

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS PLANNING SUB-COMMITTEE

Date: 4th April 2022

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



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 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.

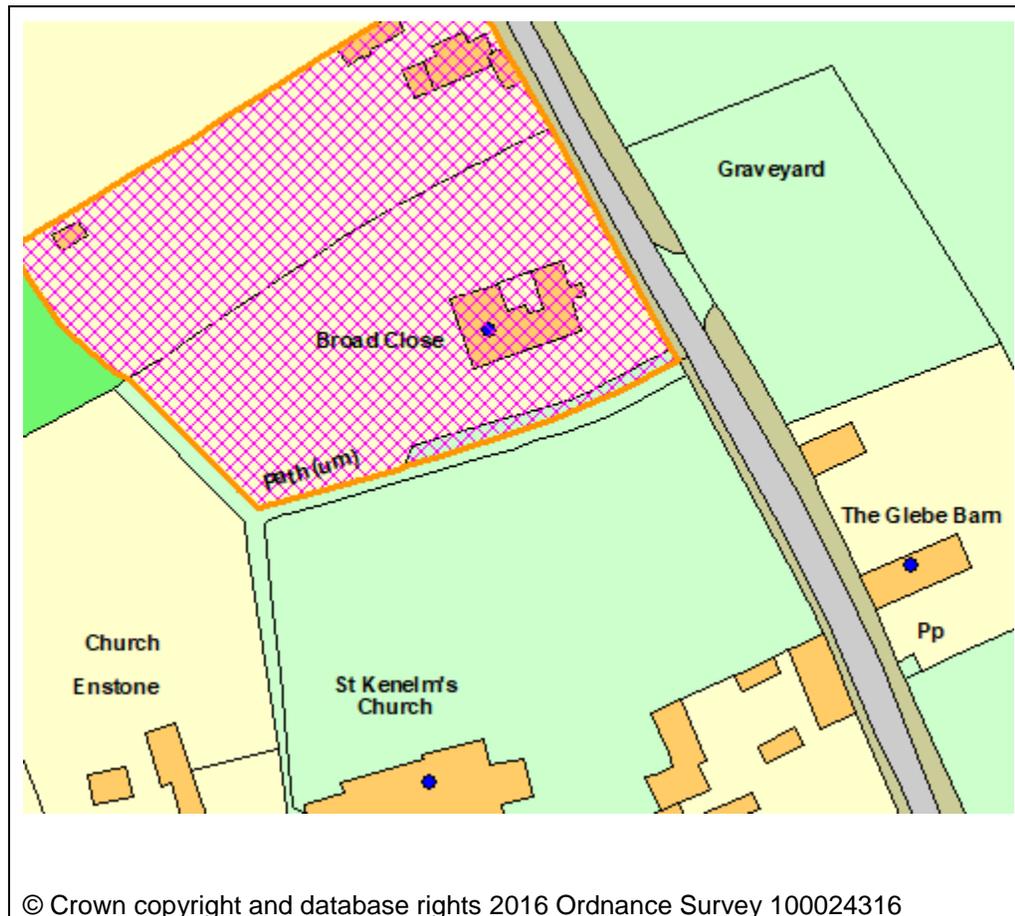
Please note that:

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
11 - 15	21/02185/HHD	Broad Close, Little Tew Road, Church Enstone, Chipping Norton	Briony Farmer
16 - 19	21/02186/LBC	Broad Close, Little Tew Road, Church Enstone, Chipping Norton	Briony Farmer
20 - 32	21/02570/FUL	Land West Of Greenacres, Churchill Road, Kingham	James Nelson
33 - 39	21/03794/FUL	Lower Court Farm, Green End, Chadlington	James Nelson

Application Number	21/02185/HHD
Site Address	Broad Close Little Tew Road Church Enstone Chipping Norton Oxfordshire OX7 4NL
Date	23rd March 2022
Officer	Briony Farmer
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	437981 E 225198 N
Committee Date	4th April 2022

Location Map



Application Details:

Demolition of existing porch. Construction of a single storey garden room to north elevation. Internal alterations to remove modern partition walls and block off 2 existing windows.

Applicant Details:

Mr N Byrom
Broad Close
Little Tew Road
Church Enstone
Chipping Norton
Oxfordshire
OX7 4NL

I CONSULTATIONS

Parish Council

Enstone Parish Council have no objections to this planning application.

2 Third Party Representations

2.1 No third party representations received to date.

3 Applicants Case

3.1 A Design and Access statement has been submitted in support of this application. Main points of this are summarised below. The documents submitted for this application are available to view on the West Oxfordshire District Council website.

Planning Statement Summary

3.2 The application site relates to a Grade II listed property which is a large detached property.

3.3 The application includes the demolition of a front porch lean to which arguably will result in no loss of historic fabric.

3.4 The application includes an extension which is arguably subservient to the host dwelling.

3.5 A Pre-Application enquiry was carried out which was idle and suggested that a justification statement might be required for the infilling of the courtyard.

3.6 Arguably the courtyard, for majority of its life, has been enclosed with a wall across from the corner of the stable.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH9 Historic environment

EH11 Listed Buildings

EH12 Traditional Buildings

NPPF 2021

NATDES National Design Guide

5 PLANNING ASSESSMENT

5.1 This planning application seeks householder planning consent for the demolition of the existing porch, construction of a single storey garden room to north elevation and internal alterations to remove modern partition walls and block of two existing windows at Broad Close, Little Tew Road, Church Enstone. The application site relates to a detached Grade II Listed Building situated in the North of the hamlet of Church Enstone. The application site is not situated within any areas of designated planning control. The application is before committee at the request of Cllr Haine.

Principle

5.2 The principle of the proposed demolition of the existing porch and construction of a single storey garden room in the siting as outlined in the plans is not considered acceptable as it will result in harm the historical significance of the Grade II Listed Building, which is contrary to policy.

