

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

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

**Date: 26th April 2021**

### **REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT**



**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 Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

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

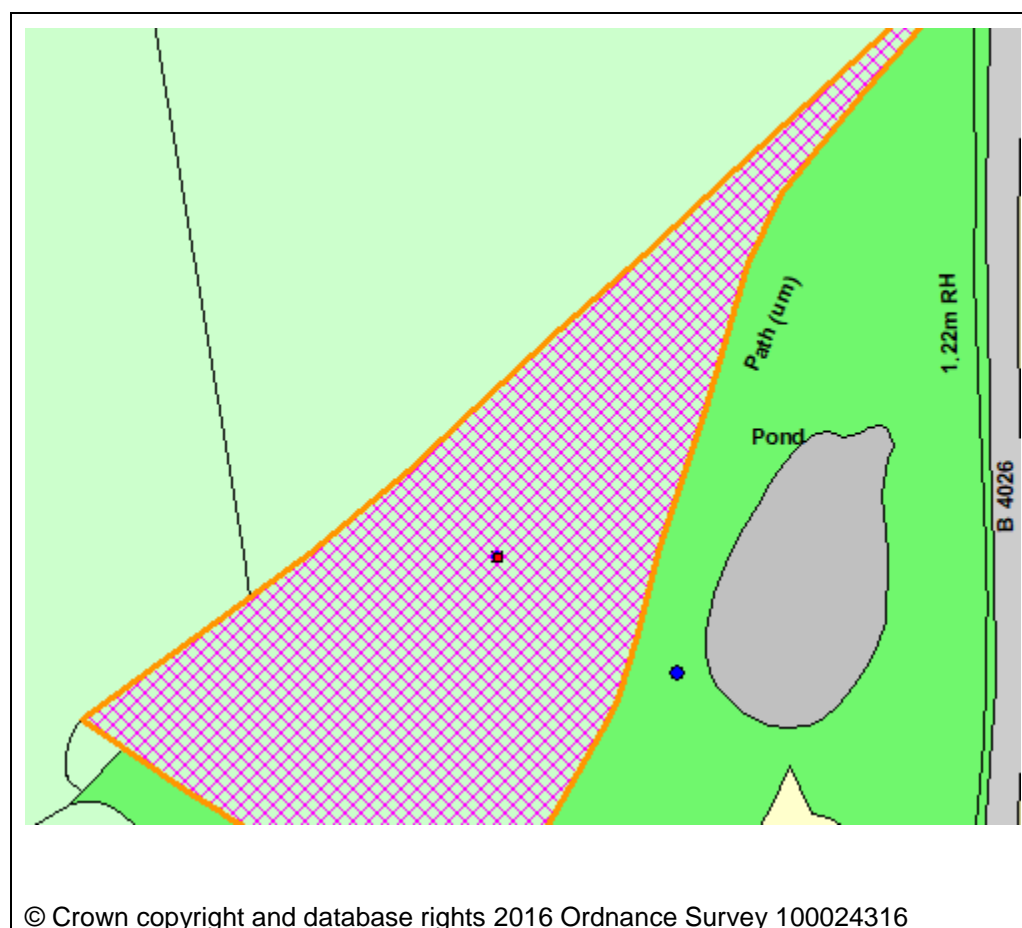
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>
	21/00801/FUL	Land North West Of 66 Over Norton Road

Application Number	21/00801/FUL
Site Address	Land North West Of 66 Over Norton Road Chipping Norton Oxfordshire
Date	14th April 2021
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Over Norton Parish Council
Grid Reference	431430 E 227999 N
Committee Date	26th April 2021

### Location Map



### Application Details:

Change of use of land to use as a residential caravan site for four gypsy/travellers families, including the laying of hard standing, construction of access driveway and associated earthworks (part retrospective)

**Applicant Details:**

Mr Tyson Shepherd  
Land North West Of 66  
Over Norton Road  
Chipping Norton  
Oxfordshire

**I CONSULTATIONS**

Adjacent Parish Council	Response awaited. This will be reported verbally if received by the date of the meeting.
Cotswolds Conservation Board	<p>The above planning application, which is for a development that would be located within the Cotswolds National Landscape, has been brought to the attention of the Cotswolds Conservation Board.</p> <p>In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:</p> <p>Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023;</p> <p>Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Type (LCT) 12 (Dip-Slope Lowland Valley), which the site is located within, and LCT 7 (High Wold) which the site is adjacent to;</p> <p>Cotswolds AONB Landscape Strategy and Guidelines particularly, in this instance, with regards to LCT 12 including Section 12.13, and LCT 7 including Section 7.19;</p> <p>Cotswolds AONB Local Distinctiveness and Landscape Change;</p> <p>Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to Housing and Development.</p> <p>The Board will not be providing a more comprehensive response on this occasion. This does not imply either support for, or an objection to, the proposed development.</p>
WODC Drainage Engineers	No Comment Received.

