

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **LOWLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 8th September 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.

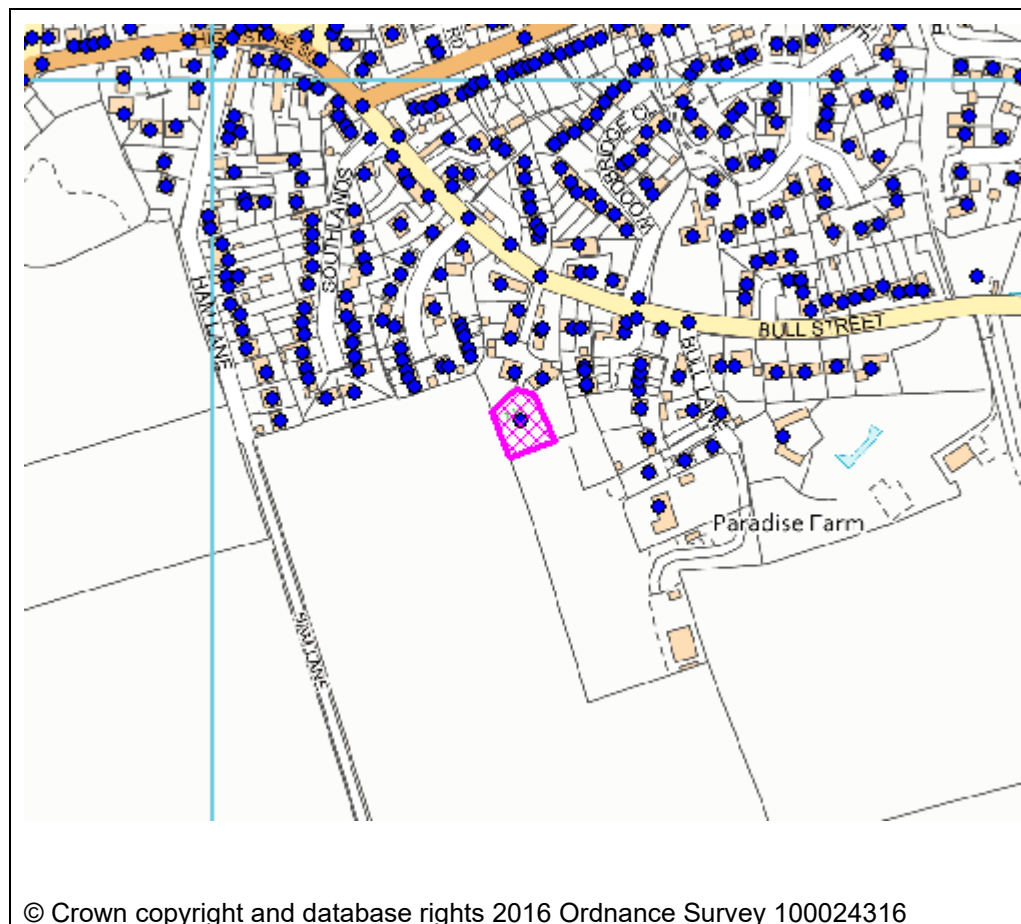
Please note that:

- 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](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
1	24/03177/FUL	<a href="#">Land South Of The Paddocks</a>	James Nelson
2	24/03278/FUL	<a href="#">Land (E) 431186 (N) 208772 Witney Road</a>	James Nelson
3	25/00277/FUL	<a href="#">87 Moorland Road Witney</a>	Clare Anscombe
4	25/00840/FUL	<a href="#">Land (E) 428631 (N) 204548 Burford Road</a>	Rebekah Orriss
5	25/01129/FUL	<a href="#">Land West Of The Nursery</a>	Clare Anscombe
6	25/01557/PN56	<a href="#">Windrush Leisure Centre Witan Way</a>	Joshua McFarland

Application Number	24/03177/FUL
Site Address	Land South Of The Paddocks Aston Bampton Oxfordshire
Date	27th August 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434204 E 202774 N
Committee Date	8th September 2025

### Location Map



### Application Details:

Erection of a single detached dwelling and associated works (amended plans)

**Applicant Details:**

Mr Clive Mitchell

C/o Agent

**I CONSULTATIONS**

Parish Council

Aston Parish Council Aston Parish Council has provided comments in objection to the proposed development, for the following material planning considerations summarised below:

