

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th November 2024

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

***List of Background Papers***

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

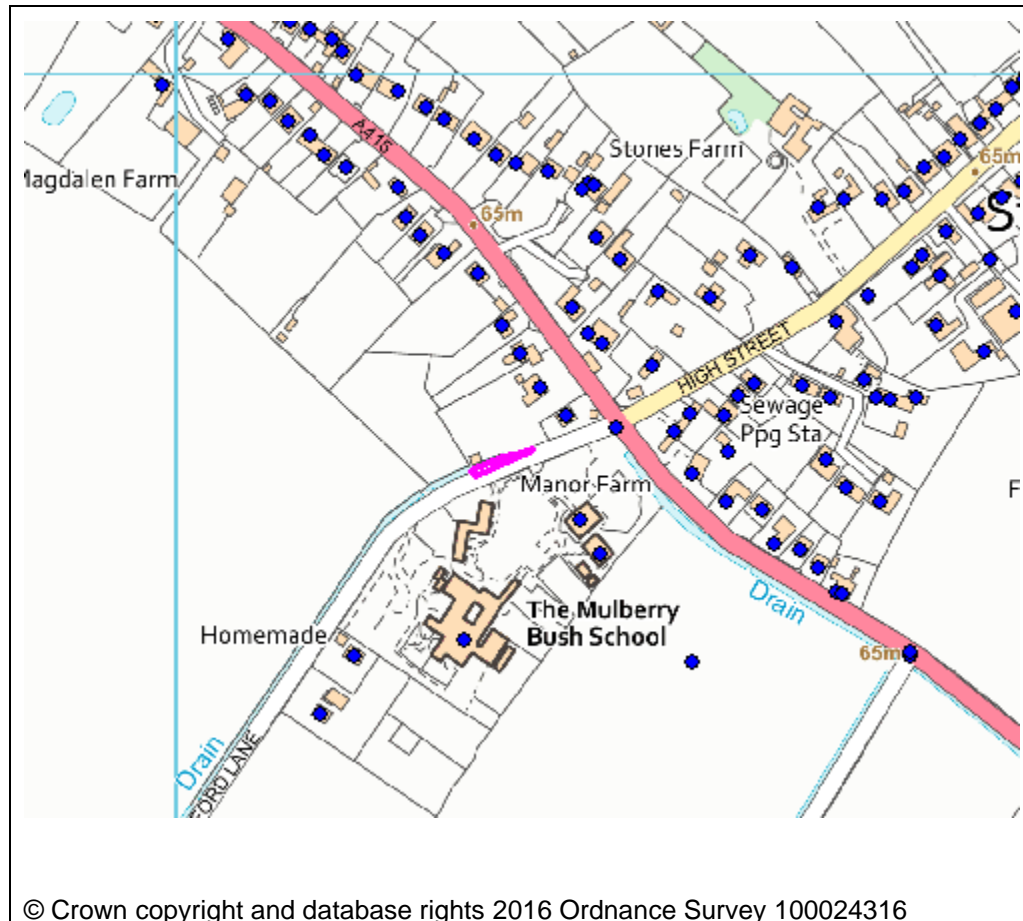
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
15-20	24/01341/FUL	138 Abingdon Road Standlake	Rebekah Orriss
21-25	24/01979/FUL	Land South East Of Stone Place Church Road	Sarah Hegerty
26-30	24/02162/FUL	59 Barrington Close Witney	Rebekah Orriss
31-44	24/02391/FUL	Home Farm Kelmscott	James Nelson

Application Number	24/01341/FUL
Site Address	138 Abingdon Road Standlake Witney Oxfordshire OX29 7RN
Date	30th October 2024
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	439242 E 202793 N
Committee Date	11th November 2024

### Location Map



### Application Details:

Change of use of land to increase domestic curtilage along with erection of 2m high boundary fence.

### Applicant Details:

Mr and Mrs Geoffrey and Victoria Ling

138 Abingdon Road  
Standlake  
Witney  
Oxfordshire  
OX29 7RN

## I CONSULTATIONS

Parish Council

Standlake PC objects as follows:

1. Three mature trees on the land in question were felled without approval before the initial development proposal for the end of their garden was submitted earlier this year.
2. The new fence was erected before they submitted a retrospective application for curtilage over land that is well outside their garden and is still separated from it by a long established fence. Their application for curtilage over this land has no basis for approval as it has never been maintained by them, contrary to what they state in their application. The new fence has changed completely the rural character of this stretch of Shifford Lane and is not acceptable to the owners of the Mulberry Bush School that faces it.
3. Moving the fence back by 1m will have no material effect upon its negative impact on the surroundings.

OCC Highways

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network  
Recommendation:

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

## 2 REPRESENTATIONS

2.1 Two comments objecting to the proposal were received, the full statements can be found on the West Oxfordshire Planning website but are both summarised as follows:

- the proposal is across the water main leading to Longwood House, access is required for maintenance;
- there are electrical lines that need to be accessed by BT and Gigaclear;
- concerns about the drainage ditch being filled in.

One comment of support was made:

- The sensitivity, understanding and support by the village and our neighbours to the work of The Mulberry Bush has been and remains of enormous value to the charity. Consequently we have been very grateful for the neighbourliness offered by the occupants over the years and with regard to this proposed development. The safety and welfare of the children at the school remains our greatest

concern. Any measures that the owners take to support us in keeping the children safe during and after the build are welcomed.

We do not object to the development, and have been grateful of being kept informed of the progress and plans for the site by the owners. This has included flexibility around certain works and the movement or operation of heavy / noisy machinery. We have not been approached for comment by any other party or neighbour in any regard in relation to this matter and have not objected. We do ask that access to the services that feed our school site are not compromised.

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

3.1. On the opposite side of Shifford Lane is The Mulberry Bush school where a number of young children live on a full-time basis. The school has expressed concerns that securing the construction site needs to be a priority to ensure the children are not at risk of any danger. Whilst the children mainly occupy the area within the school perimeter it is a well known fact it is not unusual for some of them to explore the area beyond the perimeter and we have had unexpected visits from them on a number of occasions in the past.

3.2. Many people walk their dogs along Shifford Lane, often off the lead. It is necessary for the safety of the dogs and construction workers to keep the dogs out of the construction site.

3.3. Neighbours both from the Mulberry Bush school and along Shifford Lane have expressed concern that both during and after the permitted construction of the houses the lane itself may become congested or obstructed by vehicles delivering materials to the site or by other vehicles belonging to site workers. By creating a parking and unloading area inside the fence and clearly preventing such vehicles from being parked part on and part off the lane we are preventing such congestion and allowing our neighbours unfettered access to their properties.

3.4. Many people use Shifford Lane to walk out to other lanes and areas of countryside in the surrounding area. If the fence was erected further away from the tarmac surface of the lane these walkers will park their cars on the land to the side of the lane. This will cause congestion and result in mud being drawn onto the lane which during wet weather will create a dangerously slippery surface on Shifford Lane, a hazard for walkers and vehicles alike.