5.3 Policy EH11 of the West Oxfordshire Local Plan 2031, which is of particular significance, states that proposals for additions or alterations to a Listed Building (including partial demolition) or for the development within the curtilage of, or affecting the setting of, a Listed Building, will be permitted where it can be shown to: conserve or enhance the special architectural or historic interest of the buildings fabric, detailed features, appearance or character and setting; respect the buildings historic curtilage or context or its value within a group and/or its setting, including its historic landscape or townscape context; and retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of siting, size, scale, height, alignment, materials and finishes (including colour and texture), design and form. Therefore, the proposed development does not gain officers support due the harm it will cause to the Listed Building.

5.4 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 visual and heritage impacts and neighbouring amenity, which will delve into below.

Site Design and Characteristics

5.5 Broad Close is a detached Grade II Listed Building that dates from the early 18th century, late 18th century, altered in the 20th century; the listing covers the whole building.

5.6 The proposed development is for the demolition of the existing porch which is situated on the North elevation of the host dwelling. The proposals include the construction of a single storey garden room on the North elevation which would increase the built form of the existing dwelling by infilling the courtyard, which would result in a rectangular plan form. The proposed garden room will have a flat roof form with a dual pitched lantern light feature. The proposed would be constructed using natural stone. This proposal will alter the appearance of the North, West and East elevations but the South elevation would remain unchanged. On the North elevation, the proposed would feature glazing in the form of three double doors in painted hardwood joinery. On the West elevation, the proposed would extend beyond the existing flank wall. Similarly, on the East elevation, the proposed would extend beyond the existing flank wall.

5.7 Due to the nature of this site, Listed Building Consent has also been sought for the proposed development. In the LBC application (21/02186/LBC), the Conservation Officer was consulted. The Conservation Officer depicts the existing plan form as the evidential significance and character. Therefore, by infilling the courtyard as proposed, to create a more rectangular form, it would erode the significance and alter the historic plan form. Taking this into consideration, on this initial merit, officers consider that the proposed is not supportable and further assessment will ensue.

Visual and Heritage Impacts

5.8 As mentioned above, Broad Close is a Grade II Listed building and therefore officers are required to take account of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended, which states that when assessing development that impacts upon a Listed Building, the Local Planning Authority will take special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest that it possesses. Furthermore, Paragraph 199 of the National Planning Policy Framework (NPPF) states 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.

5.9 The proposed development will be partially visible within the street scene as the East elevation fronts Little Tew Road. Whilst officers consider that the impact of this upon the street scene would be minimal, the impact of the proposals on the host dwelling is a greater cause for concern. The siting and form of the proposed development is not considered to be sympathetic to the character and appearance of the host dwelling. The proposed development will increase the built form of the existing dwelling and will cause harm to the historical plan form of the Grade II Listed Building, which is considered to be part of its significance. Therefore, officers consider that the proposed development is unacceptable in terms of visual and heritage impacts and thus, cannot be supported.

Neighbouring Amenity

5.10 The impact of the development on residential amenity has been judiciously assessed. As outlined above, the proposed development will result in minimal changes to the street scene. The proposed extension will not increase the ridge height of the host dwelling and is only single storey. Whilst the proposal will increase the glazing on the North elevation, officers consider that due to the orientation of the host dwelling and distance to neighbouring properties it would not give rise to levels of harm such as overlooking or overbearing that would warrant the refusal of this application. Officers consider that the proposed development would unlikely to cause harm in respect of residential amenity. However, due to the other concerns with this application it still cannot be supported.

Conclusion

5.11 The paragraphs above provide a detailed assessment of the proposed development taking into consideration key planning considerations. In conclusion, officers consider that the proposal is not considered acceptable on its merits and is contrary to Policies OS2, OS4, H6, EH9, EH11 and EH12 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the NPPF. For this reason, this application is recommended for refusal.

6 REASONS FOR REFUSAL

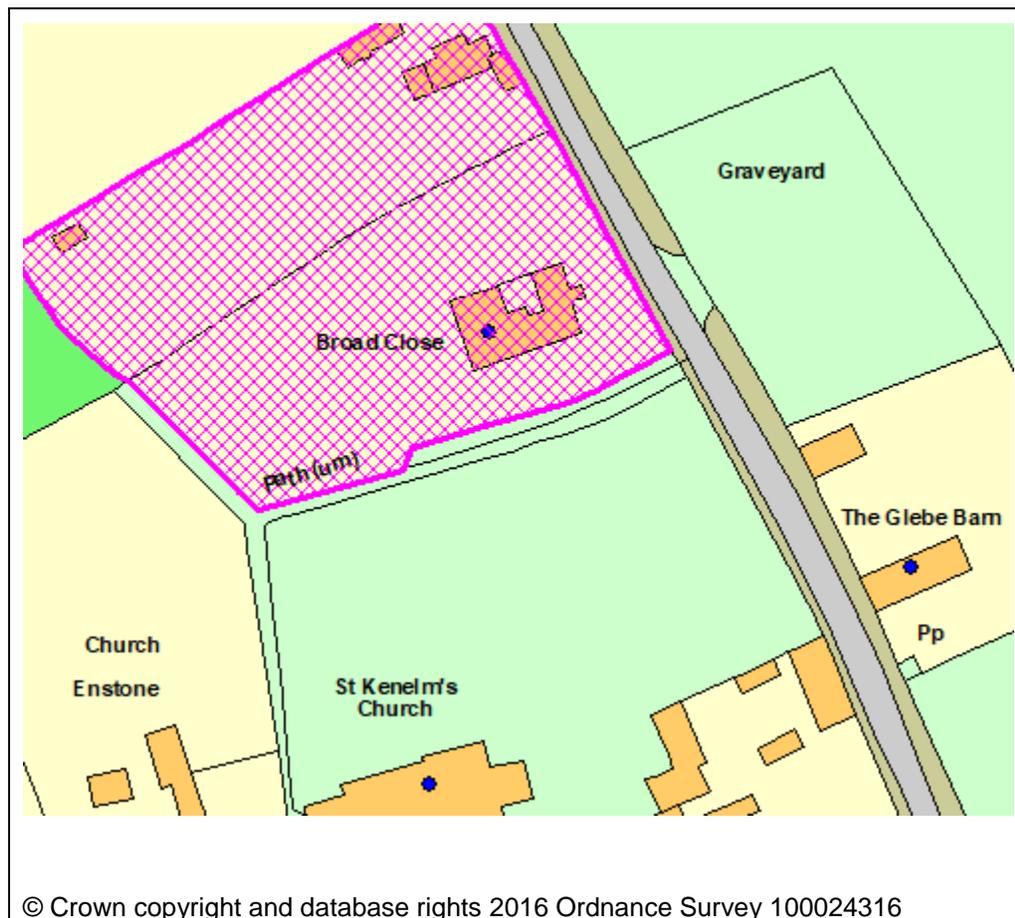
1. The proposed development, by reason of its siting, scale and massing would result in, and would create an incongruous plan-form that is harmful to the historical significance and character of the

Grade II Listed Building. As such, the proposed development is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies OS2, OS4, H6, EH9, EH11 and EH12 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF.