- Historical planning applications which included restricting the development of 28 Bull Street Aston (renamed as The Paddocks) to 4 new dwellings (the fifth being the existing farmhouse). The conditions relating these historic applications are considered to still apply and both restrict the number of dwellings and residential access to the application site.
- The proposed development does not comprise infill or rounding off, falls outside the existing built up area and does not form a logical complement to an existing pattern of development. In addition, the proposal would be detrimental to the character and appearance of the Conservation Area by extending development beyond the edge of the village, by setting an undesirable precedent for further development of a similar nature and due to its poor design.
- The proposed site is one of the last pieces of green space with the built-up village to the north and east, and arable farming to the south and west, and thus provides a 'wildlife corridor' for deer, fox, hedgehogs, badgers, owls, bats and other wildlife.
- The ongoing and repeatedly reported issues with sewage flows along Bull Street would be impacted by even a single additional dwelling.
- Access for the building process is poor and would be detrimental to residents of both The Paddocks and Bull Street.
- There is no parking for building-related trades.
- This development would add no value to the character of the Conservation Area.
- It was identified in W99/0401 that there were records indicating the presence of known archaeological finds on the site but there has been no mention of this in the current application.

If the Planning Authority is minded to approve this planning application, the Parish Council has asks that the following conditions are imposed in order to mitigate the impact upon already overloaded infrastructure and minimise disruption to residents

WODC Drainage	No objection subject to condition.
Env Health Noise And Amenity	<p>We have no adverse comment on this application from a noise perspective, but would ask for the following condition to be attached to any consent granted:</p> <p>Hours of work in connection with the application shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday with no working on Sundays or Bank/Public Holidays.</p>
Env Health Contamination	No objection.
District Ecologist	Acceptable subject to conditions and informative.
Conservation And Design Officer	No response received- no objection to principle expressed at pre-app stage.
OCC Highways	No objection subject to conditions.
OCC Archaeological Services	No objection subject to conditions.
District Ecologist	See above.
Thames Water	No Comment Received.

## 2 REPRESENTATIONS

2.1 Letters of objection have been received from six third parties, who have raised the following material planning considerations in opposition to the application:

- Precedent set by planning history including refusal of application W2000/0686 on the grounds of failing to form a logical complement to the settlement pattern and harm to the Conservation Area;
- The proposal would result in significant harm to the character of the area, and would fail to preserve the character or appearance of the Aston Conservation Area;
- Proposal would relate poorly to the settlement and unacceptably extend into open countryside contrary to the spatial strategy of the Local Plan;
- Poor access and disturbance through increased use;
- Harm to the amenity of adjacent properties;
- The proposal would harm the integrity of designated European wildlife sites, notably Cothill Fen Special Area of Conservation (SAC) and Oxford Meadows SAC

2.2 Two further letters of objection reiterating previous concerns have been received in response to the re-consultation on amended plans.