3.5. We need to maintain the security and privacy of our property, the fence will prevent those walking along Shifford Lane from looking into our house and garden and will prevent anyone from trying to take our dogs.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

- 5.1. This application seeks planning permission for the 'Change of use of land to increase domestic curtilage along with erection of 2m high boundary fence'. The application site is an area of grass verge along Shifford Lane, Standlake.
- 5.2. The proposal has been amended, to reposition the fence further back from the highway.
- 5.3. The verge is adjacent to a site approved for two dwellings under ref. 20/03451/FUL. The proposal has involved enclosing the verge with 2m high close-boarded fencing in order to bring the land into residential use associated with the two approved dwellings.
- 5.4. The site does not lie within any areas of special designation. There is a public right of way across the front of the site along Shifford Lane. The Mulberry Bush School occupies the land to the south of the lane.
- 5.5. The application is before Members as officers' views differ from those of the Parish Council, the application was also called in by Councillor Cosier.

### **Planning History**

- 5.6. The red-line application site does not have any planning history itself, however the fence has been erected in connection with development approved on the adjoining site which has the following consent:
  - 20/03451/FUL - Construction of two, 4 bed dwellings - approved;
  - 24/00884/S73 - Variation of condition 2 of planning permission 20/03451/FUL to allow design changes to Plot 1 - approved.

### **Principle of Development**

- 5.7. Local Plan Policy OS2 gives the general principles for new development the most relevant point for this application are that all development should:
  - o Form a logical complement to the existing scale and pattern of development and/or the character of the area;
  - o As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
  - o Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.
- 5.8. As such the principle of development is supported following is the further assessment in regard to the impact on the design and siting, highway safety and residential amenity.

### **Siting, Design and Form**

- 5.9. The change of use of the land has involved the erection of a 2m close boarded fence. This has been placed in two sections allowing for an access in the middle, each section is approximately 15m long.

- 5.10. Currently the fence is quite close to the highway, however the applicants have amended the proposal to include repositioning the fence a further 1m back from the highway.
- 5.11. Shifford Lane is a narrow lane that leads off from the main road through Standlake. The lane has is characterised by leafy vegetation on the south side, with boundaries and accesses set back on the northern side with grass verges between boundaries and the highway.
- 5.12. In light of the above, officers consider the proposal to reposition the fence to mean that a grass verge is retained along the highway in a manner commensurate with the existing pattern of boundaries alongside the north side of Shifford Lane.
- 5.13. The applicant also proposes to plant native hedging to the front of the fence which officers consider is in line with policies EH3 and EH4, this exact mix could be secured by a condition.
- 5.14. Officers consider that the form and design complies with policies OS2 and OS4 of the West Oxfordshire Local Plan 2031.

### **Impact on Neighbouring Amenity**

- 5.15. Given the nature of the development officers do not consider that the change of use of the land nor the erection of the fence would have a significant impact on neighbouring amenity.

### **Highways**

- 5.16. OCC Highways have been consulted on the application as the land is owned by OCC highways, they have raised no objections with regard to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

### **Public Right of Way**

- 5.17. Shifford Lane is part of the public right of way system. Officers consider that the application site forms a small part of the views of the right of way and in light of the existing residential uses along the lane, officers do not consider the repositioned fence to have a significant impact on the enjoyment of the public right of way.

### **Other Matters**

- 5.18. Officers note the comments from the parish council regarding works to trees on the land. The trees were not protected, and the site is not in the conservation area so the removal of the trees did not require permission from the LPA.
- 5.19. While safety is not directly a planning consideration, representations from a representative of the neighbouring school have shown support for the fence with regard to safety during the construction period.

## **Conclusion**

5.20. Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

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

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

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

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

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

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

4 Within 6 months of the date of this decision details of the proposed native hedge 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.

**Contact Officer:** Rebekah Orriss

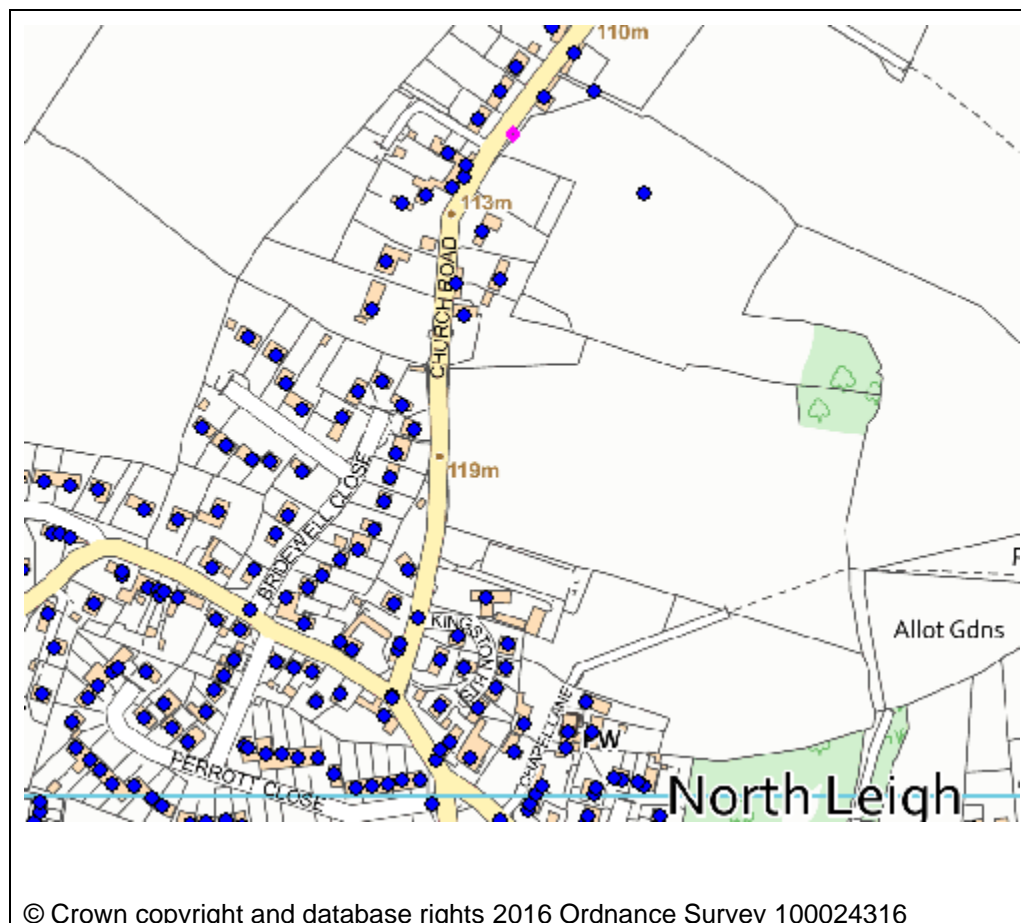
**Telephone Number:**

**Date:** 30th October 2024



Application Number	24/01979/FUL
Site Address	Land South East Of Stone Place Church Road North Leigh Oxfordshire
Date	30th October 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	North Leigh Parish Council
Grid Reference	438733 E 213399 N
Committee Date	11th November 2024

### Location Map



### Application Details:

Creation of a new access to field for agricultural purposes, along with laying of a concrete hardstanding and installation of double gates set back from highway

**Applicant Details:**

Mr Peter Millin  
Hereford House  
Church Road  
North Leigh  
Oxon  
OX29 6TX

**I CONSULTATIONS**

Parish Council

The application for a new access on to a narrow road is not considered to be necessary particularly as the owner already has access via other field which the Council believes are within the same ownership. If this is not the case it does not alter the fact that having a new access in this location on to a narrow road is dangerous from a highways position not least due to the impact on both traffic and pedestrians.

