

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 18th August 2025

REPORT OF THE HEAD OF PLANNING



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

List of Background Papers

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

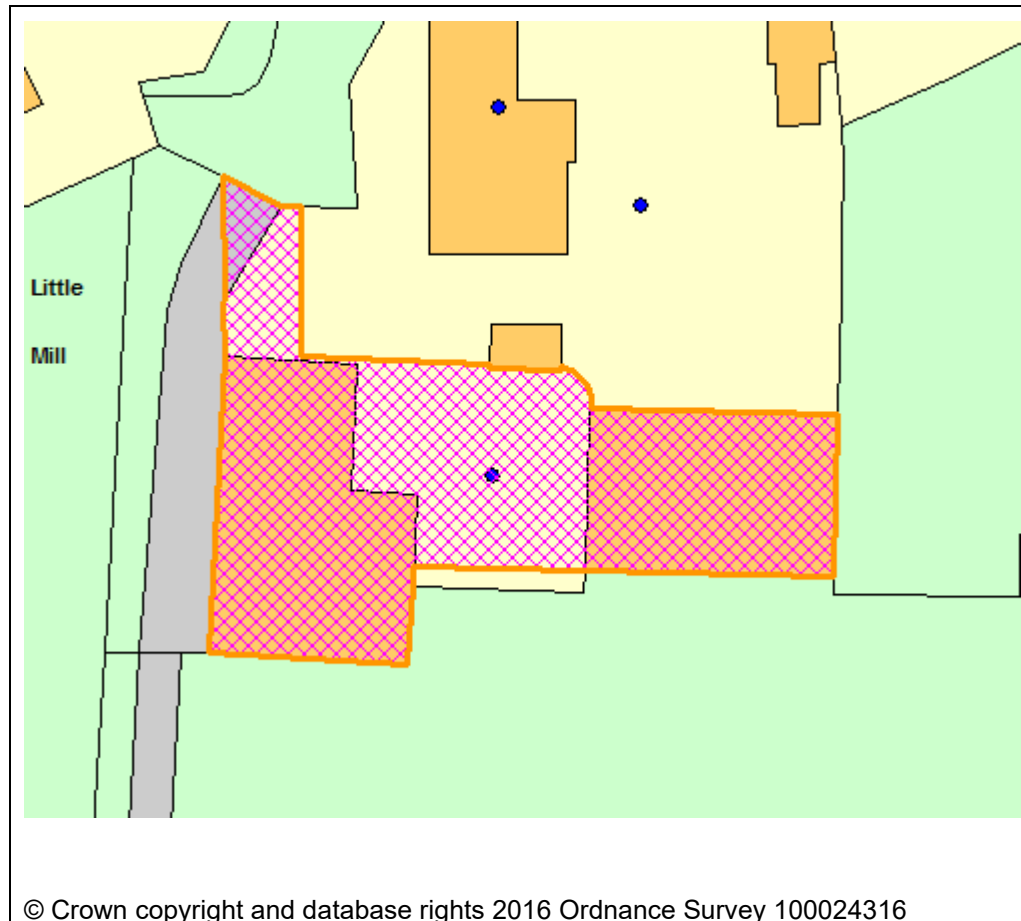
Please note that:

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

Item	Application Number	Address	Officer
1	24/00592/FUL	Land And Barns South Of Mill Farm Widford	Clare Anscombe
2	24/02171/FUL	Land North Of Woodstock Road	Mike Cassidy
3	25/00333/OUT	Land East Of 87 - 123 Wroslyn Road	Stephanie Eldridge
4	25/01227/OUT	Broadstone Farm Ditchley Road	Emile Baldauf-Clark
5	25/01319/LBC	Feathers Hotel 16 - 20 Market Street	Rebekah Orriss

Application Number	24/00592/FUL
Site Address	Land And Barns South Of Mill Farm Widford Burford Oxfordshire
Date	6th August 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Swinbrook Parish Council
Grid Reference	427306 E 211696 N
Committee Date	18th August 2025

Location Map



Application Details:

Conversion of existing buildings to provide an office and dwelling (live-work accommodation) with associated works and landscaping. Alterations to existing access (amended plans).

Applicant Details:

Alistair Downie Ltd
C/o Agent

I CONSULTATIONS

District Ecologist

Original Consultation:-

Holding objection due to insufficient information on bats.

Parish Council

Original Consultation dated 11th April 2024:-

No objection

The Parish Council does not object to the proposed plans and welcomes the creation of a permanent dwelling as opposed to one with restricted / holiday occupation.

We would however like to note the following with regards to the proposal to create an office space. Whilst not objecting to the application we do request the following two associated Conditions:

1. Firstly that the office space remains part of the live-work dwelling and can only be used as ancillary accommodation to the existing dwelling on site and shall not be occupied as a separate dwelling or such that it cannot be sold off separately.
2. Secondly that it cannot later be converted into any other commercial / industrial usage.

We also note, for the sake of the record, that comparisons of the traffic associated with the new office with current use of the site as a warehouse / storage facility are potentially misleading - as far as we are aware, there has been very little traffic into / out of the site in recent years. But we are not uncomfortable with the proposals for 1-2 people to commute into the site 3 days per week. We request WODC to consider enshrining an appropriate limit around this in the Planning Conditions.

We note that there have been concerns expressed around the discharge of sewage and rights of access. The applicant has assured us that the right to discharge to the south of the site & immediate right of access is contained within a 2003 title deed. The applicant has told us that he has taken independent legal advice as to its enforceability, but we have not otherwise taken any steps to validate these assurances (for example, we have not ourselves had sight of the deed).

We are concerned over the potential traffic generated to & from the site during the build process. The applicant has assured us that large

lorries will not be in use due to access issues, and furthermore, given the structures already in place and the nature of the building, this should also restrict the amount of toing & froing.

But the site does abut the neighbouring property with enormous potential for disturbance during the build process. We therefore support the request of the WODC Environmental Health Office to restrict working hours, including at the weekend; indeed we would go further than this and request that no weekend working be permitted at all.

Finally, we note that the biodiversity self-assessment form, available on the WODC planning portal, appears to be a blank pro forma. We ask that this document is completed and assessed.

Further comments submitted 14th May 2024:-

We would like to change the Parish Council's stance to Object. The following additional comments were received:

- Concerns about impact on highway safety
- Conditions restrict the size of vehicles accessing the site, particularly during the construction phase
- Inadequate car parking arrangements
- Overdevelopment of the site
- Bat surveys required

OCC Highways

Original Consultation:

I note the existing use to be B8 which has the potential to generate more movements (inc HGV's) than the use proposed.

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.

Env Health Contamination

I have looked at the application in relation to contaminated land and potential risk to human health.

Given the former agricultural use of the site and the proposed residential use. Please consider adding the following condition to any grant of permission.

1. No development shall take place until a desk study has been

produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To prevent pollution of the environment in the interests of the amenity.

Env Health Noise And Amenity

No objection in principle but I would ask for the following conditions to be attached to any consent granted:

Hours of work in connection with the application be limited to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sunday or Bank/Public Holidays.

Prior to the commencement of any works the applicant shall submit to, and have approved by, the Local Planning Authority a short Construction Environmental Management Plan (CEMP). The plan shall include, but not be limited to, details on how noise dust and vibration are to be controlled and minimised along with details of delivery times and material storage, contractor parking and welfare facilities and waste and recycling management.

REASON: To protect the amenity of the neighbourhood.

District Ecologist	Comments dated 17th April 2024:- Insufficient information submitted.
Newt Officer	The proposed development does not contain any highly suitable habitat for great crested newts and is not in the vicinity of any potential breeding ponds. The proposal is therefore unlikely to have impact on great crested newts or their habitats. For these reasons, we have no comments to make.
WODC Drainage	No objection subject to all comments being taken on board and pre-commencement surface water condition being adhered to in full.
OCC Archaeological Services	There are no archaeological constraints to this scheme.
Economic Development Manager	I have reviewed the application above and have no concerns with the proposed change of use and note it does redevelop for employment purposes, reusing the building for a business use. They have marketed the building for warehousing but there has been no interest. There has previous been a pre-app for holiday use but again there was no interest.
Parish Council	Reconsultation comments dated 18th February 2025:- In addition to the previous points raised we strongly object to the use of Steel Cladding on the buildings, this is not in keeping with the local vernacular, the AONB and National Landscape and will not blend in with the local landscape which forms part of the AONB. The Parish Council does not understand the rational for changing the cladding from Timber Cladding to Steel Cladding and formally requests that the application is referred to the Uplands Planning Committee, ideally with an accompanying site visit.
District Ecologist	Comments dated 1st July 2025:- Acceptable subject to conditions and informative.
OCC Highways	Reconsultation comments dated 9th July 2025:- No objection, subject to the following condition- G28 parking as plan The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety) on the adjacent highway network. The existing lawful use is given as B8 which could result in a greater volume and size of vehicles accessing the site to that proposed.
Parish Council	No Comment Received.
WODC Building Control	It appears the architect has ticked the correct boxes in the submitted

Manager

foul drainage forms that look to be within what we would check for compliance.

2 REPRESENTATIONS

2.1 The following comments have been received from local residents objecting to the development. Full details can be found on the online case file and are summarised below:

- Impact on ecology and protected species
- No biodiversity net gain
- The design is inappropriate and how will the site function
- Impact on highway safety. The proposed access is a bridleway which is unsuitable for heavy goods vehicles, is also used as a farm track and there are inadequate turning facilities
- Inadequate parking space
- Impact on landscape
- Impact on residential amenity
- Inadequate marketing carried out for re-use for storage purposes
- Widford is a hamlet
- Impact on water pollution from sewage disposal
- Insufficient information regarding waste water disposal
- No precedent has been set from the storage use
- The need for the development and requirement to live on site is not demonstrated
- Harm to the recreational character of the area and the appearance of the hamlet
- Impact on the public bridleway and users of the bridleway
- Disproportionate development including a lack of outdoor amenity space

2.2 Additional letters of objection and general comments have been received from local residents following the submission of amended details. Full details can be found on the online case file. In summary, the following additional concerns have been raised:

- The ecological report is inaccurate and incomplete
- The proposed materials are out of keeping with the area and timber should be used instead of steel
- Restriction of neighbouring farm uses
- The car port is out of character with the area
- There is a duty to seek further the purposes of the CNL
- Reduced amenity space for the dwelling
- The buildings are not redundant farm buildings and should remain as local storage

3 APPLICANT'S CASE

3.1 The application is accompanied by a Planning Statement which, in summary, makes the following points:

- The development is acceptable in principle and would result in an improvement to the character and appearance of the AONB and wider area
- The proposals would re-use existing buildings and would enhance the immediate setting.

- The impact on neighbours is therefore considered to comply with Policy OS2 of the West Oxfordshire Local Plan 2031 and the NPPF
- The development would utilise the existing access onto the village road. The site has sufficient parking and turning provision, and the proposals would remove the potential for movements into and out of the site by larger delivery vehicles. The number of movements associated with a live / work use would be the same or less than the potential movements from the existing warehouse use. It is therefore considered that the development would not cause harm to the safety of the local highway network.
- The proposals are considered to be a sustainable form of development in accordance with both the NPPF and the West Oxfordshire Local Plan 2031. As such we believe, in line with the presumption in favour of sustainable development expressed at paragraph 11 of the NPPF, planning permission should be granted without delay.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

OS3NEW Prudent use of natural resources

H2NEW Delivery of new homes

E1NEW Land for employment

E3NEW Reuse of non residential buildings

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

BC1NEW Burford-Charlbury sub-area

NPPF 2024

DESGUI West Oxfordshire Design Guide

H1NEW Amount and distribution of housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

- 5.1 The site lies in the hamlet of Widford approximately 1.1km from the village of Swinbrook. The site consists of two former agricultural barns and hardstanding situated within a historic farm complex. The site lies in the Cotswolds National Landscape (CNL). 'Fettiplace Barn' and 'The Byre' lie to the north which are residential dwellings.
- 5.2 The existing buildings take a utilitarian modern agricultural form and are considered of no particular architectural significance in their own right. The existing site does however exhibit a strong agricultural character typical of isolated farm complexes in the Cotswolds National Landscape. A

public right of way (number: 376/2/20) runs through part of the site and up to the A40 which is located to the south.

5.3 Amended plans have been received during the course of the application and reconsultation has been carried out as necessary. The application is before members for determination because the Parish Council's comments are clearly contrary to the planning officers.

Background Information

5.4 A certificate of lawfulness (reference 21/01470/CLE) was granted in July 2021 for the use of the barns and the land that is hatched blue on the certificate for commercial storage use falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended.

5.5 The proposed development is for the conversion of the existing buildings to provide an office and 3-bedroom dwelling (live-work accommodation) with associated works and landscaping, including alterations to the existing access. The proposed office falls within use class E(g)(i).

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

- Principle/ Compliance with the Development Plan
- Conclusions on the principle of development
- Impact on Cotswolds National Landscape
- Conclusions on Paragraph 11d (i) of the NPPF
- Other Matters
- Design
- Sustainability
- Impact on residential amenity;
- Impact on highway safety and parking;
- Impact on flood risk;
- Impact on archaeology; and
- Impact on ecology and biodiversity.
- The Overall Benefits of the development;
- The Paragraph 11(d)(ii) "Tilted Balance"

Principle/Compliance with the Development Plan

5.7 Paragraph 6.37 of the WOLP states that 'where Live Work premises are proposed or other new business premises which also include residential accommodation, the appropriateness of the residential use will be considered in accordance with the housing policies of this Plan and against all other relevant policies.'

5.8 In terms of the proposed residential part of the scheme, the adopted West Oxfordshire Local Plan (WOLP, 2031) identifies Widford as falling within the 'small villages, hamlets and open countryside' category of the Settlement Hierarchy. Policy H2 states that new dwellings will only be permitted in these locations in certain restricted circumstances, including the following of relevance to the current proposal:

- 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...; or
- re-use of an appropriate existing building which would lead to an enhancement of its 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.

5.9 When considered against policy H2, the applicant has not put forward any evidence to support the suggestion that the dwelling would meet any essential operational or other specific local need. The proposal would make use of existing buildings and replace the existing and confirmed lawful use of the site for commercial storage use with a live-work unit comprising a business use. The proposed use is likely to result in a smaller volume and size of vehicles accessing the site than that associated with a commercial B8 storage use resulting in reduced amenity impacts from traffic movements. The proposal also includes the demolition of part of the existing, front section of the barn facing the access road which is of little architectural merit and the built extent of the proposed use will then be set further back into the site. For these reasons, it is considered that the proposed use would be likely to lead to an enhancement of the immediate setting of the buildings.

5.10 The submission is accompanied by a letter from Knight Frank setting out that the building was marketed from June to December 2022, but that no other storage or warehousing business, other business, recreation, community or tourism-based users came forward to use the barn for storage. However, due to the lack of detail and short marketing period, Officers question the robustness of the evidence provided and therefore whether the building is incapable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities. Therefore, the application is considered to be contrary to policy H2 of the WOLP.

5.11 In terms of the loss of employment floorspace, policy E1 is relevant.

5.12 Policy E1 states that non-employment uses on employment sites will be refused except in certain circumstances including where it can be demonstrated that the site is not reasonably capable of being used or redeveloped for employment purposes, or, where the site is unsuitable on amenity, environmental or highway safety grounds for employment use.

5.13 Given the established use of part of the site for B8 commercial storage use, which has the potential to generate more movements (including HGV's) than the proposed use, the loss of employment floorspace is considered to be acceptable under policy E1.

5.14 Policy H2 also makes clear that development must comply with the general principles set out in Policy OS2.

5.15 These require, amongst other things, 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;

- 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;
- 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;
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development; and
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.16 Officers' concerns in relation to these particular general principles and other Local Plan policies will be discussed further below.

5.17 Additionally, the Burford sub-area strategy policy BC1 states that the focus of new development will be Burford and Charlbury and that development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages. Local need has not been shown in this case. As such, the proposal for what is effectively a new dwelling (albeit including an element of employment use) conflicts with policies H2 and BC1 in strategic terms.

National Policy

5.18 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. These roles should not be undertaken in isolation, because they are mutually dependent.

5.19 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 d) states that where there are no relevant development plan policies, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance_ "7 provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination_ "9.

5.20 Policies H1 and H2 of the WOLP identify an overall housing requirement of 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 the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, 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. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- Paragraph 78 inter alia re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.21 For a combination of reasons relating to the changes identified above, officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

Conclusions on the principle of development

5.22 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

5.23 In terms of the first arm of paragraph 11d of the NPPF, these policies include those relating to the Cotswolds National Landscape, which are addressed below.

Impact on the Cotswolds National Landscape

5.24 The site lies within the Cotswolds National Landscape, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EH1 of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty.

5.25 This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the AONB.

5.26 The Cotswolds have been designated as an AONB (National Landscape) to conserve and enhance natural beauty. Natural beauty incorporates various criteria, including landscape quality, scenic quality, tranquillity, natural heritage and cultural heritage. Within the context of the CNL, the aspects of its natural beauty that make the area distinctive and which are particularly valuable include the qualities listed in Chapter 4.

5.27 The qualities that are particularly relevant to this application include:

- River valleys, the majority forming the headwaters of the Thames; and an important water resource.
- Distinctive dry stone walls.
- Tranquillity away from major sources of inappropriate noise, development, visual clutter and pollution.
- Extensive dark sky areas.
- Significant archaeological, prehistoric and historic associations dating back 6,000 years, including Neolithic stone monuments, ancient drove roads, Iron Age forts, Roman villas, ridge and furrow fields, medieval wool churches and country estates and parks.
- An accessible landscape for quiet recreation for both rural and urban users, with numerous walking and riding routes.
- The unifying character of the limestone geology - its visible presence in the landscape and use as a building material.
- Distinctive settlements, developed in the Cotswold vernacular with high architectural quality and integrity.

5.28 The site sits in the Upper Windrush Valley landscape character area as identified by the West Oxfordshire Landscape Assessment 1998. The site sits in the valley floor and Chapter 8 of this Landscape Assessment states that the unspoilt valley floor farmland and minor valleys are of particularly high quality and sensitive to development. The site is experienced as part of a series of isolated, historic Cotswold-stone cottages and buildings which make up the hamlet of Widford, including the old Widford paper mill, located within the CNL. The site is set low in the southern slope of the Windrush Valley with open fields rising to the south to meet the A40. A Public Bridleway leads upwards from the western boundary of the site to meet the A40. The existing buildings are visible from the Bridleway. Part of the site is also visible from the Burford-Asthall road.

5.29 The proposed development is well-contained and does not encroach into the adjoining open countryside and landscape. When viewed from the bridleway, the existing barns are seen in the context of existing built form and so are not considered to be isolated. There is a fallback position of a B8 commercial storage use on the site which has the potential to detract from the tranquillity of the CNL from noise, visual clutter and additional traffic movements from HGVs. The proposed use would be likely to lead to a reduction in traffic movements, particularly by larger vehicles such as HGVs, and result in less noise and disturbance and traffic movements than a B8 commercial storage use. Whilst Officers accept that a residential use would lead to some residential paraphernalia, such as external lighting, this could be controlled by condition. Details of proposed dry stone walling could be conditioned for agreement. The County Council (Archaeology) have been consulted and have no objections from an archaeological perspective. In terms of accessibility for recreation, access to the existing public right of way will be retained.

5.30 The agent has submitted a 'materials palette and site views' document which sets out justification for the proposed materials and this contains images of what the site might look like compared to the existing situation. The proposed materials for the southern elevations include glazing with

perforated steel sheet cladding to the outer façade at first floor level. The elevations which would be visible from the Burford-Asthall road would be constructed of perforated steel sheet cladding with timber lining along the boundary with the neighbour's garden to the north. Based on the information submitted, Officers consider that the proposed materials, particularly when viewed from the ProW and Burford-Asthall road, would be likely to closely echo the identity of the existing agricultural buildings whilst minimising the potential for excessive light spill. The proposal avoids large areas of manicured lawn and flower beds in favour of lower maintenance and simple natural planting with the private garden screened to the north and south by buildings and the sloping landscape minimising visibility. The submitted planning statement states that the intention is that the buildings remain grounded in their agricultural landscape rather than a garden and as such the intention is that the countryside will run up to the sides of the buildings. A condition could be included on the consent requiring details of soft landscaping to be submitted and approved prior to above ground works.

- 5.31 For the above reasons, Officers consider that the proposal would help to deliver the aims and objectives of the Cotswolds Management Plan 2025 and therefore, the purposes of the CNL would be furthered. Therefore, subject to conditions, Officers consider that the scheme would conserve and enhance the landscape and scenic beauty of the CNL in accordance with policy EH1 of the WOLP and the application of policies in the Framework that protect areas or assets of particular importance do not provide a strong reason for refusing the development proposed.

Other Matters

Design

- 5.32 In terms of design, policy OS4 of the WOLP, the West Oxfordshire Design Guide (2016) and paragraph 135 of the NPPF are relevant. Paragraph 135 of the NPPF states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive, and are sympathetic to local character and history including landscape setting.

- 5.33 The general form and massing of the buildings will remain substantially unaltered apart from the existing front section of the elevation facing the access road which will be demolished. The proposal retains the traditional position of the barns and their relationship with the surrounding land and the number of new openings is considered to be reasonably necessary to convert the barns. For the above reasons, the proposed design is considered to be sympathetic to the landscape setting of the site. Therefore, the application is considered to comply with policy OS4 of the WOLP, paragraph 135 of the NPPF and the WODG.

Sustainability

- 5.34 Policy E3 of the WOLP supports the re-use of non-residential, non-traditional buildings for employment, tourism and community uses within or adjoining Service Centres or Villages or where re-use would address a specific local need which cannot be met in an alternative way. This is provided that the general character and form of the building is not harmful to its surroundings and the scale and type of use is suitable to its location and will not result in excessive alteration to the host building.
- 5.35 Paragraph 6.50 of the WOLP states: 'Other proposals for the re-use of non-traditional buildings will only be supported if they can be demonstrated to meet an economic or social need which cannot be met in a more sustainable location and where this significantly enhances the character of the area, such as through the removal of other intrusive and harmful buildings.'

5.36 In terms of whether the type of use is suitable to its location, Policy T1 of the WOLP also gives priority to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for cycling, walking and the use of public transport. At the crux of the NPPF is a golden thread of sustainable development (paragraph 7). This includes ensuring that significant development is focused on locations which are or can be made sustainable, however opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making (paragraph 110).

5.37 The nearest Rural Service Centre is Burford which lies around 3.2km from the site. There are no public transport connections connecting Widford with Burford. Further, Widford has very limited services and facilities. There is very limited access to public transport in this location so that almost all trips would be made by private motor vehicle. The location is therefore not considered to be sustainable for a residential use and is therefore inappropriate to its location, contrary to policies E3 and T1 of the WOLP and paragraph 7 of the NPPF.

Impact on residential amenity

5.38 The site lies within close proximity of a number of residential properties including 'Fettiplace Barn,' 'The Byre,' 'Parlours' and 'Little Mill.' The Environmental Health team have been consulted, and no objections have been raised, subject to conditions. Due to the proposed use, layout and positioning of windows and subject to a condition requiring the submission and approval of a Construction Environmental Management Plan and land contamination desk study prior to the commencement of development, Officers do not consider that the proposal would cause harm to the amenity of neighbouring residents. Conditions restricting hours of work are not considered to meet the tests for imposing planning conditions.

5.39 Officers consider that, due to the amount and design of the internal and external space associated with the new dwelling and subject to a condition requiring the submission and approval of a boundary treatment plan, an acceptable standard of amenity for future occupants could be achieved. Therefore, subject to conditions, Officers consider that the proposal would be unlikely to harm the amenity of residents.

Impact on highways and parking

5.40 Access is proposed to the west of the existing barn with three parking spaces and bicycle storage. The Highways Officer has been consulted and considers that the proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network, subject to condition.

5.41 In terms of parking, whilst the application does not meet Oxfordshire County Council's 'Parking Standards for new Developments,' the Highways Officer has not raised an objection and assuming the office is to be used only by those occupying the dwelling and having regard to the shared occupation of the home and workspace, officers consider that three car parking spaces is sufficient.

Impact on flood risk

5.42 In terms of impact on flood risk, as per the Drainage Officer's comments, the proposed development is considered to be acceptable on surface water drainage grounds subject to a pre-commencement condition requiring the submission and approval of a full surface water drainage scheme.

5.43 In terms of impact on ground water pollution and foul water disposal, the application forms states that foul water will be discharged to a package treatment plant and the site is around 80m from a main river (Windrush). Concerns have been raised by local residents regarding foul water disposal. The application sets out why connection to a mains sewer is not feasible and the Council's Building Control Officer has no objection to the proposed non-mains foul drainage system. Therefore, Officers consider that the proposed development would be unlikely to have an adverse impact on water bodies and ground water resources and so, in this regard, accords with policy EH8 of the WOLP.