### 3 APPLICANT'S CASE

- 3.1 A Planning, Design and Access Statement has been submitted in support of the application, the main points of which are summarised below. The full document as well as all other supporting information can be found on the Council's website.
- 3.2 'The application proposals are for residential development of the site to erect a single two storey detached dwelling, with provision of ample garden and car parking for three cars. The present use of the site is redundant pasture, accessed from the relatively recent Paddocks residential cul-de-sac development.
- 3.3 The proposed dwelling would be a family-sized 4-bedroom property of a typical vernacular design on an essentially 'L-shaped' footprint over two floors (also with a modest single storey element to the rear), with an overall footprint of approx. 156sqm, on a plot size of 1160sq.m. In footprint, the proposed dwelling would be more modest than either of the adjacent 3 and 5 The Paddocks and would deliver a generous garden to the rear (south), which reflects and respects the pre-application feedback identifying the latter as beneficial in its existing character.
- 3.4 The scale of the proposed dwelling would be in keeping with the existing properties at The Paddocks, being of two storeys (with attic space) under a pitched roof with a maximum height of the principal range to the ridge of approx. 7.8m and eaves height of 4.9m. The secondary perpendicular range to the rear would be subservient. No significant change in current ground levels is required for the construction of the new dwelling.
- 3.5 The layout proposed is intended to provide a positive visual termination point of The Paddocks development, which is currently considered to be rather unresolved, thereby 'rounding off' that part of the village envelope. The dwelling would be sited as far as practically possible towards the north of the plot to complement the relationship and sense of cohesion with the existing Paddocks properties, effectively being positioned between 3 and 5 The Paddocks, whilst nevertheless ensuring that the amenity of those properties and their private gardens.
- 3.6 The architectural design of the proposed dwelling takes its lead from the vernacular character of the properties approved for The Paddocks(LPA ref. W/2000/0576), being similarly respectful of, and complementary to, the location within the Aston Conservation Area. In form, therefore, the dwelling would comprise a relatively narrow principal span depth, slightly less than those of 3 and 5 The Paddocks, under a steeply pitched roof. The perpendicular outshot the rear and single storey element would both have the appearance of appropriately subservient and organic 'additions over the passage of time' on a traditional 'L-shaped' footprint, thus reflecting a sympathetic reducing hierarchy of overall scale and form of the dwelling.
- 3.7 The proposed external materials proposed would be of undressed natural Cotswold stone and natural blue slate roofing to bind the appearance and overall design into a cohesive whole in itself and within its context. Similarly, the simple, uncomplicated, elevational treatment continues this traditional approach to the development and the surrounding context.
- 3.8 The proposals would result in no loss of existing vegetation in terms of significant trees or hedgerows, and the existing boundary vegetation to the plot naturally lends itself, in size and character, to the delineation and creation of an appropriate residential curtilage to the family-sized property, incorporating appropriate parking and turning space, without substantial change.

- 3.9 The position of the plot and its existing relationship to 3 and 5 The Paddocks results in no necessity for substantial highways works, as the termination of the existing cul-de-sac would provide a natural point of access to the new dwelling between the latter neighbouring properties, in turn then joining Bull Street to the north as currently.
- 3.10 The site presents the Council with an excellent windfall opportunity to assist, in a modest way, the on-going strategic necessity to deliver such sites to confidently demonstrably meet its housing supply requirements.
- 3.11 In light of the above, it is concluded that the development as proposed, would comply with all relevant Development Plan policies and the guidance set out within the NPPF. It is therefore respectfully requested that the Council grants planning permission for the development.'

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

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

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH13 Historic landscape character

EH15 Scheduled ancient monuments

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background**

- 5.1 This application seeks consent for the erection of a single detached dwelling and associated works at Land South of The Paddocks, Aston.
- 5.2 The application site is located at the southern edge of the village to the south of a residential close (The Paddocks), accessed off Bull Street. The site is within the Aston Conservation Area ('CA') and borders residential development to the north and east with open countryside to the south and west.

5.3 The application is brought before the Committee due to the objection of the Parish Council on the grounds as set out above. Amended plans have been received to re-site the dwelling.

5.4 The application was deferred at the August meeting of this Committee to enable further consideration of the foul water capacity in the locality.

### **Relevant Planning History**

W2000/0576- Erection of four dwellings and garages (amendment to planning permission approved under reference W99/0401) part retrospective- Approved.

W97/1587- Redevelopment of land for residential development with access (renewal of planning permission ref 1106/91). Approved.

W99/0401- Demolition of existing outbuildings and erection of four dwellings & garages, construction of new vehicular access and alterations to existing access. Approved.

W2000/0686- Erection of one dwelling with double garage & repositioning of garden boundaries- Refused.

05/2153/P/FP- Change of use of paddock to domestic garden (5 The Paddocks) (retrospective)- Approved.

08/1008/P/FP- Change of use of paddock to garden (3 The Paddocks) Approved.

### *Development Plan*

5.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ('WOLP').

### *National Policy*

5.6 The National Planning Policy Framework 2024 ('NPPF') sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic; social; and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.7 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.



## *5-Year Housing Land Supply and the NPPF*

5.8 The Council cannot demonstrate a five-year supply of housing land. The it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance providing strong reason to refuse the development in accordance with NPPF para. 11.

