at numbers 5, 5a, 5b and 5c West End. A minimum internal ceiling height of 1.7 metres for the proposed rooflights could be achieved by planning condition to safeguard the amenity of neighbouring residents.

### **Highway Safety and Parking**

5.51 No car parking is proposed. Oxfordshire County Council (OCC) as the relevant local highway authority have been consulted and have no objection to the proposed development on highway safety grounds. In terms of parking, OCC's adopted Parking Standards for New Developments states that for 1-2 bedroom dwellings within towns, up to 1 space per dwelling is to be provided within the development site. Given the location of the site close to the town centre and public transport connections, OCC have no objection to no parking being proposed. Cycle parking is provided for each unit. Therefore, the proposal is considered to be acceptable in this regard.

### **Impact on ecology**

5.52 The Council's biodiversity officer has been consulted, and no objection has been raised, subject to conditions and an informative. Therefore, the proposed development is considered to comply with policy EH3 of the adopted WOLP and the BNG exemptions included in the Environment Act 2021.

### **The Overall Benefits of the Development**

5.53 The proposed development will provide two additional 1-bedroom apartments to meet an identified housing need within an existing settlement and sustainable location.

5.54 An existing, derelict workshop will also be removed, and the applicant claims that this will substantially improve the appearance of the immediate locality and the outlook of neighbouring occupiers.

5.55 The application relates to a brownfield site/previously developed land. There would also be economic benefits from the construction of the dwellings and social benefits by adding to the vitality of the community.

### **Paragraph 11(d) ii) Planning Balance**

5.56 Given the number of dwellings proposed, the sustainable location of the site in a main service centre and in the absence of a five year housing land supply, the economic and social benefits resulting from two additional dwellings in this location are considered to attract limited to moderate weight.

5.57 The removal of the existing structure is considered to have a negligible impact on the character and appearance of the conservation area given that it is not prominent in views from beyond the immediate site except for glimpsed views of the corrugated asbestos roof from the narrow entrance to the adjoining hotel car park.

5.58 In terms of the weight to be applied to the use of a brownfield site for new homes, paragraph 129 of the NPPF (2024) is clear that planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed, attractive and healthy places. Paragraph 135 states that planning decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.

5.59 Paragraph 139 states that development that is not well-designed should be refused and this policy, along with paragraphs 129 and 135 referenced above, are included in paragraph 11(d)ii) of the NPPF as requiring particular regard in the tilted balance. Officers consider that the identified adverse impacts on amenity should be afforded considerable weight.

5.60 Officers acknowledge the benefits to the outlook of neighbouring residents associated with the removal of the derelict workshop, which are claimed for by the applicant, but do not consider that these outweigh the harms identified.

5.61 Officers have already concluded that there would be harm from not locating the development in an area at lower risk of flooding and not applying the sequential test (and if necessary, the exception test) and the weight to be attributed to this harm continues to apply in a paragraph 11(d) ii) tilted balance.

### **Other Matters**

5.62 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed, the development will be CIL liable. Any revised application would also be CIL liable.

### **Conclusion**

5.63 In conclusion, the application of policies in the NPPF (2024) that protect areas at risk of flooding provide a strong reason for refusing the development proposed. Notwithstanding this, the adverse impacts to the amenity and health of existing residents and future users of the apartments resulting from poor quality design, but also the adverse impacts from failing to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, are considered to significantly and demonstrably outweigh the benefits of the proposal

when assessed against the policies in the NPPF (2024) taken as a whole. Therefore, the proposed development is recommended for refusal.

## 6 REASONS FOR REFUSAL

1. The application site and proposed building is identified by the Environment Agency as being partly within flood zone 2. No Flood Risk Sequential Test was submitted as part of the application. As such inadequate evidence has been submitted to show that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Given that insufficient information has been provided in relation to flood risk, officers are unable to determine whether the proposal would ensure that the development does not increase flood risk at the site, or existing property or land beyond the site boundary. The application of policies in the National Planning Policy Framework (NPPF, December 2024) that protect areas at risk of flooding therefore provide a strong reason for refusing the development proposed which is contrary to policies H2, OS2 and EH7 of the West Oxfordshire Local Plan (2018), Section 14 of the NPPF (2024) and the Environment Agency's Flood Risk Standing Advice (2024).
2. The adverse impacts of the proposed development, including the harm to the amenity of existing residents and future users of the development resulting from poor quality design, and the adverse impacts from failing to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding, would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the National Planning Policy Framework (NPPF, 2024) 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. Therefore, the application is contrary to paragraphs 129, 135, 139 and Chapter 14 of the NPPF (2024), policies OS1, OS2, OS4, H2 and EH7 of the West Oxfordshire Local Plan (2018), the National Design Guide (2021) and the Environment Agency's Flood Risk Standing Advice (2024).