Contact Officer: Briony Farmer
Telephone Number: 01993 861672
Date: 23rd March 2022

Application Number	21/02186/LBC
Site Address	Broad Close Little Tew Road Church Enstone Chipping Norton Oxfordshire OX7 4NL
Date	23rd March 2022
Officer	Briony Farmer
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	437981 E 225198 N
Committee Date	4th April 2022

Location Map



Application Details:

Demolition of existing porch. Construction of a single storey garden room to north elevation. Internal alterations to remove modern partition walls and block off 2 existing windows.

Applicant Details:

Mr N Byrom
Broad Close
Little Tew Road
Church Enstone
Chipping Norton
Oxfordshire
OX7 4NL

I CONSULTATIONS

Conservation Officer

The Conservation Officer objects to this planning application. Part of the Grade II Listed Buildings evidential significance is the historic plan-form. By infilling the courtyard with another structure, inevitably its evidential significance will start to erode/become obscured by the addition of residential paraphernalia, footing, plasterwork etc. The harm to the Listed Building is significant and is not offset by a public benefit.

The full Conservation Officer report is available on the West Oxfordshire District Council's website.

Parish Council

Enstone Parish Council have no objections to this planning application.

2 Third Party Representations

2.1 No third party representations received to date.

3 Applicants Case

3.1 A Design and Access statement has been submitted in support of this application. Main points of this are summarised below. The documents submitted for this application are available to view on the West Oxfordshire District Council website.

Planning Statement Summary

3.2 The application site relates to a Grade II listed property which is a large detached property.

3.3 The application includes the demolition of a front porch lean to which arguably will result in no loss of historic fabric.

3.4 The application includes an extension which is arguably subserivent to the host dwelling.

3.5 A Pre-Application enquiry was carried out which was idle and suggested that a justification statement might be required for the infilling of the courtyard.

3.6 Arguably the courtyard, for majority of its life, has been enclosed with a wall across from the corner of the stable.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH9 Historic environment

EH11 Listed Buildings

EH12 Traditional Buildings

NPPF 2021

NATDES National Design Guide

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 This planning application seeks Listed Building consent for the demolition of the existing porch, construction of a single storey garden room to north elevation and internal alterations to remove modern partition walls and block of two existing windows at Broad Close, Little Tew Road, Church Enstone. The application site relates to a detached Grade II Listed Building situated in the North of the hamlet of Church Enstone. The application site is not situated within any areas of designated planning control. The application is before committee at the request of Cllr Haine.

Principle

5.2 The principle of the proposed demolition of the existing porch and construction of a single storey garden room in the siting as outlined in the plans is not considered acceptable as it will result in harm the historical significance of the Grade II Listed Building, which is contrary to policy.

Visual and Heritage Impacts

5.3 As the proposed development involves changes to a Listed Building, officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, which states that when assessing proposals that impact a Listed Building, the Local Planning Authority will have special regards to the desirability of preserving the building or its setting, or of any features of special architectural or historic interest which it possesses. Moreover, Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

5.4 This application has been reviewed by a Conservation Officer from West Oxfordshire District Council's Planning Department. Within the review, the Conservation Officer depicts that a plan form of a building is frequently one of its most important characteristics. At Broad Close, the courtyard has always remained open, which is considered to be part of the buildings evidential/archaeological significance and character. The Conservation Officer states that "when a courtyard becomes infilled with another structure - irrespective whether it starts out in a glazed form, inevitably its evidential significance will start to erode/become obscured by the addition of residential paraphernalia, footing, plasterwork etc. The plan-form of the building will gradually erode and could be lost altogether in the future. The new plan-form would be a largely rectangular building".

5.5 As per the NPPF, any harm to designated heritage assets should be weighed against the public benefits of the proposal. In this case, the Conservation Officer deems that the proposed development would provide additional living accommodation for the existing occupiers which constitutes a private benefit. The proposed would significantly alter its historic plan form and would erode the appreciation and understanding of this designated heritage asset, to the detriment of its significance.

5.6 Alternative proposals have been suggested by the Conservation Team which would not completely infill the courtyard and there are as follows:

- Option A: where there is a historic precedent for extension.
- Option B: a small scale glazed ethereal conservatory/orangery (least preferred)

5.7 Taking into consideration the Conservation Officers comments, the proposed development will cause harm to the Listed Building, which is not offset by a public benefit and thus cannot be considered acceptable, nor supported.

Conclusion

5.8 The paragraphs above provide a detailed assessment of the proposed development. To conclude, officers consider that the proposal is not considered acceptable on its merits and is contrary to Policies EH9, EH11 and EH12 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the NPPF. For this reason, this application is recommended for refusal.

6 REASON FOR REFUSAL

- I. The proposed development, by reason of its siting, scale and massing would result in, and would create an incongruous plan-form that is harmful to the historical significance and character of the Grade II Listed Building. As such, the proposed development is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy EH11 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF.