If the Council is minded to grant permission we would ask for the following conditions to form part of any permission

- Shingle of similar material should be used for the access to minimise the impact of what is a green field area and the extent of this should not intruded into the field by more than 12 feet.
- The width of the Access should be restricted to no more than 12 feet which is sufficient width for a Tractor and trailer
- The Access can only be used for Agricultural purposes

OCC Highways

No Objection

District Ecologist

No Comment Received.

**2 REPRESENTATIONS**

2.1 There have been five objection comments received, summarised as follows:

- It is not clear why the access is needed, since there is already agricultural vehicular access to the same field further down the road.
- More importantly, the entrance would come out onto the road, which is narrow, near the bend at the bottom of a hill. Despite the new 20mph limit, cars still come down the hill and round the bend well in excess of this. The safety situation is made worse because residents park on the road opposite to, and in the vicinity of, the proposed entrance, making the road effectively a single lane.
- There is no pavement, so pedestrians as well as drivers would be at these risks.
- It would open the potential for future expansion of use beyond the occasional agricultural vehicle envisaged. Any such expansion would greatly exacerbate the safety issue.
- I would like to add my reservations about the given plans.
- I am the son of one of the residents of road and lived on the road for all of my childhood.

- Although the road does not flood in the traditional sense it does become a fast flowing torrent in heavy rain, and water does collect on the road. This happens multiple times every year.
- This water often freezes in the winter, and several years ago my mother slipped while walking on the road (there are no pavements whatsoever) and fractured her arm.
- There do not appear to be any specific plans to increase drainage or to keep or reroute the ditch that will possibly be just filled in under these plans.
- The addition on concrete hard standing entrance will increase the water runoff and the risks to the safety of any road users. These risks are significant considering the nature of the road, and the fact that an entrance to the field will mean increased heavy vehicles using the road.
- The road is used by many vulnerable groups, many of whom walk, as it leads to the church, graveyard and parish hall. As such the safety of the road plays a vital part to the local community.
- The area has been successfully farmed, without access in this location, for longer than anyone knows and therefore there is no need to make access now.

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

3.1 The Design and Access Statement is summarised as follows:

The access is required solely for agricultural purposes for the use by agricultural vehicles to undertake field operations. Presently the land can only be accessed by agricultural vehicles across neighbouring land not within the above Title.

In addition, the current access is limited for modern agricultural machinery including mowers and hay trailers and is regularly restricted by cars parking on the road opposite, limiting the turning circle. The alternative access used for modern agricultural machinery cannot be altered as Mr Millin does not own the land either side.

The design of the access is very simple, low key, informal, small scale and entirely in keeping with the intended nature of its use. Materials chosen for the access surfacing are sympathetic. The access will be no more than 5 metres wide at the gate entrance but will allow sufficient width for a tractor and 40ft bale trailer. The field will splay to the roadside, the concrete apron having a 6m frontage against the road to allow vehicles ample space to swing off the road into the gateway.

As the access is solely for private agricultural use no public access considerations form part of the design.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

DESGUI West Oxfordshire Design Guide

NPPF 2023

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 The application seeks planning permission for Creation of a new access to field for agricultural purposes, along with laying of a concrete hardstanding and installation of double gates set back from highway to serve an existing parcel of land at Land South East Of Stone Place, Church Road, North Leigh. The site is not within any area of special designation.

5.2 The application site forms part of an agricultural field which is bounded by a stone wall adjacent to the Church road (classified road) on the western boundary.

5.3 The application has been brought before Members of the Sub-Committee for consideration as the Parish Council have objected to the application.

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

Siting, design and form  
Highways  
Residential Amenity

### **Siting, Design and Form**

5.5 As noted in the Design and access statement:

*The access is required solely for agricultural purposes for the use by agricultural vehicles to undertake field operations. Presently the land can only be accessed by agricultural vehicles across neighbouring land not within the above Title.*

*The brambles will be removed, the approach to the gateway would be stoned with 40mm down Type 1 MOT stone to a depth of 150mm onto a geotextile membrane. The gateway would also have double 8ft wide wooden gates installed with wooden posts erected to the sides to attach to the existing stockproof fencing. A concrete apron of 1.5m would be installed where the access abuts the Highway and kerb stones need to be dropped.*

5.6 Along Church Lane, the new access would be in a relatively prominent location however there are a number of houses along the street that are served by various vehicular accesses, the proposal would not detract from the street scene. The land in which the access is proposed to serve is open agricultural land and the design of the access is considered to be low key and in keeping with the character of the wider site. It is therefore considered acceptable in this regard.

### **Highways**

5.7 The access of directly off Church Lane which is a classified road with a 20mph speed limit. OCC Highways have been consulted as part of the application and have raised no objection subject to condition. Officers consider that given the open context and undeveloped context of the site and the low speed of the traffic officers consider that the access would not give rise to adverse impacts as a result of the scheme

### **Residential Amenities**

5.8 Due to the open nature of the site and the separation distances from neighbouring properties, the creation of the access is not considered to have an adverse impact on neighbouring amenity.

## **Other Matters**

5.9 Officers note the parish comments regarding the existing access arrangement however as confirmed by the agent that the existing access is over land which is not in the same ownership. Also the description of development is clear that the access is for agricultural purposes only and therefore has been assessed accordingly.

## **Conclusion**

5.10 In light of this assessment, taking in consideration the design, neighbouring amenity and layout, this proposal is acceptable in accordance with policies OS2, OS4 and EH2 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

