

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 28th June 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.

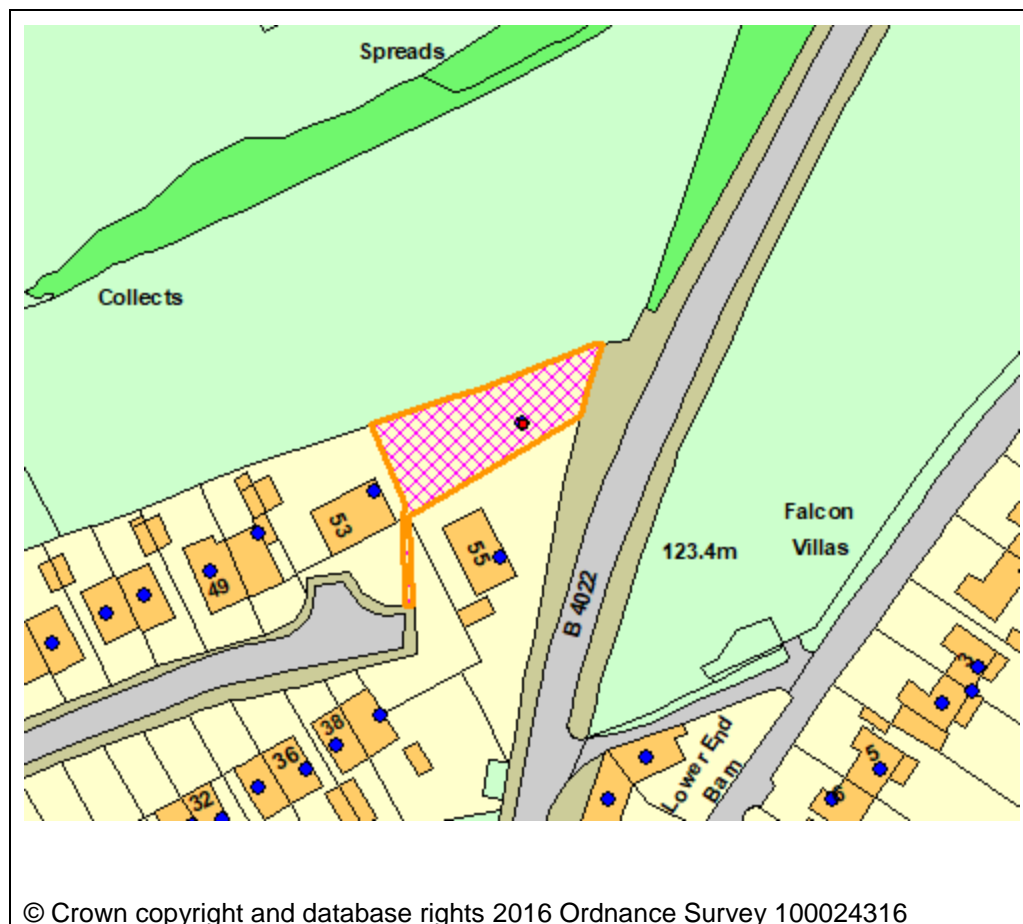
Please note that:

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

Page	Application Number	Address	Officer
5	21/00494/FUL	Wigwell House Banbury Hill Charlbury	Kim Smith
13	21/01445/FUL	The Pentacle Enstone Airfield North Enstone	Kim Smith

Application Number	21/00494/FUL
Site Address	Wigwell House Banbury Hill Charlbury Chipping Norton Oxfordshire OX7 3EQ
Date	16th June 2021
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436045 E 220043 N
Committee Date	28th June 2021

Location Map



Application Details:

Erection of a new dwelling (amendments to previously approved application 18/01583/FUL)
(retrospective)

Applicant Details:

Mr U Skelton
Wigwell House
Nine Acres Close
Charlbury
OX7 3RD

I CONSULTATIONS

Parish Council

The Parish Council has commented as follows:

1. The application contains the following inaccuracies;

Page 1 S1 The address is Banbury Hill not Nine Acres Close

S2 The applicant is surely the owner of the property.

Page 2/3 S5 Has the work been completed answer NO. Surely this is not the case

Page 4 S8 New or altered pedestrian access Answer NO. Surely this should be YES as it is a condition in the consent.

2. We deplore retrospective applications

3. We note that there are no explanations attached to the submission to explain the reason for re-orientation of the building.