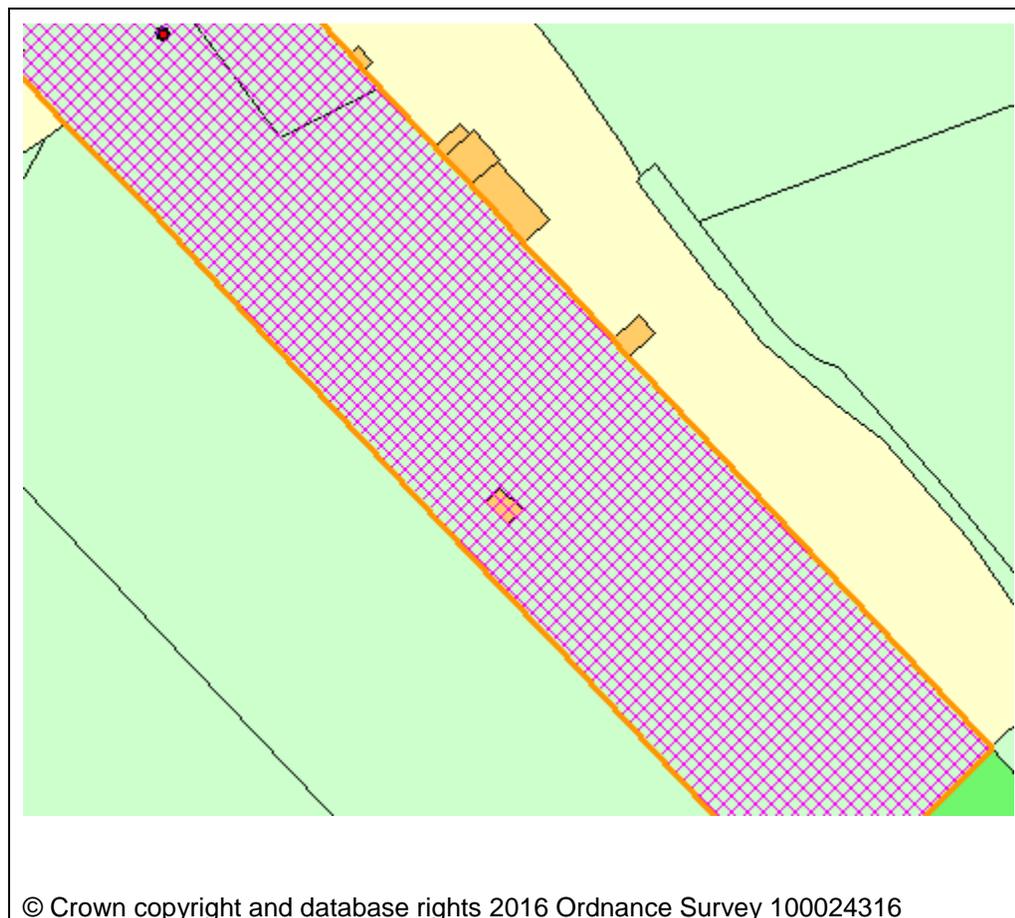
Contact Officer: Briony Farmer

Telephone Number: 01993 861672

Date: 23rd March 2022

Application Number	21/02570/FUL
Site Address	Land West Of Greenacres Churchill Road Kingham Oxfordshire
Date	23rd March 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426302 E 224248 N
Committee Date	4th April 2022

Location Map



Application Details:

Construction of dwelling together with associated outbuildings and landscaping. Close existing and formation of new vehicular access in revised position (amended plans).

Applicant Details:

Mr And Mrs A Bratt

C/o Agent

I CONSULTATIONS

Thames Water	No Comment Received.
WODC Drainage Engineers	<p>Clarification of the proposed surface water drainage strategy servicing the dwelling and outbuildings is sought to ensure its suitability, as well as the total impermeable area.</p> <p>Soakaways may/may not be viable on site, given the geology for the postcode. However, this must first be proven by infiltration tests undertaken in the location of the proposed soakaway and in accordance with BRE365.</p>
Conservation Officer	No objection to amended plans.
OCC Highways	No objection subject to conditions.
WODC Env Health - Uplands	Mr ERS Pollution Consultation No objection
District Ecologist	Requested further information- Preliminary Ecological Appraisal
Parish Council	Objection (see website for details).
Parish Council	<p>Kingham Parish Council has discussed the amended plans and still opposes them.</p> <p>The modifications are not to size of the development, but to make it a little less enclosed and to reduce the overall height of the main building. Both of these are welcome but do not address our main concerns. The impact of the main house is reduced when viewed from the road by reduction in height but also by moving the main house so it lies further from the road. This means it lies even further outside the building line determined by the two houses on either side (Greenacres and East Lodge). It is germane that in the original proposal in 2017 to develop this site, it was proposed to build four houses, which would have meant building beyond this building line (though not by as much as currently proposed). This was opposed by both the Parish Council and the Planning Department at WODC. The plans were then modified and 3 houses proposed lying within the above building line and formed the basis for the planning permission</p>

granted (17/03570/FUL)

Our previous objections remain, namely that this a very large house on the relatively confined site, which inevitably extends into open countryside within the Cotswold AONB and it lies on the edge of the Kingham Conservation Area and well outside the buiding line determined by its immediate neighbours. The proposed swimming pool complex extends even further into open countryside and is an entirely inappropriate building in that context.

It is thus contrary to the following policies

1. NPPF 2018. Paragraph 170. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

2. WODC Local Plan 2031. Adopted 2018

Policy OS2

General principles

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;
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development;

POLICY EH1:

Cotswolds Area of Outstanding Natural Beauty

In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB.

POLICY EH10: Conservation areas

Proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting, specifically provided that:

- the location, form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic or architectural interest, character and appearance of the Conservation Area;
- the development conserves or enhances the setting of the conservation Area and is not detrimental to views within, into or out of the Area;
- the proposals are sympathetic to the original curtilage and pattern of development and to important green spaces, such

as paddocks, greens and gardens, and other gaps or spaces between buildings and the historic street pattern which make a positive contribution to the character in the Conservation Area;

- the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the Conservation Area; and - there would be no loss of, or harm to, any feature that makes a positive contribution to the special interest, character, or appearance of the Conservation Area, unless the development would make an equal or greater contribution.

We would therefore recommend refusal of this application.