Impact on Archaeology

5.44 The site is located in an area of archaeological interest however the development is of a relatively small scale and located within a previously developed area. As such there are no archaeological constraints to this scheme.

Impact on ecology and biodiversity

5.45 The site lies in the Cotswolds Valleys Nature Improvement Area. In terms of impact on Great Crested Newts, the proposed development does not contain any highly suitable habitat for great crested newts and is not in the vicinity of any potential breeding ponds. The proposal is therefore unlikely to have impact on great crested newts or their habitats.

5.46 The ecology report confirms that a protected species mitigation licence from Natural England will be required as 1 no. day roosts will be destroyed. In reaching a decision, the LPA is required to demonstrate how it has fully considered whether the three tests set out at Regulation 53 of the Conservation of Habitats and Species Regulations 2017 (as amended) are likely to be met and state the evidence for conclusions drawn on each test.

5.47 This is in line with ODPM Circular 06/2005 (para 116) and Natural England Standing Advice.

5.48 The three tests set out within Regulation 53 are as follows:

- i. The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 53(2)(e))
- ii. That there is no satisfactory alternative (Regulation 53(9)(a); and
- iii. That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 53(9)(b))

5.49 Regarding the first & second test, the agent has provided further information to explain how the application meets these tests. They state that the proposed development meets these tests because the development is to the public benefit in putting buildings to a more positive use than their lawful

B8 purpose that is poorly suited to the location and that this is reflected in the adopted local plan that encourages the provision of homes and suitable business space through re-use of buildings. In terms of the second test, as the bat roost is of low conservation status and the impact will therefore be minimal, the biodiversity officer considers that the consideration of other alternatives should not be overly onerous. The agent states that the benefits can only be achieved by development of the building and so there are no satisfactory alternatives. The Council's biodiversity officer has confirmed that test three would be met. Therefore, Officers consider that the proposal is likely to meet the three tests and be sufficient for a licence to be obtained from Natural England.

5.50 Representations have been received regarding the application not demonstrating biodiversity net gain (BNG). The application was made before the 2nd April and is classed as a minor development. Therefore, the application does not need to demonstrate BNG. Further, local concern has been raised that the submitted EIA was missing bat survey data. This has been provided by the applicant during the course of the application. The biodiversity officer has confirmed that it is beneficial to have the survey data, but without it, Officers can proceed based on the information available. Therefore, the biodiversity officer has not been reconsulted on this new information. Overall, the biodiversity officer has no objections, subject to conditions and informatives, and so subject to these, the application is considered to be acceptable on ecology grounds.

Other Matters

5.51 Concern has been raised by local residents about the impact of the proposed development on the future viability of the neighbouring farm and its ability to operate and expand in the future. The loss of property value and competition between businesses is not a material planning consideration and so in this case cannot be taken into account. No windows are proposed in the side elevation of the proposed dwelling which might overlook the neighbouring barn associated with Mill Farm which might cause issues of overlooking. The Environmental Health team have no objections in terms of proximity to the neighbouring farm.

5.52 Further, concern has been raised regarding access and boundary rights. Legal rights/consents such as deeds, covenants, private rights of way and land ownership and boundary disputes are not material planning considerations and so in this case cannot be taken into account. Concern has been raised by the Parish Council that the office space remains ancillary to the dwelling so that it is not occupied as a separate dwelling or sold off separately, and that the office is not later converted into any other commercial/industrial usage. Further, they have asked for the traffic movements to and from the site to be limited. However, Officers do not consider that the suggested conditions meet the tests set out in the NPPF for imposing planning conditions.

The overall benefits of the development

5.53 In terms of the proposed use, officers consider that the main benefit of the proposed development would be to deliver an additional dwelling at a time when the Council's current five-year housing land supply position is in shortfall. However, given that only one dwelling is proposed, at most limited weight is attached to this benefit.

5.54 The proposal makes use of previously developed land and re-uses existing buildings. Paragraph 88 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.

5.55 Other benefits claimed for the proposal include an enhancement to the character and appearance of the area and CNL, enhancement to the setting of the area, improved access, residential amenity and economic and social benefits through the creation of jobs and increased vitality of the community. These claimed benefits must be weighed against the adverse impacts of the proposal, as identified above.

Planning Balance

5.56 The proposed development would be in an unsustainable location where it is expected that almost all trips to and from the site would be via private motor car. Recent appeal decisions have placed minimal weight on the harm caused by new dwellings in hamlets in terms of sustainability where there is an established commercial use (Appeal Ref: APP/D3125/W/24/3353496 at South Lawn Farm, Swinbrook). Therefore, due to the existing established use of the site, Officers consider that future residents would follow the pattern already established by the extant consent, which is likely to be less than that generated by an unrestricted commercial storage use.

5.57 The proposed development would contribute one additional dwelling, re-use previously developed land, provide highway safety and amenity benefits, enhance the immediate setting of the building and CNL, and provide economic and social benefits through the creation of jobs and increased vitality of the community. In this case, the benefits of the proposed development are considered to outweigh the limited harms identified above.

Recommendation

5.58 In conclusion, taking into account planning policy, other material considerations and the comments of interested parties, the application of policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed.

5.59 Further, the adverse impacts of the proposed development are not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Therefore, the development is recommended for approval, subject to the conditions set out in section 6.

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. 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, AA, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the area.

5. The proposed development shall not be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.

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

6. Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

7. The development shall be carried out in accordance with the following biodiversity mitigation measures and enhancement features. All the measures and features listed below shall be implemented in full before the development hereby approved is first brought into use, unless otherwise agreed in writing by the local planning authority, and all the features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.
 - i. Section 4 and 5 of the Ecological Impact Assessment prepared by Enzygo dated 29/11/2024;
 - ii. Site clearance and construction shall be carried out in accordance with West Oxfordshire District Council's Biodiversity Specification #1 Precautionary Working Methods; and
 - iii. 2 no. bat boxes and 2 no. bird boxes installed in accordance with DR_0190-6 REV A.

REASON: To protect and enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Notwithstanding the submitted details and prior to above ground works, a soft landscaping scheme incorporating a diverse garden lawn seed mix, night flowering and scented plants and at least two fruit trees as additional biodiversity enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following:

- i. A plan showing existing vegetation to be retained and safeguarded during construction;
- ii. A plan showing the areas to be managed for biodiversity;
- iii. A landscaping implementation plan (e.g. phasing); and
- iv. Detailed planting and sowing specifications, including species, size, density spacing, cultivation protection (fencing, staking, guards) and non-chemical methods of weed control.

The development shall be carried out in accordance with the approved scheme and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006. The condition is also required to conserve the landscape of the Cotswolds National Landscape in accordance with policy EH1 of the West Oxfordshire Local Plan 2031.

9. Notwithstanding the submitted details, before above ground works commence, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings; and
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To protect roosting, foraging/commuting bats 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 187, 192 and 193 of the National Planning Policy Framework (December 2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended). The condition is also required to conserve the natural beauty and landscape of the Cotswolds National Landscape in accordance with policy EH1 of the adopted West Oxfordshire Local Plan 2031.

10. 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.

11. If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: to ensure the success of the proposed landscaping scheme and associated biodiversity enhancements

12. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

REASON: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and the NPPF.

13. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and the NPPF.

14. Prior to the commencement of any works the applicant shall submit to, and have approved by, the Local Planning Authority a short Construction Environmental Management Plan (CEMP). The plan shall include, but not be limited to, details on how noise dust and vibration are to be

controlled and minimised along with details of delivery times and material storage, contractor parking and welfare facilities and waste and recycling management.

REASON: To protect the amenity of the neighbourhood.

15. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

Notes to applicant

- I IMPORTANT: the statutory Biodiversity Gain Plan deemed planning condition does NOT apply to this planning permission. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the permission which has been granted is for development which is exempt being:

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i. the application for planning permission was made before 2 April 2024
- ii. planning permission is granted which has effect before 2 April 2024; or
- iii. planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates was exempt by virtue of (i) or (ii).

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If a bat is discovered, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

A derogation licence from Natural England would be required before any works affecting bats

or their roosts are carried out.

Where the presence of roosting bats has been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends to more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site and to ensure sufficient information for the licence application to Natural England.

Guidance on lighting issues in relation to bats can be found in the Bat Conservation Trusts Guidance Note 08/23 Bats and artificial lighting at night: Guidance Note 8 Bats and Artificial Lighting | Institution of Lighting Professionals

The relevant Biodiversity Specifications can be downloaded from the council's website at: <https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>

- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)

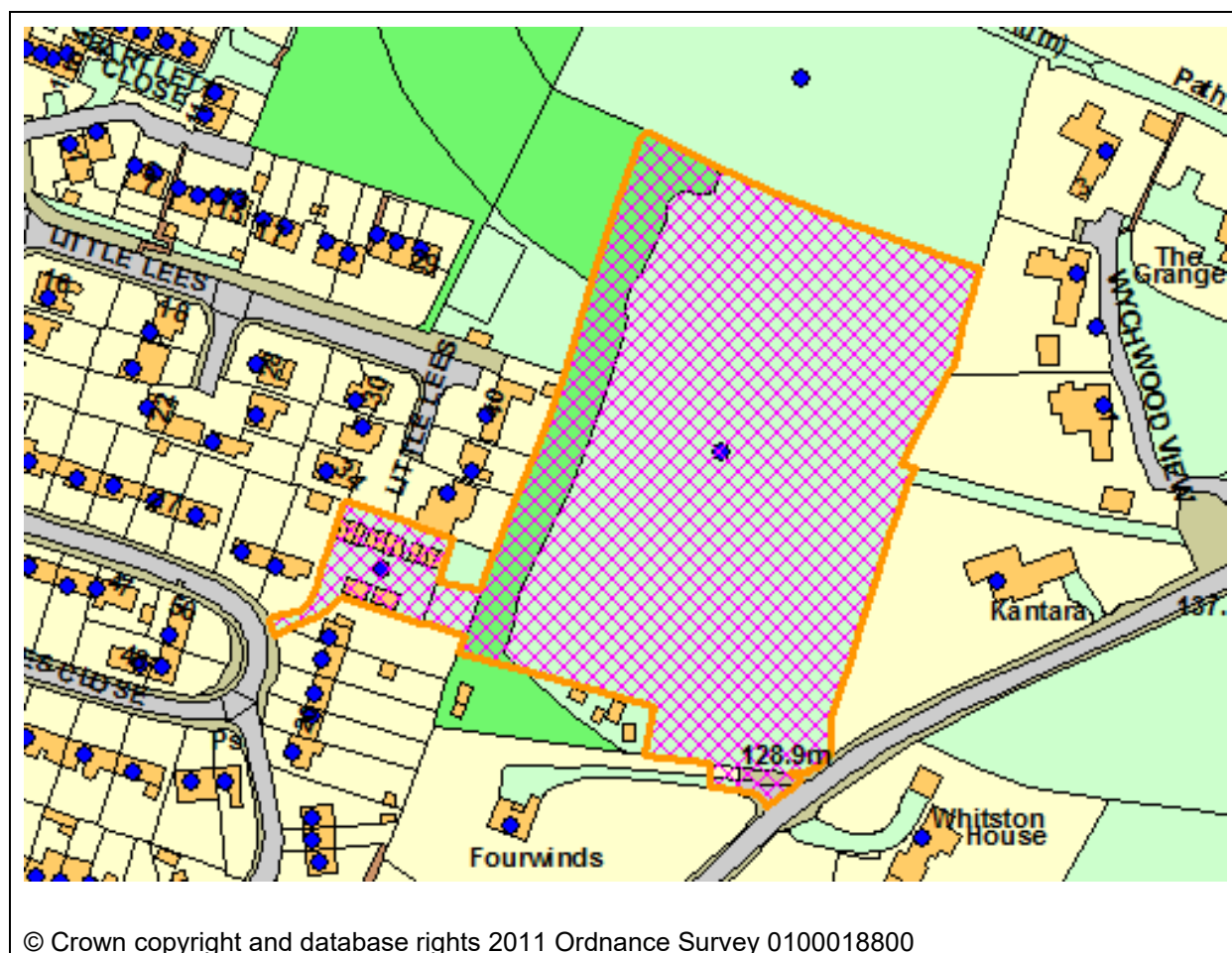
Contact Officer: Clare Anscombe

Telephone Number:

Date: 6th August 2025

Application Number	24/02171/FUL
Site Address	Land North of Woodstock Road Charlbury Oxfordshire
Date	6 th August 2025
Officer	Mike Cassidy
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	436437 E 218946 N
Committee Date	18 th August 2025

Location Map



Application Details:

Planning application for the erection of twenty six dwellings (including 46% affordable housing), the provision of public open space and landscaping, demolition of the existing garages and provision of new vehicular access via Woodstock Road and pedestrian access to Hughes Close and associated works.

Applicant Details:

Mr Bob Mackenzie

C/o Agent – Morgan Elliot Planning Ltd

I CONSULTATIONS

Charlbury Town Council

Objection to the proposal for the following reasons:

1. Children's Play Area - The Town Council disputes the applicant's opinion that the proposal is compliant with Charlbury Neighbourhood Plan (CNP) policy ECT6 and the associated West Oxfordshire Open Spaces Study 2013-2029 in relation to the provision of play space on-site or within the stated access standard walking distance. We believe that it would be possible and appropriate to include a small facility on the current site and that, given the proposed pedestrian access to Huges Close, such a facility would also provide benefit to neighbouring estates including Hughes Close, Sturt Close and Wilkins Court. If WODC is minded to approve, we ask for developer contributions to be secured by S106 agreement for play space in lieu of on-site provision and also for outdoor sports pitch improvements and we ask that both of the above contributions are allocated to provision within Charlbury. We understand that minimum figures of £15,772 and £52,872 respectively for these two contributions have been mentioned.
2. Energy Efficiency, Renewable Energy Generation and Net-Zero Commitment - The application makes extensive reference to WODC's Net Zero Carbon Toolkit which this council supports. However, the proposed development fails to meet the recommended standards despite stating that it does, and as such does not comply with CNP policy NE9 which requires proposals for new buildings to demonstrate how they would achieve excellent environmental performance. For example, the proposed mechanical extract ventilation does not include heat recovery which would make a significant difference to overall space heating demand and hence to the lifetime running costs of the homes and delivery of the lowest energy bills. As a further example, no specific details are given of the installation of PV panels on roofs and the plans suggest that opportunities for such provision may be severely limited by the orientation of many units and the extensive inclusion of dormer windows within the designs.
3. EV Charging Points - As presented the application fails to comply with CNP policy ECT12 which requires proposals for new homes to include on-site provision for charging points.

Although the requirement is acknowledged, no details of any proposed provision are included, and it is not clear how this could be achieved and linked to occupiers' power supplies for some of the units where parking provision appears to be remote from the dwellings. We note that this provision is now a statutory requirement.

4. Traffic Calming on Woodstock Road - Vehicular access will be to a narrow section of Woodstock Road with no pavements and limited verges. The development represents a substantial uplift (essentially doubling) in the number of homes using that stretch of road as their sole vehicular access. This will accentuate road safety issues on an approach road that has a history of speeding traffic. Therefore, if WODC is still minded to approve, it will be essential and proportionate for the applicant to fund the installation of traffic calming measures (e.g. build outs) as well as an extension of the Charlbury 20mph limit area to encompass the entrance to the new development and to include the internal roads within it.
5. Water Supply - Noting that Thames Water is not able to guarantee adequate water supply to this development, the Town Council believes that a Grampian condition would be appropriate to ensure adequate provision before development begins. This also informs our comments in item 6 below.
6. Surface Water Drainage, Rainwater, and Grey Water Capture - The Town Council acknowledges the surface water drainage strategy included with the application but wishes to make the following comments: a. This development could and should be an exemplar for efficient use of water including provision for rainwater capture for garden use and grey water capture and storage (e.g. for flushing toilets). The requirement for this is clearly accentuated by the issues of water supply identified by Thames Water and in item 5 above. b. Given the slope of the land towards Woodstock Road, the design and capacity of the attenuation basin are critical. Is it adequate? c. Widespread concerns over the adequacy of sewage infrastructure (see also item 7 below), it is critically important to ensure that ALL surface water generated by the development is captured on site and that none enters the foul sewage infrastructure. Is this assured by the proposed scheme? d. The attenuation basin can offer a real opportunity for establishment of wildlife habitats (e.g. wetland, ephemeral ponds) with associated benefits for biodiversity. Can this please be accommodated.
7. Foul Water Sewage Infrastructure - In the light of serious

concerns about the level of sewage pollution in the River Evenlode, the Town Council seeks assurance that sewage treatment infrastructure is adequate to support the development by the imposition of a Grampian condition if necessary.

8. Walking and Cycling - The Town Council welcomes the provision of a safe walking and cycling route to the town centre, shops, bus stops, school, and other facilities in accordance with CNP policy ECT9. However, we remain concerned that the inherent distance from the town centre will discourage journeys on foot and to compensate for this the provision of positive measures to encourage active travel would be appropriate and welcome. For example, the provision of e-bikes and charging points within the development for the use of residents could significantly reduce the number of car journeys taken and we consider that developer contributions to fund such a scheme would be appropriate and proportionate.
9. Defibrillator Provision - In view of the location of the proposed development, the provision of a defibrillator on-site would be appropriate, proportionate and could save lives. We note and welcome the willingness of the applicant to fund such a provision as well as an additional one at an appropriate community location (e.g. a sports club). If WODC is minded to approve, please can this provision be included through a S106 agreement?
10. Biodiversity Hedgerows and Trees - The proposed development site lies adjacent to the Blenheim and Ditchley Conservation Target Area (CTA) as designated by Wild Oxfordshire and referenced in the Oxfordshire Biodiversity Action Plan. The proposed development requires the destruction and/or severe width reduction of a significant quantity of existing mature species-rich hedgerow as well as the removal of some trees as confirmed by the submitted plans and the Arboricultural Impact assessment and Method Statement. The mature hedgerows identified for removal and width reduction include protected conservation hedges along the eastern boundary of the site and these provide important habitats and corridors for wildlife including birds, small mammals, and reptiles. Removal of these hedgerows will have a detrimental impact on wildlife and biodiversity as will reductions in hedge width because many important species rely on broad dense hedgerow habitats to thrive. In turn this will have a detrimental impact on the integrity of the adjacent CTA and consequently, the proposed scheme fails to comply with CNP policy NE5.

In clear contravention of an existing tree preservation order (TPO), the Tree Removal and Protection Plan shows almost the entire boundary hedge of the site hatched to indicate trees to be removed to the ground. Considering the extent of the proposed removal of trees and hedgerows, are the claimed levels of biodiversity net gain credible. If WODC is minded to approve the scheme, then it should be conditional on an agreed management plan for trees and hedgerows that retains mature species-rich hedgerows and reflects the guidance provided in the CNP.

Oxfordshire County Council
(OCC) Major Planning
Applications Team

Transport: No Objection subject to conditions relating to pedestrian, cyclist and vehicular means of access, Construction Traffic Management Plan, car parking, and Travel Plan/Travel Information Pack and associated informatives as suggested being attached to any permission granted and a s106 legal agreement being entered into securing a contribution (£34,476) towards Public Transport Service improvements to bus services serving Charlbury.

Lead Local Flood Authority: No objection subject to conditions relating to flooding and drainage as suggested being attached to any permission granted.

Education: No objection subject to a s106 legal agreement being entered into securing a Special Education Contribution (£12,564).

Archaeology: No objection subject to conditions relating to an Archaeological Written Scheme of Investigation and staged programme of archaeological evaluation and mitigation as suggested being attached to any permission granted.

Waste Management: No objection subject to a s106 legal agreement being entered into securing a Household Waste Recycling Centre Contribution (£2,649).

Cotswolds National
Landscape Board

No objection to the proposal. Having considered the proposal and supporting assessments and having visited the site and surrounding area to assess the potential impact of the proposal on the landscape and scenic beauty of the National Landscape when responding to the previously refused application (ref. 23/02399/FUL), for the reasons outlined in Annex I below, the Board does not object to this application.

For the avoidance of doubt, we consider that the proposed development does not comprise 'major development' for the purposes of paragraph 183 of the NPPF (2024) and provide further consideration of this matter within Annex I submitted.

The Board request that if the Council are minded to approve the application, conditions relating to landscaping, lighting and

sustainability should be attached to any permission granted.

Charlbury Conservation Area
Advisory Committee

While the loss of green space was a matter of regret, the harm to the Conservation Area of the proposed development would be less than substantial. Existing boundary trees and hedgerows surrounded the field proposed for development on all sides and would be further reinforced by native planting to ensure adequate screening.

Given the urgent need for more affordable/low cost housing in Charlbury and the absence of suitable sites, paragraph 208 of the NPPF applies and the majority of members consider that the benefit of the proposal in this case outweighed the harm that would be caused.

The design quality of the proposed development continued to be disappointing and uninspired although minor improvements – e.g. removal of gables in favour of straight eaves - had been made. The proportions of some of the windows seemed perverse and roof pitches, unnecessarily high. Some members were also critical of the large area given over to parking and the use of high close-boarded fences where hedges or lower walls would be more suitable to the locality. Further work was required to ensure that the proposed scheme conformed with policy HE2 Locally appropriate design in the CNP. Great care was also needed to ensure that external and street lighting was kept to a minimum to conform with policy NE4 on tranquillity and dark skies in the CNP.

District Ecologist

No objection subject to conditions relating to ecology, biodiversity, boundary treatment, landscaping and lighting as suggested being attached to any permission granted and a biodiversity net gain monitoring fee (£4,500) being secured by s106 legal agreement.

Environment Agency

No comment to make on the application.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Cotswolds National Landscape - The proposed development is for a site within a nationally designated landscape namely the Cotswolds National Landscape (defined in legislation as an Area of Outstanding Natural Beauty). Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Thames Water

Waste Comments: No objection to the proposal, based on the information provided. The application indicates that surface water

will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments: No objection. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As such Thames Water have request that a condition be attached to any permission granted requiring confirmation to be provided that either a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or b) a development and infrastructure phasing plan be agreed with Thames Water before the development is occupied.

Thames Valley Police -
Designing Out Crime Officer

No objection subject to conditions relating to Secured by Design accreditation, defensible space and planting and lighting as suggested being attached to any permission granted.

NHS Buckinghamshire,
Oxfordshire, and Berkshire
West Integrated Care Board

No objection to the application subject to a contribution of £23,561 towards primary health care being secured by s106 legal agreement in any permission granted.

WODC Arts, Leisure, and
Tourism

No objection subject to a s106 legal agreement being entered into securing a contribution (£2,940) towards developing community public art projects to boost cohesion and connectivity between new and existing residents and build on the positive outcomes of the various opportunities and events taking place in Charlbury, contributing positively to the health and wellbeing of the immediate area.

WODC Conservation and
Design Officer

Firstly, it is noted that the layout is generally similar to that of the previous application – although the proposal has now been pulled back a little from the north-west corner, which is to be welcomed. Secondly, it is noted that the issue of the gratuitous gables has been addressed, and the first-floor windows have been tidied – again, to be welcomed.

Generally, the proposal uses the same, neo-vernacular forms, all fairly tidy – with the gradients of the site adding interest – although, as before, the design tends to the safe, rather than the inspired.

The entrance to the site is relatively narrow, and there is some existing screening development and vegetation along Woodstock Road.

In summary, the impact on the conservation area is not that great – indeed, it could arguably have been classed as rounding-off or perhaps infill, under previous policies. And the 46% affordable housing in this context must surely weigh heavily in the planning balance.

WODC Environmental Health Air Quality	<u>No objection</u> to the proposal on the grounds of air quality. The inclusion of electric vehicle charging and cycle storage within the development is welcomed and should be secured by condition in any permission granted. The inclusion of cycling and walking access to Charlbury town and OCC's request for funding to support local bus services is also welcomed.
WODC Environmental Health Contamination	<u>No objection</u> subject to conditions relating to contamination as suggested being attached to any permission granted.
WODC Environmental Health Noise and Amenity	<u>No objection</u> subject to conditions relating to hours of work and the approval of a Construction Environmental Management Plan as suggested being attached to any permission granted.
WODC Housing	<u>Support</u> for the proposal. The site is within the medium value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The application proposes 46% of the dwellings as affordable housing, exceeding the 40% policy requirement in medium-value areas. The tenure breakdown shows that affordable homes for rental will benefit from being Social Rent. I agree with the proposal to provide the remaining low-cost home ownership element as shared ownership.
WODC Sports and Leisure	<u>No objection</u> subject to a s106 legal agreement being entered into securing contributions toward outdoor pitch provision (£51,433.72), and swimming pool provision (£14,384) within the catchment area.
WODC Planning Policy Manager	<u>No objection</u> to the proposal.
WODC Tree Officer	<u>No objection</u> to the proposal.

