

WEST OXFORDSHIRE DISTRICT COUNCIL

Record of Decisions of the meeting of the  
**Uplands Area Planning Sub-Committee**  
Held Virtual at 2.00 pm on **Monday, 26 April 2021**

PRESENT

Councillors: Councillor Jeff Haine (Chairman), , Councillor Andrew Beaney, Councillor Richard Bishop, Councillor Mike Cahill, Councillor Laetisia Carter, Councillor Nigel Colston, Councillor Julian Cooper, Councillor Derek Cotterill, Councillor Merylyn Davies, Councillor David Jackson and Councillor Alex Postan

Officers: Phil Shaw (Business Manager - Development Management) and Kim Smith (Principle Planner (Enforcement))

**55 Minutes of Previous Meeting**

The minutes of the meeting held on 1 March 2021 were approved and signed by the Chairman as a correct record, subject to the following additions and amendments:

The Business Manager – Development Management proposed a clarification to the minutes on item 52 (iv) 20/02848/FUL – Fardon House, Frog Lane, Milton under Wychwood. The Business Manager – Development Management presented a plan defining a proposed boundary on the southern side of the site which varied between 7 metres and 14 metres in width. Councillors agreed the proposed boundary.

Councillor Cotterill advised the Committee that following the last meeting discussions had taken place with the applicant for item 52(i) 20/02830/FUL – Chevrons, Swan Lane, Burford. The applicant had agreed to leave the existing gates in place thus retaining the three existing on street parking spaces.

Councillor Beaney noted that he had asked a question on agenda item 6 with respect to Delegated Powers No 46. 20/03286/FUL and was awaiting a response to his question from an officer. The Chairman advised that officers would contact Councillor Beaney with a response.

**56 Apologies for Absence and Temporary Appointments**

Councillor Carter substituted for Councillor Saul.

**57 Declarations of Interest**

There were no declarations of interest received.

**58 Applications for Development**

The Sub-Committee received the report of the Business Manager – Development Management, giving details of applications for development, copies of which had been circulated.

**RESOLVED:** That the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

- (i) 21/00801/FUL - Land North West Of 66 Over Norton Road

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The Principal Planner (Enforcement), Kim Smith, introduced the part retrospective application to allow the already commenced engineering works,

construction of an access track, remodelling of an existing access onto the highway and the siting of four mobile caravans on the land. The caravans were presently occupied by an extended family of four households with children who had previously occupied plots at 'The Beeches'.

The Principal Planner (Enforcement) explained that the site was within to the Cotswolds AONB and close to the Over Norton conservation area. She advised that if the application was refused the family would be forced onto the roadside and highlighted that the children of the family attended school in the area.

Formal enforcement action in respect of the breaches of planning control had been initiated by the issuing of an Enforcement Notice and Stop Notice. However, this could be withdrawn if the application was approved.

The Committee noted the late representations report which included a response from County Footpaths raising no objection, subject to conditions, an Ecology Consultation response, an objection from Chipping Norton Town Council on a number of grounds.

The Principal Planner (Enforcement) recommended refusal of the application for the reasons and informative set out below:

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 policies OS2 and H7 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 policies EH1 and H7 of the WOLP 2031, 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 Chipping Norton and Over Norton that in its undeveloped

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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, EH10 and H7 of the adopted WOLP 2031 and paragraphs 193, 194 and 196 of the NPPF; and

4. It has not been demonstrated to the satisfaction of the Local Planning Authority based on the application submission that the development would not give rise to harm to protected species and that the drainage proposals to serve the development have not been adequately assessed or addressed. As such the development is considered contrary to policies EH3 and EH7 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Informative

It may be possible to overcome reason for refusal(4) related to protected species and drainage through the submission of additional information should this refusal of permission be the subject of appeal.

Councillor Cahill addressed the Committee as Ward member for Chipping Norton and proposed the officers' recommendation.

Councillor Carter acknowledged the difficulty of the circumstances of the application and requested more information about the families' move to the site.

The Business Manager – Development Management confirmed that officers were satisfied with the concerns of the family which had resulted in them moving to the site and that officers were ready to work with them to find a more suitable site. It was noted that this was the only land the family owned.

Councillor Postan supported the recommendation suggesting that gypsy and traveller sites were best located within a town boundary, to encourage inclusion

Councillor Colston supported the recommendation whilst acknowledging the difficulty of the circumstances of the application. He supported officers intention to seek to find alternative sites for the family.

Councillor Cooper stated his support for the recommendation and clarified that this was a planning decision focussing on the need to protect the landscape and he therefore seconded the recommendation.

Councillor Beaney requested that training be provided for Councillors on gypsy and travellers ethnicity and status with respect to planning regulations and questioned whether

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the Council's data was up to date with respect to the level of need in the gypsy and traveller community in West Oxfordshire.

Councillor Beaney also suggested that Chipping Norton Neighbourhood Plan was a relevant policy in this case, quoting page 4, "an important open space between Chipping Norton and Over Norton" and asked that it was included in order to protect Chipping Norton's boundary.

In response, the Business Manager – Development Management agreed to re-visit the Chipping Norton Neighbourhood Plan with respect to this application.

The Principal Planner (Enforcement) noted that an application for a fence in the same area had been refused and upheld on appeal. She clarified that it was the setting of the conservation area in a very rural area for the village of Over Norton that was at risk from the application as it would diminish the rural nature of the setting.

Councillor Davies disagreed with the recommendation and would not be supporting the refusal of the application. She noted that gypsy and travellers were protected in law and had a right to live in their own way in the countryside. She also noted that the children were settled in and attending school.

Councillor Carter agreed with Councillor Davies that this was a difficult dilemma that appeared to be about land verses the family's rights to safe accommodation but that we also needed to consider the impact on the surrounding community of the development. She acknowledged the shortage of available Gypsy traveller sites and that this needs time invested to rectify in West Oxfordshire and nationally.

Councillor Cotterill informed the meeting that WODC's Local Plan had 11 gypsy and traveller sites but noted that another 19 pitches were required up to 2031. He asked what progress had been made to identify future pitches.

The Business Manager – Development Management informed the meeting that WODC had met recently with Oxfordshire County Council's Liaison Officer and the Planning Department were in discussions about at least four existing sites, to increase provision on those sites. This was the usual way to increase provision and if successful, would exceed the requirement for the current period.

Having considered the report and having listened to the comments made, the Committee voted to agree that the application be refused as per the officers' recommendation.

Refused.

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**59 Applications Determined under Delegated Powers and any Withdrawn Applications and Appeal Decisions**

The reports giving details of (i) applications determined under delegated powers were received and noted.

Councillor Cooper commented on item 93 21/00234/HHD - Woodstock and Bladon advising that there had been some confusion at the Town and Parish Councils over the category of application that a Town Council could object to. He also queried the category of application that could, following an objection, result in the application coming before a Planning sub-Committee; and which would not. He asked that training on this matter be provided to Town and Parish Councillors.

The Business Manager – Development Management informed the meeting that applications with an HHD or ADV suffix to the application number which was objected to by the Town or Parish Council would not automatically result in application coming to Committee, whereas objections to applications with other suffix's would. However, he reminded Members any District Councillor could request that applications be brought before this Planning sub-Committee.

The Business Manager – Development Management assured the meeting that this information was covered during training sessions for Town and Parish Councillors but agreed to include it in the next training sessions.

The reports giving details of (ii) appeal decisions were received and noted.

Councillor Haine thanked all Councillors and officers for the work carried out in this year's meetings.

The Meeting closed at 3.04 pm

CHAIRMAN