OCC Rights Of Way Field Officer	No reply at the time of writing
Environment Agency	No response at the time of writing
Parish Council	This application was discussed at the last Over Norton Parish Council meeting. The Parish Council resolved to object to the application on heritage, landscape, ecology and highways grounds. The application is considered to be contrary to policy H7 (travelling community) of the adopted West Oxfordshire Local Plan, specifically due to the impact upon the Conservation Area and Cotswold Area of Outstanding Natural Beauty. However, the Parish Council recognise that the harm associated with the development needs to be balanced against the needs of the gypsy and traveller community, and West Oxfordshire District Council are best placed to make that assessment.
OCC Highways	<p>Access visibility and geometry is adequate to serve the development. The access gradient is a little steep, however, not sufficient to warrant the refusal of the application.</p> <p>Records show there to be no accidents on the adjacent highway for the recent 5 year period.</p> <p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>Recommendation:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.</p>
Biodiversity Officer	No response at the time of writing

## 2 REPRESENTATIONS

2.1 Letters of representation have been received both supporting and objecting to the application.

At the time of writing there have been 17 representations of support. The supporting comments are summarised and grouped under the following headings:

## **Impact on Neighbours**

This would not cause obstruction to the neighbours;

## **Impact on Highway Safety**

Some people are concerned about the impact of extra traffic on the Over Norton road of these 4 families but what about the 18 new homes being built by Over Norton Village Hall.

## **Need for the site**

The family deserve a chance;

The applicants are an honest and hardworking family trying to find a friendly safe environment for their children;

The family is just looking to relocate a close knit family together in a warm hospitable village to provide an extended family situation to raise their children and grandchildren in peace and harmony;

The caravan site is home to four families who attend local schools and work locally in the community;

Some or all of these families or their parents and grandparents have more than 65 years of residential history in Chipping Norton;

The family just want to settle down and give their children the best chance of a good education and a settled life;

## **Other**

When completed the unit will be very pleasant;

The family are always willing to help anyone who needs help and would be an asset to the community;

I hope that you allow these families to settle on their own land so they can get on with their lives;

The plans have been well drawn up and the public footpath will be retained;

Thousands of homes are currently being built in Chipping Norton accommodating families from all over;

In this unprecedented time surely a little goodwill wouldn't be a bad thing;

I know this lovely family, they have lived in Chipping Norton all their life so I fully support one hundred percent.

At the time of writing 8 representations of objection have been received together with a letter from 'Zerum Planning Limited' writing on behalf of a number of local residents. The objections to the application are summarised and grouped under the following headings:

## **Planning Policy**

The change of use is not within the development plan for Chipping Norton;

The development is contrary to policy H7 of the West Oxfordshire Local Plan Travelling Communities;

The development is contrary to the general principles of 'Locating development in the right places' contained within the West Oxfordshire Local Plan

## **Highways Impact**

The entrance to the site is in a hidden dip where traffic speeds down the slope:

Access to the site is on a dangerous section of road between Over Norton and Chipping Norton, meaning vehicles exiting the site are vulnerable to collision from traffic travelling on the road;

There is a concern for the family's safety exiting the site as the access is in a dip where it is common for speed limits not being adhered to;

This is an unsuitable location for multiple vehicles to exit a site. It has limited visibility as do drivers along the road. On foot, there is limited visibility, as well as no pedestrian pathway. With 4 families, parents and both younger and older adult children working or going to school, that is perhaps 26 daily journeys in out of the site. As a traveller Gypsy community, larger vehicles would potentially be being moved onto or off site as a danger and also not geographically positioned to the 'Local Plan' where convenient Highway access is key;

Given that the access junction would appear to have poor visibility due to the dip in this part of the road and it is on a stretch of road that is 40mph, it is unclear whether safe access could be provided.