3 REPRESENTATIONS

3.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

3.2 13 responses have been received objecting to the application on the following grounds:

- Loss of greenfield site.
- The site is not allocated for housing and does not lie within the built-up part of any settlement.

- Harmful and detrimental impact on the character and appearance of this highly sensitive area.
- The proposal by reason of its layout, form, scale, and design does not respect the character and local distinctiveness of Charlbury, is not of a proportionate and appropriate scale to its context and would not form a logical complement to the existing scale and pattern of development.
- Overly dominant form of development in terms of height and size.
- Fails to protect or enhance the Cotswold AONB, the Charlbury Conservation Area, and the setting of the nearby ancient public right of way (Woody Lane).
- The proposal would adversely affect local ecology.
- Loss of protected trees.
- Lack of affordable housing provision.
- Unneighbourly form of development.
- Overshadowing and loss of daylight.
- Ground contamination.
- Overlooking and loss of privacy.
- The proposed access to the site will not be practical.
- Increase in traffic and local parking concerns.
- Increase in crime for the existing residents of Woodstock Road.
- Prejudicial to pedestrian and highway safety.
- Inadequate water and sewage infrastructure.
- Loss of resident garages in Hughes Close.
- Noise and light pollution.
- Increased danger of flooding.
- Adverse landscape impacts.
- Inadequate biodiversity net gain.
- Inadequate refuse provision provided.
- Lack of recreational facilities essential for residents' well-being.
- Adverse impact on existing local services and infrastructure with no extra capacity for GP or dental patients, let alone places available at the local primary school.

3.3 1 response has been received in support of the application on the following grounds:

- The proposal will provide much needed affordable housing for local families and the community of Charlbury.

4 APPLICANT'S CASE

4.1 The submitted Planning Statement concludes as follows:

“The Council is currently unable to demonstrate a 5-year housing land supply and that the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is engaged so that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole...”

The application proposals are sustainably located and accord with relevant planning policy with respect to design, heritage, landscape, ecology, transport and access, flood risk, and drainage...

It is considered that the material considerations in this case, provide a clear 'positive planning balance' when weighed against any assumed conflict with the adopted development plan...

Overall, it is considered that the cumulative benefits of the proposal including the delivery of housing in the light of the housing supply shortfall, the delivery of affordable housing, the sustainable location of the site, biodiversity enhancements and economic benefits arising during construction and once the development is occupied, should collectively be attributed significant weight.

In conclusion, the proposed development is a model exemplar of how Policy OS2 and Policy H2 of the West Oxfordshire Local Plan can be met. Taking account of all the material considerations and the weight to be attributed to each one, it is considered the identified harm would not significantly and demonstrably outweigh the benefits in the overall planning balance. It is therefore considered that the proposed development would constitute sustainable development."

5 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
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1 Cotswolds AONB
EH2 Landscape Character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
BC1 Burford – Charlbury sub-area strategy
CHARLNP Charlbury Neighbourhood Plan
The Cotswolds National Landscape Management Plan 2023-2025
NPPF 2024
NATDES National Design Guide
DESGUI West Oxfordshire Design Guide

6 PLANNING ASSESSMENT

- 6.1 The application seeks permission for the erection of twenty six dwellings, including the provision of public open space and landscaping, a new vehicular access via Woodstock Road and pedestrian access to

Hughes Close. The Planning Statement states that the proposed development offers a mix of market and affordable housing accommodation ranging in size from one to four bedrooms.

- 6.2 The application site is located adjacent to the south-eastern part of the town of Charlbury and comprises a garage parking court and an existing undeveloped agricultural field roughly rectangular in shape and extending to an area of approximately 1.6 hectares in size. The site is to the north of the existing residential property known as “Fourwinds;” to the west of the residential development at Wychwood View and the detached dwelling “Kantara;” to the east of residential development at Hughes Close and Little Lees; and to the south of a smaller, broadly rectangular field.
- 6.3 The site is located within the Cotswold National Landscape (CNL) (formally known as the AONB) and Charlbury Conservation Area. It is bounded on all sides by trees and hedges which form an intermittent visual barrier from most directions. There are no listed buildings in proximity to the site.
- 6.4 A Tree Preservation Order (ref. The West Oxfordshire District Council (no.8) Tree Preservation Order (TPO) 1975) covers the application site.

Background Information / Relevant Planning History

6.5 Planning permission (Ref: 23/02399/FUL) was refused in March 2024 for a residential development of 28 dwellings on the site for the following reasons:

- 1 The proposed development by reason of its layout, form, scale, and design does not respect the character and local distinctiveness of Charlbury, is not of a proportionate and appropriate scale to its context and would not form a logical complement to the existing scale and pattern of development. The proposed suburban layout would also result in a parking dominated scheme with poor surveillance, ill-defined defensible space, and a poor standard of amenity for future occupiers in some locations. The development therefore fails to comprise high quality design that respects the existing character and appearance of the area. The proposal would therefore conflict with Policies OS1, OS2, OS4, H2 and BC1 of the West Oxfordshire Local Plan (2018-2031), Policy HE2 of the Charlbury Neighbourhood Plan (2021) as well as relevant paragraphs of the NPPF (2023) and West Oxfordshire Design Guide (2016) and the National Design Guide (2021).*
- 2 The proposed layout, by virtue of proximity of built form, residential gardens to and parking areas to mature and established boundary vegetation, much of which is subject to statutory protection, will result in the partial loss, degradation and increased pressure upon features which contribute significantly to the semi-rural and soft edge to the town and would compromise the ability of the proposed development to assimilate into its landscape context and therefore fail to further the purpose of conserving and enhancing the natural beauty of the area in this part of the Cotswolds National Landscape. The proposed development would also intensify and urbanise the built form, subverting the existing semi-rural fringe of the town, harming the significance of the Conservation Area. As such the proposal is considered to be contrary to Policies OS2, OS4, H2, EH1, EH9 and EH10 of the adopted West Oxfordshire Local Plan (2018-2031) and Charlbury Neighbourhood Plan Policy NE1 as well as the advice contained within the Cotswolds AONB Management Plan (2023- 2025), the West Oxfordshire Landscape Assessment (1998) and the relevant paragraphs of the NPPF (2023).*
- 3 The proposed siting, scale and design of Plots 25-28 would lead to significant loss of light and overbearing impacts upon the occupiers of 36 Little Lees. As such the proposal is considered to be contrary to*

adopted West Oxfordshire Local Plan (2018) Policies OS2 and OS4, the relevant paragraphs of the NPPF (2023) and the West Oxfordshire Design Guide (2016).

- 4 *The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing; contributions to sport and leisure; public transport; education; and waste. The proposal therefore conflicts with adopted West Oxfordshire Local Plan (2018-2031) Policies H3, EH5, T1, T2, T3 and OS5.*

6.6 An appeal was subsequently submitted and dismissed (Appeal Ref: APP/D3125/W/24/3351969) in May 2025. In dismissing the appeal, the Inspector raised concerns relating to adverse landscape impacts upon the scenic beauty of the Cotswolds National Landscape; design and layout; impact on the living conditions of existing neighbouring properties and future occupiers of the development; and adverse effects upon the Charlbury Conservation Area. During the appeal process the appellant, District Council and the Cotswolds Conservation Board were collectively of the view that the proposed development would not be major development in the Cotswolds NL, and the inspector stated that he had no reason to conclude otherwise.

6.7 This application seeks to address these concerns, which are referenced in the relevant sections of the report below.

Amendments during the course of the application

6.8 During the course of the application, the following additional information and amendments have been received:

- An addendum to the Arboricultural Impact Assessment clarifying the proposed landscaping, confirming the trees to be retained, and detailing the number of new trees to be planted.
- An addendum to the Design and Access Statement provided to address concerns originally raised by the Designing Out Crime Officer in relation to surveillance; parking; cycle storage; site layout and block arrangements; defensible space; lighting; and utility matters.
- Amendments made to the design of proposed houses, including updated house types and fenestration.
- Updated Hard and Soft Landscape Plans, including the removal of the footpath between Plots 1 and 2, and Plot and Maintenance Area Plan.
- Updated Western Boundary Planting Plan.
- Ecology Briefing Note.
- Updated Biodiversity Net Gain Metric.
- Revised Biodiversity Net Gain (BNG) Report incorporating a reduction in the target condition of proposed SuDS, trees, and species-rich native hedgerow to "poor"; resulting habitat and hedgerow unit scores of 33.53% and 15.55%, respectively; and agreement that the Habitat Management and Monitoring Plan (HMMP) can be secured by condition, with an indicative management strategy provided for created, retained, and enhanced habitats.

6.9 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:

- Principle of Development
- Affordable Housing/Housing Mix
- Layout, Design and Scale
- Impact on Landscape/Setting of Cotswolds National Landscape (AONB)

- Impact on Heritage Assets
- Highway Impact and Pedestrian Accessibility
- Residential Amenity/Noise/Air Quality
- Flood Risk/Drainage/Water Supply
- Trees and Biodiversity
- Sustainability and Climate Change
- SI06 Contributions

6.10 Each of the above considerations are fully considered in the following sections of this report.

Principle of development

6.11 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, as far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018 and the Charlbury Neighbourhood Plan 2031 adopted in June 2021.

Development Plan Policies

6.12 Policy OS1 of the Local Plan states that planning applications that accord with the policies of the Local Plan will be approved unless material considerations indicate otherwise. The policy also states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise- taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

6.13 Policy OS2 of the Local Plan sets out the overall strategy on the location of development for the District. It adopts a 'hierarchical' approach, with the majority of future homes and job opportunities to be 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) and then the villages as set out in Policy OS2.

6.14 Charlbury is identified as a rural service centre in the Local Plan. The site lies adjacent to the south-eastern part of the town and Policy H2 sets out that new dwellings will only be permitted where they comply with the general principles set out in Policy OS2 and in certain circumstance including, inter alia, where there is a specific local need that cannot be met in any other way.

6.15 Policy BC1 sets out that within the Burford-Charlbury sub-area the focus of new development will be in Burford and Charlbury and that these towns are relatively constrained by their AONB (now National Landscape) locations so are suitable for a modest level of development. It goes on to state that development elsewhere will be limited to meeting local housing, community and business needs

and will be steered towards the larger villages. The Local Plan recognises that housing affordability is a key issue in Charlbury.

- 6.16 Policy CH1 of the Charlbury Neighbourhood Plan (CNP) supports a modest level of new housing where it helps to reinforce the existing role of Charlbury as a rural service centre. Development is supported on sites within and adjacent to the built-up area.
- 6.17 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d) 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;
 - e) Conserve and enhance the natural, historic, and built environment; and
 - f) Be supported by all the necessary infrastructure.
- 6.18 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:
- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
 - On previously developed land within or adjoining the built-up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
 - 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 in Policy OS2;
 - On undeveloped land adjoining the built-up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.
- 6.19 The application site lies adjacent to the south-eastern part of the town and shares boundaries with residential properties along the southern half of the west edge as well as the southern and eastern edges. Adjacent to the northern boundary lies an open field with undeveloped land also to the north west. The site exhibits a somewhat enclosed character owing to the presence of strong boundary vegetation which provides clear delineation between the site and the main body of the town to the west. The site also borders notable amounts of undeveloped land to the north west and north, with which the site shares a stronger relationship than with adjacent residential development. The relatively large scale of the site also ensures that it appears as an area of undeveloped land adjoining the town, as opposed to within it.
- 6.20 The site is not allocated for housing development and comprises predominantly undeveloped land which adjoins the built-up area of Charlbury, where Policy H2, as detailed above, requires that convincing evidence is needed to demonstrate that the development is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and accords

with other policies of the Local Plan, in particular the general principles in Policy OS2. The issue of housing need and the distribution of housing is considered in detail below.

National Policy/Guidance

- 6.21 The National Planning Policy Framework (NPPF) (2024) 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.
- 6.22 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, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.
- 6.23 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (as identified in footnote 8).
- 6.24 The Council is currently unable to demonstrate a deliverable five-year housing land supply (HLS), and officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.
- 6.25 It is established that the District Council has a general housing need which needs to be met throughout the District. Whether or not the LPA can demonstrate a five year land supply, the provision of dwellings in sustainable locations (subject to other considerations) should be supported by the Council and this is reinforced in paragraph 11 d) of the NPPF. The Local Plan identifies no housing allocations in Charlbury partly due to the location of the settlement within the CNL. This does not however, mean that there is no housing need within these areas.
- 6.26 The application site provides for a 46% affordable housing provision. Consultation with the Council's Housing Officer (HO) has identified that there is a significant demand for affordable housing within the Charlbury Area and the CNP. The provision of 12 dwellings as affordable units, in this location

would go some way to meeting the affordable housing needs of the local community given the current number of people on the waiting list for such properties and affordability issues in the area as highlighted by the Inspector in paragraph 56 of the recent May appeal decision relating to the previous refused planning application for the site (Ref: 23/02399/FUL).

- 6.27 As such, 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 which provide a strong reason for refusing the development proposed. These issues are considered in detail below.
- 6.28 An assessment of the development against the general principles of Policy OS2, as detailed above, is detailed further in the sections below.

Affordable Housing/Housing Mix

- 6.29 Policy H3 of the Local Plan sets out the Council's requirements in relation to affordable housing. It identifies that, in Charlbury which is within the medium value zone, the affordable housing requirement is 40%. Similarly, Policy CH2 of the CNP supports the provision of affordable housing with particular support for proposals which address the specific affordable housing needs identified in the CNP.
- 6.30 Policy H4 of the Local Plan seeks to provide a good, balanced mix of property types and sizes. Policy CH6 of the CNP advises *'All new development (except affordable rented housing, for which see CH7) should provide the following mix of dwelling sizes: at least 40% 1-2 bedrooms; approximately 40% 3 bedroom homes and no more than 20% 4+ bedroom homes; 5+ bedroom homes will only be supported where a specific local need can be demonstrated'*.
- 6.31 The application proposes 26 dwellings which would equate to an affordable housing provision of 10.4 units. The current application proposes 12 affordable dwellings on site equating to a 46% provision of affordable housing surpassing the requirements of the Local Plan.
- 6.32 The proposal will comprise the following unit size breakdown (excluding the affordable rent units proposed):
- 1-2 Bedroom Units - 44%;
 - 3 Bedroom Unit - 39%; and
 - 4 Bedroom Units - 17%.
- 6.33 The full breakdown, including size and tenure of units proposed is as follows:
- 1 Bedroom - 4 affordable rent units;
 - 2 Bedroom - 10 comprising 2 affordable rent, 2 shared ownership and 6 market units;
 - 3 Bedroom - 9 comprising 2 affordable rent, 2 shared ownership and 5 market units;
 - 4 Bedroom - 3 market units.
- 6.34 The affordable housing provision would comprise 8 affordable rent units (4 x 1-bedroom flats; 2 x 2-bedroom houses; and 2 x 3-bedroom houses) and 4 shared ownership units (2 x 2-bedroom houses; and 2 x 3-bedroom houses), which would be secured in perpetuity by way of a s106 legal agreement.

- 6.35 Overall, the proposal would provide 46% provision of affordable housing in excess of the 40% required by policy. The proposed housing types and mix and considered to be acceptable with an appropriate mix of sizes from 1-bedroom to 4 -bedroom dwellings being provided in accordance with policies H2, H3 and H4 of the Local Plan and the housing policies of the CNP.

Layout, design, and scale

- 6.36 Paragraph 135 of the NPPF 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. Policies OS2 and OS4 of the Local Plan and policy HE2 of the CNP reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide and the CNP contains Design Guidance (Appendix C).
- 6.37 The site is roughly rectangular in shape and has a very minimal frontage onto Woodstock Road which currently incorporates the existing field access gate. The existing neighbouring property known as Fourwinds, located to the south-west of the site, has an existing access immediately to the south of the existing field access. As part of the new access proposals to serve the proposed development, the existing access to Fourwinds would be closed off and access to serve the property would be from the new site access road from Woodstock Road which forms part of the application proposals.
- 6.38 In terms of layout, the new internal access road would sweep into the site closely following the alignment of the southern boundary before turning north along the western boundary. From this road in the south-west corner of the site, a new shared access drive would serve Plots 23 - 26 from which there would be a new pedestrian/cycle link from the development onto Hughes Close giving access to the wider locality and the town centre. The part of the access road adjacent to the western boundary would serve the remaining plots on the development via a combination of a shared access road, private and shared drives leading into courtyard parking areas for the proposed dwellings. The courtyard parking areas have been designed to ensure a high level of natural surveillance.
- 6.39 The proposed development would include a range and variety of dwelling types that will include 1 bedroom maisonettes, and 2, 3 and 4 bedroom houses reflecting the requirements of the CNP in terms of providing a range of unit sizes and tenures. The proposed buildings would all be two-storeys in height with the units arranged throughout the development in a mix of semi-detached and detached dwellings with all having satisfactory levels of private amenity space in accordance with the requirements of the Council's Design Guide and the CNP. An area of public open space would also be provided onsite alongside the Sustainable Urban Drainage feature towards the southern boundary of the site.
- 6.40 In commenting on the design and layout of the previous appeal scheme for 28 x two-storey dwellings (Ref: 23/02399/FUL), the Inspector noted in paragraphs 23 to 28 of the May 2025 appeal decision:

“The proposal would be proportionate and appropriate to the scale of Charlbury forming a logical extension of the built form eastwards. That said, it is unlikely that the site could be designed in a manner that would form a complement to properties in Little Lees and Hughes Close given the presence of the thick boundary vegetation and the relatively modest size of the site and the proposal before me. The proposed development would be largely enclosed and visually contained, due to the dense boundary vegetation, and essentially

inward looking. In my view it would not be seen as a continuation of neighbouring streets but as a discreet scheme when perceived by the viewer on the ground, but I do not find this to be unacceptable given the context.

The Council describe the architecture as neo-Cotswolds, and the proposed dwellings take influences from the Cotswold architectural vernacular through the use of local stone and slate. They would also incorporate features including steep roofs and chimneys on some plots. Whilst the Council is critical of the use of certain design features and the positioning of windows, I am not so upset by their inclusion and arrangement and noted similar examples locally during my site visits.

In my view a facsimile of historic buildings in Charlbury on the site would result in an inappropriate pastiche development. The immediate context is defined by a plethora of building styles and the site has no visual or physical connection with the centre of the town. On this basis, I find that the contemporary approach adopted by the appellant would be appropriate resulting in a scheme that respects and builds on local vernacular as advocated in the West Oxfordshire Design Guide and the NP.

I acknowledge that the entrance frontage would be softened by green landscaping and the layout becomes more dispersed towards the north of the site reflecting the transition in the built form. However, the eastern part of the site appears overly engineered emphasised by the parking courtyard positioned behind plots 1 and 2 and the garage block to the north of plot 13 which is dominated by large areas of hardstanding and a concentration of parked vehicles giving rise to the perception of an intensively developed and urban form of development. The layout also fails to provide visual stops or landmark features including at the end of key vistas at the north and east of the site failing to represent high quality design.

In coming to my decision, I have paid regard to the constraints in respect of topological, technical and design matters. However, these factors do not overcome my concerns in respect of this main issue.

As such, the design and layout as proposed would represent poor quality design and would fail to successfully create a sense of place. It would be contrary to LP Policies OS2, OS4, H2 and BC1 and NP Policy HE2 which, amongst other things, seek high quality design, safe, pleasant, and interesting environments, and new development to positively enhance the character and appearance of its immediate locality”.

- 6.41 The Council’s Design and Conservation Officer has raised no objection to the layout, design, and scale of the current proposal, which addresses both the Inspector and Council’s previous concerns raised in application 23/02399/FUL.
- 6.42 The overall number of residential dwellings has been reduced from 28 to 26 with the revised layout pulling built development further back from the northern boundary and reducing the areas of hard landscaping/parking areas in lieu of soft landscaping. Further tree planting and soft landscaping is also now proposed on the boundaries of the site together with visual stops/landmark features introduced at the end of key vistas at the northern and eastern parts of the site, which is welcomed.
- 6.43 The natural topography and enclosed nature of the site has driven the revised layout now proposed, with the Sustainable Urban Drainage (SuDs) feature and associated landscaping and open space providing the opportunity for Plots 1-6 at the southern end of the site to be outward facing thereby creating an attractive and interesting street scene upon entering the development. The introduction of street trees and associated landscaping along the road frontages would both enhance and soften the development.

- 6.44 In terms of the location, the site lies adjacent to the south-eastern part of the town and shares boundaries with existing residential properties along the southern half of the west edge as well as the southern and eastern edges. The proposal would be proportionate and appropriate to the scale of Charlbury forming a logical complement to the existing pattern of development and the character of the area in accordance with Policy OS2.
- 6.45 The southern half of the development (Plots 1 to 13 and Plots 23 to 26) would have a pattern of development commensurate with the existing properties that neighbour the west of the site and the northern half of the site (Plots 14 to 22) would align more with the existing neighbouring development to the east of the site.
- 6.46 As noted by the appeal Inspector, the immediate context is defined by a plethora of building styles and the site has no visual or physical connection with the centre of the town. On this basis, the contemporary approach adopted by the applicant is appropriate resulting in a scheme that respects and builds on local vernacular as advocated in the Council's Design Guide and the CNP.
- 6.47 The design of the proposed buildings would incorporate elements of the Cotswold Vernacular to ensure that they respect and enhance both the immediate and wider locality of Charlbury. It is proposed that the design of the units would have a simple plan form with gable depths restricted as much as possible. Traditional steep roof slopes generally at either 45 or 47 degrees would be utilised with varying ridge heights ranging from 8 to 9 metres. The roof slopes would be broken with the use of stone gables and traditional dormers that would have a rendered finish. Chimneys would be of stone construction set on the ridge line and flush with the gable walls. The external walls would comprise locally sourced stone to reflect the locality with roofs finished in artificial Cotswold stone slates. Eaves detailing would be of a simple traditional design. Windows would be of a flush casement design framed by stone lintels and sills with rooflights of a conservation style design sitting flush with the roof covering. The porches would be to a traditional design of stone or timber to reflect the size of the unit with either gabled or hipped roofs.
- 6.48 The incorporation and integration of the aforementioned design elements would ensure that the development proposals have a simplistic and understated approach that both reflects and compliments the location of the site in the conservation area. It would also ensure that the development settles naturally into the landscape and the environment while presenting its own unique character.
- 6.49 The Thames Valley Police - Designing Out Crime Officer has raised no objection to the proposal subject to conditions relating to Secured by Design accreditation, defensible space and planting and lighting as suggested being attached to any permission granted. The 'fear of crime' and lack of favourable living conditions for future occupiers of the proposed development concerns previously raised by the Inspector in his consideration of the appeal scheme (paragraph 32) have now been addressed in the reconsidered proposed site layout.
- 6.50 Given the above, it is considered that the proposed development is appropriate to the character and appearance of the area, would provide high quality design and would complement the character and form of dwellings in the locality. The scheme is considered to be in accordance with policies H2, BC1, OS2 and OS4 of the Local Plan and policy HE2 of the CNP.

Impact on Landscape/Setting of Cotswolds National Landscape

- 6.51 The main part of the application site comprises a field with the boundaries comprising trees and thick unmanaged and outgrown hedgerows. The ground levels across the site fall towards the south with the northern part being most elevated. Despite its rural appearance the site is influenced by established residential development extending along part of its western boundary and to the northeast and which are apparent from within the site. The sense of tranquillity is also affected by these urban influences as well as traffic movements on Woodstock Road.
- 6.52 Development to the west is formed of a dense suburban housing estate whereas to the east is dispersed housing loosely following the alignment of Woodstock Road. The site alongside the field to the north and the neighbouring arc of woodland are understood as modestly sized, enclosed, and discreet landscape features. This is in contrast to the large expansive field patterns that extend towards the north and northwest. The site acts as a transition between the eastern edge of Charlbury and open countryside formed of large-scale agrarian fields. Public footpaths extend to the north and west of the site, however, intervening vegetation and fields mask views of the site.
- 6.53 Policies OS4 and EH2 of the Local Plan each require the character of the area to be respected and enhanced. Policy EH2 seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality, and distinctive natural and man-made features of the local landscape.
- 6.54 The site lies within the Cotswolds National Landscape (CNL), a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the Local Plan, Policy NEI of the CNL and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 now places a duty on relevant authorities in exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, to seek to further the statutory purposes of the area
- 6.55 The Cotswolds National Landscape Management Plan (CNLMP) sets out that the Cotswolds is a rich mosaic of historical, social, economic, geological, geomorphological, and ecological features. Its special qualities include large open, elevated predominantly farmed landscapes with commons, big skies, and long-distance views; distinctive dry-stone walls; tranquillity and distinctive settlements developed in the Cotswolds vernacular with high architectural quality and integrity.
- 6.56 Policy EHI of the Local Plan states that the CNLMP and guidance documents are material considerations in decision making relevant to the CNL. Policy CEI of the CNLMP specifies that development proposals should be compatible with and reinforce the landscape character of the location, as described by the Landscape Character Assessment (LCA).
- 6.57 The LCA identifies 19 different landscape character types within the CNL. The application site is located within Landscape Character Type (LCT) 16: Broad Floodplain Valley and Landscape Character Area (LCA) 16B Lower Evenlode Valley, which is characterised by large scale, smoothly rolling farmland, intensively cultivated under arable with some pasture, generally large-scale rectangular fields enclosed by dry-stone walls and low hawthorn hedges and occasional woodland. The area has a semi-enclosed character providing some visual containment.