## INFORMATIVES :-

1. Please note that the proposed development set out in this application would have been liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) if planning permission had been granted. Therefore, if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.
2. **IMPORTANT:** the statutory Biodiversity Gain Plan deemed planning condition does NOT apply to this planning permission. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemptions or transitional arrangements in the list below is/are considered to apply:
  - a. Development below the de minimis threshold, meaning development which:

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

**Officer:** Clare Anscombe

**Date:** 24th June 2026

Application Number	26/00419/FUL
Site Address	63 Barrington Close Witney Oxfordshire OX28 5FJ
Date	24th June 2026
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	434123 E 209414 N
Committee Date	6th July 2026

### Location Map



### Application Details:

Change of use of parcel of land from amenity to residential and erection of a boundary fence to enclose garden.

**Applicant Details:**

Kate Walker  
63 Barrington Close  
Witney  
Oxfordshire  
OX28 5FJ

**I CONSULTATIONS**

Parish Council

Witney Town Council objects to this application due to the loss of publicly accessible amenity land and the associated environmental and planning concerns.

Members consider that the enclosure of this land into a private residential garden represents an unjustified encroachment of private curtilage onto land which currently forms part of the wider communal amenity space within the development. The proposal would result in the permanent loss of land intended for the benefit and enjoyment of the wider community and would erode the openness and character of the area.

The Council considers the proposal to be contrary to Policies OS2 and EH3 of the West Oxfordshire Local Plan 2031, which seek to protect valued green infrastructure, amenity land and the character of the built and natural environment. The loss of this area of communal land would diminish the contribution it makes to the environmental quality and visual amenity of the locality.

The proposal is also inconsistent with the principles set out in the National Planning Policy Framework, which emphasises that planning decisions should protect and enhance public open spaces and support healthy, inclusive communities through the provision and protection of accessible green infrastructure.

Members also wish to highlight that, although similar applications may have previously been approved in the locality, Witney Town Council strongly considers that the continued incremental loss of communal amenity land through such proposals is harmful to the overall character and function of these spaces. The approval of further applications of this nature would risk establishing or reinforcing an undesirable precedent that could lead to the progressive erosion of shared green space intended for the benefit of all residents.

For these reasons, Witney Town Council objects to the application. However, should West Oxfordshire District Council be minded to approve the proposal, the Town Council requests that a planning condition be imposed to ensure the land remains as green space, ancillary to the dwelling and that permitted development rights are

restricted to prevent the erection of buildings, structures or further development on the land in the future.

OCC Highways

No objection.

District Ecologist

Reconsultation - acceptable subject to conditions and informative.

## **2 REPRESENTATIONS**

2.1 None received.

## **3 APPLICANT'S CASE**

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

- A timber fence will sit more comfortably within the existing street scene as it reflects the current arrangement that exists at the other end of the road.
- Regarding precedent there are a number of examples of approved change of use applications to amenity land and the provision of new boundary fencing within close vicinity of this application site.
- The proposal has been designed to match the fence treatment that already exists elsewhere on Barrington Close and will not affect the site or visual impact of the locality.
- The proposal will have no effect on neighbouring amenity.
- The proposal is adjacent to the existing footpath and follows the line of the existing boundary wall and will not affect the highway or visibility along the highway in any way.

## **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  
H6NEW Existing housing  
T2NEW Highway improvement schemes  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH4 Public realm and green infrastructure  
DESGUI West Oxfordshire Design Guide  
NPPF 2024

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

## **5 PLANNING ASSESSMENT**

5.1 The application site relates to an area of amenity land adjoining an existing dwelling on the Deer Park Estate in Witney known as 63 Barrington Close. The existing dwelling and garden is located to the south and east of the application site. There are existing footpaths located to the north and west of the site.