The pedestrian access appears to be shown on the plan but is NOT constructed. The condition in the original consent has not been met yet the property is occupied.

This Council has asked that this be investigated and this application does NOT address this.

4. In view of the above this Council considers that the application is inadequate in its detail, does not address the concerns previously expressed (we were told that this would be regularised in a new application) and disrespects the planning process.

5. Given the history of non compliance(the footpath condition was the subject of an application to remove it, which was refused) we object to this application.

OCC Highways

If it can be demonstrated a right of pedestrian access as shown in the application is available Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission subject to a condition requiring the retention of that right

OR

If it cannot be demonstrated a right of pedestrian access as shown in the application is available Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they object to the granting of planning permission in that the application fails to provide safe and convenient access for all users.

2 REPRESENTATIONS

2.1 Comments have been received from Mr Catling and Mr Gordon Clemson of 53 and 51 Nine Acres Close and Charlbury Conservation Area Advisory Committee. Their comments are as follows:

2.2 I endorse and totally agree with the comments already submitted by Charlbury Town Council in objection to this retrospective application;

2.3 Furthermore I believe that the height of the as built house is not as per the approved plans, and as the recent owner of 53 Nine Acres Close, I was severely overlooked by all the huge windows, directly facing my property in the eventual orientation of the building;

2.4 It would appear that numerous aspects of the approved planning have been disregarded throughout the build, and now the house is occupied and has been for many months in contradiction to the approved plans and conditions;

2.5 With regards to the pedestrian access required by Condition 8 of the approved planning consent, the land that is required to provide this access I purchased when buying No 53 Nine Acres in 2018. I did not want this piece of land to be used as a pedestrian access to Wigwell House and indeed still do not, hence I am in dispute with the applicant over this land.

2.6 The applicant tried to remove this condition as they did not own the required piece of land to be able to comply, and applied to have the condition removed Ref.18/03185/S73. When this was subsequently refused they then tried to claim a right of way through simply by installing a gate in the boundary fence.

2.7 I have since sold No 53, however with the imposing nature of Wigwell house next door and the applicant being in dispute over the boundary, these matters affected the saleability of the property.

2.8 The boundary with the field is not on line and a great deal of land has been taken to enable a side entrance to the back garden;

2.9 A situation made difficult due to the building footprint being bigger than was agreed and of different outlook design;

2.10 This has been a constant pattern with this building from the start, building is started/completed, then approval is sought with the hope that no-one checks or measures.

2.11 Even the height seems much higher than was originally agreed, need checking.

2.12 The Committee commented on the proposed development at 53 Nine Acres, now Wigwell House, on three previous occasions: on application 17/03942/FUL in December 2017 (withdrawn), on 18/01953/FUL in June 2018 (approved) and on 18/03185/S73 Non-compliance with condition 8 of the

planning permission (refused) in November 2018. They objected to the first application and had significant reservations about the siting, design, materials and access arrangements in the approved scheme.

2.13 While they deplore retrospective applications, members consider that the as-built design is generally an acceptable revision to the approved scheme and an improvement in some respects including the greater use of stone as opposed to render, the introduction of timber lintels, a local vernacular feature, and in loss of roof-lights and solar panels. An exception is the off-set first floor balcony window on north side elevation, an awkward introduction particularly as this elevation is very conspicuous in views of the settlement from the footpaths to the north. Additional planting - one decent tree in addition to the proposed hedgerow - could help to mitigate this element of the revised scheme.

2.14 Although not strictly a conservation area matter, members support the Charlbury Town Council in their objections to the continued failure to provide the pedestrian access via Nine Acres Close which was a condition of the approved application 18/01593/FUL and is shown on the exiting site and location plans and on the as built plan in the present retrospective application.

3 APPLICANT'S CASE

3.1 This application seeks to achieve approval for alterations in the siting of the new house.

3.2 The approved design showed the building orientated towards the view to the west approximately eight degrees off the south boundary wall with a stepped elevation to this side.

3.3 Location of the west side single storey element was off set to the south.

3.4 When set out on site it was decided to abandon the eight degree tilt to make the best use of the space available and remove the unnecessary offset in the south elevation.