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

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

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

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

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

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

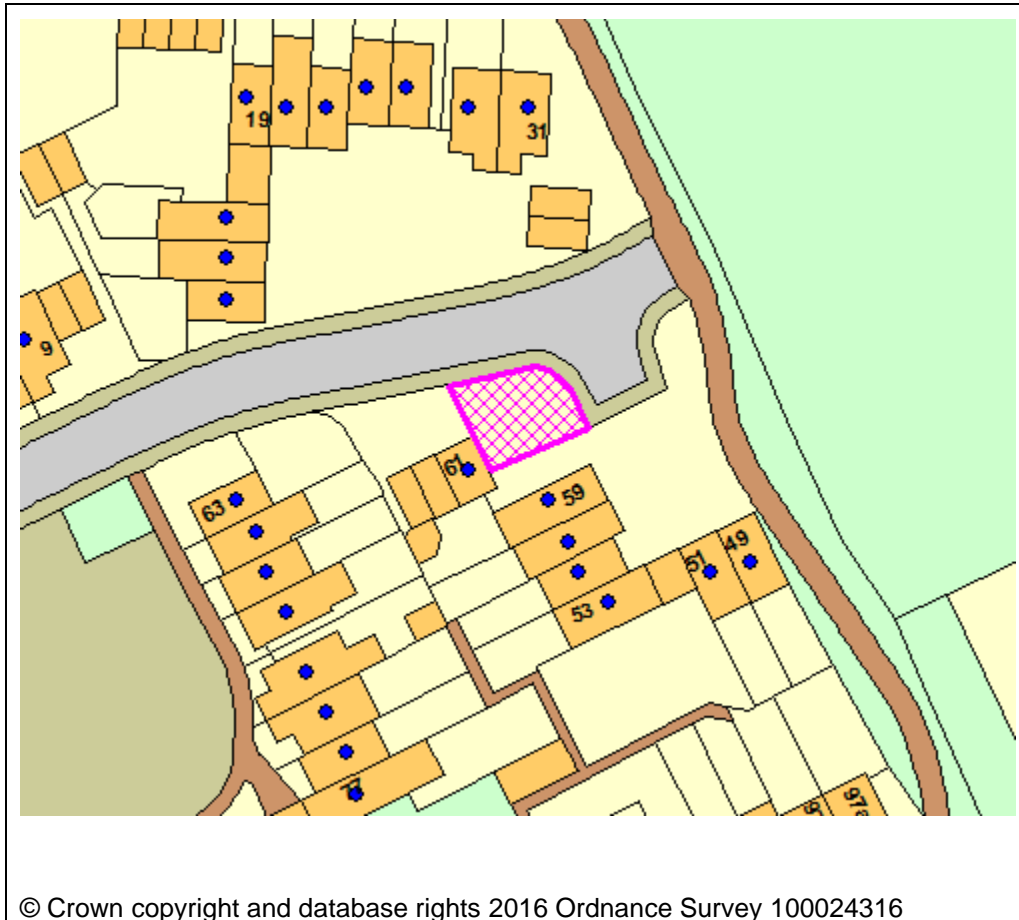
4 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance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

REASON: To ensure a safe and adequate access.

**Contact Officer:** Sarah Hegerty  
**Telephone Number:** 01993 861713  
**Date:** 30th October 2024

Application Number	24/02162/FUL
Site Address	59 Barrington Close Witney Oxfordshire OX28 5FJ
Date	30th October 2024
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	434154 E 209414 N
Committee Date	11th November 2024

### Location Map



### Application Details:

Change of use of residents land from amenity to residential and erection of timber boundary fencing (Retrospective)

### Applicant Details:

Mr Mark Ellen

59 Barrington Close  
Witney  
Oxfordshire  
OX28 5FJ

## **I CONSULTATIONS**

Parish Council

Witney Town Council objects to this application. This proposal is not compliant with Policy OS2 in that it would involve the loss of an area of open space that makes an important contribution to the character or appearance of the area. The character of the Deer Park estate along with other across the town is identified by these parcels of amenity space and for these be allowed to be fenced away from view it harms that character and takes this amenity from the rest of the community.

Furthermore, members discussed the contribution to biodiversity as is provided by these small parcels of land, this small but important contribution would be lost if the space was allowed to continue to be incorporated as part of a privately owned domestic garden. Witney Town Council values all open spaces and amenity lands across Witney. These areas, regardless of size or location contribute to the visible, recreational, and biodiverse landscape across the town. Grass areas in particular aid drainage and help mitigate against surface water flooding.

Members are also aware of a number of issues regarding the landscaping and restrictive covenants in this vicinity that may be considered to be in breach of planning policies. It would ask that a clear, fair, and consistent approach is adopted for this application and any future ones.

OCC Highways

No objection.

## **2 REPRESENTATIONS**

2.1 No third party representations were received.

## **3 APPLICANT'S CASE**

3.1. The applicant's full planning statement is available on the West Oxfordshire planning website but summarises the applicant's case as follows:

3.2. The timber boundary fence sits comfortably within the street scene and is not imposing in any way. It follows the line of an existing stone wall to the front of number 63 that also abuts the footpath. The wall and fence in combination form a tidy, recessed parking area within the street scene. There is limited amenity value to the land as viewed from the top of the road as it is partially obscured by vehicles in the off-road parking in front of the adjacent properties. The amenity value of this land is minimal and if left open serves only to highlight the applicants parking provision adjacent to their property.

- 3.3. As would be expected, since construction, the provision of the timber fence has stopped the issue of dog fouling and littering. The applicant has continued to use the land as an enclosed garden without any issues or complaints for more than six years.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH4 Public realm and green infrastructure

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

## **5. PLANNING ASSESSMENT**

### **Background Information**

- 5.1. The application seeks retrospective planning permission for the change of use of amenity land to residential and the erection of a timber boundary fence, at the dwelling 59 Barrington Close, Witney.
- 5.2. The site does not lie within any areas of special designation.
- 5.3. The application is before Members as the Town Council have objected and this is contrary to officer views.

### **Planning History**

- 5.4. The change of use and fence have been considered as part of previous applications. In the application below the inspector dismissed the appeal as the proposed extension was found to be unacceptable. However, the inspector did not find that the change of use and fence were harmful in and of themselves.
- 23/02476/FUL - Change of use of land to enlarge domestic garden together with erection of fencing and construction of single storey side extension. (Part retrospective) - Refused and appeal dismissed

### **Principle of Development**

- 5.5. Local Plan Policy OS2 states that development should be of an appropriate scale with regard to the cumulative impact of development, as well as form a logical complement to the existing scale and pattern of development and character of the area.
- 5.6. Policy OS4 states that new development should demonstrate high quality design and enhance the provision of convenient amenity open space.
- 5.7. Policy EH4 states that new development should avoid the loss... of the existing green network including within the built environment... unless it can be demonstrated that replacement provision can be provided which will improve the green infrastructure network in terms of its



quantity, quality, accessibility and management arrangements.

- 5.8. As such the development is supported following further assessment in regards to the design and siting, amenity and highway safety.

### **Design and Amenity Impact**

- 5.9. Barrington Close is within the Deer Park Estate in Witney, the application site is a corner plot located down a cul-de-sac, before the fence was erected the land formed a small parcel of amenity land.
- 5.10. The fence is 4ft high with a small amount of trellis attached. The parking space has a set of timber gates.
- 5.11. While the predominant boundaries within the Deer Park estate are walls, officers are of the view that while being made of different materials the fence follows the form of existing boundaries and is acceptable in this regard.
- 5.12. With regard to the loss of the open space, Officers note that the Deer Park estate is populated with many pockets of landscaped green space, Officers also note that previous appeal decisions (see 18/03550/FUL in particular) have found these pockets to be particularly important to the visual character of the estate. However, the loss of this particular pocket of amenity land has already been the subject of an appeal and in this case the inspector did not find the loss unacceptable with regard to harm to character and appearance of the area.
- 5.13. Officers note that the applicant has not provided replacement provision of green infrastructure in accordance with policy EH4. However, within the context of the wider estate the application site is less prominent than other amenity areas and there remains other landscaped amenity areas within Barrington Close.
- 5.14. Officers are of the view that the application site remains highly visible within the street scene and so have recommended that should Members be minded to approved, Class E permitted development rights (for incidental structures) are removed to retain the openness of the space. As such, officers are of the view that on balance the proposal accords with policies OS2, OS4 and EH4 of the West Oxfordshire Local Plan 2031.