5.2 The proposed development is for the change of use of a parcel of land from amenity to residential and the erection of a boundary fence to enclose the garden. The application is before members because the Town Council's view is clearly contrary to the Planning Officer's.

## **Background Information**

### *Planning History*

5.3 W88/1046 - Residential Development. Approved. 18th August 1988. The application site for this pending application was shown as part of the approved landscaping for the development. Condition 2 restricted permitted development rights for fences, gates or walls within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts on to a road or footpath to ensure that means of enclosure are not erected which would detract from the open plan character of the development.

59 Barrington Close

5.4 23/02476/FUL - Change of use to residents land from amenity to residential at 59 Barrington Close, Witney. Retention of existing timber boundary fence. Single Storey side extension. Refused. Appeal Dismissed (APP/D3125/W/24/3336974). 4th July 2024.

- Despite dismissing the appeal, the Inspector did not take issue with the use of the land and its enclosure by timber fencing. It was considered that the position of the boundary fence followed the line of the stone wall further along the street. Furthermore, the absence of development to the side of No 59 meant that a degree of separation and spaciousness had been maintained.

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

- Principle of development and impact on the character and appearance of the area and visual amenity
- Impact on highway safety
- Impact on ecology
- Other matters

5.6 In terms of the principle of development, policy OS2 (Locating development in the right places) of the West Oxfordshire Local Plan (WOLP) states (inter alia):

'All development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- 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;
- Conserve and enhance the natural, historic and built environment...'

5.7 Policy H6 (Existing housing) of the WOLP states: 'alterations, extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area...'

5.8 Policy EH4 (Public realm and green infrastructure) states: 'New development should avoid the loss, fragmentation loss of functionality of the existing green infrastructure network, including within the built environment...'

5.9 In terms of the principle of the development and impact on the character, appearance and visual amenity of the area, the site is currently public amenity space which lies between a footpath and existing dwelling. The boundary fence to be erected is 5ft high with trellis and would link up with an existing stone wall, which is 6ft in height. The application site is comparable with the 59 Barrington Close appeal site (see planning history above) in terms of its location relative to the street and existing footpaths. Further, the case is also similar to this application because there is no development to the side of No. 63 and the proposed fencing is a similar design, with trellis above.

5.10 Whilst Officers acknowledge the local concern that the approval of the application may set a precedent for future development, due to the planning history context, it is considered that it would be difficult for Officers to successfully argue that the proposed development is unacceptable. The set-back of the fence from the footpath to the front, existing flower bed, and removal of some permitted development rights to prevent the erection of buildings or structures within the garden would help to retain a sense of openness. Further, due to the small amount of amenity land to be lost and as there are other, more accessible and functional areas of public open space within close proximity of the site, it is considered that the loss of green public amenity space is acceptable. Therefore, Officers consider that the proposed development is acceptable in principle, subject to conditions.

### **Impact on Highway Safety**

5.11 In terms of impact on highway safety, the County Council as the relevant local highway authority have been consulted because the site lies close to a highway. They consider that the proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety ) on the adjacent highway network. Therefore, the proposed development is considered to be acceptable on highway safety grounds.

### **Impact on Ecology**

5.12 Regarding impact on ecology, policy EH3 requires biodiversity to be protected and enhanced to achieve an overall net gain in biodiversity. All development should incorporate biodiversity enhancements features. The Council's biodiversity officer has been consulted and due to the habitat types present and surrounding developed land, the risk to protected and priority species is low and so an informative is considered sufficient in this case. Enhancements for biodiversity can be secured by condition in accordance with Local Plan Policy EH3. In terms of biodiversity net gain, Officers consider that the proposed development would exceed the 25sqm area threshold for the de minimis exemption. An amended drawing has been submitted omitting an existing gravel path and

replacing this with grass. The biodiversity officer has been reconsulted and has no objection, subject to conditions and informative.

## **Other Matters**

5.13 The Town Council have expressed concern about the loss of publicly accessible amenity land and the associated environmental and planning concerns. For the reasons set out above, Officers consider that the proposed development is acceptable.

5.14 This development is not liable for CIL because it is less than 100sqm of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

## **Conclusion**

5.15 In conclusion, whilst the proposed development is considered to conflict with key policies of the adopted West Oxfordshire Local Plan, in this case, there are other material considerations (planning history context) that indicate that the proposed development should be approved otherwise than in accordance with the development plan. Therefore, the application is recommended for approval, subject to conditions.