- 6.58 The applicant's Landscape and Visual Impact Assessment (LVIA) outlines the characteristic features of the Lower Evenlode Valley LCA in Table 4 and makes an assessment of the site against them. It notes the LCA should be considered to have high value, as it lies within the CNL (and parts are within the Conservation Area designation), but much of the area around the site reflects more suburban and fewer high quality characteristics than is described for the LCA. The site also makes a limited contribution to landscape character, largely due to its boundary vegetation which limits perception of the site within, and its lack of other features and that overall, the site is considered to have a low contribution to the characteristics of the LCT 16 Character Area. Paragraph 8.4.5 of the LVIA concludes that, given the site's location, for the majority of the landscape character area, no change would be perceptible, and a 'Moderate' adverse effect initially would gradually reduce to a 'Minor' adverse effect as new planting matures and establishes, enhancing the boundary vegetation.
- 6.59 The LVIA assesses the contribution of the site to the identified 'special qualities' of the CNL. The assessment within Table 3 concludes that the site makes a low or negligible contribution to these identified special qualities.
- 6.60 In terms of visual impact, the viewpoints presented in the LVIA illustrate that the site is well screened by vegetation and/or topography and the site is not visible in longer range views. Even in closer range views from public rights of way to the west and north, only filtered views of the site would be possible during wintertime with the potential addition of glimpsed views of ridges above the boundary trees from one or two viewpoints. The assessed 'Moderate' adverse effect from these viewpoints during winter months are due to the reduced level of screening and limited to gateways and gaps and that this would gradually reduce as new planting to enhance screening within the northern site boundary, and on the northern part of the site matures and establishes resulting in a 'Minor' adverse effect. That said, the retention of onsite screening (some of which is protected by Tree Preservation Order), and establishment of a buffer zone is essential in minimising the landscape and visual impact of the scheme and this should also be supplemented by further, considered native species planting to be secured by condition in any permission granted.
- 6.61 As noted by the appeal Inspector in paragraphs 18 to 20 of the appeal decision:

"the National Landscape designation does not preclude development and there would be beneficial impacts from the Cotswolds vernacular design and a landscape led approach mainly in the form of the managed boundary buffer. Albeit on a small and enclosed field atypical of the wider landscape there would be a major adverse change through the development of a green field for residential development and the introduction of built form, hard surfacing, and associated infrastructure.

Given the overall size of the Cotswolds NL and the particular characteristics of the site its loss to development would not be significant in the context of the key qualities and landscape features of the Cotswolds NL as a whole. That said, paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The Framework states that for the purposes of paragraph 190 it is a matter for the decision maker to determine whether a proposal constitutes major development in a NL. The appellant, Council and Cotswolds Conservation Board are of the view that the proposed development would not be major development in the Cotswolds NL. Based on the evidence before me I have no reason to conclude otherwise."

- 6.62 The previous appeal scheme for 28 dwellings was considered by the Inspector to result in adverse landscape impacts upon the scenic beauty of the CNL. The revised proposal addresses these concerns by providing for two less dwellings and the layout has been subject to a number of amendments designed to address the Council's refusal of the previous application. These include increased biodiversity enhancements, moving and reorienting a number of plots further away from the site boundaries and a reduction in the parking area along the western boundary of the site. These amendments have been designed to reduce the impact of the proposal upon the surrounding area, including the wider CNL and bring about environmental enhancements compared to the previous scheme.
- 6.63 The LVIA states the development will maintain a high degree of enclosure through the proposed management and enhancement of the existing boundary vegetation. Management of this key feature will also provide a positive contribution to the wider landscape character, with additional benefits to longevity and biodiversity afforded through the introduction of native tree species, wildflower, and hedgerow connections across the proposed development.
- 6.64 The built form has been sensitively located to avoid root protection areas and impacts to existing Tree Protection Orders, further enhancing the landscape buffer around the perimeter of the site and ensuring screening to neighbouring properties and public right of ways. The layout also positively integrates with the wider settlement pattern, reflecting the scale and character of the town whilst responding appropriately to the topography of the site. A landscaped area within the southern section of the scheme will provide an attractive setting and approach from Woodstock Road alongside opportunities for SUDs.
- 6.65 The LVIA assesses the effects and subsequent landscape sensitivity and concludes that the site has the capacity to accept residential development that is reflective of the scale and density of the adjacent development. The existing vegetation is considered to provide a strong and robust framework to assimilate development into the wider landscape and settlement context without undue landscape or visual effects on the special qualities of the CNL and LCA.
- 6.66 Overall, it is therefore concluded that the proposed development would not give rise to any long term significant harm on the receiving landscape character of the site, and it is therefore compliant with the relevant landscape policies.
- 6.67 The Cotswolds National Landscape Board has raised no objection to the proposed development and considers that the proposed development would not adversely impact the landscape and scenic beauty of the CNL, subject to the proposed landscape mitigation and biodiversity enhancements being secured and delivered. The Local Planning Authority have sought to further the purposes of the protected landscape by seeking improvements to the submitted plans, in accordance with Section 245 (Protected Landscapes).
- 6.68 In conclusion, the proposed development would encroach into the rural landscape and would result in the loss of what is currently an open undeveloped area. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural appearance and character of the landscape, although, it is recognised that in the longer term, on balance, the proposal, if accompanied by a sensitive and considered landscaping scheme, the establishment of which should be secured by an appropriately-worded planning condition, would not give rise to significant adverse landscape and visual effects on the CNL and would accord with policies EHI of the Local Plan and policy CEI of the CNLMP.

Impact on Heritage Assets

- 6.69 The site lies within the Charlbury Conservation Area (CCA). There are no listed buildings within the vicinity of the site.
- 6.70 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CCA. Relevant Policies of the Local Plan and Charlbury NP reflect these duties.
- 6.71 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 212 of the NPPF advises 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'* 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. 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 including, where appropriate, securing its optimum viable use (paragraphs 213 and 215).
- 6.72 The CCA boundary includes the entire town and swathes of surrounding countryside. Charlbury's historic development is linked to agriculture and the wool trade from the middle of the twentieth century. The settlement core is focused on Church Street, Sheep Street and Market Street marking its origins and subsequent development. The significance of the CCA is in part derived from its historic layout with buildings reflecting its early origins and its historic economic success linked to the surrounding landscape.
- 6.73 In the appeal scheme, the Inspector commented in paragraph 36 of the appeal decision that:
- "Whilst there is no visual connection between the site and historic settlement core of Charlbury developing the site would undermine its open nature, erode its relatively unaltered boundary alignment as well as its functional relationship with the historic core of Charlbury. Overall, this would undermine the sites contribution to the significance of the CCA. The proposal would therefore be contrary to LP Policies OS4, EH9 and EH10 which, amongst other things, seek to conserve or enhance areas, buildings, and features of historic significance including designated assets and the special interest, character, and appearance of conservation areas".*
- 6.74 In applying the 'Heritage balance' required by paragraphs 213 and 215 of the NPPF, the Inspector, however, concluded in paragraphs 37 to 41 of the appeal decision:
- "In this particular instance I find the harm to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.*
- The public benefits of the proposed development include the provision of 28 homes including 14 affordable dwellings and a net gain in biodiversity of 22.4% in habitat units and 26.81% in hedgerow units.*
- In my judgement these benefits would clearly outweigh the less than substantial harm to the significance of the CCA and therefore the proposed development would accord with the historic environment objectives set out in the Framework."*

6.75 The Heritage Desk-Based Assessment submitted with the application now submitted concludes that:

“The site is considered, at most, to make only a very small contribution to the character and appearance of the CCA due to its undeveloped green character... At the very most, the loss of the green undeveloped character of the site will result in only very minor, less than substantial harm to the significance of the Charlbury Conservation through change to its character and appearance. This harm has sought to be mitigated through layout and design, specifically by pulling new built development back from the access off Woodstock Road (where there will be a glimpse into the site) and by retaining and augmenting the boundary vegetation. Ultimately, the development will be far-removed from the historic core of the settlement, and it will not be experienced in conjunction with any historic fabric (which is a key consideration in Historic England’s guidance on the appraisal of Conservation Areas).

Furthermore, the development will not interrupt or intervene in any key views within, towards or out from the Conservation Area. From public vantage points along Woodstock Road and Woody Lane where new development has the potential to be glimpsed, this will comprise high-quality built form that respects the local vernacular and it will be experienced in conjunction with existing modern residential development on the north-west side of Woodstock Road.”

6.76 Both the Conservation and Design Officer (CDO) and Charlbury Conservation Area Advisory Committee (CCAAC) agree with the findings of the Heritage Desk-Based Assessment submitted and consider that the proposal will impact upon the setting of the CCA and this would amount to ‘less than substantial’ harm.

6.77 Notwithstanding this, as with the Inspector’s above comments on the appeal scheme, it is accepted that given the urgent need for more affordable/low cost housing in Charlbury and the absence of suitable sites, paragraph 208 of the NPPF applies and the benefits of the proposal in this case outweighs the harm that would be caused. Design amendments have been made to the proposal to address previous design quality and appropriateness concerns. Great care is needed to ensure that external and street lighting is kept to a minimum to conform with policy NE4 on tranquillity and dark skies in the CNP and this is to be addressed by condition in any permission granted.

Heritage Balance

6.78 The NPPF requires great weight to be given to the conservation of heritage assets. In this case the minimal incursion of development into the setting of the CCA is considered to give rise to less than substantial harm and that the level of harm is at the lower end of that scale.

6.79 In line with paragraph 215 of the NPPF it is considered that the public benefits of this scheme, not least the provision of housing to meet West Oxfordshire’s identified need and the provision of affordable housing to allow a range of people to obtain access to a house of their own, as identified in this report demonstrate significant public benefits which outweigh this very limited level of harm.

6.80 In accordance with paragraph 208 of the NPPF, this limited, less than substantial harm to the significance of the Conservation Area (which equates to harm at the lowermost end of the less than substantial harm spectrum) should be weighed against the public benefits of the scheme. No heritage assets in the vicinity of the site have been identified as being sensitive to the proposed development.

6.81 Paragraph 215 of the NPPF advises 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 including, where appropriate, securing its optimum viable

use. In this respect it is considered that the economic and social benefits arising from the proposal which will deliver market and affordable housing units, pedestrian improvements, biodiversity enhancements and economic benefits associated with job creation and the construction phases would outweigh the less than substantial harms arising in this case.

Archaeology

- 6.82 In terms of archaeology, the Heritage Desk-Based Assessment submitted confirms that whilst there is the potential for Iron Age and/or Romano-British archaeology within the site, a geophysical survey of the site has been undertaken and no likely archaeological anomalies recorded.
- 6.83 The County Archaeological Officer has reviewed the proposal and raised no objection to the proposal subject to conditions relating to an Archaeological Written Scheme of Investigation and staged programme of archaeological evaluation and mitigation as suggested being attached to any permission granted.

Highway Impact and Pedestrian Accessibility

- 6.84 Policy OS2 of the Local Plan states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. Policy T1 seeks to steer development into areas with *'convenient access to a good range of services and facilities and where the need to travel by private car can be minimised'*. 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'*. Policy T3 seeks *'to maximise opportunities for walking, cycling and the use of public transport'*. Policy T4 states that: *'parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership'*. The CNP also reflects these objectives.
- 6.85 The application proposes a total of 26 dwellings compared to the previous 28 dwellings proposed under the appeal scheme where no objection was raised by either the Council or OCC on highway grounds and the appeal Inspector concluded it would not adversely affect the safe and efficient operation of the local highway network (paragraph 46).
- 6.86 The proposal incorporates a clear and legible hierarchy of street and private drives that are framed by buildings and landscaping in accordance with the requirements of the Council's Design Guide. As with the appeal scheme, vehicular access is proposed from Woodstock Road (B4437) via a simple priority junction, as shown on the drawings submitted. The proposed site access would be 5.5m wide with adequate visibility splays achieved. Swept path analysis drawings have also been submitted to satisfactorily demonstrate that the access can adequately accommodate the maximum sized delivery/refuse collection and emergency services vehicles needing to serve the site.
- 6.87 The existing access serving the property 'Fourwinds' conflicts with the location of the proposed site access. As such, this access is proposed to be stopped up and a new vehicular access provided to serve Fourwinds from the internal access road, approximately 15m from the site access junction with Woodstock Road. OCC Highways have confirmed that the proposed access arrangement to Fourwinds is acceptable.
- 6.88 There are no footways adjacent to the site on Woodstock Road and the site is located well beyond the end of the existing footpath on Woodstock Road. Therefore, no footways are proposed within the site linking to Woodstock Road. Pedestrian and cycle access is instead proposed from a single

pedestrian and cycle access point that would replace an existing garage block access onto Hughes Close to the west of the site, which is considered acceptable in principle because it provides a more convenient and quicker walking and cycling route to Charlbury's amenities. The access would be a 3m wide shared footway/cycleway with bollards to restrict vehicular access. The provision of this access would require the existing driveway access to no.24 Hughes Close to be relocated. The loss of the existing garage and its replacement with a proposed pedestrian and cycle access via Hughes Close was deemed to be acceptable by the Council, OCC, and the Inspector in their consideration of the previous appeal scheme (Ref. 23/02399/FUL).

- 6.89 Car and cycle parking would be provided in a combination of covered [garages and carbarns] and surface parking, to the satisfaction of OCC Highways and in accordance with the policies in the Local Plan and CNP and the County Council's parking standards adhering to the provision of up to one parking space per one-bedroom dwelling and up to two spaces for two, three and four bedroom dwellings.
- 6.90 Cycle parking would be provided within the garages and carbarns associated with the dwellings and in sheds in the rear gardens for those dwellings with surface parking with final full details being secured by condition in any permission granted.
- 6.91 The Transport Statement (TS) submitted with the application outlines the impact of the development upon the local highway network. The TS notes that there are no outstanding highway safety issues on the surrounding network and improvements are proposed as part of the application to enable a safe environment. It also outlines that the anticipated trip generation from the site would not have a detrimental impact on the operation or safety of the local highway network.
- 6.92 Given the sustainable location with access to facilities and services and the availability and frequency of public transport services within the area and having regard to the conclusions of the TS, it is considered that the proposed development would be in accordance with policies OS2, T1, T2, T3 and T4 of the Local Plan and the corresponding policies in the CNP.
- 6.93 The application also proposes an electric vehicle charging point to be made available for all dwellings with a private drive and as such, the proposal also accords with policy ECT12 of the CNP.

Residential Amenity/Noise/Air Quality/Play space

- 6.94 Section 12 of the NPPF seeks to achieve well-designed places and paragraph 135 sets out, inter alia, that places should promote health and well-being, providing a high standard of amenity for existing and future users. This advice is reflected in Policies OS2 and OS4 of the Local Plan which seek to ensure that new development does not have a harmful impact on the amenity of existing occupants.

Residential Amenity

- 6.95 In the previous appeal scheme, the Council raised concerns that the proposed siting, scale, and design of Plots 25-28 closest to the western boundary of the site would lead to significant loss of light and overbearing impacts upon the occupiers of no.36 Little Lees. In dismissing the appeal, the Inspector agreed with the Council noting that as a result of these Plots being sited within 2m of the boundary of no.36 Little Lees and positioned close to its front elevation, *"the proposed development would therefore have a significant overbearing effect on the occupiers of this property severely diminishing their living conditions in terms of loss of light and outlook"* and concluded that proposal *"would demonstrably harm the living conditions of neighbouring occupiers contrary to LP Policies OS2 and OS4 which,*

amongst other things, seek high quality design that does not have a harmful impact on the amenity of existing occupants” (paragraphs 44 and 45).

- 6.96 The revised current proposal submitted addresses these concerns by reorientating the buildings (Plots 23 and 24) closest to the western boundary with no.36 Little Lees to face the proposed access road and setting these dwellings further back from the western boundary with no windows proposed within the western flank elevation of Plot 25. As such, the buildings on these Plots would now have an acceptable relationship with the neighbouring properties to the west and south in Little Lees, Hughes Close and Sturt Close and would not result in any undue loss of light or outlook.
- 6.97 In terms of layout and impact on neighbouring residents, given the orientation, separation distances and existing landscaping, there will not be an adverse impact on the amenity of neighbouring residents in respect of overlooking, loss of daylight/sunlight and overbearing issues. Similarly, the proposed relationship between the new dwellings is considered to be acceptable.
- 6.98 With regard to contaminated land and potential risk to human health, the Council's Environmental Health Contamination Officer has raised no objection to the proposal and recommends that a desk study and if required, a remediation scheme be secured by condition in any permission granted.

Noise

- 6.99 In terms of noise, the application has been reviewed by the Council's Environmental Health Noise and Amenity Officer who has raised no objection to the proposal subject to conditions relating to hours of work and the approval of a Construction Environmental Management Plan as suggested being attached to any permission granted.

Air Quality

- 6.100 With regards to air quality, the Council's Environmental Health Air Quality Officer has no objection in principle and welcomes the inclusion of cycle storage and electric vehicle charging in each property and commitment to improving cycling and walking access to Charlbury town and to provide funding to support local bus services.

Play Space

- 6.101 Policy EH5 of the Local Plan outlines the aspirations to provide new recreation and children's play provisions within new development where appropriate. The policy refers to the West Oxfordshire Open Space Study (2013) and the relevant standards for each identified typology have been assessed in Table 02 of the LVIA submitted.
- 6.102 Whilst the proposal meets the threshold for play space on site, the required provision of 42.7m² does not meet the minimum recommended standard sizes for equipped play defined by Fields In Trust (FIT). It is therefore proposed that a financial contribution towards off-site Children's play space, as requested by the Charlbury Town Council, is secured by s106 to enhance existing facilities in Charlbury identified as;
- a. Nine Acres Recreation Ground - located within the 1km straight line distance FIT Standard from the site and comprising playing fields, tennis courts and a Neighbourhood Equipped Area of Play (NEAP).

b. Ticknell Piece Road - Located 630m north of the site and comprising a skate park, football pitch and Local Equipped Area of Play (LEAP).

Flood Risk/Drainage/Water Supply

- 6.103 The site is located within Flood Zone 1 for fluvial flooding meaning it is at the lowest risk of flooding, furthermore the site is not in a risk area for surface water or reservoir flooding.
- 6.104 Policy EH7 of the Local Plan relates to water and flood risk. It highlights that all developments should use sustainable drainage systems to manage run-off and support improvement in water quality. It also requires a site specific flood risk assessment for all development with a site area over 1 hectare. Similarly, Policy NE8 of the CNP notes that development should utilise sustainable drainage systems to reduce run off rates from new development and should not result in increased surface water run-off elsewhere.
- 6.105 A Flood Risk Assessment (FRA) and Outline Drainage Strategy for the site have been submitted in support of the application. The FRA demonstrates the site is not subject to flooding and confirms that the proposed sustainable drainage strategy (SuDs) would enable the surface water discharge from the site to be no more than that of the greenfield discharge rate. The surface water drainage strategy proposes a separate surface water drainage system that discharges to the ground via infiltration. The proposed surface water drainage system would comprise a combination of traditional pipe network and various SuDS features to ensure surface water runoff from the impermeable areas of the development is properly managed, controlled and treated. SuDS features include permeable / porous paving, underground attenuation crates, filter drains and a detention basin. Surface water attenuation and flow control have been proposed to control overland flow, improve water quality, and enhance amenity value and biodiversity.
- 6.106 It is considered that the proposed surface water drainage scheme would not result in an increase in flood risk to the development and surrounding properties. The foul water drainage strategy proposes a new separate foul water drainage network that will be connected to the existing adopted Thames Water foul water sewer network located in Woodstock Road.
- 6.107 Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of the proposal. As such, Thames Water have requested that a condition be attached to any permission granted requiring confirmation to be provided that either: a) all water network upgrades required to accommodate the additional demand to serve the development have been completed; or b) a development and infrastructure phasing plan be agreed with Thames Water before the development is occupied. Subject to such a condition, Thames Water have raised no objection to the proposal.
- 6.108 Similarly, the Lead Local Flood Authority has also raised no objection to the application subject to surface water drainage conditions as suggested being attached to any permission granted.
- 6.109 As such, the proposed development complies with national and local planning policy with respect to flood risk and drainage and the risk of flooding is adequately managed, and the offsite flood risk is not increased.

Trees/Biodiversity

Trees

6.110 Policy EH2 of the Local Plan identifies that development proposals should conserve and where possible enhance the intrinsic character and quality of the local landscape. Similarly, policy NE5 of the CNP seeks to protect trees (biodiversity is covered elsewhere).

6.111 The site boundaries comprise thick outgrown hedgerows and trees of varying heights and maturity including non-native and invasive species. In considering the impact of development of the viability of existing trees and soft landscaping on the site, the appeal Inspector noted in paragraphs 14 to 17 of the appeal decision:

“Whilst a Tree Preservation Order covers trees on site given the findings of the applicant’s arboricultural information there is no substantive evidence that trees protected by the Order remain on site. Moreover, nearly three quarters of the trees are of low or poor quality and a number are showing signs of disease and decay and have limited life expectancy.

In my view the removal of non-native and evasive species combined with the cutting-back, layering and maintenance of the overgrown hedges with a more managed hedgerow around the perimeter of the site would allow higher quality and native species to flourish and would be more akin to the managed field boundaries found locally. Whilst it would take a number of years for new vegetation to become fully established, I am satisfied that through proactive and comprehensive management existing and proposed planting would help blend the development into the landscape and provide a degree of screening from identified viewpoints reducing the visual impact and positively contributing to the character of the area.

Whilst a number of plots around the edges of the development would be positioned close to the vegetated boundaries there would be an offset of at least 2m. In my view this would be sufficient to prevent concerns arising from future occupiers. The suggestion that there would be pressure to remove trees and vegetation due to proximity, leaf and sap droppings seems to me to be speculative rather than substantive. This is also the case in respect of the comments made about the future management arrangements.

Based on the appellant’s arboricultural evidence and subject to appropriate construction, landscaping, and management conditions I see no reason to come to a view that the proposed development would jeopardise the viability of trees on site. I therefore find that the issues raised by the Council in respect of trees and hedges are not well-founded, and do not weigh against the proposal.”

6.112 The Tree Preservation Order (ref. The West Oxfordshire District Council (no.8) Tree Preservation Order (TPO) 1975) covering the application site, identified as “Area 1” which is described as “the several trees of whatever species standing in the area numbered A1 on the map”, is nearly 50 years old and only protects trees of significant amenity value present at the time the order was made.

6.113 An Arboricultural Implications Assessment and Arboricultural Method Statement (AIA) together with tree survey and constraints information a tree retention and protection plan have been submitted in support of the application. The submitted AIA identifies the trees around all of the boundaries of the site and the root protections areas for each of those trees to be retained.

6.114 The western boundary provides a green visual barrier between the existing residential development at Little Lees and the proposed development. However, and as indicated above in the Inspector’s comments, there are very few elements of the existing boundary that can provide a long term

sustainable and maintainable feature. If no proactive works are implemented, the quality and condition of the boundary will continue to decline and pose an increasing risk of harm due to limb or whole tree failure.