### **Highways**

- 5.15. OCC Highways have been consulted on the application and have raised no objections in regard to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

### **Conclusion**

- 5.16. Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

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

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

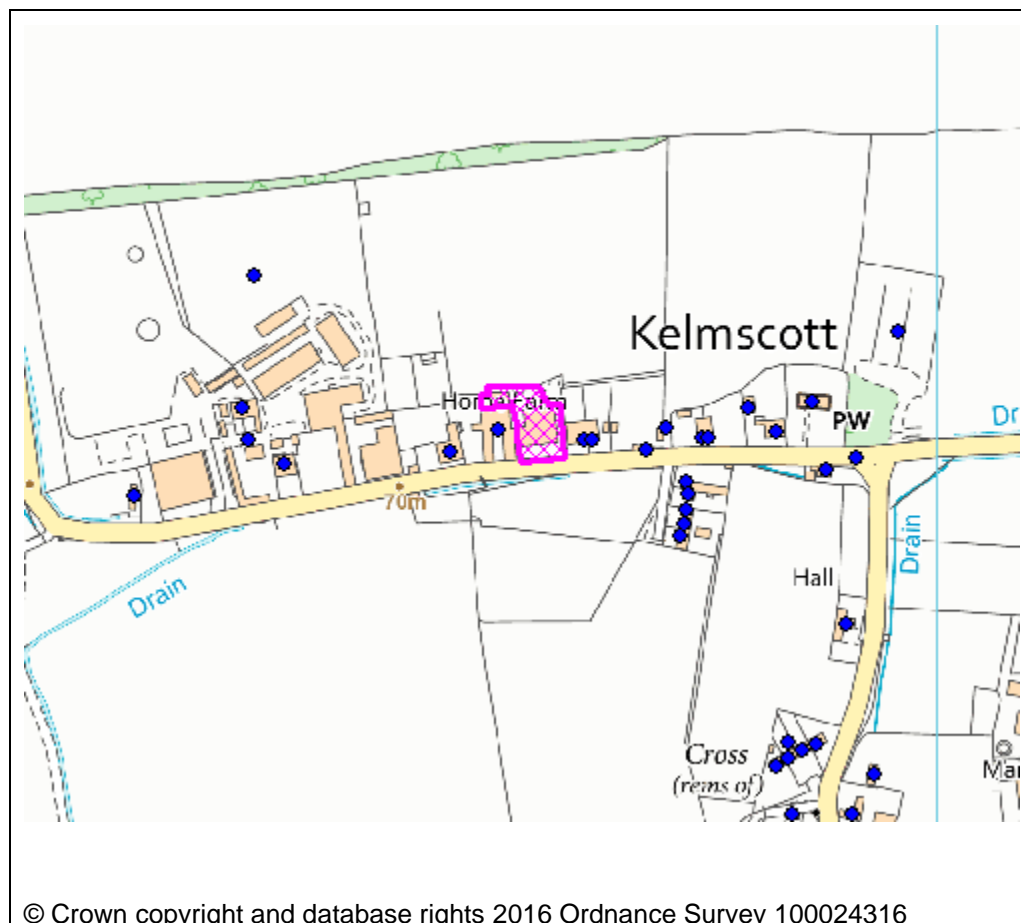
**Contact Officer:** Rebekah Orriss

**Telephone Number:**

**Date:** 30th October 2024

Application Number	24/02391/FUL
Site Address	Home Farm Kelmscott Lechlade Oxfordshire GL7 3HD
Date	30th October 2024
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Kelmscott Parish Council
Grid Reference	424677 E 199335 N
Committee Date	11th November 2024

### Location Map



### Application Details:

Demolition of agricultural barns and erection of two dwellings

### Applicant Details:

Mr James Perkins

C/o Agent

## I CONSULTATIONS

OCC Archaeological Services

Thank you for consulting us on this application. The site lies in an area of considerable archaeological interest and potential, immediately north of the scheduled monument of an Iron Age or Romano-British settlement site represented by sub-rectangular and penannular enclosures recorded as cropmarks (SM178). It is likely that these remains continue in to the proposal area, as further, though not scheduled, cropmarks representing a probably Iron Age enclosure are recorded c.150m to the north of the proposal area. The demolitions of the existing farm buildings will likely result in little new below ground impacts, however the excavation related to new drainage and other services will require a watching brief.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition

Parish Council

The committee, on behalf of the village, strongly support this application to develop this site for the following reasons:

1. The existing building is an eyesore, has been unused for many years and has no economic use. The top half of the village has declined since Home Farm was sold off in several lots resulting in a number of outbuildings no longer being and as a result are being left to slowly decline.
2. There have been four proposals of development for this site and the current scheme of two, four-bedroom houses is a sensible compromise for the development of the site and will provide two much needed family houses.
3. The street scene in terms of the alignment of houses along the road is now respected.
4. We would recommend appropriate conditions are added to a consent requiring the external construction to be Natural Cotswold stone and windows and roof to be constructed in materials to reflect the overall feel of the village. We are attaching a photograph at the end of this letter of a property which would meet our requirements for this site.
5. We would not wish the houses to be let out as holiday lets or on an Airbnb.
6. In the event the council grant planning consent, we would like a condition/ section 106 agreement stating that no work can commence until a payment of £40,000 is made as a contribution to the repair of the flooring in the Morris Memorial Hall.
7. The applicant has presented the plans to the committee and commented that they will also be planting a new orchard behind the

rear property to encourage a biodiversity net gain, and there will be other planting around the plots to soften the development and enable the plots to appear as if they have been part of the village for many years. This we like and will provide a positive improvement to this end of the village.

In conclusion we support the application and would urge the Council to grant consent. We would particularly ask that the application is considered by the full planning committee.

Conservation And Design  
Officer

Firstly, comments on their previous proposal:

'Firstly, we note that the barns to be removed are sizeable utilitarian structures, in asbestos sheet, and generally unsympathetic - somewhat at odds with the rural idyll dreamed of by William Morris, who lived in the manor house, just to the south. Secondly, we note that the site is flanked by houses, together with some traditional farm buildings of smaller scale. So, what this boils down to is that I think there is some considerable scope for aesthetic betterment here, and residential buildings would not be uncharacteristic. But having said that, I don't think that the current proposal for two 'barn' type houses is particularly happy - both buildings are long and assertive, and they fall uneasily between traditional and more contemporary forms, and between agricultural and domestic forms. I also think that the rear building pushes too far to the north - missing an opportunity to relate the new buildings to the road, which would be consistent with the existing houses. I suggest that they think again about this: 1) looking at forms that are rooted more securely in traditional, more compact residential forms - although a contemporary treatment would be welcome; 2) looking again at the general layout, bringing both buildings closer to the road.'

They have addressed some of these issues, but this latest proposal remains problematic. The rear house is still too far to the north. The front house is now more successful, and is better related to the road, but it is tall and assertive, rivalling the listed farmhouse - it needs to be lowered to the height of the houses just to the east - and the attic storey and rooflights omitted. Also, the porch needs to be simplified, and just one type of coursed masonry used. The rear house is also improved, but again it needs lowering, and the attic storey and rooflights omitted. And as noted, it needs significant relocation to the south.