## **6 CONDITIONS**

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

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

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

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Class E shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the visual amenity of the area.

5. The development shall be carried out in accordance with the following biodiversity enhancement features. All the features listed below shall be implemented in full before the development hereby approved is first brought into use, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

- i. Hedgehog gaps to be installed in new boundary fencing; and
- ii. A house sparrow terrace shall be installed on the north elevation of the dwelling in accordance with 63BC-PR-01 Rev. C.

REASON: In the interest of biodiversity enhancement.

**INFORMATIVES :-**

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is:
  - less than 100sqm of new build that does not result in the creation of a dwelling and therefore benefits from Minor Development Exemption under CIL Regulation 42.
2. All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The Local Authority advises that such work should be scheduled for the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.
3. Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

**Officer:** Clare Anscombe

**Date:** 24th June 2026

Application Number	26/01180/FUL
Site Address	37 Wilkins Close Brize Norton Carterton Oxfordshire OX18 1NJ
Date	24th June 2026
Officer	Chris Mitchell
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	429173 E 208130 N
Committee Date	6th July 2026

### Location Map



### Application Details:

Erection of detached outbuilding for use as a beauty salon and relocation of existing shed.

**Applicant Details:**

Mrs Sophie Harris  
37 Wilkins Close  
Brize Norton  
Oxon  
OX18 1NJ

**1 CONSULTATIONS**

Parish Council

We're pleased to advise you that the Council has no objection to this application, however, we would recommend the installation of a water butt and suitable guttering on both the outbuilding and shed to harvest rainwater.

OCC Highways

No objection.

**2 REPRESENTATIONS**

2.1 No third-party comments received.

**3 APPLICANT'S CASE**

3.1 The Applicant has submitted a Planning Statement in support of their case making the following points:

3.2 'This application seeks permission for the erection of a modest detached outbuilding within the rear garden of the property to be used for small-scale beauty treatments.

3.3 The proposed building measures approximately 3 metres by 3 metres and is of a scale and design typical of a domestic garden room. It will be positioned within the private rear garden and will not be visually intrusive or out of keeping with the surrounding residential character. The proposed works will also comprise the relocation of an existing shed that has been located within the rear garden for over 5 years.

3.4 The intended use is for a home-based beauty business offering treatments such as massage, facials, and waxing. The business will operate on a strictly appointment-only basis, with a limited number of clients per day that would not exceed 6 clients per day and will include a one-hour lunch break and further gaps in the day for the school run in the afternoon.

3.5 The level of activity associated with the business will be low and comparable to typical residential use. There will be no walk-in clients, group sessions, or employees working from the premises. The opening hours will predominantly finish at 5pm however due to the nature of the business and clients seeking treatments after their working days there is potential for this to extend to 7pm no more than twice within the working week. We are happy for this to be conditioned.

3.6 Parking for clients will be accommodated on the existing private driveway, where a space will always be available, whilst there is the further option of the visitors parking bay at the end of the private road that can occupy up to 5 vehicles, ensuring there is no impact on on-street parking or highway safety.

- 3.7 There will be a minimum gap between clients of 30 mins due to setting up so there will never be an occasion where there will be more than one client at the property at a time. Furthermore, the property is located within a short distance from a bus stop allowing a further option of public transport to be used.
- 3.8 The proposal has been designed to minimise any impact on neighbouring properties. The nature of the treatments is quiet and does not generate noise, and all activities will take place within the enclosed structure. There will be no external signage, amplified sound associated with the business or the need for any ventilation, extraction or flues. Furthermore, the property is located along a private road with only 3 further houses so any impact on neighbouring properties will be negligible.
- 3.9 Overall, the proposal represents a modest and appropriate form of development that supports home working while maintaining the character and amenity of the residential area. The proposal complies with Policies OS2, OS4, H6, EI, T1 and T4 of the WOLP.'

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
OS4NEW High quality design  
T4NEW Parking provision  
BNNP Brize Norton Neighbourhood Plan  
DESGUI West Oxfordshire Design Guide  
NPPF 2024

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

- 5.1 The application seeks planning permission for the erection of detached outbuilding for use as a beauty salon and relocation of existing shed at 37 Wilkins Close, Brize Norton. The application site relates to a detached dwelling house built with reconstituted stone walls, UPVC windows and doors and tiled roof.
- 5.2 This application is brought before Members in accordance with your scheme of delegation as the applicant is a spouse of an officer of this Council.