## **Neighbour Amenity**

Privacy - because my property has to have a very low level fence at the front of the house enforced by the council, it means I only had a small area at the rear of the house which had privacy. That is completely taken away now with four households overlooking us. I have also lost privacy in my bedroom, daughter's bedroom, family bathroom and family living room. My property has lost all privacy internally and externally. In addition there has been an increased level of noise and disturbance;

In this instance, the proposed development would have a detrimental impact on the amenity of neighbouring properties due to the topography of the land. As shown on the proposed layout the caravans are sited in such a way that it would be possible to view the occupiers of neighbouring properties and we believe there would be overlooking and privacy issues for existing residents. Planning permission should therefore be refused on this basis.

The proposal would also result in increased noise issues due to the increased activity on the site and this cannot be suitably mitigated against. As such planning permission should also be refused on this basis.

## **Landscape Impact**

The development fills a distinct gap between Over Norton and Chipping Norton and looks like an extension of Chipping Norton into Over Norton:

The change in landscape profile and associated hardstanding is not in keeping with the AONB;

The proposed development would clearly not conserve or enhance the setting of the AONB. In addition to the caravan pitches, the proposal would also create extensive areas of hard standing for parking as well as the new access road. All these works would negatively impact on the setting of the AONB.

As set out above, Policy EHI only provides limited opportunity for new development within the AONB, and we do not believe that the proposed development would meet the criteria identified in the policy. As such, we believe that planning permission can also be refused based on the proposal failing to comply with the requirements of Policy EHI.

## **Impact on Footpath**

The objection to this site is that it has had severe impact upon the safety of the public footpath which has now become extremely treacherous and inaccessible to those who have restricted mobility. The recent changes to the landscape prior to planning permission being given, have already increased flooding in the area which was not known previously, making the path extremely slippery.

The new road that has been created means the Public footpath is going to become a danger zone with cars, vans and lorry's driving up and down the public footpath. It would be impossible for the site to be serviced properly with a single track lane that is more footpath than road and is widely used by all the local community and tourists as a public footpath. Families with children and pets use this path on a daily basis.

There may be a conflict with pedestrians wanting to access to Public Right of Way ("PROW") which runs adjacent to the access. The PROW should be maintained in its current form and the width of the footpath should not be affected by the proposed access. From reviewing the proposed layout drawing, it appears that pedestrians will be required to pass along the access road therefore giving rise to potential conflict between pedestrians and vehicles.

As such, we believe the proposal would also fail to meet the requirements of Policy OS2 which states proposals should "Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities".

The proposal provides two parking spaces for each plot and eight spaces in total. The LPA therefore need to ensure that appropriate car parking is provided and that there would not be a requirement for additional areas of hardstanding in the future given the negative impact this would have on the AONB. The LPA therefore need to ensure that the proposal complies with the requirement of Policy T4 of the Local Plan.

## **Ecology Impact**

The stream runs all the way through chipping Norton and is a huge danger to the ecology;



The changes that have already taken place have had a negative effect on ecology as well as daily human activity impacting on wildlife;

The impact to the local ecology is already clear - the cleared site immediately created waterlogging issues at the bottom of the field, public pathway and wildlife access to the stream and lake just below the field. Decimating the site of its plant life can only have had a negative effect on available natural wildlife habitat and biodiversity.

### **Drainage Impact**

Without proper drainage the stream will get polluted;

66 over Norton has experienced significantly flooding over the years and also more recently. This caused the lake, stream and entire garden to flood. There is a huge concern that the site will cause contamination and additional flooding;

The increased risk of localised flooding will potentially affect the water quality of the pool and stream adjacent to the site and the water course downstream;

This area and the road alongside it is an area of considerable and frequent surface water flooding. The site, by its existence and removal of natural site drainage, increases this flood risk. This is already a risk to safety on the road, for both car users and pedestrians going through deep flooding or around it at speed or negotiating with oncoming traffic;

Whilst the application forms state that foul and surface water drainage will be dealt with through a sustainable drainage system and a package treatment plant, no further details have been provided. The LPA should request this information prior to the application being determined to ensure that suitable provision can be made.

This is of relevance to the package treatment plant and the location of this should be identified to ensure there is no detrimental impact on the amenity of residents. The servicing arrangements for the package treatment plant should also be established as it is unclear whether large vehicles could safely access the site as well as increasing the risk of conflict with pedestrians using the PROW.