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

- Principle
- Siting, Design, Form and Landscape Impact
- Impact upon Heritage Assets
- Neighbourly Amenity
- Drainage/Flood Risk
- Highways
- Ecology

5.10 Each will be considered in the following sections of this report.

### **Principle of Development**

5.11 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 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. In this regard, Aston is identified as a 'village' in Table 4b where limited development may be suitable provided village character and local distinctiveness are not undermined. Policy OS2 also contains a set of general principles with which new development should comply including all development should:

- 'Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- Conserve and enhance the natural, historic and built environment'

5.12 Policy OS2 goes on to outline that proposals for residential development will be considered in accordance with the locational housing strategy contained in WOLP Policy H2. Policy H2 states that new dwellings may be permitted in 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; and
- 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 The application site comprises undeveloped land, and given its close proximity to residential development to the north and east, is considered to adjoin the built up area of the village. In such locations, WOLP Policy H2 sets out that residential development is acceptable in principle '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'.

5.14 Given the Council's Housing Land Supply position, as set out above, officers accept that a general housing need across the District is established. In this context and given the limited scale of the proposal as well as its proximity to the village, officers consider that the provision of houses in the in this location accords with the housing locational strategy of the WOLP as set out in Policies OS2, H1 and H2.

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

5.15 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139). WOLP Policy OS2 also requires that development should form a logical complement to the existing scale and pattern of development and/or character of the area and as far as is reasonably possible, protect or enhance the local landscape and setting of settlements. The requirement to respect and enhance the landscape and visual character of the area is also set out in Policy EH2 (Landscape character).

5.16 The West Oxfordshire Design Guide (Section 11) sets out supplementary design guidance in the District and states that:

'In the case of a site within or immediately adjoining a settlement with a distinctive established character, it may be most appropriate to develop a scheme that echoes and builds sympathetically

upon distinctive aspects and features of that settlement, in order to create a place whose character meaningfully relates to that of its context... In the case of locally inspired schemes, character should not merely be understood in terms of local house types and materials; but also, for example, in terms of locally distinctive settlement and street patterns, public and private open space, landscape, surface and boundary treatments.'

- 5.17 In terms of layout, the proposed dwelling would be sited in the central portion of the site and logically set in the broadly rectilinear plot. Officers consider that the size of the site is sufficient to ensure that the dwelling could be accommodated without reading as cramped or contrived. The loss of the paddock itself will be fully considered in the following section of this report, but officers consider that its enclosed character and close relationship to neighbouring residential gardens on this ragged edge of the village would ensure that the loss of this feature in landscape terms would not result in a significant adverse impact and any visual perception of the dwelling from the west would be in the context of a backdrop of residential development.
- 5.18 With regard to height, the dwelling would measure 7.83m to the ridge and 4.9m to the eaves, which is comparable albeit slightly lower than neighbouring dwellings. In terms of design, the building would take a neo-vernacular appearance akin to existing dwellings at The Paddocks, with good proportions and a compact footprint comprised of a duo-pitched main block with rear projecting gable and single story element. The application is therefore considered to represent a locally informed and appropriate design in accordance with the above policy context.

### **Impact upon Heritage Assets**

- 5.19 Given the application site within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.20 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a 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). Paragraph 215 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. WOLP Policies EH9 and EH10 are directly relevant to the application.

#### *Main elements contributing to the significance of the CA*

- 5.21 The CA covers a large proportion of the village, incorporating the historic core centred on a triangular square; areas of agricultural land close to the historic core and large areas of modern residential development largely to the east of the core. The historic core of the village incorporates many of the village's historic buildings, a number of which are listed, and its vernacular architecture and linear arrangement along the main streets form a large part of its significance. The surrounding agricultural land would once have been relied on for farming and the significance of this rural

landscape is demonstrated by the inclusion of some agricultural land within the CA and reflects the importance of the long views of the settlement and the historic patterns of enclosure.

#### *Contribution of the site to the significance of the CA*

5.22 The site is made up of an undeveloped paddock on the edge of the village, which demonstrates a relatively enclosed character owing to mature boundary vegetation and delineation of the western and southern boundaries in particular, which separate the site visually and physically from more open fields beyond. Officers note that the site appears to have been separated in this way for many years as demonstrated in historic mapping data and therefore reads as a transitional space between the built up area and open countryside. This is characteristic of the fairly ragged edge of the settlement in this location, but in officer's view means that the site forms a limited contribution to the wider agricultural setting of the village and its heritage significance through association with agriculture, and shares a closer relationship to neighbouring residential dwellings and gardens than with the open countryside.