##### **Principle of Development**

- 5.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment.
- 5.4 The proposal would result in the introduction of a commercial use in a predominantly residential area within the recently constructed Brize Meadows development. The outbuilding would be used as a beauty salon for treatments, including, massage, facials and waxing. The business would operate on

an appointment only basis and clients would use the existing car parking to the property up to 2 off-street car parking spaces. The site lies within the Brize Norton Parish, although in functional terms, effectively lies within the built up area associated with Carterton. Given Carterton's role as a main service centre in the Local Plan, the site is considered to constitute a sustainable location for the proposed use, which would be modest in scale and capable of being commensurate in character with its residential context. Therefore, the principle of development is considered acceptable following further assessment in regard to the impact on the design and siting, parking provision, highway safety and residential amenity being carefully considered against the adopted West Oxfordshire Local Plan 2031.

## **Siting and Design**

- 5.5 The proposed erection of detached outbuilding for use as a beauty salon would be placed in the rear garden of the property and would require the relocation of existing shed towards the southern boundary of the site. The outbuilding would measure 3.35m in width by 3.35m by 2.4 rising 2.5 m in height and would be built with Cladco composite walling coloured grey, Anthracite grey UPVC patio doors and EDPM roof.
- 5.6 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible, enhance the character and quality of the soundings. Section 12(135 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.
- 5.7 The erection of detached outbuilding within the rear garden would not be visible on the street scene and therefore would not give rise to any adverse impacts in regards to visual amenity.

## **Impact on Neighbouring amenity**

- 5.8 It is recommended that a condition will be placed for the hours of operation to be 09:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and no opening on Sundays and Bank Holidays. The applicant seeks consent for operating hours up to 19:00 on weekends, however, given the residential context of the site, your Officers consider that the proposed use should be restricted to the hours set out above in the interests of neighbourliness and to ensure consistency with the approach taken on similar applications (e.g. 25/02907/FUL).
- 5.9 A condition will be placed on any permission granted that appointments shall be spaced out to ensure that only one vehicle to be parked at the property to ensure no adverse impact upon neighbour amenity.
- 5.10 A further condition would be placed on any permission stating that no additional staff or persons shall operate from this outbuilding other than residents of the dwelling.
- 5.11 Given the nature of the proposed outbuilding ancillary to main dwelling and with the above recommended conditions, officers are of the opinion that the proposed would not give rise to any adverse impacts in regard to neighbouring amenity.

## Highways

5.12 OCC Highways have been consulted on the application and they have raised no objections in regards to highways safety and convenience as there is a sufficient amount of parking in this location. The recommended conditions as detailed above would ensure that no adverse impact would occur upon the wider locality. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

## Other Matters

5.13 The comment by the Town Council in respect of installation of a water butt and suitable guttering on both the outbuilding and shed to harvest rainwater. This is noted though the small scale development of this application is not a requirement for a condition for any such works to be undertaken.

5.14 This development is not liable for CIL because it is less than 100sqm of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

## Conclusion

5.15 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF, Brize Norton Neighbourhood Plan and the West Oxfordshire Design Guide 2016 and is recommended for conditional approval.

## 6 CONDITIONS

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

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

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

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

3. The beauty salon hereby approved shall only operate during the hours 09:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays and closed Sunday and Bank holidays.

REASON: In the interests of neighbour amenity.

4. The beauty salon hereby approved shall only be operated by persons living at 37 Wilkins Close, Brize Norton. No other persons shall be employed in the operation of the business nor shall any other chairs or space within the building be rented out.

REASON: To protect the residential character of the area in the interests of neighbourliness.

5. Clients shall only be seen by appointment and no more than one client shall be seen by appointment, at any time within the building hereby approved.

A schedule of appointments shall be kept and made available to the Local Planning Authority on request.

REASON: Control is required in the interests of protecting neighbouring amenity.

INFORMATIVES :-

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100sqm of new build that does not result in the creation of a dwelling and therefore benefits from Minor Development Exemption under CIL Regulation 42.
2. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted

**Officer:** Chris Mitchell

**Date:** 24th June 2026