In terms of flood risk, it is understood that there are already flooding issues from this field into neighbouring properties. Any increase in water to the stream which runs through the site is likely to have a negative impact on neighbouring fields and this will be exacerbated by the creation of areas of hard standing and development. Drainage connections are also provided within adjoining properties and the LPA should therefore also establish that agreements are in place for any necessary connections to public sewers.

In view of the above, it is therefore considered that the proposal also fails to comply with Policy OS2 in this regard, with the policy stating that proposals should not be at risk of flooding or increase the risk of flooding elsewhere.

### **Need**

The applicants case indicates that suitable sites are needed in the locality. However, it does not mean that any site occupied or that a planning application is made for is suitable.

On the basis of an existing provision for 14 additional plots and pitches in the District which exceeds the minimum requirement identified in Policy H7 we do not believe that there is a requirement for the proposed development to be approved. If however it is considered that there is a need for additional capacity the application clearly does not meet the preferred location for additional sites;

## **Heritage**

The proposed site/location negates the Local Plan's requirement to minimise impact upon Conservation Areas

## **Other**

It's hardly solving the need for residential space;

There are no Services provided to the site;

The degree of incline and removal of trees and vegetation has served to damage the footpath and right of way along the side of the site making it impassable for members of the public with any disabilities;

Retrospective planning should not be considered especially when Stop Notices were ignored causing harm to the landscape character, material harm to the intrinsic character, beauty and openness of the countryside - not to forget the land is Greenbelt and AONB;

The permission sought does not appear to be clear about if it is 4 caravans as drawn or 4 families as written;

The site has been subject to significant and detrimental unauthorised works and should be re-worked to be re-instated to its previous usages;

The design and layout does not follow the 'Good Practise Guide', This also brings in the Health and Safety aspect for the families and children in particular.

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a design and access statement which is summarised as follows:

The proposed development involves the change of use of land to use as a residential caravan site for 4 gypsy families, each one with one caravan: intended to be a twin-unit mobile home. The development also includes the construction of an access driveway and the laying of hardstanding.

The application site slopes and the proposed development would involve cutting the caravan pitches into the slope of the ground. The proposed development would include provision of on-site vehicle turning facilities and parking for two vehicles per pitch.

A highway assessment has been submitted with the application which confirms that the site access is safe and would not result in any undue conflict with users of the adjacent PROW.

## **Planning Considerations**

The application site is located within the AONB. 'Planning policy for traveller sites' does not preclude the location of gypsy sites within the AONB.

The development of a small, 4 pitch gypsy site is not major development and only has localised consequences.

Paragraph 172 of the NPPF makes clear that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's it does not seek to prevent all development.

Local Plan policy H7 requires that new traveller sites should meet the following criteria:

Be well located to the highway and public transport network and have safe access to local services and facilities.

Be of appropriate location and scale not to have an adverse impact on environmental or heritage assets and the character and appearance of the surrounding area.

Not to conflict with the objectives of the Green Belt or AONB designation .

Be designed in accordance with Government Good Practice guidance.

### **Sustainability**

The application site is clearly a sustainable location for a traveller site and although in the countryside, is not far from settlements for the purpose of 'Planning policy and traveller sites'.(PPTS)

In this case the proposed development would provide an opportunity to promote peaceful and integrated co-existence between the site residents and the local community.

The provision of a settled base would allow the site residents to access appropriate health and education facilities and reduce the need for long range or frequent travelling.

There can be no suggestion that the occupants of the site would be subject to any adverse environmental effects, such as noise or poor air quality; they would not place undue pressure on local infrastructure and services and the site is not located in an area at high risk of flooding. The site is sustainable economically, socially and environmentally.

### **Effect on the Countryside**

PPTS continues to suggest that suitable site may be located in rural areas. Traveller sites have a number of characteristic features which can be atypical in the countryside such as caravans, hardstandings, utility buildings, lighting etc. As a result some degree of visual impact must be accepted and, if an adequate supply of gypsy sites is to be provided, some degree of visual harm must be acceptable.

In this case the site is set back from the Over Norton Road and is not prominent or obtrusive in the wider landscape. It is well screened in all directions. The only public views of the site are at short range from the public footpath which runs along the eastern edge of the applicants land. These views are contained within the woodland envelope surrounding the applicant's field and, the proposed landscaping to be carried out on land between the footpath and the access driveway, would in the longer term screen the site and soften the visual impact.