WODC Drainage

No objection.

Thames Water

No Comment Received.

District Ecologist

No Comment Received.

Env Health Contamination

Although the more recent uses of the various agricultural buildings

are mentioned within supporting documents, the previous uses are generally not described. For example, it isn't clear if any bulk storage of fuels or machinery maintenance have occurred there.

I have no objections in principle to the application, however the nature of agricultural buildings is such that contamination of the ground can build up over a number of years. Particular potentially contaminative sources that may affect the land in its present state or its proposed end use as residential development include the former use of agrichemicals, storage of diesel fuel oils, general farmyard activities (spillage of fuel oils, waste oils, grease and other waste farm products), all of which may have impacted upon the local environment. Little information on the previous uses of the buildings and curtilage land have been provided. It will be necessary to carry out risk assessment and subsequent site investigation to demonstrate that the land is suitable for its proposed use in relation to land contamination.

This is especially important where garden areas will be created as part of the proposed development. Particular attention will be required to the soil quality at these locations.

Therefore a condition is recommended so as to ensure that the land is suitable for the proposed use.

## **2 REPRESENTATIONS**

2.1 The application has attracted three comment in support. The following matters are raised:

- The existing barns are in need of removal and result in an adverse impact on the village
- The dwellings should be used a permanent residences and not as short term lets

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a Heritage, Design and Access Statement, which can be found on the Council's website but is summarised below.

3.2 'Planning consent is sought for two dwellings to replace the dilapidated, modern, redundant agricultural barns that currently occupy the site. The site is adjacent to Grade II listed Home Farm farmhouse.

3.3 The village of Kelmscott was developed by the Turner family in the 13th century and was associated with the woollen trade prominent to the west of Oxford. Home Farm adjacent to the site is a mid 18th century re-modelling of a 17th century or earlier building. The Grain Barn and the remaining stone walls of barn B on the site are considered to be curtilage listed due to their proximity to Grade II listed Home Farm and the relationship with the boundary walls of the farm.

3.4 The site borders the road through Kelmscott to the south and Home Farm's stables on the west. The east of the site has an access route through to the fields to the north, adjacent to the

bordering property, Thames View.

- 3.5 The application seeks to demolish barns C,D and the rear of barn E to replace them with two new dwellings. The removal of the disused barns on site allows the curtilage listed Grain Barn to the west more space and reinstates the earlier setting.
- 3.6 The tractor access to the east of the site is retained to give access to the fields beyond for maintenance and to the gates of the two new dwellings. At the southern edge of the site, the stone wall associated with the curtilage listed grain barn will be retained in its entirety and along the boundary. Alongside this a new wall is proposed to maintain the rhythm of walled street frontages along the road.
- 3.7 The designs for the two new dwellings are inspired by the rural context and the vernacular of the village. The dwelling at the front (south of the site) is clad entirely with Cotswold stone to maintain the character of the streetscape, whereas the rear (north) dwelling is predominantly timber-clad with a Cotswold stone plinth to reference its agricultural setting. The frontage of the Courtyard House is oriented toward the road to tie in with the orientation of frontages of Home Farm and Thames View. This elevation is obscured from the long views towards the site by the large tree on the opposite side of the road.
- 3.8 The proposal is for two 2 storey dwellings with double garages. The two new dwellings have been designed to facilitate modern, multi-generational living. A potting shed, which could be utilised as an office is tucked into the corner of the site with an attached bike and bin store.
- 3.9 The plinth and boundary walls of the houses in Cotswold stone are inspired by and replicate the existing rubble Cotswold stone walls and buildings of the village. Both dwellings feature pitched roofs, reflecting the forms of the earlier rural houses and historic buildings within the village. Stone tile is proposed for the roofs. The colour and texture will be in keeping with the brown/ grey stone tile roofs present in the village.
- 3.10 The ongoing climate crisis stresses the importance of consideration of the impact of developments on the environment. The development will meet the sustainability standards identified by West Oxfordshire Council.'

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
CA5 Carterton sub-area strategy  
NPPF 2023

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background**

- 5.1 This application seeks consent for the demolition of agricultural barns and erection of two dwellings at Home Farm, Kelmscott.
- 5.2 The site is comprised of a range of modern barns of varying sizes, with access directly off the adjacent highway and associated hardstanding. The application site itself contains two adjoining barns fronting the highway (labelled C and D in the submission) and the northern portion of 'Barn E' to the rear of the site. The applicant's wider ownership includes the remainder of Barn E, and two further agricultural buildings (one of which is curtilage listed in association with Home Farmhouse) and open field to the north.
- 5.3 The application site is located approximately 15m-70m west of Home Farmhouse (a Grade II listed building), to the northern side of the road through the village. On the southern side of this thoroughfare lies a Scheduled Monument (Historic England Ref. 1006326). Around 50m to the east lies the Grade II listed 'Home Lea'. The site is entirely contained within the Kelmscott Conservation Area ('the CA') and is partially within Flood Risk Zone 2.
- 5.4 The application is brought before Members of the Lowlands Area Planning Sub-Committee due to the strong support expressed by the Parish Council and Councillor call in.

### **Relevant Planning History**

22/02324/FUL- Change of use of existing traditional barn with extension to form one dwelling; demolition of adjoining modern agricultural buildings and replacement with three detached dwellings together with associated access. Withdrawn- Nov. 22.

23/01363/FUL- Demolition of modern agricultural buildings and conversion of former threshing barn to form a dwelling. Construction of carport with attached bin and garden store, alteration to existing access and installation of private treatment tank for disposal of foul water. Approved Nov. 2023

24/00246/FUL- Demolition of agricultural barns and erection of two dwellings- Withdrawn March 2024.

### *Development Plan*

- 5.5 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. In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP').

#### *National Policy*

- 5.6 The National Planning Policy Framework ('NPPF') sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic; social; and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.
- 5.7 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.

#### *The Council's housing land supply position and the implications of the NPPF*

- 5.8 Policies H1 and H2 of the WOLP identify an overall housing requirement of at least 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that Policies H1 and H2 require updating because they are underpinned by evidence prepared in 2014. In accordance with national policy, because those policies are now more than 5 years' old and have been demonstrated to require updating, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 549 homes per year. The Council's most recently published HLS position statement for the 5-year period 2023 - 2028 was calculated using the previous standard method figure of 570 homes per year and suggests a 5.4-year supply of deliverable housing sites. However, following a number of recent appeal decisions, the Council acknowledges that it is not able to demonstrate a deliverable 5-year supply of housing land and thus the 'tilted balance' as set out above is engaged.

#### *Conclusions on the principle of residential development*

- 5.9 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance providing clear reason to refuse the development.
- 5.10 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:

- o Principle of Development;
- o Siting, Design, Form and Landscape Impact;
- o Heritage Impacts;
- o Highway Safety;
- o Drainage and Flood Risk;
- o Trees and Ecology; and
- o Residential Amenities

5.11 Each are considered in full below.

### **Principle of Development**

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

5.13 Policy OS2 distinguishes between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside', as identified within table 4b. Kelmscott is not identified as a village within table 4b of the WOLP and is therefore considered a 'small village'. The principle of development must be considered against policies OS2 and H2 in this context.