#### *Impact of the scheme upon the significance of the CA*

5.23 The proposed development would result in the loss of this area of paddock on the fringes of the village, and therefore on a site level would result in an urbanising impact. However, given the enclosed character of the site, separation from open countryside and its close relationship to 'The Paddocks', your officers consider that the introduction of a residential dwelling in this location would form a logical compliment to the pattern of development and result in a very low level of harm to the significance of the CA. Officers also note that the perception of this change would be minimal, with no views of the site possible from Bull Street and views from the west along Ham Lane would be heavily filtered and set in the context of existing built form. On this basis, whilst the loss of a small area of paddock would necessitate 'less than substantial' harm in the terms of the NPPF, for the reasons as set out above this harm would amount to a very low level. Nonetheless, under the terms of the NPPF, great weight must be applied to this very low level of harm and weighed against the public benefits of the scheme. In this regard, whilst the provision of a single dwelling and associated socio-economic benefits should not be awarded more than limited weight, this would outweigh the heritage harm identified given its very low level. The application therefore complies with WOLP Policies EH9, EH10 and EH13, as well as the relevant paragraphs of the NPPF and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Archaeological impacts*

5.24 The site lies in an area of archaeological interest and potential, south of the village of Aston. around 80m to the west of the site. OCC Archaeology have confirmed that a later prehistoric (Roman) settlement complex has been recorded via aerial photographs of cropmarks as part of the Thames Valley Project National Mapping Programme. Cropmarks of a potential trackway appear to run towards the proposal site, and it is possible that these and further remains, which do not show in aerial photographs, survive on the site and would be impacted by the development. Therefore, OCC Archaeology have recommended the imposition of planning conditions to ensure that a staged programme of archaeological investigation shall be maintained during the period of construction. Subject to the conditions as set out in Section 6, the application is therefore acceptable in this regard.

## Neighbourly Amenity

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

5.26 The application has been amended through the submission of revised plans to re-site the proposed dwelling such that it would sit parallel with the east and west boundaries of the site and further south than the plans as submitted. The result of this change is that the dwelling would be sited 22-30m from the rear façade of No.3 The Paddocks. Therefore, your officers consider that this separation distance would ensure that the proposed dwelling would not result in an adverse impact upon No.3 by way of overlooking, loss of light/outlook or overbearing.

5.27 The amended plans have reorientated the dwelling so that upper floor windows would be directed away from the rear elevation and private amenity space of No.5 and therefore subject to a condition to ensure suitable boundary treatments are installed, the privacy of No.5 would be protected. Given the off-set and separation to No.5, no adverse impact by way of loss of light/outlook or overbearing would result that would warrant refusal of the application. As such, the application is considered acceptable in neighbourliness terms.

## Drainage/Flood Risk/Water Supply

5.28 WOLP Policy EH7 relates to flood risk and states that:

"Flood risk will be managed using the sequential, risk-based approach, set out in the National Planning Policy Framework, of avoiding flood risk to people and property where possible and managing any residual risk".

5.29 The LPA's drainage engineers have reviewed the scheme, which is located on land within Flood Risk Zone 1, and raised no objection subject to the imposition of a pre-commencement surface water condition.

5.30 With regard to water supply, it is noted that Thames Water have not made comments on the application and the Environment Agency (EA) are not a statutory consultee. At the previous meeting, concerns were raised by Members that comments made by the EA on application ref: 25/01247/OUT (a major application for 40 dwellings within the sewerage treatment catchment area) may form a material consideration for this application. These comments included a 'position statement regarding water quality risks due to wastewater capacity pressures related to the Bampton Sewage Treatment Works (STW)' which stated *inter alia*: 'Until the works to increase the capacity are delivered, all development requiring new connections to mains sewer will increase the load to the Bampton STW and increase nutrient concentrations in discharges from it to the Shill Brook, presenting a risk of deterioration to water quality. It is important that LPAs account for this risk in their decision making.'

5.31 In this case, the proposed development would result in a single additional dwelling and National planning policy does not require assessment of cumulative risks to the water environment when determining applications, so this assessment is not required for applications that are not EIA developments. On this basis, the risks from non-EIA developments will be smaller with the EA stating

in their position statement that 'for developments that do not require EIA, it is unlikely that the impact of increased discharges from individual developments will be significant enough, in each instance, to contribute an unacceptable risk of water pollution (as per NPPF para 187(e)). LPAs should be satisfied this is the case for each development.'

- 5.32 In this case, not only is the proposal not EIA development, but it relates to a single additional dwelling which, in the context of the wider catchment area would result in a negligible impact and would not constitute a reason for refusal under NPPF paragraph 187(e).