It is accepted that conservation of the natural beauty and landscape must be given great weight in development decisions in the AONB, however there is a balance to be achieved between conserving the landscape and meeting the objectives of Policy H7 and the PPTS to meet the likely permanent accommodation needs of travellers in West Oxfordshire.

### **Need for sites**

Not only is there a considerable unmet need for gypsy sites in West Oxfordshire, a call for sites undertaken for the preparation of the Local Plan failed to identify any potential sites. The Local Plan does not allocate any land for gypsy sites and the only new pitches have been approved at The Paddocks, Bampton at the opposite end of the District from Chipping Norton.

### **Personal Accommodation Needs and Circumstances**

The caravan site is intended for occupation by an extended Romany gypsy family who have been born and bred in the Chipping Norton Area. There are four families three of which have children under the age of 9 years.

The family still travel for work during the summer months are considered to fall within the definition of gypsy and travellers as set out in Annex I of the PPTS.

The Applicants family have lived on The Beeches all of their lives and are registered with doctors in Chipping Norton. The school age children attend school in Chadlington and some of the younger children attend nursery school in Chipping Norton.

According to the GTAA, The Beeches contains 20 pitches but it is massively overcrowded such that there is insufficient space for the growing family and, for various reasons, it is no longer safe for the family to continue to reside on the site.

The family need a site in the Chipping Norton area where they can maintain their connections to friends, relatives and the community services and facilities upon which they rely. One of the future occupants of the site needs to live close to Over Norton as she is the main carer for her elderly father who lives in Over Norton.

Approving this application would provide a permanent settled base, thereby delivering the children the best opportunity of a safe and secure family life, safe play and access to education. In contrast refusal of this application would force the extended family onto the roadside with unpredictable living conditions and would very likely be deleterious to the health and social outcomes for the family group as a whole.

### **Balance of Considerations**

On balance the great weight to be given to the harm to the AONB is outweighed by the general need for sites in West Oxfordshire, the Family's need for a site in the locality, the absence of an alternative site for the family and the needs of the family to access health and education services. The proposed development would facilitate the economic and social wellbeing of the AONB and its communities, including the provision of adequate housing to meet an identified local need. The proposed development would not therefore harm the objectives of the AONB designation and would fully comply with Local Plan Policy H7.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

EH1 Cotswolds AONB

EH9 Historic environment

EH10 Conservation Areas

H7NEW Travelling communities

T1NEW Sustainable transport

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 This planning application has been submitted following the commencement of engineering works, the construction of an access track, the remodelling of an existing access onto the highway and siting of four mobile caravans on the land. The caravans are presently occupied by an extended family of gypsy/travellers with children who previously occupied a plot/plots at 'The Beeches'. In light of the fact that some of the works that form part of the application together with occupation of the site has already taken place, the application has been described and advertised as 'part retrospective' as opposed to prospective.

5.2 The Site is located on rising land that forms a relatively short but distinct gap between Chipping Norton town and the neighbouring village of Over Norton. The road dips down beyond the site before rising to meet the entrance to the village. To the east is the parkland landscape of Over Norton Park. It is also in close proximity to the Over Norton Conservation Area.

5.3 Given the sensitivity of the site in terms of its AONB status and the considered harm to the setting of the Over Norton Conservation Area that has arisen from the unauthorised engineering works and occupation of the land, formal enforcement action in respect of the breaches of planning control has already been initiated by the issue of an Enforcement Notice and Stop Notice. If Members are minded to approve this planning application having considered all of the material considerations then both the Enforcement Notice and Stop Notice can be withdrawn.

5.4 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**

5.5 The key Local Plan policy in this regard is policy H7 which refers to travelling communities. Members are advised to read this in full before the meeting but in essence the policy states that West Oxfordshire will provide at least 5 pitches and 5 plots to meet the needs of Gypsies and Travellers and Travelling Showpeople from 2016-2031. Further, it states that to help achieve a five year housing supply additional provision will be made through expansion and or intensification of existing sites along with an allocation at Cuckooood Farm. The new sites have a series of criteria that must be met including inter alia no conflict with AONB designation, not causing adverse environmental or heritage asset harms etc. In

respect of this policy at least 4 additional pitches have been provided within the plan period and officers are in negotiation on proposals to expand other existing sites. Officers are therefore confident that the quantum will be met within the plan period. Furthermore and as assessed in more detail below there are concerns regarding the environmental/landscape/heritage impacts.