- 6.115 Removal of the poor and low-quality vegetation identified by the appeal Inspector in his comments above would provide an opportunity to install a diverse mix of species including heavy standard or semi mature trees that will provide a long-term sustainable boundary feature. New planting as proposed would complement both the new and existing residential properties as well as contributing to the character and setting of the wider Conservation Area. This would not only provide a sustainable feature but diversify the species mix and habitat value for future generations.
- 6.116 The updated landscape plans submitted provide the opportunity for the Council to update the TPO with the itemised and detailed list of all planting; rather than retain the 50-year and ambiguous group TPO that currently exists. Furthermore, there is an opportunity for the management of these trees to be secured for 30 years through the Management Plan that is required by the Environment Act.
- 6.117 Notwithstanding the above, all 'assumed to be protected' trees except one Ash at the eastern end of group 3 and smaller trees at the southern end of group 8 are retained.
- 6.118 Overall, whilst the proposals would result in the loss of some trees and hedgerows, several of these are category C, and therefore of lower quality. Where there is a loss of a Category B tree and hedgerows these have been mitigated with replacement planting as part of the landscaping proposals.
- 6.119 Furthermore, the AIA identifies that at present the variety of trees across the site is limited to several species. The development, therefore, provides the opportunity to introduce new trees to enhance the surrounding tree stock with new varieties and increase biodiversity and climate change resilience.
- 6.120 No objection has been raised by the Council's Tree Officer to the proposal. The trees identified as being removed are predominantly due to the current poor condition of those trees. These would also be replaced as part of future planting proposals to be secured by condition.
- 6.121 The proposed development therefore complies with the requirements of policy EH2 of the Local Plan and policy NE5 of the CNP.

Biodiversity

- 6.122 Policy EH3 of the Local Plan requires development proposals to protect and enhance biodiversity with the requirement to achieve an overall net gain in biodiversity where possible. Furthermore, the NPPF notes that the planning decisions should contribute to and enhance the natural and local environment through minimising impacts on and providing net gains for biodiversity including by establishing coherent ecological networks. Paragraph 180 of the NPPF goes on to say that is significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.123 An Ecological Assessment has been undertaken in relation to a range of species including Bat, Badger, Bird, Great Crested Newt, Mammals, Reptiles, and Invertebrates. The conclusions of the above report confirms that the proposed development would not have a significant adverse impact upon biodiversity. The retention of the hedgerows and the majority of the tree lines as well as the

provision of new trees and landscape planting, will maintain opportunities for birds, while the erection of bird boxes within the site will also provide new nesting opportunities. In conclusion, with the implementation of the safeguards and recommendations set out within the Assessment report, it is considered that the proposal accords with Local Plan policy with regard to nature conservation.

- 6.124 Submitted in support of the application is a biodiversity net gain calculation which demonstrates that the resultant development will result in a biodiversity net gain of 33.53% in habitat units and a 15.55% net gain in hedgerow units.
- 6.125 On this basis, it is considered that the proposed development would not have a harmful impact upon protected species utilising the site. Furthermore, the development would provide biodiversity net gain in linear and hedgerow units in excess of 10%. As such, the proposal is considered to comply with the requirements of Policy EH3 of the Local Plan and Policy NE5 of the CNP.
- 6.126 Natural England (NE) have raised no objection to the application based on the plans submitted and consider the proposed development would not have significant adverse impacts on any statutorily designated sites. NE also refer to their generic advice contained in Annex A.
- 6.127 The Council's Biodiversity Officer has raised no objection to the proposal subject to conditions relating to ecology, biodiversity, boundary treatment, landscaping and lighting as suggested being attached to any permission granted.

Sustainability/Climate Change

- 6.128 In accordance with Policy OS3 of the Local Plan, the development is required to demonstrate consideration of the efficient and prudent use and management of natural resources including minimising the use of non-renewable resources and energy demands / loss through design, layout, orientation, landscaping, materials, and the use of technology. Policy NE9 of the CNP also highlights the need for energy and water efficiency measures for new development and requires applicants to demonstrate how excellent environmental performance will be achieved.
- 6.129 The application site is located within walking distance of the town centre of Charlbury with access to a small supermarket, post office, public houses, and restaurants. The town is served by a local doctors surgery and dental practice and there is a primary school. All of these indicate that the majority of day to day activities could be served within walking distance of the development.
- 6.130 In addition, the town is served by a train station, also within walking distance of the site. This provides the town with an hourly service with connections to Worcester and London Paddington (which includes Oxford and Reading). Bus services operate between the town and Witney, Chipping Norton, and Oxford City Centre (the X9 and S3 services) and the bus stops for these are also within walking distance of the development site. This demonstrates that the development is located where the need to travel by the private car is minimised and that alternative options for travel to the private car are readily available within walking distance.
- 6.131 In addition to the sustainable location, the proposed dwellings would be provided with EV charging points to encourage the use of greener vehicles for those journeys which do require the private car.
- 6.132 The Sustainability Statement submitted in support of the application identifies the potential carbon emission reductions which could be achieved for the proposal through building fabric, efficient services and low or zero carbon technologies. It proposes Air Source Heat Pumps as the main

heating and Domestic Hot Water system, alongside advanced energy efficiency fabric measures and mechanical ventilation. The report demonstrates that the proposed development would comply with the requirements of Local Plan policy. The CNP notes that developments should achieve excellent environmental performance which has been demonstrated through the submitted statement. Energy and water efficiency measures are to be included in the proposed development through water efficient fixtures for example. These proposals therefore meet the requirements of the policy and also comply with policy NE9 of the CNP. It is recommended that a planning condition be imposed to ensure that the recommendations contained within the Sustainability Statement are secured and delivered by the applicant/developer.

- 6.133 The Council's Air Quality Officer welcomes the inclusion of cycle storage and electric vehicle charging in each property and commitment to improving cycling and walking access to Charlbury town and to provide funding to support local bus services.

S106 Contributions

- 6.134 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

- 6.135 The applicant has referred to the provision of 46% affordable housing which exceeds the 40% contribution required by policy. This will comprise 12 affordable housing anticipated to be 8 affordable rent units (4 x 1-bedroom flats; 2 x 2-bedroom houses; and 2 x 3-bedroom houses) and 4 shared ownership units (2 x 2-bedroom houses; and 2 x 3-bedroom houses) with the final mix to be secured as part of a legal agreement.

- 6.136 Matters relating to the provision of Green Infrastructure, play areas, open space and public art will also be secured via the s106 legal agreement together with required monitoring costs. The following financial contributions towards sports and recreational facilities, and public art requested by WODC are:

- Outdoor pitch provision contribution of £51,433.72 towards the cost of enhancement / improvements to sports pitches and ancillary facilities in the catchment area.
- Outdoor play space contribution of £15,772 towards the cost of enhancement of existing off-site play space facilities in Charlbury.
- Swimming pool provision of £14,384 towards the cost of a replacement or improvement to pools in the catchment area.
- Public Art contribution of £2,940 towards developing community public art projects on and off site to foster connectivity for and with residents' post occupation; and
- Primary Health Care contribution of £23,561 towards the creation of additional clinical capacity at Charlbury MC or an identified primary care estates project in the local area to serve the development.

- 6.137 The following on and off site contributions have also been sought by OCC, as set out in their consultation response:

- Public transport contribution of £34,476 towards public transport services, namely the continued/ improved operation of bus services (S3 and X9) serving Charlbury;
- Special school education contribution of £12,564 towards special school education capacity serving the development; and
- Waste contribution of £2,649 towards household waste recycling centres within the vicinity of the site.

Conclusion and Planning Balance

- 6.138 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As the Council cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.
- 6.139 Where policies for the supply of housing are out of date, paragraph 11 of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The NPPF identifies the CNL as having specific protection.
- 6.140 The proposal whilst in the CNL, is contained due to the landscape setting and does not result in a harmful erosion of the wider character of the CNL, nor the purpose of the designation. Overall, it is recognised that in the longer term, on balance, the proposal, if accompanied by a sensitive and considered landscaping scheme, the establishment of which should be secured by an appropriately-worded planning condition, would not give rise to significant adverse landscape and visual effects on the CNL and would accord with policies EH1 of the Local Plan and policy CE1 of the CNLMP.
- 6.141 In the CNL great weight should be given to conserving and enhancing landscape and scenic beauty. Even though these harms are small, any harm to the CNL should be given great weight. Having applied great weight to the small scale harms, Officers do not consider that the extent of harm would weigh so heavily as to justify refusal.
- 6.142 It is acknowledged that there are some harms associated with the development as set out above, however, these harms are considered to be outweighed by the planning benefits/public interest which arise. The benefits are considered to be the contribution to overall housing numbers, the provision of affordable housing in excess of the requirements of the local plan which is in demand in the local area and Charlbury, the contribution to the local economy and the provision of biodiversity net gain. In addition, s106 contributions will be made to the benefit of local schools, community facilities and improvements to local public transport will be provided.
- 6.143 In order to judge whether a development is sustainable, it must be assessed against the three dimensions of sustainable development set out in the NPPF: the social, economic, and environmental planning roles.
- 6.144 The proposed development represents sustainable development in line with the NPPF for the following reasons:
- Social – The proposal would positively support the delivery of housing, including affordable housing, in a location which has good access to the services and facilities which are required for day to day living. The proposal would provide a well-designed scheme which provides affordable and market housing meeting the identified housing need within the Charlbury area. Significant weight is attached to this social benefit.
 - Economic – the Government has made clear its views that house building plays an important role in promoting economic growth. The development would make effective use of the land and would add to the vitality of Charlbury through the provision of additional spend in the local area.

In economic terms, the proposal would provide construction jobs and local investment during construction, as well as longer term expenditure in the local economy. It is considered that moderate weight should be afforded to these benefits.

- Environmental – the proposal would respect the character of the locality and whilst in the CNL does not detract from the wider landscape. The development is to be constructed to a high specification limiting energy use and utilising air source heat pumps for heating and hot water provision. Electric charging points for electric vehicles will also be provided throughout.

- 6.145 The proposed development is supported in principle given its location adjacent to the existing settlement and given the identified substantial local need for housing.
- 6.146 The above assessment demonstrates that the proposals would meet with the requirement of specific paragraphs of the NPPF in relation to the CNL. Furthermore, it is demonstrated that there are no justifiable reasons to refuse planning permission as required by Paragraph 11 d) i of the NPPF. On this basis, the tilted balance applies, and planning permission should be granted unless: *‘any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’* (Paragraph 11 d) ii.).
- 6.147 There would be no significant harm to protected species and biodiversity would be enhanced with a biodiversity net gain of 33.53% in habitat units and a 15.55% net gain in hedgerow units. The proposal would accord with the Council’s sustainability checklist providing properties with air source heat pumps and electric vehicle charging points. The contemporary take on the local vernacular featuring narrow gables and steeply pitched roofs reflects the guidance of the design guide.
- 6.148 Supporting reports demonstrate that technical matters such as drainage and highways do not result in any unacceptable impacts.
- 6.149 Additionally, it is demonstrated that the limited ‘less than substantial harm’ which is caused to the Charlbury Conservation Area would be outweighed by public benefits and an appropriate landscape strategy could assist in mitigating some of this harm.
- 6.150 Overall, the proposed development is in accordance with the development plan (the Local Plan and the CNP) taken as a whole and the guidance of the NPPF. The proposed development provides for a number of planning benefits which will arise from the proposed development. The benefits achieved from the proposed development are compelling when considered against the harm identified by the proposed development by providing contributions to much needed affordable accommodation as well as wider benefits through contributions secured via a s106 legal agreement in a sustainable location with minimal impacts upon the CNL.
- 6.151 Turning to the overall planning balance as directed by paragraph 11 of the NPPF and taking all of the above into consideration, officers consider that the proposal would accord with the provisions of the development plan and have not identified any significant adverse impacts that would conflict with either the Development Plan or NPPF to warrant its refusal. As such, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and as such, planning permission should be granted.
- 6.152 The application is therefore recommended for approval, subject to the suggested conditions and the applicant entering into a legal agreement.

7 CONDITIONS

1. TIME LIMIT

The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

2. APPROVED PLANS

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. MATERIALS

No dwelling shall be erected beyond the damp proof course until a schedule of materials to be used in the elevations and roofs of the development are submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

REASON: To ensure a suitable appearance for the development and to protect the character and appearance of the area.

4. PEDESTRIAN AND VEHICULAR MEANS OF ACCESS

The pedestrian and vehicular 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 prior to the first trench being dug 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.

5. REMOVAL OF PRIVATE ACCESS ONTO WOODSTOCK ROAD

Prior to the first use of the access hereby approved, the existing private access onto Woodstock Road shall be permanently stopped up by means of fencing and verge and shall not be used by any vehicular traffic whatsoever.

REASON: In the interests of highway safety.

6. PEDESTRIAN AND CYCLE ACCESS ONTO HUGHES CLOSE

No other part of the development shall be occupied until the pedestrian and cycle access onto Hughes Close as shown on drawing no. HTp/2355/22/E has been laid out and constructed.

REASON: To ensure a safe and adequate access to the site for all users.

7. TRAVEL PLAN

Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans," to include details of a Travel information Pack for residents, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework (2024).

8. ELECTRIC VEHICLE CHARGING POINTS

Prior to first occupation of any of the dwellings hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority. The EVCP shall be installed and brought into operation in accordance with the details agreed prior to occupation of the development.

REASON: In the interests of air quality and to reduce greenhouse gases.

9. CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details:

- a) The CTMP must be appropriately titled, include the site and planning permission number.
- b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- c) Details of and approval of any road closures needed during construction.
- d) Details of and approval of any traffic management needed during construction.
- e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f) Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- g) The erection and maintenance of security hoarding / scaffolding if required.
- h) A regime to inspect and maintain all signing, barriers etc.
- i) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- j) The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- k) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from the site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- l) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- m) A before-work commencement highway condition survey and agreement with a representative of the Highways Dept – contact 0845 310 1111. Final correspondence is required to be submitted.
- n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for the person to whom issues should be raised with in the first instance to be provided and a record kept of these and subsequent resolution.
- o) Any temporary access arrangements to be agreed with and approved by the Highways Dept.

- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

10. PUBLIC OPEN SPACE SIGNPOSTING

Prior to the commencement of the development hereby approved, full details of a signposting scheme to identify the location of new areas of public open space shall be submitted to and approved in writing by the Local Planning Authority.

For clarity, a minimum of the following details shall be submitted:

- a) Scaled drawings showing the height(s), width(s), and depth(s) of the signposting;
- b) Material(s) sample(s);
- c) Location of where the signposting shall be placed;
- d) A timing schedule for when the signposting shall be installed; and
- e) A 30 year maintenance schedule of the signposting.

The signposting shall be installed in accordance with the agreed details prior to the first occupation of the dwellings and shall be retained as such thereafter.

REASON: To maximise the benefits of the proposed open space to the public.

11. ACOUSTIC INSULATION

The acoustic design of the new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014: Guidance on Sound Insulation and Noise Reduction for Buildings.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with Local Plan Policy EH8.

12. CYCLE PARKING

Prior to the first occupation of any dwelling hereby approved, secure and covered cycle parking shall be provided on the site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework (2024).

13. CAR PARKING

The car parking areas hereby approved shall be provided in accordance with the details shown and be available prior to the first occupation of the approved development. The parking areas shall be bound, formed, and laid out in accordance with the approved details and retained in place thereafter solely for the purpose of parking vehicles ancillary to the permitted uses unless otherwise agreed in writing by the Local Planning Authority.

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

14. CONTAMINATION – PRIOR TO COMMENCEMENT

No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

REASON: To prevent pollution of the environment in the interests of amenity.

15. CONTAMINATION – PRIOR TO OCCUPATION

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To prevent pollution of the environment in the interests of amenity.

16. FOUL WATER CAPACITY

No part of the development hereby approved shall be occupied until confirmation has been provided that either: 1. All water network upgrades required to accommodate the additional demand to serve the development have been completed; or 2. A Development and Infrastructure Phasing Plan has been agreed with Thames Water to allow development to be occupied. Where a Development and Infrastructure Phasing Plan is agreed, no occupation shall take place other than in accordance with the agreed Development and Infrastructure Phasing Plan.

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

17. SURFACE WATER DRAINAGE

No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;”
- b) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- c) A Flood Exceedance Conveyance Plan;
- d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- g) Details of how water quality will be managed during construction and post development in perpetuity;
- h) Confirmation of any outfall details; and
- i) Consent for any connections into third party drainage systems

REASON: To ensure that the principles of sustainable drainage are incorporated into this proposal.

18. RECORD OF INSTALLED SUDS AND SITE WIDE DRAINAGE SCHEME

Prior to first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

19. ENERGY AND SUSTAINABILITY

The proposed development shall be carried out in accordance with the key recommendations as set out in the submitted Sustainability Statement prepared by Mackenzie Miller Homes dated August 2023.

REASON: In the interests of climate change.

20. SECURED BY DESIGN ACCREDITATION

Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

21. ARCHAEOLOGICAL WRITTEN SCHEME OF INVESTIGATION

Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written

Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the National Planning Policy Framework (2024).

22. ARCHAEOLOGICAL EVALUATION AND MITIGATION PROGRAMME

Following the approval of the Written Scheme of Investigation referred to in condition 21, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research, and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the National Planning Policy Framework (2024).

23. HOURS OF WORK

Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays. For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

24. LANDSCAPING SCHEME AND BIODIVERSITY NET GAIN

The development hereby approved shall be carried out in strict accordance with the following documents and drawings that are relevant to the Biodiversity Net Gain proposals in order to achieve 4.00 habitat units (33.53% uplift from the baseline) and 5.74 hedgerow units (15.55% uplift from the baseline) subject to final confirmation as part of the Biodiversity Gain Plan, and enhancements for species, unless otherwise agreed in writing by the Local Planning Authority:

- a) Biodiversity Net Gain Report dated 26.03.25 prepared by Ecology Solutions;
- b) Statutory biodiversity metric calculation tool dated 26.03.2025 and iteration vf.5
- c) Ecological Assessment report by Ecology Solutions dated August 2024
- d) Hard and Soft Landscape drawing ref. DLA.2173.L.001.P13 by Davies Landscape Architects
- e) Proposed Site Block Plan ref. PA 103 Rev C
- f) Plot and Maintenance Plan drawing no. DLA.2173.L.016.P03 by Davies Landscape Architects (March 2025)
- g) Proposed Western Boundary Planting Plan drawing no DLA.2173.L17.S02 by Davies Landscape Architects (November 2024); and
- h) Species Enhancement Measures drawing no. 11468 Rev A (Ecology Solutions).

All the species enhancement measures, and landscaping scheme hereby approved shall be implemented in full before the occupation of the development hereby approved and shall thereafter be permanently retained and maintained for the stated purpose of biodiversity

conservation.

REASON: To secure the implementation of the Biodiversity Net Gain proposals, including full landscaping details, BNG report and Biodiversity Metric outcome (number of units) subject to final confirmation as part of the Biodiversity Gain Plan and species enhancement measures in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

25. BIODIVERSITY

Site enabling, clearance and construction works associated with the development hereby approved shall be carried out in full accordance with West Oxfordshire District Council's Biodiversity Specification #1 Precautionary Working Methods unless otherwise agreed with the Local Planning Authority.

REASON: To ensure protected and priority species are adequately safeguarded during the works associated with the development, including nesting birds and hedgehogs.

26. HABITAT CREATION AND ENHANCEMENT WORKS

Notice in writing shall be given to the Local Planning Authority when the habitat creation and enhancement works (i.e. the initial capital works required to establish the created or enhanced habitats as part of the Biodiversity Net Gain proposals) as set out in the Biodiversity Net Gain Report dated 26.03.25 prepared by Ecology Solutions and the Hard and Soft Landscaping drawing ref. DLA.2173.L.001.P12 by Davies Landscape Architects have commenced and the same habitat creation and enhancement works have been completed to agree the start of the 30-year monitoring period.

REASON: To agree the start of the Biodiversity Net Gain monitoring period after the initial habitat creation and enhancement works and subsequent 12-month aftercare period (Year 0) have been completed.

27. HABITAT MANAGEMENT AND MONITORING PLAN

Before the substantial completion of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the HMMP shall include, but not necessarily be limited, to the following:

- a) Full details of all the 'habitat creation and enhancement works' that will be, or have been, implemented in accordance with the approved Biodiversity Gain Plan (and any updated versions of the BNG report and Statutory Biodiversity Metric Calculation Tool);
- b) Likely timing of the commencement of the statutory minimum 30-year monitoring period to agree the start date (for example, Year 0 allows for a 12-month aftercare period for created/enhanced habitats and Year 1 is the first management and monitoring year) [separate notification is required];
- c) Description and evaluation of habitats and other biodiversity features to be managed for the lifetime of the development;
- d) Aims and objectives of management (including those relating to species where relevant);
- e) Appropriate management options for achieving aims and objectives;

- f) Detailed specifications for management actions (including basic information for the future person/company that will be responsible for implementing the plan, such as a 'management zones' drawing or similar);
- g) Management schedule matrix (work programme) based on actions that are required annually, biennially, or other specified timeframe(s);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
- j) Monitoring strategy incorporating the identification of potential remedial measures that may be required and how these will be confirmed, agreed, and implemented (i.e. where monitoring results show that the aims and objectives of the HMMP are not being met);
- k) Submission of Habitat Monitoring Reports to the Local Planning Authority for approval at specific intervals (depending on the types of habitats and the 'time to target condition' timeframe) during the initial 30-year statutory period;
- l) Submission of a final audit report to the Local Planning Authority for approval no later than 12 months following the end of the agreed 30-year period, including details of the ongoing maintenance of the site;
- m) Details about how the plan will be reviewed according to an adaptive management approach and shared and agreed with the Local Planning Authority, including the identification of potential remedial measures; and
- n) Details of how the aims and objectives of the HMMP will be communicated to the occupiers of the development and the subsequent responsible person, organisation, or body (e.g. management company).

The approved plan will be implemented in full.

REASON: To secure the delivery of at least a 10% biodiversity net gain through successful establishment and management of all newly created and enhanced habitats in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), paragraph 180, 185 and 186 of the NPPF, and Local Plan Policy EH3.

28. HABITAT MONITORING

Habitat Monitoring Reports shall be submitted to the Local Planning Authority for approval in accordance with the agreed timescale in the Habitat Management and Monitoring Plan (HMMP) to provide full details of the implementation of the Biodiversity Net Gain proposals in accordance with (and as modified by) the Biodiversity Gain Plan, and any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved.

All remedial actions shall be submitted to, and approved in writing by, the Local Planning Authority and thereafter implemented as approved.

A Final Biodiversity Net Gain Audit Report shall be submitted to the LPA for approval no later than 12 months following the end of the agreed 30-year monitoring period.

REASON: to ensure the success of the Biodiversity Net Gain proposals and the submission of regular monitoring reports to the LPA with remedial actions implemented where necessary and to enable the LPA to report to Defra on Biodiversity Net Gain.

29. ECOLOGY

Notwithstanding the submitted species enhancement measures drawing, before above ground

works commence detailed technical drawings showing the integration of bird, bat, and bee boxes within the walls of the dwellings and other stone wall structures within the site shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved drawings shall thereafter be implemented in full as part of the construction process.

REASON: To provide full details of the placement of bird and bat boxes within the fabric of the dwellings and bee bricks within the retaining stone wall to ensure that these are deliverable and clearly marked up on the technical drawings for the construction works in the interests of biodiversity and in accordance with Local Plan Policy EH3.

30. TREE REPLACEMENT

If at any time in the five years following planting any tree, shrub, hedge, plant, or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority. Replacement trees, shrubs, hedges, plants, and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

REASON: To ensure the success of the proposed landscaping scheme and associated biodiversity enhancements.

31. MEANS OF ENCLOSURE

Prior to the occupation of the dwellings hereby approved, full details of the boundary treatments for the site, including the positions, heights, design, and materials of all fences, walls, and other means of enclosure, shall be submitted to, and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented in accordance with the approved details prior to the occupation of the relevant dwellings(s) and shall be thereafter permanently retained as such.

REASON: To ensure a suitable appearance for the development and to protect the character and appearance of the area.

32. EXTERNAL LIGHTING

No external lighting shall be provided other than the maximum of one external LED downlight above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K. Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. Lighting shall be maintained thereafter in accordance with these details.