3.5 Some alterations to the fenestration approved were also made but these were submitted for approval of conditions.

In answer to the Town Council's representation the applicant's agent has advised as follows:

3.6 The current address is indeed Banbury Road- formerly Nine Acres Close;

3.7 The construction is not complete at the time of the application submission;

3.8 Access to the site always existed- vehicular and pedestrian from Nine Acres Close and Banbury Hill- so no new access;

3.9 With the original site split into two- Planning Approval conditioned retention of pedestrian access from the new house to Nine Acres Close;

3.10 My client has arranged continued pedestrian access to Nine Acres Close;

3.11 There is a sentence in the Design and Access Statement on re-orientation to make best use of the cleared site;

3.12 There is a new gate and a gap in the wall at the rear of the plot allowing pedestrian access to Nine Acres Close.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH9 Historic environment

EH10 Conservation Areas

EH1 Cotswolds AONB

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

5 PLANNING ASSESSMENT

5 Background Information

5.1 This application has been submitted following a complaint alleging that the development was not in accordance with the planning permission granted under 18/01593/FUL. Following investigation it came to light that the footprint of the dwelling in terms of both its design and orientation on the site was at variance with the approved scheme. The height to eaves and ridge of the dwelling that has been constructed on site accords with the approval. The key differences between the approved and as built dwelling are as follows:

5.2 The single storey lounge wing to the rear of the dwelling is wider than approved. It was approved at 4.6m and has been constructed at 5m;

5.3 The overall length of the dwelling from front to back is approved under 18/01593/FUL at 15.2m and as constructed is 15.5m;

5.4 The rear roof elevation to the garden is partially covered with solar panels;

5.5 The detailing of the windows and doors is at variance albeit the positioning of the window and door openings are as approved.

5.6 The siting of the dwelling as approved was approximately 8 degrees off the south boundary wall with a stepped elevation to the side. The stepped elevation has not been constructed and the orientation of the building runs parallel to the south boundary wall.

5.7 The site is located on the main northern approach to the village and is within the Charlbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

5.8 Mature vegetation limits views of the site from the road and existing residential development at Nine Acres Close sits behind the dwelling.

5.9 The original scheme was considered to comply with the requisite tests of development located within a Conservation Area and the AONB

Planning History

5.10 18/01593/FUL- Proposed dwelling and construction of both vehicle and pedestrian accesses - Approved.

5.11 18/03185/S73- Non compliance with condition 8 of planning permission 18/01593/FUL to remove the need for a separate pedestrian access -Refused.

5.12 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

5.13 The principle of subdividing the original garden serving 53 Nine Acres Close to provide a one and a half storey, three bedroomed dwelling was approved under 18/01593/FUL. Thus the principle of residential redevelopment has been established within this edge of village context.

Impact on the Conservation Area

5.14 Within a Conservation Area, the Local Planning Authority is required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further paragraphs are contained within Section 16 'Conserving and enhancing the historic environment ' for which due regard must be had in the assessment of this application. In addition policy EH10 of the adopted Local Plan requires that development proposals within Conservation Areas will be permitted where it can be shown to conserve or enhance the special interest, character and appearance of the area.

5.15 In your officers opinion, the changes to the design and orientation of the dwelling the subject of this retrospective planning application, whilst material, are not so significant given the scale, the siting and design of adjacent adjoining development and the existing roadside screening that it could be considered harmful to the character and appearance of the Conservation Area such as to warrant a recommendation of refusal.

5.16 In light of the above the proposal is therefore considered to comply with the requirements of Section 66 of the Town and Country (Listed Buildings and Conservation Areas) Act 1990 and the statutory duties of the Council in this regard have been discharged. Further the development is considered to comply with both the Conservation Area policies of the NPPF and the West Oxfordshire Local Plan.

Impact on Area of Outstanding Natural Beauty

5.17 The property is located within the Cotswold AONB. Paragraph 172 of the revised NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The new dwelling is situated within an existing developed part of the village, albeit on the edge. When approaching from the north, a clear distinction is drawn when leaving the open countryside and entering the village of Charlbury itself. At those times of year when vegetation is least dense, the new house would not be viewed in isolation, but alongside the prominent row of dwellings at Nine Acres Close and No. 55 to the south.

5.18 The changes to the dwelling the subject of this application in terms of orientation and design are for the reasons cited above in the section under 'Impact on the Conservation Area' not considered by Officers to cause any unacceptable harm on the landscape and scenic beauty of the AONB and are thereby considered comply with the landscape objectives of the Adopted and Emerging Local Plan and the NPPF.