### **Impact on the Cotswold AONB**

5.6 The Site is located on rising land that forms a relatively short but distinct gap between Chipping Norton town and the neighbouring village of Over Norton. The road dips down beyond the Site before rising to meet the entrance to the village. To the east is the parkland landscape of Over Norton Park. The tree-lined and undulating nature of the land and the presence of the parkland landscape were all described as key parts of the landscape to the north of Chipping Norton within the West Oxfordshire Landscape Assessment (1998). Given the short distance between the two settlements the sensitivity of the rural landscape in between is heightened and the importance of the landscape to the setting of both settlements is noted in the West Oxfordshire Landscape Assessment. The area is attractive in its own right as a result of the topography, vegetation and park land association; it adds to the scenic beauty of the AONB; and plays an important role in the setting of both settlements.

5.7 When set against the context described above, the siting of the four large caravans and the associated works that have been undertaken on rising land clearly visible from both the highway and a number of public footpaths in the vicinity of the site appear as extremely unsympathetic and incongruous features within the landscape. In addition the visual prominence of the caravans and track in an elevated position on the hillside results in a harmful visual coalescence of both Chipping Norton Town and Over Norton village to the detriment of the landscape setting of both settlements.

5.8 Viewed in the policy context, the impact of the unauthorised development is considered contrary to the aims of policy EH1 of the West Oxfordshire Local Plan (2031) with regard to the conservation and enhancement of the special character of the AONB and is also considered contrary to the aims of paragraph 172 of the National Planning Policy Framework (the NPPF) which confirms that great weight should be given to conserving the landscape and scenic beauty in AONBs.

### **Impact on the Setting of the Over Norton Conservation Area**

5.9 In this case, the caravans and access track are situated some limited distance from the boundary of the Over Norton Conservation Area and do not directly affect the fabric of any buildings within it. The village would be retained in its present form but the ability to appreciate that village in its historic setting is considered to be diminished. That is not to understate the effect of the unauthorised development in planning terms as outlined above. However, the effect is localised and, in the context of the Conservation Area viewed as a whole, it is considered that the harm to the designated heritage asset would not be 'substantial'. Nonetheless, the unauthorised development is considered contrary to the aims of policies EH9 and EH10 of the Local Plan which seek to ensure that the character and appearance of Conservation Areas is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the designated area.

5.10 Furthermore, paragraph 193 of the NPPF states that great weight should be given to the conservation of designated heritage assets and paragraph 194 confirms that significance can be harmed by development within the setting of a designated asset. Paragraph 196 advises that where any harm to the significance of an asset is less than substantial, that harm should be weighed against any public benefits of the proposal.

5.11 Whilst it is accepted that the provision of gypsy sites is a public benefit to be weighed against the identified harm to the AONB and the setting of the Over Norton Conservation Area, great weight must be accorded to those harms and therefore, having attributed the correct weighting in the planning balance, the public benefit in providing accommodation is not considered to outweigh the harms outlined above.

### **Impact on Highway Safety**

5.12 In terms of the impact on highway safety OCC Highways has raised no objection to the development.

5.13 Concerns have been raised in the representations received about the impact of vehicular movements on the footpath that abuts the land. Officers are awaiting a response from County footpaths in respect of this matter and it is anticipated that an update will be provided at the meeting.

### **Impact on Residential Amenity**

5.14 Representations have been received objecting to the development on the grounds of adverse impact on the residential amenity of a nearby dwelling in terms of unacceptable levels of overlooking and noise and disturbance associated with the use. Whilst Officers accept that the caravans are located on land at a higher level than the adjoining dwelling and that the activity associated with the use may result in some level of noise emanating from the site, the overlooking distances are well in excess of the standard back to back distances associated with residential development and planting/screening could be established to address this concern and the noise associated with a small family caravan site is not considered to be unacceptable in this context.

### **Ecology and Flooding**

5.15 There have been a number of representations raising concerns in respect of ecological issues and alleged increase in localised flooding from the development. At the time of writing the ecology and flooding consultation responses remain outstanding. It is anticipated that these responses will have been received prior to the meeting and Members will be update verbally.