REASON: To reduce light pollution and to minimise light spillage into adjacent vegetation to reduce impacts on nocturnal wildlife including bats, 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 187, 192 and 193 of the National Planning Policy Framework (2024), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

INFORMATIVES

Notes to applicant

1. **IMPORTANT:** the statutory Biodiversity Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted to (as a condition compliance application), and approved by, West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.
2. The Habitat Management and Monitoring Plan (HMMP) required by condition of planning permission should follow the same format of the template found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>.
3. With regard to agreeing the commencement of the 30-year Biodiversity Net Gain (BNG) monitoring period, it is envisaged that the Habitat Management and Monitoring Plan (HMMP) will include a likely timeframe for this based on the proposed timing of construction and landscaping periods. This depends on when the landscaping works are carried out, which could be during, or immediately after, the substantial completion of the construction phase. However, a separate condition requiring formal notification of the commencement and completion of the BNG habitat creation and enhancement works, so that this can be finalised and agreed with the local planning authority.
4. Guidance on lighting issues in relation to bats can be found in the Bat Conservation Trusts Guidance Note 08/23 Bats and artificial lighting in the UK <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>.
5. Please note that this consent 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. In the event that evidence of protected species is found during development works, then you must seek the advice of a competent ecologist on any required mitigation and compensation measures before continuing and consider the need for a licence from Natural England prior to re-commencing works (especially with regard to bats, great crested newt, dormouse, and otter).
6. Prior to the commencement of a development, a separate agreement(s) must be obtained from Oxfordshire County Council's (OCC) Road Agreements Team for the proposed highway works (vehicular access, new footway links, bus infrastructure, pedestrian refuge island, carriageway widening and new right-turn lane) under S278 of the Highways Act 1980. For guidance and information please contact the county's Road Agreements Team via

<https://www.oxfordshire.gov.uk/cms/content/contact-road-agreements-team>.

7. It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
8. No vehicles associated with the building operations on the development site shall be parked on the public highway, so as to cause an obstruction. Any such obstruction is an offence under S137 of the Highways Act 1980.
9. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you are planning significant works near our mains (within 3m) we will need to check that your development does not reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> If you are planning to use mains water for construction purposes, it is important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).

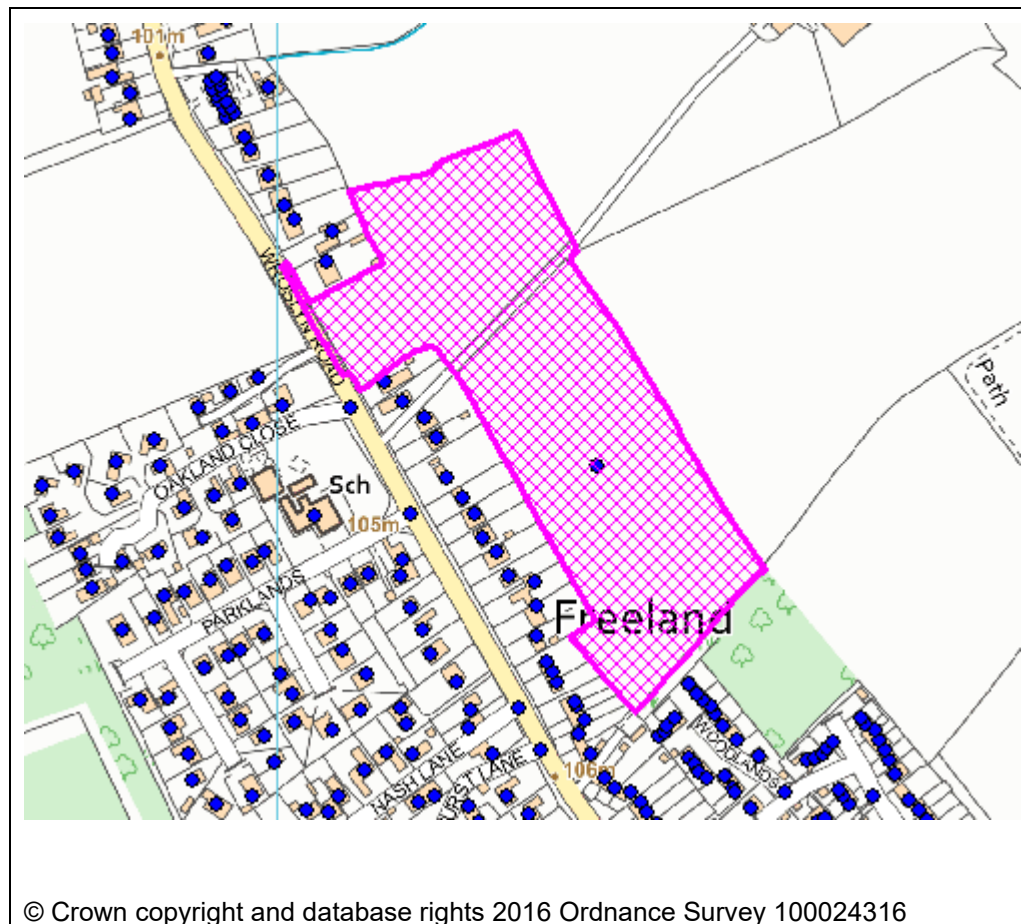
Contact Officer: Mike Cassidy

Telephone Number:

Date: 6th August 2025

Application Number	25/00333/OUT
Site Address	Land East Of 87 - 123 Wroslyn Road Freeland Oxfordshire
Date	6th August 2025
Officer	Stephanie Eldridge
Officer Recommendations	Approve subject to Legal Agreement
Parish	Freeland Parish Council
Grid Reference	441212 E 213281 N
Committee Date	18th August 2025

Location Map



Application Details:

Outline planning application for the erection of up to 60 dwellings (Use Class C3), allotments, car parking and site access, plus open space, landscaping, associated engineering works and infrastructure (all matters reserved except means of access). (Amended parameter plan)

Applicant Details:

J A Pye (Oxford) Ltd And Pye Homes Ltd
C/o Agent

I CONSULTATIONS

Parish Council

A full version of the Parish Council response is available on the Council's website. They have provided a useful summary of objections as follows:

- Speculative nature of the proposed development - this site is not included within the current Local Plan, and has been excluded specifically from previous plans, despite being regularly put forward. The proposed development is taking advantage of the current temporary 5 year Housing Land Supply (HLS) deficit for West Oxfordshire without proper regard for local impacts.
- Conflicts with Freeland Parish policy - the Freeland Village Design Statement (VDS), sets out principles to conserve village character and emphasises the importance of the 2 strategic green gaps in the dispersed linear settlement pattern of the village. This site occupies a key part of the northernmost gap.
- Damage to landscape character - Freeland's rural village character will be compromised by the replacement of open fields on gently rising ground with built form, including the access road, footpaths, parking and the allotments.
- Contributes to coalescence between Freeland and Long Hanborough - the creeping development on the fields between Freeland, Long Hanborough and Church Hanborough has already gone too far and needs to be halted. This proposed development would occupy yet another large field, further reducing the gap between the built-up areas of the villages.
- Scale of development - this development is a large estate of up to 60 dwellings, which represents a dramatic increase in the number of village dwellings and cannot be considered a limited development suitable for this village location.
- Traffic congestion near school - there are already 3 junctions in the vicinity and the addition of an access for up to 60 dwellings would add to congestion and potential danger for schoolchildren.
- Sustainability - although much is made of the sustainability of

the proposals, the reality is that residents will still need to rely on at least 1 vehicle per dwelling to access most services, notably for shopping, as there is no village shop or any adequate bus service nearby.

- Lack of sewage treatment capacity at Church Hanborough sewage treatment works - this treatment works takes all the sewage from Bladon, Hanborough, North Leigh, East End as well as Freeland. It is severely over capacity and regularly spills untreated sewage into the local watercourse and thence into the River Thames at Cassington.
- Connectivity and Habitat Loss - by occupying the field in this green gap, the proposed development will have a damaging effect on connectivity and potential habitats, whilst human disturbance will exacerbate this.
- "Tick Box" benefits - the provision of allotments, a small 'Community Orchard' and parking for the school are included as appeasements to local residents. However, these proposals have not been thought through, with financing future maintenance posing an issue.

Major Planning Applications
Team

First Response:

Transport - Holding objection. Further information required.

LLFA- No objections, subject to conditions.

Education - No objection, subject to financial contributions to be secured via a S106 agreement.

Archaeology - No objection, subject to conditions.

Waste Management - No objection, subject to financial contributions to be secured via a S106 agreement.

Major Planning Applications
Team

Reconsultation Response:

Transport: Holding objections. Further information required.

LLFA: Holding objection. Clarification sought on the single point in the drainage strategy about additional 10% allowance on impermeable areas to allow for urban creep.

Major Planning Applications
Team

Reconsultation response outstanding.

Foul Water:

Thames Water has been unable to determine the foul water infrastructure needs of the this application. A pre-occupation grampian condition is proposed to ensure any necessary works are identified and carried out prior to the occupation of the development.

Sewage Treatment Works:

Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal. As such the pre-occupation grampian condition should be added to any planning permission.

Surface Water:

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

Strategic Water Mains:

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that a pre-construction condition be added to any planning permission to request further information on how the developer intends to divert the asset/align the development to prevent any potential damage to the infrastructure.

Water Network Infrastructure:

Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. As such the pre-occupation grampian condition should be added to any planning permission.

Other Comments:

An upgrade is planned for Church Hanborough STW. This will improve its ability to treat the volumes of incoming sewage, reducing the need for untreated discharges in wet weather. The scheme is due to complete in 2027.

Thames Water advise that a drainage strategy should contain the points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method) into the proposed connection points. This data can then be used to determine the impact of the proposed development on the existing sewer

system. If the drainage strategy is not acceptable Thames Water will request that an impact study be undertaken.

Environment Agency

No objections to the scheme, but an informative should be included on the consent regarding their concern about the current water environment and incapacity in the network.

WODC Housing Enabler

The planning statement proposes that 50% of the dwellings are to be provided as Affordable Housing in accordance with requirements for high value areas as set out in Policy H3 of the local plan.

The planning statement also proposes an affordable housing mix including affordable rent and social rent.

The Council currently prioritises Social Rent as its preferred rental tenure.

The application does not give a detailed mix for the affordable housing and proposes instead to provide this as part of future detailed design work. The Council would welcome engagement with the applicant to establish a mix meeting policy H3, and would need to provide its agreement to any proposals.

At time of writing, the number of applicants to the Councils's Homeseeker Plus register for people seeking affordable housing to rent together with their bedroom need is shown in the following table.

1b 1per - 1059
1b 2per - 200
2b - 553
3b - 248
4+b - 87
Total - 2147

Of these the number expressing Freeland as an area of preference is as follows (applicants can indicate up to three areas of preference):

1b 1per - 16
1b 2per - 4
2b - 19
3b - 3
4+b - 2
Total - 44

I would further request that affordable homes are built to nationally described space standards as set out in the MHCLG 2015 Technical Standards as a minimum.

Of the total 2147 applicants to the Homeseeker Plus register, 198

	applicants have indicated a need for lift accessible or level access accommodation. The proposals in this application would be required by policy H4 to provide homes built to meet building regulations M4(2) and M4(3). Affordable Housing provided on this development could make an important contribution to local housing need.
WODC - Sports	No objection, subject to financial contributions to be secured via a S106 agreement.
WODC - Arts	The WODC Healthy Communities (Arts) team will not be seeking S106 contributions towards public art at this site.
District Ecologist	Original Consultation: Holding objections. Further information required including the submission of a shadow HRA.
Wildlife Trust	No Comment Received.
Natural England	No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
Designing Out Crime Officer	A full detailed response raised concerns regarding a number of detailed design issues has been received and is available to view on the Council's website. These relate to matters which will be considered at the Reserved Matters stage.
Climate	No Comment Received.
ERS Air Quality	No Comment Received.
Env Health Noise And Amenity	No objection subject to the imposition of a pre-commencement Construction Environmental Management Plan condition.
Env Health Contamination	No objections, subject to condition.
District Ecologist	Reconsultation: No objections, subject to conditions, an informative and a S106 agreement to secure off site BNG and onsite BNG monitoring costs.
Oxford Clinical Commissioning Group NHS	No objections, subject to financial contributions towards primary healthcare provision.

2 REPRESENTATIONS

2.1 74 letters of objection have been received in respect of the application. These are available to view in full on the Council's website. The key points raised relate to:

- Detrimental impact on local ecology;
- Highways safety;
- Increase danger in flooding;
- Detrimental landscape impact;
- Neighbourliness;
- Principle of development unacceptable in this location;
- Incapacity in local drainage and water infrastructure;
- Increased and unacceptable demand on local infrastructure (education and health care);
- coalescence between Freeland and Hanborough;
- Unacceptable increase in traffic movements;
- Lack of market demand;
- Contrary to Freeland Design Statement.

2.2 WASP (Windrush Against Sewage Pollution) has submitted a detailed objection to the proposal with regard to the discharge of untreated and poor quality sewage into local watercourses, the current incapacity in the sewage treatment infrastructure and a legal view on the imposition of grampian conditions. It does not take a view on the wider planning merits of the proposals. This is also available to view in full online.

3 APPLICANT'S CASE

3.1 The Planning Statement submitted in support of the application is concluded as follows:

This Planning Supporting Statement has been prepared on behalf of J A Pye (Oxford) Ltd and Pye Homes Limited, to support an outline planning application (with all matters reserved except for access), for the erection of up to 60 new dwellings, on Land to the east of Wroslyn Road. This proposal aligns with both national and local planning policies, fulfilling the dual objectives of enhancing housing supply and fostering a well-integrated, accessible, and environmentally conscious development.

The proposed development at the Site represents a unique opportunity to create a sustainable, community-focused neighbourhood that enhances the village's character while meeting the housing needs of the area.

As outlined in section 6 of this statement, West Oxfordshire District Council is unable to demonstrate a five-year housing land supply. This shortage places significant weight on the presumption in favour of sustainable development, as outlined in policies OSI and Paragraph 11 of the NPPF. The site's suitability for development, combined with its capacity to deliver housing that meets both current and future needs, reinforces its critical role in addressing this policy priority.

The technical assessments demonstrate that there are no technical or environmental constraints that will prevent development from taking place confirming the site's suitability for development. The inevitable harm associated with the loss of a greenfield site is moderated by the demonstrable position that:

- *The development will contribute to West Oxfordshire District's housing target with a policy compliant mix of dwellings and tenures, including a 50% affordable housing position.*
- *The area proposed for development is not of high landscape value and is not of the highest agricultural value.*

- *Emphasis on active travel, energy-efficient construction, water conservation measures, and integration with existing green spaces.*
- *The development will not lead to a harmful effect on the heritage assets.*
- *The development will not lead to severe impacts in terms of transportation.*
- *There are no technical constraints to the development site, the proposals address issues such as infrastructure requirements, surface water attenuation utilities.*
- *The social and net environmental benefits to be delivered by the development are significant.*

The proposal embodies the principles of sustainable development, meeting critical housing and community needs while preserving environmental integrity.

By delivering a well-designed and integrated development. With strong alignment to both national and local planning policies, and the inclusion of comprehensive mitigation measures, the proposal represents a valuable contribution to housing provision in the District.

In light of the site's clear suitability, the absence of technical constraints, and the significant economic, social, and environmental benefits it delivers, the proposal fully embodies the principles of sustainable development. Accordingly, this application should be approved without delay, in line with planning law and national policy guidance.

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
 OS5NEW Supporting infrastructure
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 H4NEW Type and mix of new homes
 EH2 Landscape character
 EH3 Biodiversity and Geodiversity
 EH4 Public realm and green infrastructure
 EH5 Sport, recreation and childrens play
 EH6 Decentralised and renewable or low carbon
 EW10 Eynsham- Woodstock sub area
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 NPPF 2024

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks outline consent for the development of up to 60 residential dwellings (50% affordable), associated parking, landscaping, allotments, vehicular access and ancillary development on land to the East of 87 - 123 Wroslyn Road, Freeland. All matters are reserved except for the access.

- 5.2 The site does not fall within any special designated areas of control. The woodland along the south eastern boundary of the site is subject to a TPO. The site falls within Flood Zone 1. There are no listed buildings within close proximity of the site.
- 5.3 The application site covers approximately 4.46 hectares (ha) and is situated in the northeastern part of Freeland, to the rear of existing properties along the eastern side of Wroslyn Road. The site consists of a large undeveloped parcel of grassland currently used for grazing. Access to the site is available via an existing entrance located along the western boundary from Wroslyn Road.
- 5.4 The land has a predominantly flat topography, with a gentle upward slope towards the northeastern portion of the site and existing housing and mature vegetation provide substantial screening of the site.
- 5.5. The application is before Members of the sub-committee for consideration as the views of the Parish Council are contrary to your officer's recommendation.
- 5.6 An amended land use and parameter plan has been submitted during the course of the application to remove an area of housing within the northern part of the site following negotiations with your officers.
- 5.7 There is no relevant planning history on this site.
- 5.8 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Layout/Design/Scale
 - Landscape
 - Housing Mix
 - Highways
 - Flood Risk/Drainage/Water Supply
 - Trees/Biodiversity
 - Archaeology
 - Residential Amenity
 - Other Matters

Principle

- 5.9 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 the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.10 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.

- 5.11 Freeland is classified in the Local Plan as a Village. It is one of the smaller villages in West Oxfordshire, with limited services and facilities. While the village does have a pub, church and village hall, there is not a shop or post office, and the bus service is restricted. This is reflected in the Council's Settlement Sustainability Report (2016) which ranks Freeland 29th (out of 41 settlements) on an 'unweighted' basis and 28th (out of 41 settlements) on a 'weighted' basis due to a notable absence of key local facilities.
- 5.12 The application site is considered to be undeveloped land adjoining the built-up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages...on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.
- 5.13 Policy OS2 advises that villages would be suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. The Policy also sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d) 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;
 - e) Conserve and enhance the natural, historic and built environment; and
 - f) Be supported by all the necessary infrastructure.

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

- 5.14 Policies H1 and H2 of the WOLP identify an overall housing requirement of 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 the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, 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. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:
- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
 - Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for

West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.

- Paragraph 78 inter alia re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.15 For a combination of reasons relating to the changes identified above, your officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, your officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, your officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

Conclusions on the principle of residential development

5.16 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Layout/Design/Scale

5.17 Paragraph 135 of the NPPF 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. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.18 In terms of the scale of development, the proposal would represent around a 10% increase in the number of dwellings in the village. The site is located within the main body of the settlement and would have a proposed density of 30 dwellings per hectare (dph). Paragraphs 124 and 129 of the NPPF seek to promote the effective use of land through appropriate development densities taking into account the identified need for housing, the availability of land, local market conditions and viability, the availability and capacity of infrastructure and services (as well as their potential for further improvement and scope to promote sustainable transport modes), the desirability of maintaining the areas prevailing character and setting and the importance of securing well designed, attractive and healthy places.

5.19 Your officers are satisfied that, on balance, this level of growth and proposed density is appropriate and proportionate to the existing scale of the village, subject to securing the appropriate financial

contributions and other required improvements to infrastructure required to support the development as set out in detail later in this report.

- 5.20 Further, as this application seeks outline consent, the masterplan illustrating the proposed layout of the development is indicative only and these details would be subject to a reserved matters application. However, the land use and parameter plan can be considered as part of this application. The land use and parameter plan was amended following discussions with your officers who raised concerns about the impact of providing dwellings in the northern part of the site.
- 5.21 Your officers recognise that this land forms an existing gap within the linear grain of development along Wroslyn Road and that this plays an important role in the visual amenity of the streetscene and helps to reinforce the semi-rural character of the settlement. The existing boundary along Wroslyn Road comprises existing well-established planting which visually screens a lot of this gap from public view. However, there is a clear viewpoint through to the rear of the site from the existing access gate which, as stated above, contributes to the rural identity of the village from within the streetscene.
- 5.22 Your officers were of the opinion that the proposal to provide an additional cluster of housing within the north eastern portion of the site, which would sit in the rear part of the plot directly in this clear viewpoint, would erode this important gap which positively contributes to the visual amenity, character and established pattern of development within the village. As a result of your officers raising this concern, the applicants submitted an amended land use and parameter plan removing the cluster of housing from this part of the site so that the existing gap through will be retained with only the new access, pedestrian footpaths and landscaping provided in this area. A new play space, a community orchard and allotments and a public car parking area (which would provide around 25 spaces for use at school pick up and drop off times and for those using the allotments) would also be provided in this wider part of the site, but they are located in the more southern portion and behind the existing well- screened boundary. Further, these elements are all considered to be relatively low key, in terms of their visual impact, so will still retain a sense of openness within this portion of the plot.
- 5.23 The proposed layout of the residential development, although only indicative at this stage, is considered to respect the established character and pattern of development in this part of Freeland. While there are parts of Freeland which have a very strong linear character and appear more dispersed and rural, the main body of the village, where this site is located, is more developed in depth. In this case, the proposed development would sit in line within the existing development along Church View and The Blowings which are located to the south of the site and follow a very similar grain.
- 5.24 Your officers note the detailed response provided by the Thames Valley Police 'Designing Out Crime' officer. There are a number of concerns set out within their response. However, these relate to the detailed design and layout which is not being considered at this stage. If members approve this outline application, then the applicant should take the points raised into consideration when producing the reserved matters submission.
- 5.25 In light of the above, your officers are satisfied that the proposed development would form a logical complement to the existing scale and pattern of development within the village and would retain the openness of the visual gap which positively contributes to the rural character of the area. The detailed design and layout would be considered at the reserved matters stage, if this application is approved.

Landscape

5.26 Policy EH2 of the West Oxfordshire Local Plan aims to conserve and enhance natural and historic landscape character of West Oxfordshire. It focuses on preserving the area's quality, distinctiveness, and features such as stone walls, trees, rivers, and woodlands. New developments must respect and, where possible, enhance these features. Additionally, the policy emphasises minimising pollution, particularly noise and light, to preserve tranquillity and dark skies.

5.27 A Landscape and Visual Appraisal (LVA) has been submitted to support this application which judges the potential effects of the proposed development on the landscape and visual receptors that have been identified.

5.28 The site and the majority of the surrounding area lies within the Upper Thames Clay Vale landscape character area identified within Natural England's 'National Character Area Profiles'. Oxfordshire County Council's 'Oxfordshire Wildlife and Landscape Study' (OWLS) provides a county-wide landscape and biodiversity study which identifies different landscape types within the county. This site lies within the 'Wooded Estatelands' landscape character type. This is sub-divided into local character areas. The Freeland local character area is described as follows:

"medium-sized fields with a mix of land uses including some small pasture fields on the steep valley sides in the eastern part of the area. The landscape has a very strong wooded character, resulting from the large ancient semi-natural woods and mixed plantations of ash, oak and conifers that are largely associated with the parklands at Eynsham Hall and Freeland. The mature oak and ash hedgerow trees reinforce this wooded character, although they are sparser to the south of Cogges Wood where arable farming dominates. The belts of semi-natural woodland associated with the valley sides and floor reinforce the intimacy of this pastoral landscape. Fields are enclosed by thorn hedges and woods, and the grass fields on the valley sides are bordered by watercourse trees and fences. Hedges are generally tall and in good condition, but are more intensively maintained and gappy where they enclose arable land."

5.29 The West Oxfordshire Landscape Character Assessment 1998 (WOLCA) identifies that the site lies within the Clay Vale landscape and the landscape sub-type is 'semi-enclosed rolling vale farmland'. The WOLCA acknowledges that although sensitive to development, the:

- semi-enclosed clay vale landscapes may offer limited opportunities to absorb small-scale development within a strong structure of trees and woodland or with other buildings;
- smaller-scale, clay vale landscapes on the immediate fringes of the larger settlements are potentially more tolerant of development, if it conforms to existing field pattern, is sensitively designed and does not significantly alter settlement form.

5.30 The site also lies within the Wychwood Project Area, which under policy EH2 of the Local Plan is a landscape which requires "special attention and protection".

5.31 The development of this site for housing will inevitably change the character of the landscape from within the site itself. However, a number of mitigation measures have been proposed to reduce the wider landscape and visual impact of the development. The majority of site's field boundary vegetation will be retained, incorporated, and enhanced as part of the proposals, with vegetation removal limited to accommodate the vehicular access only. The access has been located in a similar location to the existing access into the site to limit the amount of vegetation removal required. Further, the location of the built form in the more southern part of the site tucked behind existing

housing (particularly now the northern cluster of development has been removed from the proposed parameter plan) means that there is a distinctive focal area of green space within the site retaining a sense of openness in this existing gap and as you enter the development. A landscape buffer to the north is proposed to protect key landscape features such as the veteran trees, which seeks to enhance the development setting and to create an appropriate set back from views towards the site from the Hanborough Gate development. Further, there is a largely linear area of open space incorporating new native structure planting to the east which will help assimilate the development into the immediate landscape from views to the north east and east and create opportunities for SuDs and habitat enhancement within the site. Also, the retained hedgerows throughout the site will be enhanced with new tree and scrub planting. The TPO'd woodland to the south is also retained with a significant buffer adjacent to it so it is protected from any impact of the development.

5.32 The LVA submitted concludes that 'the proposals will have a limited effect on the essential characteristics of these character areas and therefore the magnitude of effect will be small and negligible adverse. This is expected to reduce after 10 years on landscape character UT/24 Freeland to small/negligible effects once the primary mitigation vegetation has matured and established, reducing the perceived effects on landscape character and strengthening the semi-enclosed character of the landscape'.