2 REPRESENTATIONS

2.1 Three occupiers of adjoining properties have written in opposition to the scheme, two objectors have provided further comments in light of the submission of revised plans. The points covered are summarised as follows:

- The proposed development would not be sited in line with the adjacent properties and would not be consistent with the linear pattern of development in this part of the village;
- It would not be contained within the existing settlement envelope and would consequently read as an encroachment into the open countryside;.
- The proposal is excessive in terms of scale;
- Harmful impact upon views from Village Green and approach to the Village resulting in harm to CA and AONB;
- Inconsistent with precedent set by previous applications;
- Increased light pollution in AONB; and
- Inconsistency over historic use and management of the site.

3 APPLICANTS'S CASE

3.1 The applicant has submitted a Design and Access Statement to support the application. The main points of which are summarised below. The full document is available to view on the Council's website.

3.2. The proposal consists of a house in a sympathetic traditional design with master bedroom and five children's bedrooms. Additional accommodation includes a garage yard, garden store and a pool/gym building.

3.3 There will be a small formal garden and the plan is to maintain the existing rural nature of the remaining ownership. It is envisaged that local materials and trades will be engaged to build the house.

3.4 The objective has been to respond to the parameters imposed by the site and the character of the village.

3.5 The main element is set back from the road within its private domain. Outbuildings are used to link the main house to the village street and create a build-up in scale from the edges of the plot.

3.6 The footprint of the main house relates to other properties within the village by keeping the overall span relatively narrow (6m side elements and 6.5m central element) to echo the vernacular language of the Cotswolds. The form of the house is fragmented and domestic in scale and has been designed to give the appearance of a traditional house which has evolved over time; an example being the outbuilding along the front boundary which has been designed to appear as if though it has always formed part of the street scene.

3.7 The proportions and siting of the house have been carefully considered to preserve the semi rural character of the entrance into the village from Churchill Road. The main house of the development is respectfully set back from the main road behind a largely soft frontage consisting of both existing mature trees and additional vegetation.

3.8 Following a productive dialogue with the conservation officer, Bryan Martin, the proposals have been revised further; principally to reduce the overall height of the house. Though reduced in height, the general proportions of the house were maintained. The diminutive end result produces something more recognisable as a 'farmhouse' and less 'grand manor' in style.

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

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

BC1NEW Burford-Charlbury sub-area

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

Introduction

5.1 This application seeks consent for the construction of dwelling together with associated outbuildings and landscaping and formation of new vehicular access at Land West of Greenacres, Churchill Road, Kingham. The application site is currently undeveloped land and a small section of the site lies within the Kingham Conservation Area, the entire site is considered to be within the setting of the Conservation

Area. The proposed dwelling would also be located within the Cotswolds AONB. The application was deferred for a members site visit.

5.2 Taking into account planning policy, other material considerations and the representations of interested parties, your officers consider that the key considerations for the application are principle, siting, design and form, visual/heritage impact, neighbourly amenity, highways impacts, ecology and drainage impacts.

Planning History

5.3 The planning history on the site is summarised as follows:

- 17/03570/FUL- Erection of three dwellings with associated parking and new access (amended description). Approved.

Principle

5.4 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 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 and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.5 The application site sits within Kingham, which is identified as a village under West Oxfordshire Local Plan Policy OS2. In the villages, new dwellings can be permitted where they are of a proportionate and appropriate scale to their context, having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area. Policy H2 states that new dwellings will be permitted in certain circumstances including 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 set out in Policy OS2.

5.6 The general principles of OS2 that have particular relevance to this application are that 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;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty

5.7 The provisions of Policy BCI are also relevant to this application. The Burford-Charlbury Sub-Area Strategy outlines that despite the relative constraints placed on development by the Cotswolds AONB designation, delivery of homes should reach 774 by the end of the plan period in accordance with H1. Whilst Burford and Charlbury (as rural service centres) will be the focus for modest levels of new development, elsewhere development should be steered to the larger villages in the sub-area, such as Kingham.

5.8 As such, the principle of provision of a new dwelling in this location is acceptable subject to consideration of the resultant visual, neighbourly amenity, highways, drainage and ecology impacts being assessed against the adopted Local Plan.

Siting, Design and Form

5.9 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.10 The proposed dwelling would be sited centrally in the plot and well set back from the road. It would be oriented to align with the shape of the plot and therefore set at a slight angle to the highway. The building itself would take a neo-vernacular form comprised of a main block reaching 9.8 metres in height with two storey wings on either side and front and rear projecting gables ranging in depth. The plans also include a pool building and outbuildings along the eastern side of the plot. The application has been amended to reduce the floor levels, thereby dropping the ridge height by over 1 metre, lowering the proposed eaves height and reducing the height of outriding limbs. The dwelling would be constructed of natural Cotswold stone and stone slates with timber framed casement and sash windows. The visual impact of the proposed development is considered in the following section.

Visual and Heritage Impact

5.11 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. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. The provisions of paragraph 176 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB.

5.12 The existing site is largely screened by mature planting along the northern boundary restricting its prominence in the street scene. The rural character of the site itself provides some contribution to the setting of the village and Conservation Area by creating a semi-agricultural soft edge to the village as the land falls to the east/south east. However, given the site is largely screened from public view, its contribution to the setting of the village and Conservation Area is limited and not considered so significant as to preclude any residential development on the site.

5.13 The proposed dwelling takes a neo-vernacular form and would be constructed in locally characteristic materials. Whilst a significant amount of built form is proposed, the set down heights of side and rear elements and use of hipped forms will reduce the visual prominence of the building, thereby avoiding harm to and preserving the setting of the village and conservation area. The proposed

outbuildings take simple, low-lying forms that will appear in keeping with both the host dwelling and the established character of the village.

5.14 The siting of the house approximately 30 metres back from the road is considered appropriate in this context as due to the falling levels on site, by positioning the dwelling further south in the plot, its perceived height will be reduced. This means that it would not appear overly prominent in the street scene or views in to the Conservation Area from the east and south east, including from Churchill Road. Concerns have been raised by neighbours and the Parish Council that the build footprint extends too far to the south, resulting in an illogical pattern of development. Officers consider that whilst the main block of the house is set further south than neighbouring dwellings on either side, the vicinity does exhibit a loose knit character meaning that this slight variation would not appear incongruous or illogical. Further, the proposed pool building would result in little visual impact due to its height and would be sited adjacent to an existing building to the east.