### **Personal circumstances**

5.16 Members will be aware that the personal circumstances of an applicant are very rarely considered of sufficient weight to justify the grant of a planning permission for the reason that the development will endure long beyond the period when the personal circumstances have ceased to apply. In this instance however Officers are satisfied that the decision to occupy the site having vacated the Beeches lay largely beyond their direct control, that there are a number of young children on site who are dependent upon local schooling opportunities, some of the residents have caring responsibilities, that their health needs are being met locally and that they have long standing local connections and a degree of local support. It also needs to be weighed in the balance that the impact of the pandemic upon this sector of society needs to be given regard in planning decisions over and above the general policy advice seeking to enable appropriate locations to meet the needs of the Gypsy and Traveller community. In your officers assessment these factors should in this instance be given weight in the determination process- albeit that they are not (as set out in the conclusion/balance) considered to justify a recommendation for approval

5.17 Members also need to be aware that as part of the decision as to whether to take enforcement action Officers had to weigh the Human Rights impacts of taking such action against the Planning Harms.

It is not however considered that these are invoked to the same degree in a decision as to whether or not to refuse planning permission as a refusal in and of itself does not require the site to be vacated etc. That would only become a requirement were any enforcement notice to be upheld and which is why that process was undertaken as part of the assessment as to the expediency of serving the Enforcement Notice and Stop Notice.

## **Conclusion**

5.18 Paragraph 193 of the NPPF states that great weight should be given to the conservation of designated heritage assets and paragraph 194 confirms that significance can be harmed by development within the setting of a designated asset. Paragraph 196 advises that where any harm to the significance of an asset is less than substantial, that harm should be weighed against any public benefits of the proposal. Whilst it is accepted that the provision of gypsy sites is a public benefit to be weighed against the identified harm to the AONB and the setting of the Over Norton Conservation Area, great weight must be accorded to those harms and therefore, having attributed the correct weighting in the planning balance, the public benefit in providing accommodation is not considered to outweigh the harms outlined above.

5.19 Dealing with the wider issues, the landowner has explained that the caravans belong to his family members and that they have been forced to move from their existing site due to overcrowding. Although it is true that the previous site does accommodate a larger number of caravans than permitted by the site licence, this proposed site falling within the AONB is a highly sensitive landscape and is not considered suitable to accommodate overspill from the extant site. The provision of additional Gypsy accommodation is a public benefit and as identified earlier in the report there are additionally personal circumstances that in your officers assessment weigh in favour of the development but to allow such development would undermine the primacy of the development plan, and the weight to be attached to the protection of sensitive landscapes and assets. These harms are likely to grow greater over time as additional development takes place to support the use of the site and due to the topography it is not considered that landscaping could fully address the harms created. In the round the public and other benefits alongside the ability to attach conditions and the weight attached to the personal circumstances is not considered to outweigh the identified harms. Refusal is therefore recommended. These may be supplemented verbally when the outstanding consultation responses have been received.

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

1 The siting of the four caravans together with the engineering operations and construction of an access track and hardstanding on a highly visible, elevated and sensitive rural site located between the town of Chipping Norton and the village of Over Norton results in a harmful visual coalescence between the two settlements which appears extremely unsympathetic and incongruous within the rural landscape, contrary to policy OS2 of the WOLP 2031

2 The site is located in the Cotswolds AONB which has the highest status of protection in relation to landscape and scenic beauty and the NPPF states that great weight must be afforded to achieving its conservation and enhancement. In this context both the change of use and the associated operational development are considered to cause landscape and visual harm contrary to policy EH1 of the WOLP 2013, The West Oxfordshire Landscape Assessment and paragraphs 170 and 172 of the NPPF. The benefits of the proposals are not, when having ascribed the correct weighting to them, considered to outweigh these harms



3 By reason of the elevated siting of the caravans on the land and the visual impact of the caravans, associated engineering and enabling works from adjoining and other public vantage points, the change of use and associated operational development are considered to adversely urbanise the rural character and appearance of an important open space between Chiping Norton and Over Norton that in its undeveloped state contributed positively to the setting of the Over Norton Conservation area and in its developed state harms that setting. There are not considered to be sufficient public or other benefits which outweigh these harms and as such both the siting of the caravans and the associated engineering works/operational development are considered contrary to policies EH9 and EH 10 of the adopted WOLP 2031 and paragraphs 193, 194 and 196 of the NPPF

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**Date:** 14th April 2021