5.33 In terms of sensitive visual receptors, while Long Hanborough lies in relatively close proximity to the site, there are limited publicly accessible views of the site due to the inward setting of the village, with no visibility from the majority of the village itself. Your officers consider that there will be some filtered views of the development from the public open space within the Hanborough Gate development, similar to the existing glimpsed filtered views of the site afforded to the existing properties along Wroslyn Road to the north of Freeland. There is also a public right of way which lies in relatively close proximity to the site where filtered and glimpsed views of the development proposals are also expected. However, the proposed development will be read against the backdrop of the existing built form within the village and will appear as an extension to the already visible rooftops and properties along Church View and Walkers Close. Further, while the layout plan is only indicative at this stage, the provision of lower density housing on the northern and eastern edges of the site ensures a more respectful transition into the open countryside and will help to minimise light and noise pollution along the settlement edge.

5.34 Overall, the proposed development is considered to be a relatively modest and logical extension to the established settlement pattern of Freeland. It will be predominantly screened by existing and enhanced boundary vegetation and characterised by the area of green space providing openness in the northern portion of the site. Where the development is visible from within the surrounding landscape and in glimpsed views from the Hanborough Gate development and PROW, it will be read in the context of adjacent contemporary residential development located on the northern and eastern edges of the village, thereby maintaining visual coherence with the existing built form. Your officers consider that the native planting, boundary hedgerows, and green corridors will soften the settlement edge and create a natural transition to the surrounding countryside.

Housing Mix

5.35 Policy H4 of the Local Plan seeks to ensure a balanced mix of property types and sizes in the District, to meet the needs of a range of different groups and have regard to specific local needs.

5.36 Policy H3 states residential development of 11 units or more will be required to provide affordable housing on-site. Freeland is within the "High Value Zone" therefore 50% affordable housing provision

is required. In addition, the affordable housing mix and tenure is required to respond to identified housing needs and site specific opportunities.

5.37 In accordance with Policy H3, 50% affordable housing provision is proposed. Based on a total of up to 60 dwellings, this equates to up to 30 affordable dwellings. This will be secured by way of a S106 agreement.

5.38 As this application is for outline consent, details of the exact mix of housing have not been provided and will be considered as part of the reserved matters application if this is approved. However, the applicant has acknowledged the relevant housing mix policies and officers are satisfied that an appropriate mix can be delivered and comfortably accommodated on the site.

5.39 The Council's Strategic Housing and Development Officer states 'The planning statement also proposes an affordable housing mix including affordable rent and social rent. The Council currently prioritises Social Rent as its preferred rental tenure. The application does not give a detailed mix for the affordable housing and proposes instead to provide this as part of future detailed design work. The Council would welcome engagement with the applicant to establish a mix meeting policy H3'.

5.40 The Housing Officer has indicated that that 2/3rds social rent and 2/3rds 1 and 2 beds would be the Council's preference for the affordable housing mix. This has been discussed with the developer and the 'headlines' can be agreed and secured as part of the S106 agreement with greater detail to follow.

Highways

5.41 The principal access to serve the development will be located in a similar position to the existing field access into the site from Wroslyn Road. A Travel Plan Statement has been submitted in support of the application alongside a number of revised plans in response to objections from the Local Highway Authority. The site also proposes the provision of a public car park (25 spaces) for use by those using the proposed allotments and as additional parking for the school at pick up and drop off times.

5.42 In terms of accessibility, the development site features pedestrian connections to the existing footpath along Wroslyn Road which provides direct connections to the centre of the village and school to the south. There is also a footpath/cycle route to the north that provides a direct connection to the A4095 into Long Hanborough. There are also several bus stops within walking distance of the site (the closest one being around 100m from the site, and a second around 600m away). The S7 bus service, which runs between Oxford and Witney, stops at the top of Wroslyn Road on the A4095 (this would be an 8-10 minute walk straight up Wroslyn Road to the bus stop). The village is also served by a community run bus service provided by the 'First and Last Mile' which runs between Hanborough Railway Station and Eynsham Church, through Freeland, four times a day.

5.43 Hanborough Railway Station is located approximately 3.4km east of the development site. This railway station is served by both the No. 411 and the No. S7 bus routes. The railway station can facilitate travel to destinations further away and is served by hourly trains to destinations including Reading, Worcester and London Paddington.

5.44 The Local Highway Authority has raised an objection to the scheme as further clarification and revisions for the access arrangements are required upfront as part of the outline consent. Amended plans have been submitted to address this and are currently with the LHA for comment.

5.45 No issues are raised in respect of trip generation as a result of the development.

5.46 There are some concerns raised by the County Council regarding the proposed public car park and whether or not it is appropriately located for use by the school. The LHA has advised that this element of the design should be considered further as part of the overall site layout at the reserved matters stage with a car park management plan secured via condition. Other matters raised relating to cycle and vehicle parking provision, layout and design, internal site layout design, and travel plan measures should also be dealt as part of a reserved matters application.

5.47 There are a number of matters which should also be conditioned as part of this outline consent should members decide to approve it. These cover:

- Prior to first occupation a Residential Travel Plan Statement and Travel Information Pack should be submitted to the Local Planning Authority.
- A Car Parking Management Plan (CPMP) which should cover the site wide strategy and supporting management measures / controls.
- Details of the design, management measures and control of the existing farm access; and
- A Construction Traffic Management Plan (CTMP) which seeks to minimise impacts and maintain safety particularly in relation to the operation of the surrounding residents and schools.

5.48 A number of financial contributions are also sought to deliver a series of highway and public transport related improvement works to be secured via a S106 agreement, alongside a S278 agreement to provide tactile paving across the Witney Road at the uncontrolled crossing linking to the eastbound bus stop.

5.49 The LHA has been consulted on the latest submission of revised information provided by the applicant regarding the access arrangement. Their response is outstanding at the time of drafting this report. Your officers will provide the committee with an update in the additional representations report circulated to members before the committee meeting to advise if these outstanding matters have been satisfactorily resolved. This should include a full list of highways related conditions to be imposed on the outline consent should members resolve to approve it.

Flood Risk/Drainage/Water Supply

5.50 A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The report concludes that the entirety of the site is confirmed to be within Flood Zone 1 and at low risk of flooding from all other potential flood sources considered.

5.55 The LLFA originally raised no objections to the proposals, subject to a number of conditions. However, when reconsultation with the County Council was carried out regarding updated transport related information, a further LLFA response was also received seeking clarification on whether or not the calculations provided for the proposed impermeable areas on the site include an allowance for 10% potential urban creep or not. The applicant has provided a detailed response to this. The LLFA's response remains outstanding. Your officers will provide the committee with an update in the additional representations report circulated to Members before the committee meeting to advise this matter of clarification has been satisfactorily resolved.

5.56 Thames Water has raised no objections to the proposals in terms of surface water but has identified an inability in the existing sewage treatment works infrastructure and water network to accommodate the needs of this development proposal. Further information is also required regarding

the proposals for foul water drainage. Thames Water have recognised that upgrade works are ongoing at the Church Hanborough STW (to accommodate this and other developments in the local area) which are due to be completed in 2027. Therefore, the imposition of Grampian conditions has been proposed to ensure the required upgrade works are completed before the development is occupied.

5.57 There is also proposed development located within 5m of a strategic water main. Thames Water do not permit building over or construction within 5m of such water mains. As such, a condition is recommended to ensure that no development will take place within 5m of the water main and that information detailing how the development intends to divert the asset/align the development is submitted to and approved in writing by the LPA in consultation with TW to ensure this is properly managed.

5.58 The Environment Agency has provided a response in respect of the current water environment in the area. They do not raise any objections to the application, but they do state that the STW at Church Hanborough does not have sufficient treatment capacity due to failure to upgrade in line with statutory obligations. Church Hanborough STW has frequently exceeded its Dry Weather Flow (DWF) permit over the last few years. Therefore, it is imperative that new developments are supported by adequate infrastructure, which includes ensuring that wastewater can be treated without causing an adverse environmental impact. As such, upgrades and/or improvements need to be undertaken there in order to support development within this STW catchment. Any development connecting to Church Hanborough STW may lead to a deterioration of the water environment in Evenlode (Glyme to Thames). This will be contrary to the advice and guidance in paragraph 180 (e) of the NPPF and the Thames River Basin Management Plan and is of concern to the Environment Agency.

5.59 The recommended conditions will ensure that the proper and required water network infrastructure is delivered prior to the occupation of the development proposed.

Trees/Biodiversity

5.60 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. From 12th Feb 2024, it is also mandatory for all development (other than some exemptions) to deliver 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

5.61 Following the submission of additional information, including revised ecological reports and a shadow Habitats Regulations Assessment (HRA), which concludes that there are no likely significant effects (alone or in-combination with other projects) to the Oxford Meadows SAC (special area of conservation), the Council's ecologist is satisfied that the impact on protected species, priority habitats and priority species can be properly mitigated and appropriate enhancements achieved, and through the allocation of offsite BNG units from Blenheim Estate plus onsite BNG provision can achieve the statutory 10% biodiversity net gain requirement, subject to the imposition of a number of conditions, an informative and the use of a S106 to secure the offsite provision and biodiversity monitoring fees.

5.62 As such, the application is considered to be acceptable in this regard.

Archaeology

5.63 The site lies in an area of archaeological interest and potential; archaeological investigations c. 540m to the northeast of the proposal site recorded Iron Age and Medieval settlement. A large, likely prehistoric, boundary ditch was recorded during an evaluation at a site c.590m to the north of the current proposal area. The application is supported by an archaeological desk-based assessment which examines the archaeological baseline of the site, and includes previous investigations carried out in and around the proposal site. A geophysical survey of the site recorded limited archaeological remains in the form of two possible pits.

5.64 As such, the County Council's Archaeologist has recommended the imposition of two conditions to safeguard the identification, recording, analysis and archiving of any heritage assets before they are lost.

Residential Amenities

5.65 Your officers consider that it is possible that 60 units could be accommodated on the site and there is no reason to believe that suitable interface distances and relationships as regards adequate light could not be provided in respect of the application site itself, given the indicative layout provided. These matters would be fully assessed and taken account of at reserved matters stage. There is also no reason to believe that existing properties to the south and west would be materially affected in terms of overlooking or loss of light as a result of the siting of the proposed dwellings. Your officers note that the outlook from some properties along Wroslyn Road in particular, would be affected in terms of the loss of an attractive view, but effect on a private view is not material to this assessment.

Other Matters

5.66 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

5.67 Financial contributions for highway improvements, public transport, public rights of way, education, leisure facilities, waste management and NHS primary care infrastructure and the provision and management of affordable housing provision, play areas and open spaces and Biodiversity Net Gain provision and monitoring is sought to be secured, in accordance with the recommendations set out by the relevant statutory consultees, via a S106 legal agreement.

5.68 Your officers are also in conversation with the Parish Council regarding financial contributions that they have requested to be secured via the S106 agreement should the application be approved despite their objections. If members approve the application, then your officers would seek delegated authority to continue the discussions with the Parish Council and the developer regarding potential additional financial contributions ahead of the agreement being finalised and the decision issued.

5.69 The financial contribution requests are set out as follows:

Oxfordshire County Council

- Primary and Nursery Education - £571,458 towards primary education capacity serving the development;

- Secondary Education - £478,422 towards secondary education capacity serving the development;
- Special Education - £47,215 towards special school education capacity serving the development;
- Waste Management - £6,113 towards the expansion and efficiency of Household Waste Recycling Centres;
- Primary Healthcare - £54,371 towards the creation of additional clinical capacity at Eynsham Medical Group or an identified primary care estates project in the local area to serve the development;
- A40 HIF2 Contribution - £200,220 towards the HIF2 funding recovery strategy (£3,337 per dwelling index linked)
- Witney LCWIP Scheme 3b A4095 cycleway gap at North Leigh, Common Road to Park Road - £60,000 towards two-way segregated cycle track and adjacent footway on the western side of A4095 past North Leigh, removing need to go through North Leigh and £1,000 per dwelling, in line with other planning applications in the area.
- Witney LCWIP Scheme 3c - A4095 between Park Road, North Leigh and Hanborough Station - £43,000 towards two-way segregated cycle track, 4.4km (approx. length of scheme) x 3m (average width) = 13,200 sqm, 13,200 X 125 (cost per sqm, Index Linked to March 2024) = £1,650,000 (cost of whole scheme), 1,650,000 / 2301 (local plan allocation) = £717 per dwelling.
- RTI units at bus stops in both directions on the A4095 - £9,245 each.
- As part of the Salt Cross proposals there is an intention to upgrade PRoW 216/3/10 to a bridleway with improved surfacing etc. This would provide an off-road connection / cycle route to the Park & Ride at Eynsham. It is considered appropriate for this site to contribute to this improvement via a S106, up to the boundary of Salt Cross. Further information shall be provided in due course, once received from OCC's Countryside Access Strategy team. Your officers would seek clarification on this point prior to the legal agreement being finalised.

OCC Total: £1,479,289.00 (plus contributions towards upgrading PRoW 216/3/10 to a bridleway as part of Salt Cross proposals to be confirmed).

West Oxfordshire District Council:

- Outdoor pitch provision and ancillary facilities of £118,693.20 towards enhancements and improvements to sports facilities within the catchment area.
- Artificial pitch provision of £4,250 towards the cost of a replacement or improvement to artificial pitches in the catchment area.
- Sport hall/ studio provision of £27,694 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.

- Swimming pool provision of £33,409 towards the cost of an enhancement or improvement to pools in the catchment area.
- Tennis Court provision of £2,133 towards the cost of an enhancement or improvement to tennis courts and facilities within the catchment area.
- BNG monitoring costs - £3,500 towards the monitoring of onsite BNG provision

WODC Total: £189,679.20

Parish Council: to be confirmed - ongoing negotiations.

5.70 An obligation to enter into a S278 Agreement will also be required to secure mitigation/improvement works to include the provision of tactile paving across the Witney Road at the uncontrolled crossing linking to the eastbound bus stop.

Conclusion

5.71 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As the Council cannot demonstrate evidence of a five year supply of deliverable housing sites, the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

5.72 Where policies for the supply of housing are out of date, para.11 d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.73 In this case, the site is not located within any special designated areas of control. It is not within a Conservation Area or the Cotswolds National Landscape, nor does it affect the setting of any listed buildings. Any potential archaeological impacts will be properly mitigated through the proposed conditions set out in the report. As such, with regard to the first point of paragraph 11 d) there is no impact on any protected areas or assets of particular importance that provides a clear reason for refusing the development.

5.74 With regard to the second point, subject to the outstanding highways and flood risk related matters being resolved with the County Council and the recommended contributions and other improvement works being secured via the legal agreements and conditions listed below, your officers are of the opinion that a development of this scale in this location would form a logical complement to the existing settlement of Freeland which would respect the wider landscape character overall. The development of site will inevitably change the character of the grazing land itself resulting in some level of landscape harm, but due to the context and location of the site adjacent to modern built form, that it would sit in line with existing development to the south that extends out to the east to the same extent, and through the use of landscaping and open space within the site, the wider landscape harm will be limited. Therefore, in your officers view, there are no demonstrable harms that would outweigh the benefits associated with the provision of 60 new

dwellings (50% affordable) towards the Council's housing land supply shortfall. Additional benefits include the provision of 10% biodiversity net gain, a new play area in the village, a new public car park, additional allotments, and short term and long term economic benefits through employment during the build process and increased expenditure in the local area.

5.75 As such, the application is recommended for approval, subject to the outstanding highways and flood risk matters being resolved, the imposition of the conditions set out within this report, and the S106 and S278 legal agreements.

6 CONDITIONS

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Details of the appearance, landscaping, layout and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. 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.

4. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. Once submitted and approved the details contained in the plan shall be adhered to.

The construction should be subject to suitable times for noisy activities. Noise emissions from the site during the development of the site, i.e. clearance and development of the site, shall not occur outside of the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:

Mon - Fri 08.00 - 18.00
Sat 08.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby.

5. No development shall be occupied until confirmation has been provided that either:-
 1. Foul water Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

6. No development shall be occupied until confirmation has been provided that either:
 1. All sewage works upgrades required to accommodate the additional flows from the development have been completed; or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: Sewage Treatment Upgrades are likely to be required to accommodate the proposed development. Any upgrade works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

7. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

REASON: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

8. No development shall be occupied until confirmation has been provided that either:

1. All water network upgrades required to accommodate the additional demand to serve the development have been completed; or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

9. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

10. Following the approval of the Written Scheme of Investigation referred to in condition 9, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

11. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan(s) and including:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

REASON: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

12. No development shall be undertaken (including any site and/or vegetation clearance) until a Construction Environmental Management Plan (CEMP) which contains full details of the recommended measures outlined in section 5 of the Ecological Appraisal (Aspect Ecology, January 2025) associated with the planning application has been submitted to and approved in writing by the local planning authority. The CEMP shall include consideration of the following:

- Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
- Specific measures (which may be presented as a series of method statements) to avoid impacts to nocturnal wildlife through use of artificial lighting, badgers, reptiles, nesting birds and hedgehogs;
- The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- The submission of a statement of good practice by a suitably qualified ecologist at the end of the construction period.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

REASON: To avoid an offence under the Wildlife and Countryside Act 1981 and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

13. Prior to the commencement of works on site in connection with the development hereby permitted, updated elevations drawings showing the make, model and locations of at least 60 integrated bird and bat boxes, suitably located with a minimum of 3m ground clearance, shall have first been submitted to and approved in writing by the local planning authority. Nest boxes shall be provided in accordance with BS42021:2022 (British Standard for integral nest boxes). Bird and bat boxes shall be constructed of durable material, i.e. not wood.

For full discharge of this condition, photographs of the integral boxes in their agreed locations are to be submitted to and approved in writing by the local planning authority prior to first occupation. They are to be retained in that manner thereafter.

REASON: In accordance with BS42021:2022 and with consideration for bats and swifts in accordance with paragraph 187(d) of the NPPF 2024 and local policy EH3.

14. Notwithstanding the submitted details and before commencement of works above slab level an External Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that there will be no excessive (>41 lux) light spill into commuting/foraging corridors as identified in the submitted Phase II Survey Results (Aspect Ecology, July 2025). It shall be demonstrated that the scheme has received input from a suitably qualified ecologist. The scheme shall include, but not be limited to, the following:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;

- iv. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- v. Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)); and
- vi. Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved scheme before the development hereby approved is first brought into use. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

REASON: To protect foraging and commuting bats in accordance with the Biodiversity Circular 06/2005, paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), Policies EH3 and EH4 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

15. Construction shall not begin until/prior to the approval of first reserved matters a detailed surface water drainage scheme for the site, that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details; and
- Consent for any connections into third party drainage systems.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;

- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).

17. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Land Contamination: Risk Management (LCRM), and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity.

18. 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.

Notes to applicant

- 1 Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.
- 2 Environment Agency: Through our regulatory responsibilities, the Environment Agency is aware that the STW at Church Hanborough is not complying with its current permit limits. Upgrades and/or improvements need to be undertaken there in order to make the STW fit for purpose. Any development connecting to Church Hanborough STW may lead to a deterioration of the water environment in Evenlode - Glyme to Thames . This will be contrary to the advice and guidance in paragraph 187 (e) of the NPPF and the Thames River Basin Management Plan, and is of grave concern to the Environment Agency.

Under the Environmental Permitting (England and Wales) Regulations 2016, permits are needed to carry out a wide range of specified activities lawfully. Examples include: installations, medium combustion plant, specified generator, waste or mining waste operations, water discharge or groundwater activities, or work on or near a main river or sea defence. For more information visit: <https://www.gov.uk/topic/environmental->

management/environmental-permits

In order to ensure water resources and water quality activities are protected and appropriately managed, abstracting or impounding water may require an abstraction or impoundment licence. For more information visit:
<https://www.gov.uk/topic/environmental-management/water>

- 3 Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:
- Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
 - Wall, floor and roof insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling
 - Materials with low embodied carbon

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/planning-application-supporting-information/sustainability-standards-checklist/>
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

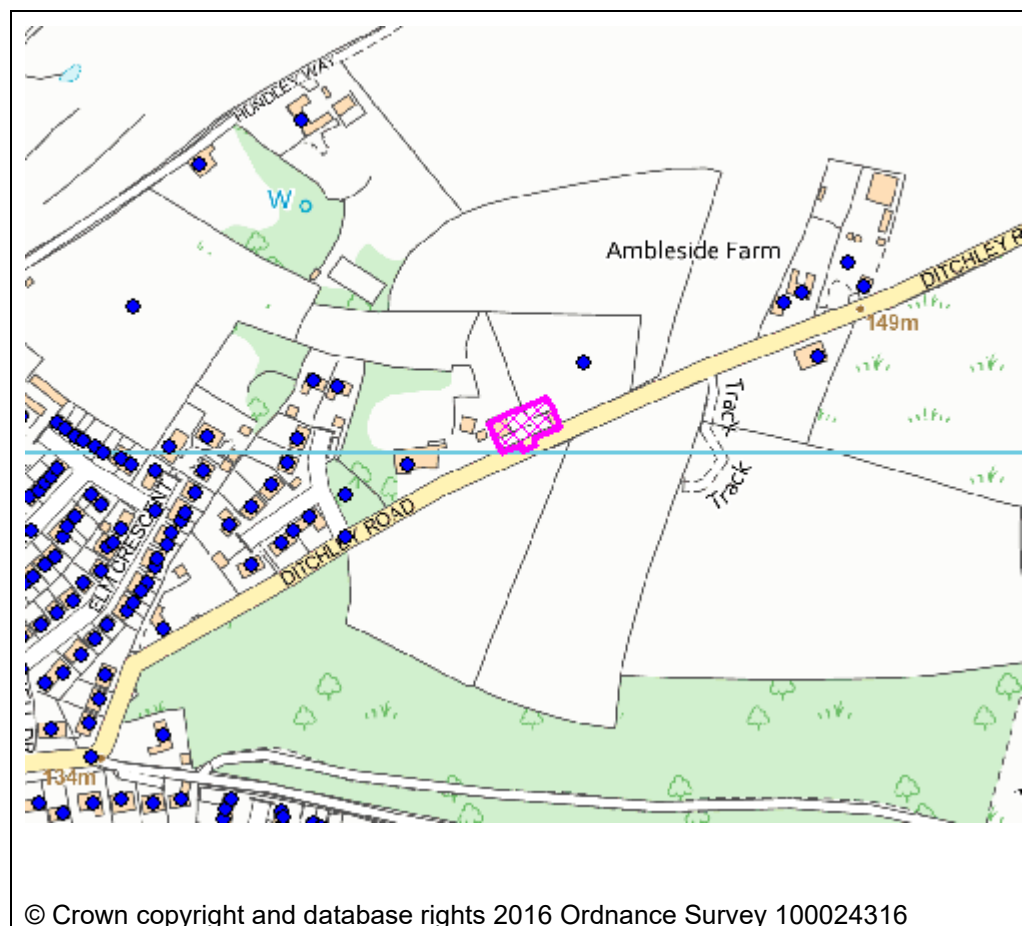
Contact Officer: Stephanie Eldridge

Telephone Number:

Date: 6th August 2025

Application Number	25/01227/OUT
Site Address	Broadstone Farm Ditchley Road Charlbury Chipping Norton Oxfordshire OX7 3QT
Date	6th August 2025
Officer	Emile Baldauf-Clark
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Parish Council
Grid Reference	436477 E 219992 N
Committee Date	18th August 2025

Location Map



Application Details:

Outline planning permission (with some matters reserved except for means of access and layout) to demolish the existing agricultural building and erection of a self-build dwellinghouse with associated operations.

Applicant Details:

Mr and Mrs C Blakesley-Grimes
Broadstone Farm
Ditchley Road
Charlbury
Chipping Norton
Oxfordshire
OX7 3QT

I CONSULTATIONS

Parish Council

The Town Council objects to this application due to concerns about the potential for incremental development on the site. The Council also considers that the proposed design is not in keeping with the character and appearance of the surrounding area.

Conservation And Design
Officer

In terms of conservation and design - the design and materials of this building are much better than the previously proposed structures. The overall proportions - amount and massing is better; although, I'm not sure of the exact height of the principal barn (1.5 storeys or up to 5.5m would be more acceptable).

The proposed buildings (complex) would form a harmonious connection to the extant farm buildings of Broadstone Farm, and although there is a change from rural to residential - I consider the layout and character of the proposed building would ensure the character and appearance of the conservation area is still upheld.

OCC Highways

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following condition.

Conditions

- G28 parking as plan

Comments

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

District Ecologist

Acceptable subject to conditions and informative.