5.14 Policy H2 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in a small number of specific circumstances such as:

- o where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- o where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- o residential development of exceptional quality or innovative design;
- o new accommodation proposed in accordance with policies specifically for travelling communities;
- o accommodation which will remain ancillary to existing dwellings;
- o replacement dwellings on a one for one basis;
- o re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met; and
- o on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.

5.15 No evidence has been supplied that the proposed development is required for an essential operational or other specific local need, nor does the development relate to the reuse of a heritage asset. The proposal is not put forward on the basis of exceptional quality or innovative design (these matters will be fully considered in the following section of this report), would not

relate to travelling communities or be related to existing dwellings. The proposal would not relate to re-use of the buildings on site.

- 5.16 The proposed creation of two dwellings on this undeveloped site within/adjacent to the small village of Kelmscott would therefore conflict with the strategic policies in the WOLP. Notwithstanding this 'in principle' objection, it may be the case that material considerations could overcome this conflict. As such, a further assessment is completed below.

### **Siting, Design, Form and Landscape Impact**

- 5.17 WOLP Policy OS4 (High quality design) states that new development should respect the historic, architectural and landscape character of the locality. The requirement to respect and enhance the landscape and visual character of the area is also set out in Policy EH2 (Landscape character).
- 5.18 In addition, WOLP Policy OS2 sets out a series of general principles with which all development should comply, of particular relevance in this case are that the proposal should:
- o Form a logical complement to the existing scale and pattern of development and/or the character of the area;
  - o As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
  - o Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area; and
  - o Conserve and enhance the natural, historic and built environment.
- 5.19 Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131). Paragraph 135 is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Paragraph 139 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.
- 5.20 The proposal would necessitate the removal of all existing buildings from the land and the erection of two detached dwellings. Officers note that the barns to be removed are sizeable utilitarian structures, in asbestos sheet, and generally unsympathetic to their context.
- 5.21 Plot 1 ('Courtyard House') would be set in the southern portion of the site, fronting the road with walling pierced by separate vehicular and pedestrian accesses, amenity space to front and rear and outbuilding. Plot 2 ('Field House') would be set largely the north of the existing built form, in the northern portion of the site. The irregularly shaped plot would comprise amenity space, two outbuildings and access (and field access) running to the east of Plot 1.
- 5.22 In terms of design and form, Plot 1 would be formed of a linear main block of two and a half stories, with slightly set down rear projection and single storey element. The building would be primarily finished in Cotswold Stone under a stone slate roof with powder coated aluminium windows/doors. A large, tapered chimney would be constructed to the west side elevation with solar panels installed on the street fronting elevation.

- 5.23 Plot 2 seeks to invoke an agricultural character, again set over two and a half storeys and a linear plan. The dwelling would primarily be finished in timber cladding on a stone base with large chimney, porch and solar panels. Outbuildings across both plots would take contemporary flat roofed forms using vertical timber cladding.
- 5.24 Turning to the impacts of the proposed development, officers consider that the existing pattern of residential development in the locality is characterised by shallow, linear development along the northern side of the road. In terms of siting, Plot 1 is considered to relate relatively successfully to the existing settlement pattern, due to its siting fronting the road in a manner comparable to adjacent dwellings along the road. Plot 2 by contrast, would extend the envelope of built form to the north of the existing complex, into open agricultural land to the north. In this context, officers consider that this intrusion into the northern part of the site would fail to respect the established pattern of development as well as erode the soft, rural edge of the small village, in conflict with the general principles of Policy OS2 and Policy EH2.
- 5.25 With regard to design and form, Plot 1 would a sizable building, with its eaves and ridge height set above adjacent dwellings to the east and well above that of the current structures. Its tall and assertive appearance would be exacerbated by the length of the façade and large porch, which further contributes to a dominant effect on the street scene. Varying masonry courses would also be used, which is not considered a locally characteristic feature. Plot 1 is therefore considered to read as excessive in scale and would not represent high quality and locally informed design.
- 5.26 Plot 2 again occupies a large footprint and as set out, is poorly related in terms of siting to the existing pattern of development. Officers consider that the dwelling would also appear excessive in terms of scale and height, creating a bulky agricultural form, with domesticating influences such as a slew of rooflights, windows, large chimney and porch, creating an awkward juxtaposition of agricultural and domestic forms. In design terms therefore, the scheme is considered to conflict with WOLP Policies OS2 and OS4, the West Oxfordshire Design Guide and the NPPF.

## **Heritage Impacts**

- 5.27 Given the application site lies within the CA, 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.
- 5.28 As the proposed development would lie in close proximity to the listed buildings set out above, officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that 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. Officers have not identified any material adverse impact upon the setting of Home Lea given the intervening buildings and the nature of the listed asset.
- 5.29 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 200 requires the applicant to describe the significance of affected heritage assets. Paragraph 205 states that when considering the impact of a proposed development on the

significance of a designated heritage asset, such as a listed building or conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use. WOLP Policies OS4, EH9, EH10, EH11 and EH13 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

#### *Main elements contributing to the significance of the CA and the setting of Home Farmhouse*

- 5.30 Before turning to assess the impacts of the proposal upon the significance of the CA, it is first necessary for officers to identify the existing character and appearance of the area. The CA covers the entirety of the village as well as large areas of adjoining countryside. Officers consider that its significance derives in part in the way the many vernacular buildings and intervening spaces, reflecting the evolution and growth of the settlement over many years. Further, the inclusion of large areas of surrounding countryside within the designation demonstrates the historic relationship between the settlement and its agricultural landscape context. Officers consider that this surrounding landscape positively contributes to the significance of the CA, as well as Home Farmhouse and its curtilage listed threshing barn, given its historic use and connection with agricultural practices.
- 5.31 Across the CA, there is a general consistency in the high quality vernacular aesthetic appearance of built form within the village, with many listed buildings most notably, 'Kelmscott Manor', a Grade I listed building. Its significance results from its strong cultural associations with William Morris and Dante Gabriel Rossetti as well as its historic fabric. The predominance of agriculture in the village is exemplified by the presence of several high-quality 17th- and 18th-century farmhouses, one of which being Home Farmhouse, an elegant 18th-century remodelling of an earlier building in vernacular materials. Its curtilage listed threshing barn is not listed in its own right, but it is of some local interest through its vernacular appearance and historical relationship with Home Farmhouse.

#### *Contribution of the site to the significance of the CA and the setting of Home Farmhouse*

- 5.32 As noted above, the existing built form is of poor quality and therefore does not contribute to the significance of the CA, aside from its clear agricultural character and open land to the north, which exemplifies the strong connection between the settlement and agriculture. However, it is clear that the existing built form in isolation detracts from the character and appearance of the CA by virtue of its scale, utilitarian appearance and use of materials.

#### *Impact of the scheme upon the significance of the CA and the setting of Home Farmhouse*

- 5.33 In order to assess the impact of the scheme upon the character and appearance of the CA and the setting of Home Farmhouse, it is first necessary to acknowledge that the removal of existing structures proposed offers the potential for aesthetic betterment of the site. However, the proposed layout would extend the existing envelope of the village to the north, introducing a second layer of residential built form well away from the road and beyond the extent of existing agricultural buildings in a manner which does not have precedent in the locality.