Highways

5.19 Following an assessment of parking provision and access arrangements, Oxfordshire County Council (OCC) have confirmed that the proposal would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjoining highway network, and therefore raise no objection. OCC observed that pedestrian access along the B4022 is hazardous and pedestrian access to Nine Acres Close is 'essential'.

5.20 Documentation provided by the applicant indicates that a pedestrian access onto Nine Acres Close can be achieved and maintained by way of a gated access within the rear boundary fence serving the new house. In this regard it is recommended that a condition be imposed on any grant of planning permission to ensure that such a gated access is retained in order to provide a pedestrian access. Any future loss of the pedestrian access serving the new dwelling could be the subject of formal enforcement action by way of a Breach of Condition Notice.

5.21 As an aside whilst the provision of a pedestrian gate within the rear garden fence to allow pedestrian access directly onto Nine Acres Close can be the subject of a planning condition ensuring its use by future/ existing occupiers cannot be enforced.

Residential Amenities

5.22 The development is constructed in the rear garden of number 53.

5.24 In terms of privacy, the rear two-storey part of the new house is approximately 22 m from the narrow side elevation of number 53. A conservatory exists to the north (rear) elevation of 53, whilst French doors exist to the side elevation. This rear to side relationship is not considered harmful in terms of residential amenity by way of any unacceptable overshadowing, overlooking or overbearing on the occupiers of 53 Nine Acres Close. Further the amendments to the design in terms of the slightly wider single storey rear extension and the window and door details are not considered to be harmful in light of the earlier grant of planning permission.

5.25 In summary, the proposal is not considered to cause any substantial harm to existing levels of privacy, and would provide future and existing occupiers with usable private amenity space in accordance with the design objectives of the Adopted and Emerging Local plan, and revised NPPF.

Conclusion

5.26 The principle of residential development on such a site has already been accepted.

5.27 Notwithstanding the variances with the approved plans which include a slight re-orientation of the dwelling on the plot and design modifications the dwelling as constructed is considered to preserve the special character and appearance of the Conservation Area and not cause any harm to the wider AONB. The private amenity of future and existing occupiers is maintained and the scheme provides

sufficient parking and a pedestrian access for the new dwelling. As such the dwelling that has been constructed on the land is considered compliant with policies OS2, OS4, H2, EH9, EH10 and EH1 of the Adopted West Oxfordshire Local Plan 2031 and the relevant paragraphs of the NPPF .

6 CONDITIONS/REASONS FOR REFUSAL

1 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.

2 Within three months of the date of this grant of planning permission a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the date of approval of the said scheme and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

3 The car parking areas constructed to serve the development shall be retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

4 That the access gate that has been installed at the southern end of the boundary fence erected between 53 Nine Acres Close and Wigwell House, Enstone Road, Charlbury shall be retained and maintained as presently constructed. For the avoidance of doubt as to what has been constructed on the land a block plan and elevational detail of the said pedestrian access gate shall be submitted to the Local Planning Authority within three months of the date of this grant of planning permission.

REASON: To ensure safe pedestrian access is provided onto Nine Acres Close in the interests of road safety