## **Highways**

- 5.33 WOLP Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. WOLP 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'. WOLP Policy T2 states that all new development 'will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'. 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'.

- 5.34 The application has been subject to consultation with the Highways Authority, who have raised no objection to the application subject to conditions to ensure parking and turning facilities are provided on site. The application is therefore considered acceptable in terms of highways safety and given its sustainable location as set out, is considered to accord with the above policy context.

## **Ecology**

- 5.35 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.

- 5.36 The application is subject to Statutory Biodiversity Net Gain ('BNG'), and the Biodiversity Officer ('BO') has confirmed that the amended BNG information is acceptable subject to conditions.

- 5.37 In accordance with Policy EH3, to provide additional enhancements for biodiversity, bat roosting features and bird nesting opportunities are sought via condition. The site is located within the amber impact risk zone for Great Crested Newts as per the NatureSpace district licence modelled map indicating that some suitable habitat is present within the surrounding area. There is 1 no. pond approximately 190 metres of the site but this is separated from the site by urban development reducing the likelihood that great crested newts will be present within the site. The managed grassland habitat onsite has low suitability for great crested newts due to the lack of shelter provided, but scrub along the southern boundary provides opportunities for the species. Similarly, the boundary vegetation may be used by nesting birds, reptiles, and hedgehogs. Clearance of boundary vegetation is therefore recommended to follow a precautionary method to avoid impacts to protected species that may be present. This can be secured by condition.

- 5.38 Comments objecting to the scheme are made on the basis that the proposal would result in likely significant effects on Cothill Fen Special Area of Conservation ('SAC') and Oxford Meadows SAC. European Designated Sites are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Under the Habitats Regulations, the Council has a specific duty as a

"Competent Authority" to ensure that European designated sites are protected, conserved and restored, during the normal exercise of its duties. In this case, the site is located more than 10km from the SACs identified, the Biodiversity Officer has not identified any ecological connectivity between the sites and the scope of the project is minor, such that there will be no likely significant effect on these sites and further assessment is not required.

## **Other Matters**

5.39 A planning condition to ensure suitable measures to achieve water efficiency are installed is recommended.

5.40 The application site is within a mineral safeguarding area however, no conflict with the Oxfordshire Minerals and Waste Local Plan is identified as the proximity of the site to existing residential properties would mean that mineral extraction in this location would not be possible.

5.41 There is no basis on which to impose conditions regarding construction working hours. This is because there are separate powers to prevent harm resulting from noise and activity related to construction works.

## **Planning Balance and Recommendation**

5.42 As set out above, the decision-making process for the determination of this application is 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.

5.43 With regard to 11(d)(i), this assessment has found that the proposal would comply with the policies of the NPPF and WOLP with regard to the impact on the CA.

5.44 With regard to ii), 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 WOLP or NPPF. As such, there are no adverse impacts that would significantly and demonstrably outweigh the public benefits arising from the creation of a single dwelling in this location and thus warrant refusal of the application, and this balance must fall in favour of granting consent and the application is therefore recommended for approval subject the conditions as set out in Section 6.

## **6 CONDITIONS**

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

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

2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 27.06.2025.

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

3. The external walls of the dwelling hereby approved shall be constructed with natural cotswold stone, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

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

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

5. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

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

6. The dwelling hereby approved shall not be occupied until a plan indicating the position, design, materials and height of fencing to be erected along the eastern boundary of the site has been agreed in writing by the Local Planning Authority and erected on site in accordance with the approved details. The boundary treatment shall include provision for hedgehog highways and shall be retained in that condition thereafter.

REASON: To safeguard the character and appearance of the area, amenity of neighbours and improve opportunities for biodiversity.

7. 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.

8. 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.



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

REASON: In the interest of road safety.

10. That, prior to the commencement of development, a full surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy 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 scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

11. Prior to 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).

12. Following the approval of the Written Scheme of Investigation referred to in condition 11, 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).