5.15 Turning to the wider visual impact of the dwelling in the landscape, officers recognise that the proposed dwelling will be partially visible in approached in the village from the east. Its impact will be somewhat screened by the existing 'Greenacres' to the east and given the site will be viewed in a residential context within the built up area of Kingham. Further, the proposed large glazed elements face inwards within the site and so are unlikely to result in significant light pollution to the AONB. Therefore, no material harm to the Cotswolds AONB is identified in light of the amended plans.

5.16 The application is therefore considered by officers to accord with Local Plan Policies OS2, OS4, EH1, EH2, EH9 and EH10 and is considered acceptable in visual impact terms.

Neighbourly Amenity

5.17 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.18 With regard to the impact on neighbouring amenity, your officers consider that due to the siting of the dwelling in relation to its neighbours no significant impact will result upon neighbouring occupiers by way of overlooking, overbearing or loss of light. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity. The building will provide acceptable levels of amenity for future occupiers.

Highways Impacts

5.19 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The Local Highways Authority have been consulted on the application and stated that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network subject to the suggested conditions (see Section 6). Therefore, officers consider that the scheme would be acceptable in this regard.

Ecology Impacts

5.20 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Following consultation with the Council's

ecologist, a Preliminary Ecological Appraisal (PEA) has been submitted. The report details that the site is of low ecological interest as it mainly comprises poor semi-improved grassland. It concludes that no further surveys are necessary subject to implementation of the report's recommendations. The proposed development is therefore considered acceptable in ecological terms subject to the suggestion conditions in Section 6 of the report.

Drainage Impacts

5.21 Following consultation with the Council's drainage engineers, the applicant has provided updated information relating to the proposed drainage arrangement. The Council's drainage engineers are currently reviewing the additional information submitted. Officers consider that these technical details are likely to be overcome and therefore request delegated authority to resolve these matters subject to Members discretion.

Conclusion

5.22 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, H1, H2, H4, T1, T3, T4, EH1, EH2, EH3, EH7, EH8, EH9, EH10 and BC1, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended to Members for conditional approval subject to the proposed drainage matters being resolved by officers on a delegated basis.

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. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 14.01.2022.

REASON: The application details have been amended by the submission of revised details.

3. The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.

REASON: To safeguard the character and appearance of the area.

4. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

REASON: To safeguard the character and appearance of the area.

5. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that

architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

6. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

7. 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, Classes A, B and C shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to ensure the established character of the locality is protected.

8. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

9. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

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

10. 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 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.

11. On commencement of the development the proposed access shown on the approved plans shall be formed and the existing access closed by the erection of a post and rail fence or native hedgerow planting.

REASON: To ensure a safe and adequate access.

12. The dwelling shall not be occupied until space has been laid out within the curtilage of the dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

13. The development shall be completed in accordance with the recommendations in Section 4 of the Preliminary Ecological Appraisal report dated 29.09.2021 prepared by Cotswold Wildlife Surveys. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected and priority species and habitats are protected 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 174, 179 and 180 of the NPPF, Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Before the erection of any external walls, details of the provision of integrated bat boxes (e.g. bat tubes/bricks on south or southeast-facing elevations), integrated bird boxes (e.g. house sparrow terrace, starling box or swift brick on the north or east-facing elevations) within the walls of the new buildings and hedgehog gaps/holes through any new fencing or walls shall be submitted to the local planning authority for approval. The details shall include a technical drawing showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained and maintained.

REASON: To provide biodiversity enhancements in accordance with Local Plan Policy EH3, paragraphs 174, 179 and 180 of the NPPF and for the council to meet its statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006.

15. Prior to any development above slab level, 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 commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority 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.

INFORMATIVES:-

1. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
2. Please note that planning permission does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 (including hedgehogs) and Protection of Badgers Act 1992.

With regard to the condition for bird and bat boxes, it is recommended that integrated boxes are used as permanent features of the new buildings that require no maintenance (i.e. built into walls).

A house sparrow terrace contains 3 nesting compartments and several swift bricks (at least 3) should be incorporated as both of these species nest in colonies. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> Generally, bat boxes should be installed into south-facing walls and bird boxes into northern elevations away from doors and windows (to avoid accumulations of droppings).

For information on hedgehog gaps/holes in fences and walls, please refer to <https://www.hedgehogstreet.org/help/hedgehogs/link-your-garden/>

Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

Notes to applicant

- 1 Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
- 2 Please note that planning permission does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 (including hedgehogs) and Protection of Badgers Act 1992.

With regard to the condition for bird and bat boxes, it is recommended that integrated boxes are used as permanent features of the new buildings that require no maintenance (i.e. built into walls). A house sparrow terrace contains 3 nesting compartments and several swift bricks (at least 3) should be incorporated as both of these species nest in colonies. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> Generally, bat boxes should be installed into south-facing walls and bird boxes into northern elevations away from doors and

windows (to avoid accumulations of droppings).

For information on hedgehog gaps/holes in fences and walls, please refer to <https://www.hedgehogstreet.org/help/hedgehogs/link-your-garden/>