- 5.34 Whilst precedent exists in the locality for large agricultural buildings set to the north of residential buildings, the proposal would further encroach into paddock land forming part of the historic landscape setting to the CA, introducing an overly residential building (given the use of domesticating features as identified above) and associated curtilage and outbuildings into open, agricultural land. In addition, the proposed dwellings are of considerable height and massing and would read as dominant additions in the streetscene. The Council's Conservation and Design Officer has identified that the height and massing of Plot 1 in particular, would tend to rival the presence of Home Farmhouse, which displays a strong, well detailed façade fronting the road, referencing its historical status within the village, which officers consider would be eroded by the proposal. Your officers consider that the adverse impacts of the proposal upon the settlement pattern, erosion of the rural and open, agricultural landscape context of the CA and dominant effect of the streetscene and erosion of the setting of Home Farmhouse are heritage harms that would in the terms of the NPPF be considered 'less than substantial'. This is not to minimise the adverse impacts identified but recognises the scale of the proposed development in the context of the CA as a whole, and that no historic fabric would be lost in the case of Home Farmhouse. Officers consider that 'less than substantial' harm encompasses a wide range of potential impacts and in this case, the identified harms would fall around the mid-upper point of less than substantial harm.

#### *Heritage balance*

- 5.35 Paragraph 208 of the NPPF and WOLP Policy EH9 require the 'less than substantial' harm identified to the significance of designated heritage assets to be weighed against the public benefits of the proposal. The NPPF requires the harms identified to the character and appearance of the CA and setting of listed buildings to be given great weight in this balance. In terms of public benefits, officers note the removal of existing utilitarian structures, which in isolation is a heritage benefit, although officers note that the northern portion of Barn E would be removed in the implementation of 23/01363/FUL. Further, the economic and social benefits associated with the provision and construction of two dwellings, in the context of the LPA's housing land supply position, are recognised but are awarded limited weight given that only two dwellings would be provided, which would result in a very minor impact upon overall housing delivery. Therefore, when applying great weight to the heritage harm identified, officers consider that this initial heritage balance falls against the scheme, which conflicts with the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Policies OS2, OS4, EH9, EH10 and EH13 of the WOLP, the West Oxfordshire Design Guide 2016 and Section 16 of the NPPF.

#### **Highways Impacts**

- 5.36 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'.
- 5.37 Policy T3 outlines that 'all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport.'
- 5.38 The proposed development is located in Kelmscott, where future occupiers would be highly dependent upon private car use to access necessary services. However, given the site benefits from existing access to serve large agricultural vehicles, officers consider that the scheme is, on balance, acceptable in this regard.

## **Drainage and Flood Risk**

- 5.39 The site lies partially within Flood Risk Zone 2, and therefore a Flood Risk Assessment and surface water drainage strategy have been submitted. In this case, the application of the exemption test as set out in the NPPF is not required, the proposed dwellings would be overwhelmingly sited in Flood Zone 1 and the LPA's Drainage Officers consider that the application is acceptable in flood risk and drainage terms.

## **Trees and biodiversity**

- 5.40 WOLP Policy EH3 states:
- 'The Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'
- 5.41 The application is also subject to Biodiversity Net Gain.
- 5.42 No response has been received from the LPA's Biodiversity Officer at the time of writing and a verbal update will be given at the meeting.

## **Residential Amenities**

- 5.43 WOLP 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 NPPF and the West Oxfordshire Design Guide.
- 5.44 The site immediately abuts residential properties to the east. Officers consider that by virtue of the location of the proposed dwellings and their orientation in comparison to existing properties, the only property with the potential to be impacted is 1 Thames View. However, given the proposed separation distances and orientation, officers consider that no adverse impacts with regard to loss of light or overbearing impacts would result. In terms of overlooking, Plot 1 would be served by upper floor windows to the east side elevation, which officers consider give rise to potential adverse impacts, although may be mitigated through planning condition, should the application be approved.

## **Other Matters**

- 5.45 As set out above, the site lies in an area of considerable archaeological interest and potential, immediately north of the scheduled monument of an Iron Age or Romano-British settlement site. As a result, the County Archaeologist has been consulted, who has raised no objection subject to planning conditions relating to safeguard the recording of archaeological matters.
- 4.46 Officers consider that matters relating to contamination could be dealt with via planning condition and the request for Section 106 contributions from the Parish Council would not meet the relevant tests for planning obligations as set out in the NPPF.

## Conclusion and Planning Balance

- 5.47 The proposed development would result in an adverse impact upon the character and appearance of the CA through inappropriate siting, poor design and excessive massing, which would rival the Grade II listed Home Farmhouse, resulting in 'less than substantial' harm to its setting. The erosion of the rural and agricultural edge of the village would also lead to harm to the existing landscape character. The application is therefore contrary to Policies OS2, OS4, EH2, EH9, EH11 and EH13 of the WOLP. Having regard to the statutory protections offered to designated heritage assets and the consistency of relevant development plan policies with the NPPF, officers consider these impacts should be awarded great weight.
- 5.48 The proposed development would also create two additional dwellings in an unsustainable location contrary to Policies OS2, H2 and CA5 of the WOLP. Officers consider that this harm should be awarded significant weight.
- 5.49 In terms of the public benefits arising from the scheme, the proposed development would lead to the delivery of two dwellings to West Oxfordshire District Council housing stock. Even in the context of the Council's housing supply shortfall, the addition of two dwellings should only be awarded at most limited weight. The proposal would also lead to some economic benefits through the construction phase and beyond. However, given the scale of the proposal, this too attracts very limited weight. The lack of harms identified with regard to other planning matters are neutral impacts and do not weigh in favour of the application. Therefore, the application of policies in the NPPF designed to protect designated heritage assets provide clear reason to refuse the application and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. The application is therefore recommended for refusal.

## 6 REASONS FOR REFUSAL

1 The development site is located in the 'small villages, hamlets and open countryside' criteria of the settlement hierarchy and the proposed development does not meet any of the exceptions set out in the Local Plan that would permit new dwellings in such a location. The proposed development therefore would introduce two new dwellings in an unsustainable location contrary to Policies H2, CA5 and OS2 of the adopted West Oxfordshire Local Plan 2031 and the provisions of the National Planning Policy Framework 2023.

2 The proposed development by virtue of its siting, scale and design would fail to form a logical complement to the existing scale and pattern of development in the locality, resulting in harm to the landscape setting of the village, as well as result in a transformative and dominating impact on the visual amenity of the streetscene and the setting of the Grade II listed 'Home Farmhouse'. The proposal would therefore result in 'less than substantial' harm to the heritage significance of the Kelmscott Conservation Area and the setting of a listed building, which is not outweighed by the limited public benefits that would arise from the scheme. The proposal therefore conflicts with West Oxfordshire Local Plan Policies OS2, OS4, EH2, EH9, EH10 and EH11 as well as the relevant sections of the NPPF 2023 and West Oxfordshire Design Guide.

**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 30th October 2024