13. 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. Site clearance and construction shall be carried out in accordance with West Oxfordshire District Council's Biodiversity Specification #1 Precautionary Working Methods

- ii. At least 3 no. Swift bricks to be integrated / built-in to the east elevation wall of the new building at 1 metre intervals and in accordance with the council's Biodiversity Specification #3;
- iii. At least 1 no. integrated / built-in bat box (e.g. tube, brick or access panel) to be installed into the east elevation wall of the new building in accordance with the council's Biodiversity Specification #4;
- iv. Hedgehog gaps created in new boundary features; and
- v. Statutory Small Sites Metric completed by Robert Craine dated 19/11/2024 and Biodiversity Net Gain Assessment report prepared by Diversity dated December 2024, subject to final confirmation as part of the biodiversity gain plan.

REASON: To protect and 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 and to secure the biodiversity net gain proposals.

14. Notwithstanding the submitted details and prior to above ground works, a soft landscaping scheme incorporating native hedgerow planting and at least one fruit tree 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.

15. 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

## Notes to applicant

- I. 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))
2. 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>

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

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

Bat roost features (e.g. brick, box or access panel) and boundary hedgerows may be used by light sensitive species, including bats, and avoiding direct lighting of these features would increase the likelihood of use by bats and other light sensitive species.

3. There is a low risk that great crested newts may be present at the application site. However, the application site lies within the amber impact zone as per the district licensing scheme modelled map, which indicates that there is suitable habitat for great crested newts within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that great crested newts and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a great crested newt is discovered during site preparation, enabling or construction phases, 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.
4. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish

for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

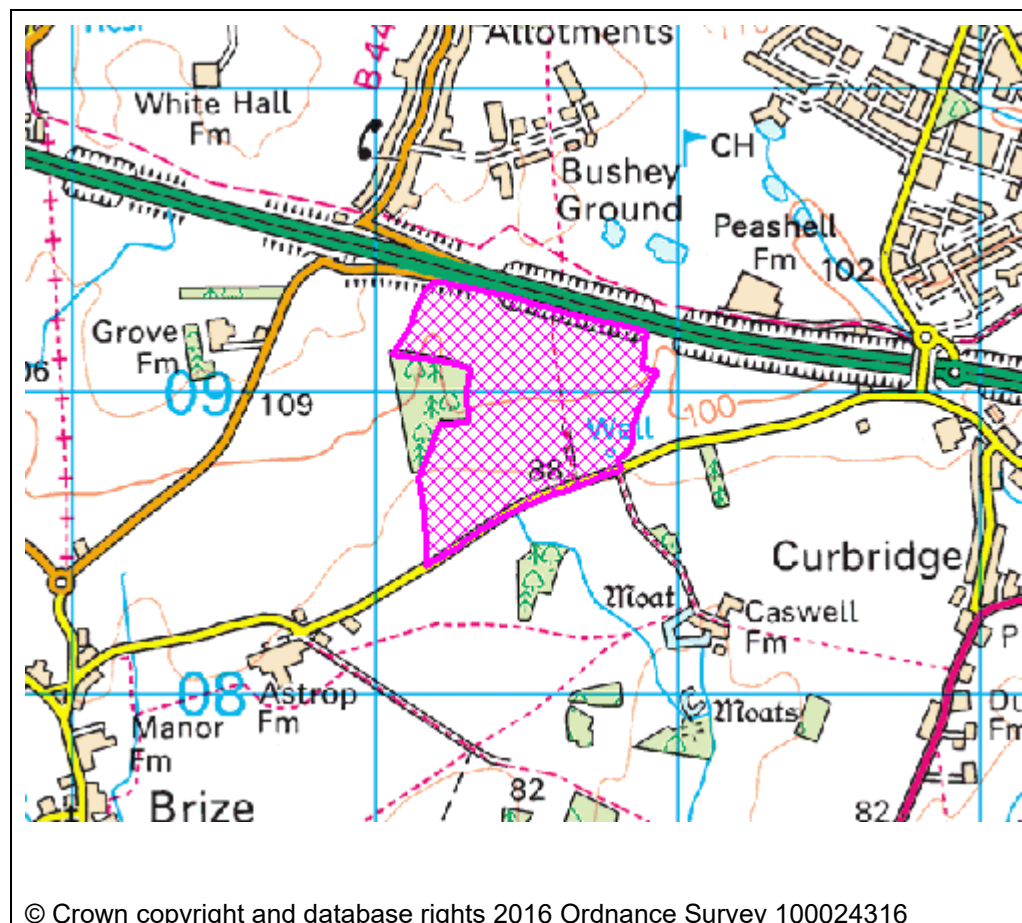
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 27th August 2025