Env Health Contamination

No objections, subject to conditions,

Env Health Noise And Amenity Given the relative proximity of the neighbouring residential property, the proposed flue should be at least 1m above the applicant building ridge height.

From a noise perspective, I have no adverse comment to make.

Thank you for the consultation

WODC Drainage No Objection subject to conditions

2 REPRESENTATIONS

2.1 Two third party objection comments have been received in respect of the proposal which both raise concerns about the potential for incremental development along Ditchley Road and the risk of setting a precedent for further housing outside the built-up area of Charlbury. One objection also refers to the potential for future applications on adjacent land in the same ownership, while both express concern that the development would not reflect the traditional architectural character of the area.

2.2 One third party comment has also been received from the Charlbury Conservation Area Advisory Committee which expresses concern about the continued erosion of the agricultural character along Ditchley Road and the potential impact of the proposal on the edge of the Conservation Area. While views were mixed on the indicative design, some members felt it was not in keeping with the rural setting, preferring either a more traditional vernacular approach or a revised modern design aligned with the Charlbury Design Guidance.

3 APPLICANT'S CASE

3.1 This statement has been prepared to support the application:

- The applicant is a long-standing resident in Charlbury and due to a change in personal circumstances is looking for a means by which to remain in the Town and stay close to the former family residence. They are registered on the WODC self-build register and satisfy the local connection test.
- There is a long term undersupply of self-build sites within the District and therefore the presumption in favour of suitable and deliverable sites applies.
- Similarly, it is readily accepted that the Council cannot demonstrate a 5 year supply so the tilted balance in favour of granting permission applies, unless other material considerations indicate otherwise.
- The barn and its curtilage immediately adjoins an existing residence and there are further properties to the east of the application site. Access to Charlbury and all its services is within a comfortable walking distance along a very quiet road.
- Whilst in this instance the proposal is only for house the presumption in favour applies, especially given that Charlbury is one of the most sustainable locations for housing within the District. The application also offers the opportunity to remove an unsightly feature in the local landscape and to enhance the site's overall landscape and biodiversity value.
- The site has history of a refused planning application to convert the existing barn, on grounds of its form and scale and resultant impact on the landscape character of the area. For this reason the applicant has instructed an architect to design a bespoke and sensitive alternative.
- Officers also considered that the site was outside of the settlement.

- However Charlbury Town Council has previously established that the land is developed and on the edge of the Town and therefore complies with its Neighbourhood Plan housing location policies.
- The applicant maintains this interpretation is correct and the site is in fact policy compliant. That said, circumstances are different now given that the rationale for the house is specific for the needs of the applicant and there is an overriding need to boost the supply of housing, given the sustained undersupply of new housing in WODC. Whether the site is within or outside the town boundary should not in itself determine whether the application should succeed.
- The application is made in outline and the final design is up for discussion - the applicant has expressed a desire in terms of how the site may be laid out but this is not finalised and input from the Council is welcomed.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H5NEW Custom and self build housing

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH10 Conservation Areas

H1NEW Amount and distribution of housing

NPPF 2024

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

CHANP Charlbury Neighbourhood Plan

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks outline planning permission (with some matters reserved except for means of access and layout) to demolish the existing agricultural building and the erection of a self-build dwellinghouse with associated operations at Broadstone Farm, Ditchley Road, Charlbury.
- 5.2 The proposal is brought before Members of the Uplands Sub-Committee due to the views of the Town Council being opposed to those of officers.
- 5.3 The site is located on the edge of Charlbury and is within the Cotswold National Landscape (CNL) and the Charlbury Conservation Area. The site is also covered by the Charlbury Neighbourhood Plan. The existing building on the site, which is proposed to be removed, is a modern, open sided agricultural style building constructed of corrugated metal sheeting and is surrounded by fields to the north, east and south with a small paddock area and buildings to the east of the building.

Planning History

5.4 20/02655/FUL - Alterations to existing agricultural building - APPROVED

5.5 22/03160/FUL - Proposed alterations and change of use of barn to a dwelling, landscaping works and associated operations. - REFUSED

5.6 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:

- The Principle of Development
- Siting, Design, Scale and Form
- Impact on Heritage Asset
- Impact on Landscape
- Residential Amenity
- Highways
- Biodiversity
- Environmental Health
- Drainage

Principle

5.7 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 (LPA) 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. Accordingly, development proposals must be assessed against the West Oxfordshire Local Plan 2031 (WOLP) and any made Neighbourhood Plans, including the Charlbury Neighbourhood Plan 2031 (CNP), which forms part of the statutory development plan for the area.

5.8 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 contains a settlement hierarchy (Table 4b) which lists and categorises larger settlements as either 'main service centres', 'rural service centres' or 'villages'. Table 4b then outlines that those settlements not listed should be categorised as 'small villages' or 'hamlets'. Charlbury is Listed in this table as a Rural Service Centre.

5.9 The previous refusal on the site here under ref: 22/03160/FUL determined that the site here is located outside the built up area of the Town of Charlbury and therefore the proposal is considered to be an open countryside location.

5.10 Policy OS2 states that:

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area.."

5.11 Policy OS2 goes onto outline a series of general principles with which new development should accord. Those relevant in this case are that new 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 provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- Conserve and enhance the natural, historic and built environment"

5.12 Policy H2 sets out the District's housing need over the plan period and states:

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 the following circumstances:

- 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;
- 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;
- residential development of exceptional quality or innovative design;
- new accommodation proposed in accordance with policies specifically for travelling communities;
- accommodation which will remain ancillary to existing dwellings*;
- replacement dwellings on a one for one basis;
- 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;
- on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.

5.13 The Charlbury Neighbourhood Development Plan 2031 reinforces these principles and introduces additional local criteria:

"Policy CH1 of the CNP outlines that "A modest level of new housing will be supported where it helps to reinforce the existing role of Charlbury as a rural service centre" and goes on to state that "Development outside the built-up area is not supported unless it meets specific exceptions."

5.14 The new dwelling is being applied for as a self-build dwelling and therefore Policy H5 of the WOLP is considered relevant. This states that "... proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan including Policies OS2, H2 and E3".

5.15 As outlined above, the site lies outside the built-up area of Charlbury and is therefore considered to be in open countryside for the purposes of planning policy. In such locations, the West Oxfordshire Local Plan 2031 (WOLP) is clear that new residential development will be strictly controlled and only permitted in specific circumstances, as set out in Policies OS2 and H2. These include essential operational or local needs, reuse of existing buildings, or development that is of exceptional quality or innovative design. The current proposal is not considered to fall within any of these defined exceptions.

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

5.16 Policies H1 and H2 of the WOLP identify an overall housing requirement of 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 the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, 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. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').
- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- Paragraph 78 *inter alia* re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.17 For a combination of reasons relating to the changes identified above, officers expect the LPA's HLS position to worsen from the 4.3 years it has most recently been able to demonstrate at various appeals that were determined following public inquiries. As such, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

Conclusions on the principle of development

5.18 In view of the above, it is clear that the decision-making process for the determination of this application is therefore to assess whether:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

5.19 The outcome of this assessment, including the weighing of benefits and harms, will be addressed in the final planning balance at the conclusion of this report.

Siting, Design and Form

5.20 The proposal seeks to remove the existing modern barn building, as well as move the existing stables on the site, and replace it with a new self build dwelling. As this is an outline planning application the design of the dwelling is not being assessed with only the general layout and means of access forming part of the proposal. The elevations provided are indicative only.

5.21 The site comprises a plot measuring approx. 45 x 25 metres to the NE of the existing dwelling at Broadstone and includes an existing access onto Ditchley Road along the SE boundary. The indicative layout of the dwelling is in a rough "L" shape with the long edge running parallel to the road.

5.22 Indicative plans show the proposed dwelling as a single storey wooden clad barn style dwelling with a flat roofed extension with a natural stone wall facing the road elevation.

5.23 Overall, the layout of the proposed dwelling is considered acceptable. The indicative plans show a single-storey, L-shaped building that sits comfortably within the plot and broadly follows the orientation of the existing barn. While the proposed footprint is slightly larger than that of the existing barn, it remains within a similar area and does not represent a significant intensification of built form on the site. The layout makes efficient use of the land and allows for appropriate separation from neighbouring properties, while also enabling the relocation of the stables to a more discreet position within the wider landholding. As such, the proposed layout is considered to be acceptable in regard to Policy OS4 of the West Oxfordshire Local Plan, which seeks to ensure that new development is of a high quality and respects the character of the area.

Impact on Heritage Assets

5.24 The site falls within the Charlbury Conservation Area which is a designated heritage asset. As such Policy EH10 of the WOLP is considered relevant which states that development proposals within a Conservation Areas must conserve or enhance the special architectural and historic interest, character, and appearance of the area. Proposals should demonstrate an understanding of the significance of the heritage asset and its setting, and any potential harm must be clearly justified.

5.25 National Planning Policy Framework (NPPF) also refers to conserving and enhancing the historic environment. Section 16 of the NPPF set out the approach to assessing the impact of development on heritage assets, requiring that great weight be given to the asset's conservation, particularly where development may affect its setting or significance.

5.26 This application seeks outline planning permission, with all matters reserved except for layout and access. As such, detailed matters relating to the design, appearance, and materials of the proposed dwelling are not being assessed at this stage. However, the submitted layout and indicative design approach have been reviewed by the Conservation Officer, who has noted that the proposed arrangement of buildings is an improvement over previous schemes. The indicative proportions and massing are considered more appropriate, and the proposed layout is viewed as forming a coherent relationship with the existing farmstead at Broadstone Farm.

5.27 Although the proposal would result in a change of use from agricultural to residential, the Conservation Officer considers that the layout and indicative character of the development would maintain the character and appearance of the Conservation Area. It is noted that a building height of 1.5 storeys or up to 5.5 metres would be more acceptable, although this would be subject to further assessment at the reserved matters stage.

5.28 The proposal must also be considered against Policy HE2 of the Charlbury Neighbourhood Development Plan 2031. This policy requires that new development positively enhances the character and appearance of its immediate locality, contributes to local distinctiveness, and aligns with the Charlbury Design Guidance (Appendix C of the Neighbourhood Plan). Proposals that detract from the character or appearance of the area, or that conflict with the relevant Guiding Principles, will not be supported.

5.29 The proposed layout is considered to respond appropriately to the rural context and the existing built form given its scale and location on the site in place of the existing built form. While the detailed design will be assessed at a later stage, the current proposal in principle is considered to comply with the relevant provisions of Policy EH10, Policy HE2, and the relevant sections of the NPPF, insofar as they relate to layout and the principle of development within a Conservation Area.

Impact on Landscape

5.30 The application site lies within the Cotswolds National Landscape (CNL), formerly known as the Cotswolds Area of Outstanding Natural Beauty (AONB). As such, the proposal must be assessed in accordance with national and local policy guidance that seeks to conserve and enhance the natural beauty of the landscape. Paragraph 189 of the National Planning Policy Framework (NPPF) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to landscape and scenic beauty.

5.31 Policy EH1 of the West Oxfordshire Local Plan 2031 requires that development within the CNL conserves and enhances the landscape character, scenic quality, and cultural heritage of the area. Development should be informed by and respond to the landscape character and sensitivities identified in the West Oxfordshire Landscape Assessment (1998).

5.32 The site falls within the Semi-enclosed Limestone Wolds - Large scale within the wider Lower Evenlode Valley character area of the West Oxfordshire Landscape Assessment. The lower Evenlode Valley area is characterised by being a visually enclosed and coherent landscape defined by a wide, flat floodplain with meandering watercourses and gently sloping valley sides. Its pastoral and riparian character, combined with sparse tree cover and a mix of pasture and arable land, creates a strong sense of place and sensitivity to change. The Semi-enclosed Limestone Wolds - Large scale at a more local scale this is defined by large-scale, smoothly rolling farmland on a limestone plateau, dominated

by intensive arable cultivation. It features expansive fields with rectilinear dry-stone wall boundaries, minimal tree cover, and a strong sense of openness and exposure

5.33 The proposed development is located adjacent to the existing farmstead at Broadstone Farm. The layout has been designed to relate to the existing built form, which helps to reduce its visual prominence and integrate it into the surrounding landscape. The proposal does not extend beyond the established farm complex and avoids encroachment into undeveloped open land, which helps to preserve the character of both landscape areas.

5.34 While the site lies within the broader 'Lower Evenlode Valley and Semi-enclosed Limestone Wolds - Large Scale' landscape character areas, the aerial imagery demonstrates that the site itself is well contained visually by existing tree cover and a smaller-scale field pattern. These features create a more enclosed and intimate landscape setting, in contrast to the more open arable fields to the north and northeast and as such, views in to and out of the site are very limited. In fact the only viewpoint into the site is via the existing access along the road and there are no views of the wider landscape beyond due to the significant tree belt around the site.

5.35 The layout of the proposed development has been designed to relate closely to the existing built form, helping to reduce its visual prominence and integrate it into the surrounding landscape. The proposal remains within the established farm complex with the replacement of the barn with the new dwelling in roughly the same footprint which avoids encroachment into undeveloped open land, thereby preserving the wider landscape character.

5.36 Although the proposal introduces a residential use, the siting and layout are considered to respect the existing landscape structure and minimise visual intrusion. Further assessment of building design, materials, and landscaping will be required at the reserved matters stage. However, based on the submitted layout and the site's visually contained setting, the proposal is considered to be broadly consistent with the objectives of Policy EH1, the West Oxfordshire Landscape Assessment, and the NPPF, in terms of conserving landscape character and minimising harm to the scenic quality of the Cotswolds National Landscape.

Residential Amenity

5.37 The proposed development has been considered in relation to both the amenity of neighbouring properties and the future occupants of the site. As this is an outline application with all matters reserved except for layout and access, a full assessment of amenity impacts, including detailed design and window placement, will be undertaken at the reserved matters stage.

5.38 In terms of neighbouring amenity, the site is located in a relatively isolated position adjacent to the existing farmstead at Broadstone Farm. There are no immediate residential neighbours in close proximity to the proposed dwelling, and the layout does not suggest any direct overlooking, overbearing impact, or loss of privacy. No adverse impacts on neighbouring amenity are anticipated at this stage.

5.39 With regard to the amenity of future occupants, the plot is of a generous size and provides sufficient space for private outdoor amenity space. The layout allows for a well-proportioned residential curtilage, and the site benefits from a degree of enclosure and screening from surrounding vegetation, contributing to a private and comfortable living environment.

5.40 While detailed design matters will be addressed at a later stage, the current layout demonstrates that a dwelling can be accommodated on the site without giving rise to amenity concerns. A more detailed assessment will be required at the reserved matters stage to ensure that appropriate standards of amenity are maintained in accordance with relevant planning policies.

Highways

5.41 The Local Highway Authority has been consulted on this proposal and has raised no objection to the proposal. As such the proposal is considered acceptable in this regard and complies with policy T4 of the WOLP.

Biodiversity

5.42 WODC Biodiversity Officers have been consulted on this application and have raised no objection to the proposed development, subject to the inclusion of conditions relating to biodiversity enhancements. The site is exempt from the statutory Biodiversity Net Gain (BNG) requirement as it qualifies as a self-build project. Although no ecological survey was submitted, the existing agricultural building has negligible potential for protected species, and no trees are proposed for removal. The proposal includes embedded ecological enhancements such as a wildflower meadow, bird and bat boxes, and native hedgerow and tree planting. These measures are supported in accordance with Local Plan Policy EH3 and paragraph 187 of the NPPF.

Environmental Health

5.43 The application has been reviewed by the Council's Environmental Regulatory Service in relation to both land contamination and noise.

5.44 In terms of land contamination, the Contamination Officer has raised no objection in principle. However, due to the presence of historic landfill activity in the surrounding area, including the former 'Town Quarry' which was used for industrial waste disposal between 1982 and 1993, there is a potential risk of ground gas migration. To ensure the site is suitable for residential use, a condition has been recommended requiring a desk study and, if necessary, a site investigation and remediation scheme to be submitted and approved prior to development. This is in accordance with Local Plan Policy EH8 and Section 15 of the NPPF.

5.45 With regard to noise, the Environmental Health Officer has confirmed that there are no objections. It was noted that, due to the location of the nearest neighbouring residential property, any flue associated with the proposed dwelling should be positioned at least 1 metre above the ridge height of the building to ensure appropriate dispersion. This matter would be considered at the reserved matters stage.

5.46 Subject to the recommended conditions, the proposal is considered acceptable in terms of environmental health considerations.

Drainage

5.47 WODC Drainage Officers have been consulted as part of this application and have raised no objection, subject to a condition requiring a full surface water drainage scheme to be submitted to and approved by the LPA prior to the commencement of development. As such the proposal is considered acceptable in this regard and complies with policy EH7 of the WOLP.

Self Build

5.48 The application has been applied for as a self-build dwelling, as such in order to secure this the applicants are required to enter into a legal agreement that requires them to inhabit the dwelling for a minimum period of 3 years. The applicant has indicated that they are prepared to enter into this agreement but at the time of this report this is still outstanding. Therefore, your officer's recommendation to Members is for the application to be delegated back to officers to resolve the legal agreement if minded to approve.

Planning Balance Conclusion

5.49 The proposed development seeks outline planning permission for the erection of a self-build dwelling at Broadstone Farm, Charlbury. The site lies outside the built-up area of the settlement and is therefore considered to be in open countryside for the purposes of planning policy. As such, the proposal does not comply with the locational requirements of Policies OS2 and H2 of the West Oxfordshire Local Plan 2031, which strictly control new residential development in such locations.

5.50 However, as the Council cannot currently demonstrate a five-year supply of deliverable housing land, the presumption in favour of sustainable development set out in paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged. This means that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed

5.51 In this case, no significant harms have been identified in relation to the layout, character and pattern of development in the area, landscape impact, heritage, amenity, biodiversity, flood risk, highways safety or environmental health. The proposal is for a single self-build dwelling, and while only limited weight can be given to the contribution this single dwelling makes to the overall housing supply shortfall, it nonetheless does represent a benefit in the context of the current shortfall and short term economic benefits associated with the build process

5.52 Taking all relevant material considerations into account, and in the absence of identified harm, the proposal is considered to represent an acceptable form of development.

Conclusion

5.53 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement to secure the self-build status of the dwelling. It is recommended that the decision be delegated to officers to secure the legal agreement.

6 CONDITIONS

- I. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and

(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

2. Details of the appearance, scale and landscaping, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. 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.

4. 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.

5. Notwithstanding the submitted details and prior to above ground works, a soft landscaping scheme incorporating the creation of a wildflower meadow, the planting of native hedgerows and trees and the provision of durable and suitably-placed bat and bird boxes within the wider site shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following:

- i. A plan showing the areas to be managed for biodiversity;
- ii. A landscaping implementation plan (e.g. phasing);
- iii. Detailed planting and sowing specifications, including species, size, density spacing, cultivation protection (fencing, staking, guards) and non-chemical methods of weed control; and
- iv. The make, model and locations of bat and bird boxes.

The development shall be carried out in accordance with the approved scheme and shall be completed by the end of the next available planting season immediately following the completion of the development or the site being brought into use, whichever is the earliest.

REASON: To enhance biodiversity in accordance with Local Plan Policy EH3, paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. The development shall be carried out in accordance with the site location plan. The development shall be limited to up to 1 dwelling consistent with the submitted Planning Application by Applicant/Agent in date.

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

7. No development shall take place until a desk study has been carried out to assess the nature and extent of any contamination, whether or not it originated on site. The report on this study must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

REASON: To ensure any contamination of the site is identified and appropriately remediated

8. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To avoid flood risk in line with Policy EH7

9. 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.

Notes to applicant

- I There is a risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in

crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0345 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

- 2 Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:
 - Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
 - Wall, floor and roof insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling
 - Materials with low embodied carbon

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/planning-application-supporting-information/sustainability-standards-checklist/>
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

- 3 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.

- Non-statutory technical standards for sustainable drainage systems (March 2015))

Contact Officer: Mr Emile Baldauf-Clark

Telephone Number:

Date: 6th August 2025

Application Number	25/01319/LBC
Site Address	Feathers Hotel 16 - 20 Market Street Woodstock Oxfordshire OX20 1SX
Date	6th August 2025
Officer	Rebekah Orriss
Officer Recommendations	Refuse
Parish	Woodstock Parish Council
Grid Reference	444550 E 216756 N
Committee Date	18th August 2025

Location Map



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Application Details:

Addition of 2 flag poles and flags

Applicant Details:

Mrs K Kann
Park House
Station Lane
Witney
Oxfordshire
OX28 4EJ

I CONSULTATIONS

Conservation And Design
Officer

The current proposal is insupportable. The flagpoles are incongruous and too large scale - disproportionately large for this building - harming its historic (illustrative and evidential) and architectural character and composition. There is concern that the brackets holding the flag poles are too large - and will lead to excess stress /load on the slim brickwork - especially over time and in bad weather.

I raise an objection to this proposal; it does not preserve the historical and architectural character; detracting from the principal building and could harm the historic fabric over time. I also consider that the proposal results in a visually cluttered appearance for not only the building, but for the conservation area; harming its character and appearance.

The proposal is contrary to legislation, the NPPF (Section 16) and LP Policies EH11, and EH10. Also it is contrary to our Design Guidance and the Woodstock Conservation Area Appraisal (Draft version) which states that 'Poorly chosen signage represent a potential threat to the visual quality and character of the main retail streets, especially in Park Street, High Street, Market Street and the Market Place... and poor quality signage, does nothing to enhance local character, and cumulatively results in visually cluttered streets'.

Town Council

Woodstock Town Council - No objection.

2 REPRESENTATIONS

2.1 None received.

3 APPLICANT'S CASE

3.1 The applicant's heritage statement concludes the following points:

'There is no harm anticipated to the significance of the heritage asset or its setting. The flagpoles are modest, fully reversible, and will not obscure or alter any features of significance. The visual impact is minor and appropriate to the commercial use of the building as a hotel. There will be no loss of historic fabric.'

4 PLANNING POLICIES

NPPF 2024

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

5 PLANNING ASSESSMENT

Background Information

- 5.1. The application seeks Listed Building Consent for two flag poles at Feathers Hotel, Woodstock. The application site relates to a hotel situated in the middle of the town.
- 5.2. The Feathers Hotel is a Grade II listed red-brick building and is within the Woodstock Conservation Area. There are several other listed buildings within the setting of the hotel.

Siting and Design

- 5.3. The application proposes two flag poles on the front elevation of the hotel, above the main pedestrian entrance, the flag poles are located either side of the first floor windows. The poles are black and protrude at an acute angle from the wall and are approximately 3m long. The flag poles are currently hung with purple flags, there is a separate advertising consent being considered for these flags.

Impact on the Listed Building

- 5.4. Officers are required to take account of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.5. Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 212 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 213).
- 5.6. Paragraph 215 of the NPPF 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.
- 5.7. With regard to the impact on the listed building, your officers consider that the large size of the flag poles appears out of scale with the hotel building and are an incongruous addition to the frontage, harming the architectural character and composition. Your officers are of the view that their presence results in a visually cluttered appearance that does not preserve the character of the building.

- 5.8. The site is also in the Woodstock Conservation Area and is highly visible within the centre of the town. Officers consider the harmful impact of the cluttered appearance extends to the setting of the surrounding listed buildings and the wider conservation area.
- 5.9. Having consulted the conservation officer, your officers also have concern that the brackets holding the flag poles may lead to structural damage by putting excess stress on the brickwork, which could be worsened in bad weather and would damage the building over time.
- 5.10. The harms to the listed building and conservation area identified amount to less than substantial harm, therefore officers are required to balance these harms against the public benefits. In this case, the only benefit is the advertising of the hotel, officers consider that this is a benefit to the viability of the business which in turn has some benefit of keeping the listed building in use. However, your officers consider that there are alternative forms of advertising that might be supported which would not harm the character or structure of the building. Therefore, your officers consider that any benefits that might be provided by the retention of the flagpoles do not that outweigh the less than substantial harm identified in this report.

Conclusion

- 5.11. The Local Planning Authority has had special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, and to the desirability of preserving or enhancing the character or appearance of the area.
- 5.12. Taking into account the above matters the works proposed will not preserve the special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage assets will be not be sustained, in accordance with Section 16 of the NPPF. The recommendation is to refuse this application.

6 REASONS FOR REFUSAL

1. By reason of the flagpoles being out of scale with the listed building and resulting in a cluttered appearance harming the buildings historic and architectural character and composition, as well as appearing incongruous in the Woodstock Conservation Area the flagpoles are considered to result in less than substantial harm to the character and appearance of the listed building and conservation area that is not outweighed by any public benefits and is contrary to section 16 of the NPPF 2024.

Contact Officer: Rebekah Orriss

Telephone Number:

Date: 6th August 2025