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

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

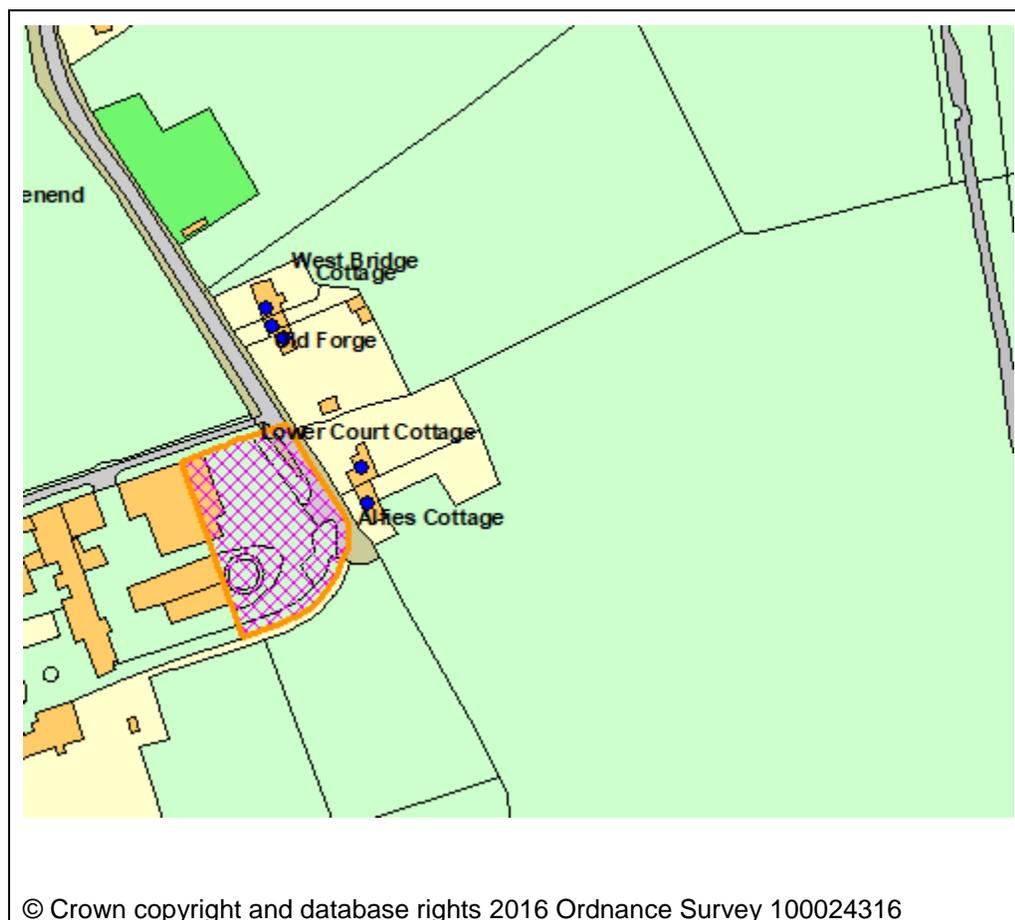
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 23rd March 2022

Application Number	21/03794/FUL
Site Address	Lower Court Farm Green End Chadlington Chipping Norton Oxfordshire OX7 3NQ
Date	23rd March 2022
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432367 E 221158 N
Committee Date	4th April 2022

Location Map



Application Details:

Change of use of land from agricultural to domestic along with the formation of a tennis court, erection of a green house and associated landscaping.

proposals; having a twofold benefit of screening the use to preserve the occupants' privacy but also softening the appearance of the modern buildings on the approach to the site.

3.7 The design approach taken is to construct a facility which is sympathetic to the local landscape character, and one which responds appropriately to the existing architecture within the locality (particularly the design and materials of the existing house), using natural stone for means of enclosure and base of the green house and planting native trees and hedgerows.

3.8 We trust Officers will support these proposals.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Introduction

5.1 This application seeks consent for a material change in the use of land from agricultural to domestic along with the formation of a tennis court, erection of a greenhouse and associated landscaping at Lower Court Farm, Green End, Chadlington. The site sits in the south-western edge of the village of Chadlington and is located within the Cotswolds AONB. Lower Court Farmhouse (to which the application relates) is Grade II* Listed. The application was deferred for a members site visit.

5.2 Your officers consider that the key planning considerations for this application are the principle of development, siting design and scale, impact upon the setting of the Grade II* Listed farmhouse, impact upon the Cotswolds AONB, neighbourly amenity and highways matters.

Relevant Planning History

20/02509/FUL- 'Alterations and extensions to Lower Court Farmhouse. Conversion of attached and detached farm buildings to provide principal and ancillary residential accommodation. Demolition of modern farm buildings. Erection of new garaging, estate office and service yard and associated landscaping (amended plans)'. WITHDRAWN.

20/02510/LBC- 'Alterations and extensions to Lower Court Farmhouse. Change of use of attached and detached farm buildings to provide principal and ancillary residential accommodation. Demolition of modern farm buildings (amended plans)'. WITHDRAWN.

21/00963/FUL & 21/00964/LBC-' Alterations and extensions together with conversion of attached farm buildings to enlarge existing farmhouse.' APPROVED.

21/00967/FUL- 'Conversion of traditional farm buildings to form one holiday lets. Formation of swimming pool and associated landscaping.' APPROVED.

21/00968/LBC- 'Demolition of modern farm buildings. Internal and external alterations to convert traditional farm buildings to form one holiday let together with associated works.' APPROVED.

21/00998/FUL- 'Erection of two new replacement agricultural buildings with repairs and alterations to existing barn.' APPROVED.

21/00999/LBC- 'Demolition of existing portal frame agricultural buildings and erection of two new agricultural buildings together with repairs and alterations to existing barn.' APPROVED.

Principle

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 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 and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.4 The West Oxfordshire Local Plan 2031 has no specific policy relating to the change of use of agricultural land to domestic uses. Therefore, Local Plan Policy OS2 provides the starting point for assessment of the principle of development.

5.5 Chadlington is defined as a village within the settlement hierarchy (Policy OS2) where limited development which "respects the village character and local distinctiveness and would help to maintain the vitality of these communities" may be suitable. This is subject to the general principles of OS2, those with particular relevance to this scheme are 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;
- 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; and
- In the AONB, give great weight to conserving landscape and scenic beauty.

5.6 In addition to the general principles listed, officers consider that policies OS4 (high quality design), EH1 (Cotswolds AONB), EH9 (historic environment), EH11 (listed buildings) and EH13 (Historic

landscape character) are particularly relevant to this application given the proximity of the site to the Grade II* listed farmhouse and location within the AONB.

5.7 The principle of the proposed material change in the use of the land and associated work is therefore considered acceptable in principle subject to the scheme demonstrating compliance with the general principles as well as the development plan when read as a whole.