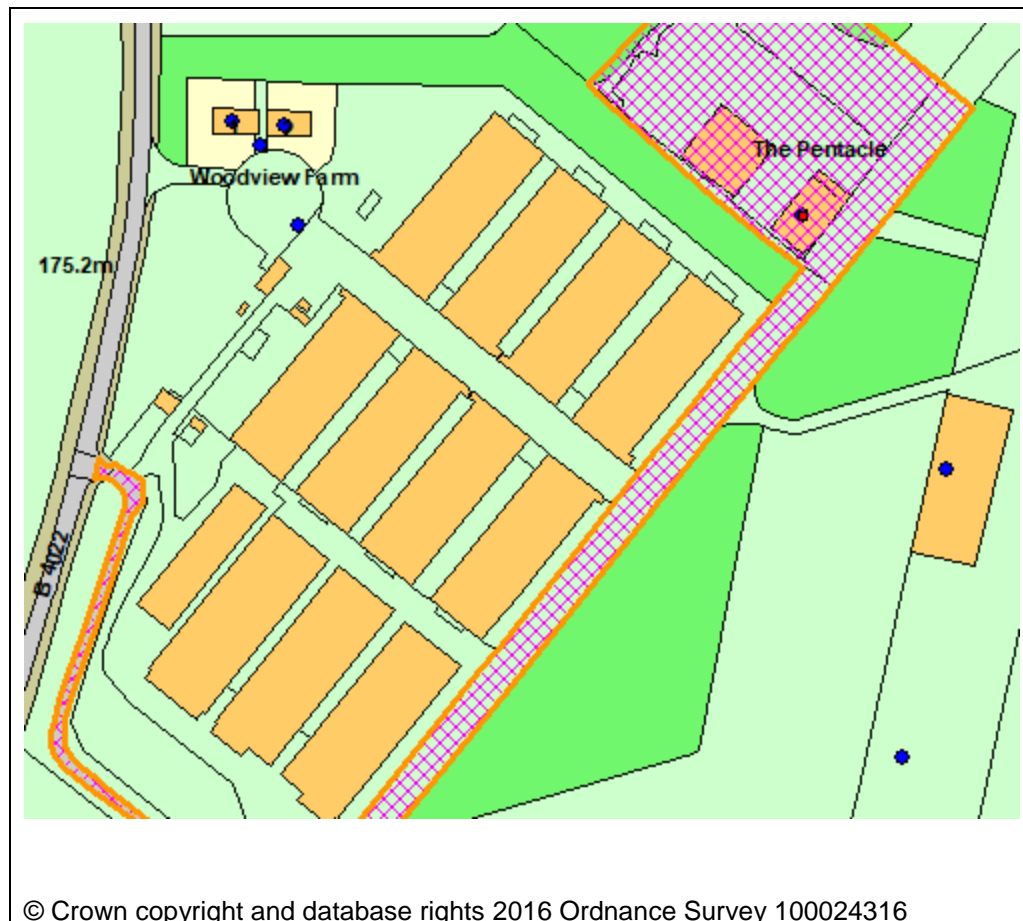
Contact Officer: Kim Smith

Telephone Number: 01993 861676

Date: 16th June 2021

Application Number	21/01445/FUL
Site Address	The Pentacle Enstone Airfield North Banbury Road Enstone Chipping Norton Oxfordshire OX7 4NS
Date	16th June 2021
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	438739 E 226140 N
Committee Date	28th June 2021

Location Map



Application Details:

Conversion of existing buildings for the use of repair and upgrading of motor vehicles, vehicle storage and coach building (retrospective)

Applicant Details:

Enstone Enterprises
Enstone Airfield North
Banbury Road
Enstone
Chipping Norton
Oxfordshire
OX7 4NS

I CONSULTATIONS

OCC Highways	No reply at the time of writing
WODC Env Health - Uplands	I have reviewed all the documentation and I have No Objection in principle.
Civil Aviation	No reply at the time of writing
Parish Council	No reply at the time of writing

2 REPRESENTATIONS

2.1 No representations received at the time of writing.

3 APPLICANT'S CASE

3.1 The applicant's case is as follows:

3.2 The buildings proposed for retention are located to the north of the Poultry Buildings at Enstone Farm. The buildings were erected following planning permissions granted in 2008 (WODC planning ref 08/0543/P/FP). The buildings were completed in November 2012, but in use earlier than then. Although not built strictly in accordance with the permitted plans they are nevertheless now more than 4 years old.

3.3 The buildings were originally in agricultural use. The buildings changed from agricultural to commercial use some time after their construction - probably during 2014.

3.4 Whilst permitted development rights existed at that time for a change of use from agricultural to business uses under the then Class M rights in the 1995 version of the Order as amended in 2013 no such application was made. This application therefore seeks to regularise the use and retain the buildings in their current form and in commercial use.

3.5 The application seeks planning permission for the retention of two buildings which were originally in agricultural use but have been in use as commercial buildings for a number of years now. The current activities in the buildings fall into Use Class E, being an industrial process (repair and restoration of Landrovers) and a coach builder, and Class B8 use as car storage.

3.6 Reusing existing redundant buildings for commercial uses is supported by the policies in the Development Plan. Many agricultural buildings have become redundant across the district and it is recognised under policy E3 of the Local Plan that the best way to secure the upkeep of such buildings and their contribution to the character of the area is to keep them in active use. Re-using these buildings reduces the need for new building and creates the opportunity to provide unobtrusive business activities.

3.7 Policy E3 states that 'The Council supports the re-use of non-traditional buildings for employment, tourism and community uses to support the rural economy where the following criteria are met:

- o the general character and form of the building(s) are not harmful to the surroundings; and

- o the scale and type of use is suitable to its location and will not result in excessive alteration(s) or extension(s) to the host building

3.8 The existing buildings are of modern design which fit in comfortably with surrounding buildings on the site. The proposal seeks the retention of the building as they are in the commercial uses in which they have operated for a number of years, as such the application does not seek permission for any alterations or extensions to the buildings. The units are suitably located for the proposed use as there are a number of commercial business uses already on the airfield site. The continued use of the buildings as Class E industrial process (repair and restoration of Landrovers) and a coach builder, and Class B8 use as car storage will not impact upon the character and amenity of the area. The proposal will therefore be in line with policies E3 and OS4.

3.9 Due to the nature of the proposal being solely to regularise the use of the existing buildings and not for alterations or the erection of a new structure, there will be no harmful impact on the landscape character of the area and therefore is compliant with policy EH2.

3.10 It should also be noted that the alternative to the retention of the commercial uses at the site would be for them to revert to an agricultural use. In those circumstances the buildings would anyway benefit from the permitted development rights set out in Class R of the GDPO, as identified above, and their subsequent change of use could anyway occur either by the simple submission of a letter to the Council, or a prior notification application, depending on the floor area involved. This fallback should be given significant weight in determining this application.

Conclusion of applicant's case

3.11 The proposal has been carefully considered against national and local planning policies and it is concluded that the proposal to retain the two buildings in commercial use at Enstone Airfield would be consistent with the policies of the West Oxfordshire Local Plan and the policies in the NPPF.

3.12 Due to the nature of the proposal, there will be no harmful impact upon the setting of the site and its current uses or the landscape in its rural location.

3.13 Therefore, it is hoped that officers will support the application and recommend that planning permission is granted.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

E2NEW Supporting the rural economy

OS4NEW High quality design

E1NEW Land for employment

E3NEW Reuse of non residential buildings

EH2 Landscape character

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application is retrospective and has been submitted as a result of your officers recent review of development on the airfield which has identified a number of breaches of planning control in respect of various land owners which have been reported to Members at the last Enforcement update.

5.2 The application is seeking planning permission for the retention of two buildings which were originally in agricultural use but have been in commercial use for a number of years. The buildings are being used for the repair and restoration of landrovers, coach building and car storage.

5.3 The buildings were completed in 2012.

5.4 The site is not located within the Cotswolds AONB, nor does it fall within a Conservation Area or the Green Belt.

5.5 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

5.6 Given that the location of the buildings are in close proximity to the Enstone Airfield industrial complex the principle of employment uses for the two buildings is considered generally in accordance with policy E3 of the Adopted Local Plan 2031 in respect of the re-use of non residential buildings which includes modern farm buildings.

Siting, Design and Form

5.7 In terms of their design and siting and form their scale and general utilitarian design and is not considered out of character within the context of both Enstone Airfield and the industrial complex. In addition the buildings are well contained within an enclosed site area which provides parking and manoeuvring space to serve the commercial uses.

Highways

5.8 At the time of writing County Highways has not responded to the consultation in respect of this retrospective application. However, given that the commercial uses have been taking place for a number of years without complaint regarding traffic movements or parking and manoeuvring to facilitate the uses, your Officers anticipate that it is unlikely that there will be a highways objection. Prior to Members considering the application the formal consultation response from OCC Highways will be requested.

Landscape Impact

5.9 Given the location of the buildings adjacent to the chicken farm and in close proximity to other buildings and uses associated with both the airfield and the industrial estate, Officers consider that from wider viewpoints off site the buildings and associated yard area do not appear as highly discernable features in the landscape.

Conclusion

5.10 In light of the above assessment the retrospective application for use of the former agricultural buildings for the repair of motor vehicles, coach building and vehicle storage is considered compliant with local plan policies OS1, OS2, E1, E3 and EH2 of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF. Subject to County Highways raising no objection in light of the above the application is recommended for approval.

6 CONDITIONS/REASONS FOR REFUSAL

- I 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.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order and the Town and Country Planning (Use Classes) Order as amended the buildings shall only be used for the purposes of Class E and or B8 and for no other purpose without the prior express planning permission of the Local Planning Authority.

Reason: The close proximity of the chicken farm, the shooting school, the commercial airfield and other commercial uses means that full planning control is needed in order to assess the acceptability of alternative uses.

Contact Officer: Kim Smith

Telephone Number: 01993 861676

Date: 16th June 2021