Siting, Design and Scale

5.8 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.9 In terms of siting, the proposed tennis court is sited adjacent to the site access and around 60 metres north east of the main house. The effect of the proposed siting is that the proposed tennis court would be prominent in views from Green End running to the east of the site, which forms a public right of way and serves as access to neighbouring properties. Officers therefore consider that the proposed development exhibits the potential to impact upon the setting of the heritage asset when viewed from the east. This matter will be considered fully in the following section of the report.

5.10 The proposed tennis court would be hard surfaced with a green finish and chain link fencing reaching a height of 2.6m at each service end. The site would be bounded by stone walling to the west side with hedging and planting proposed in the eastern half of the site. A dual pitched greenhouse of traditional form and design is also proposed within the existing garden area (officers note that this lies outside of the submitted red-line site plan). The visual impact of the proposed development is considered in the following sections.

Heritage Impact

5.11 The site sits immediately north east of the Grade II* listed Lower Court Farmhouse and therefore exhibits the potential to impact its setting. Officers are therefore required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that when considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. The direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and Local Plan Policies EH9, EH11 and EH13.

5.12 The site is set on the edge of the village and faces open countryside with the Evenlode Valley stretching to the south. The existing site when viewed from Green End running to the east, exhibits a distinctly rural and agricultural character. The listed farmhouse has been used in connection with farming since the first half of the 19th century and is set amongst a group of vernacular and modern farm buildings, which partially obscure the main house when viewed from the east. The former farm buildings are currently in the process of being re-developed under the application references listed in section 5.2 of this report but will retain their agricultural character due to the sensitive approach taken in previous proposals to retain their existing character. Therefore, due to the present appearance of the wider Lower Court Farm site, when viewed from Green End, the farmhouse sits in a distinctly rural and agricultural setting characteristic of its historic association with farming.

5.13 The proposed siting of the court and associated hard landscaping works facilitate the material change of use would extend the formal garden of the main house adjacent to Green End and beyond the range of buildings associated with the house. This encroachment would relate poorly to the existing garden area and built development on site and result in a formal domestic appearance and setting to the listed farmhouse when viewed from Green End. This would undermine the established rural and agricultural surroundings of the heritage asset which officers consider forms a positive contribution to its setting. The erosion of the established character caused by the siting and design of the proposed tennis court and associated works would visually dominate the open space directly fronting Green End and therefore fundamentally affect its present rural and agricultural character to the detriment of the setting of the main house and the established character of the street scene. The proposal therefore conflicts with Policy OS2 in that it fails to respect the existing character of the area resulting in harm to the setting of designated heritage asset.

5.14 Before applying an overall planning balance, a heritage balance must be carried out under paragraph 202 of the NPPF under which the harms to the setting of the designated heritage asset in isolation should be weighed against any public benefits that would result from the proposal. The harm arising from the proposal is considered to be 'less than substantial'. This is not to minimise the affect of the development upon the setting of the heritage asset but merely recognises that the harm would not materially impact upon the fabric of the building itself. Officers consider that the benefits accrued from the proposed development would be largely private in nature and small scale public benefits associated with the construction process would result in little appreciable public benefit. Therefore, officers conclude that these benefits do not outweigh the identified harm to the designated heritage asset, which must be afforded great weight in this balance under NPPF Paragraph 199. In light of this assessment, the proposed development results in deleterious impact upon the setting of the Grade II* Listed Lower Court Farmhouse in conflict with Local Plan Policies EH9, EH11 and EH13 and guidance contained in the NPPF. The proposal also fails to relate successfully to its context as required by the general principles of Policy OS2 and the requirements for good design in Policy OS4, the West Oxfordshire Design Guide and Section 12 of the NPPF and is therefore unacceptable in heritage and visual impact terms.

Impact upon the Cotswolds AONB

5.15 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty in accordance with the provisions of paragraph 176 of the NPPF. This duty is reflected in Policy EH1 of the Local Plan.

5.16 Officers consider that whilst the proposed development would result in a negative transformation of the character of the street scene as viewed from Green Lane (resulting in harm to the setting of the Grade II* main house), the change would be screened in wider views and therefore only perceived in its immediate context. Therefore, the wider landscape impact of the change would be negligible and no material harm to landscape and scenic beauty in the AONB is identified.

Residential Amenity

5.17 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.18 The proposed tennis court would be sited approximately 30m from two residential properties that lie east of the site. Officers consider that this separation distance is sufficient to ensure that the

proposed use would not give rise to any unacceptable levels of noise and disturbance impact. Given the nature of the proposed, no further neighbourly amenity impacts by way of overlooking, overbearing or loss of light would result from the proposed. The application is therefore acceptable in this regard.

Highways Impact

5.19 Local Plan Policy OS2 states that new development should be provided with safe vehicular access, Policies T1 and T4 are also relevant to the application. Officers consider that the proposed development would result in no material impact upon the adjacent highway network as access and parking space will be retained and there is no logical reason to conclude that the proposed use would give rise to a discernible increase in traffic movements. As a result, the application is acceptable in this regard.

Other Matters

5.20 Following discussions with the applicant's agent, the possibility of a hard surfaced court being installed within the existing residential planning unit to the south of the main house has been discussed. The applicant believes that such works could be carried out as permitted development and should therefore be regarded as a material consideration. Given the significant possibility of this work being carried out in the event of a refusal, officers agree that that this alternative can be considered a material consideration in this assessment.

5.21 In officer's assessment, locating the court within the established planning unit would likely result in a lesser visual impact than the proposed scheme, especially when considering that fencing would not be able to be erected under PD rights. Therefore, this consideration is not deemed sufficient to warrant departure from the Local Plan policies as listed in the report.

Conclusion

5.22 In light of the above, the application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021. The application is therefore recommended for refusal.

6 REASON FOR REFUSAL

- I. The siting and design of the proposed development would result in an incursion of formal domestic garden which would fundamentally affect the site's present rural and agricultural character. This would result in significant but 'less than substantial' harm to the setting of adjacent Grade II* listed Lower Court Farmhouse which is not outweighed by any substantive public benefits. The application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021.

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 23rd March 2022