Application Number	24/03278/FUL
Site Address	Land (E) 431186 (N) 208772 Witney Road Brize Norton Oxfordshire
Date	27th August 2025
Officer	James Nelson
Officer Recommendations	Approve subject to Legal Agreement
Parish	Curbridge Parish Council
Grid Reference	431186 E 208772 N
Committee Date	8th September 2025

### Location Map



### Application Details:

Construction and operation of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access, ancillary works and landscaping

**Applicant Details:**

Witney Solar Limited  
14b Tower 42  
25 Old Broad Street  
London  
EC2N 1HN

**I CONSULTATIONS**

MOD MOD (Brize Norton)	No objection subject to conditions.
District Ecologist	No objection subject to conditions and S106 obligations.
Env Health Contamination	No objection subject to conditions.
Env Health Noise And Amenity	No objection subject to condition.
Natural England	No objection- standing advice issued.
Newt Officer	No Comment Received.
OCC Rights Of Way Field Officer	No objection.
Conservation And Design Officer	No objection- low level of less than substantial harm to the setting of heritage assets associated with Caswell Farm identified.
Major Planning Applications Team	Transport No objection subject to conditions. LLFA Objection on the grounds of insufficient information. Archaeology No objection subject to conditions. Fire No objection.
Wildlife Trust	Objection, in relation to the following issues:  1. Potential for serious impact on priority species breeding birds including skylark

2. Concerns relating to BNG, habitat creation and habitat management

3. Concerns relating to lighting

4. Concerns relating to fencing

Parish Council

Curbridge

The Parish Council do not object to this application but wish to comment as follows:

- Concern over the suitability of the Downs Road/Witney Road junction. This needs upgrading. The access to the construction site shows a suitable upgrade so the same should be expected for the Downs Road junction;
- Concern over the cable route to the sub-station at Ducklington as not fully established and as yet unknown. This is expected to be along the road verge from the proposed solar farm to the Downs Road junction but unknown after that point.
- Preference expressed to remove the stile (access over the A40) and provide a kissing gate to improve safety and access. There are no warning signs on the A40 for this footpath across the dual carriageway. This is an opportunity for the applicant and also the applicant for the Peashell Farm site (25/00144/OUT) to improve this footpath access and safety across the A40 (ref:185/11).

WODC Tree Officer

Independent review carried out by MCA Landscape on behalf of the LPA. No objection subject to amended landscape interventions as set out in Section 5.

WODC Planning Policy Manager

No Comment Received.

Thames Water

No Comment Received.

Oxfordshire Fire Service

See above.

Adjacent Parish Council

Brize Norton

No objection.

Adjacent Parish Council

No Comment Received.

OCC Lead Local Flood Authority

No Comment Received.

OCC Lead Local Flood Authority                      See above.

District Ecologist                      See above.

OCC Lead Local Flood Authority                      See above.

## **2 REPRESENTATIONS**

2.1 A total of eight objection comments have been received from four interested parties.

- Impact of battery storage facility and wider solar farm on spring water supply to Caswell House
- Highways safety concerns along Witney Road resulting from construction traffic and difficulty accessing BESS should fire occur
- Impact on the setting of the Grade II\* listed building at Caswell House and archaeology
- Need for strengthened screening
- Loss of agricultural land
- Adverse impact on local wildlife and ecology
- Impact on flood risk and hydrology
- Landscape and visual impact being out of character with the rural landscape

2.2 Each are considered in Section 5 of this report.

## **3 APPLICANT'S CASE**

3.1 The Applicant has submitted a Planning, Design and Access Statement ('PDAS') in support of their case. The full document along with other supporting information can be viewed in full on the Council's website. The key points of the PDAS are summarised below.

3.2 'This Planning, Design and Access Statement has been prepared by Lanpro Services on behalf of Ampyr Solar Europe (the Applicant) in support of a full planning application for the proposed development of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access and landscaping (the Scheme), on a site that covers six adjacent agricultural fields of a total area of approximately 46ha on land north of Witney Road and south of the A40 road, Curbridge.

3.3 The proposed development will have an export capacity of up to 30 Megawatts (MW) ac and will include a battery storage capacity of 30MW. It is anticipated that the proposed solar farm could supply the electricity needs of upwards of 12,000 homes a year, which is equivalent to between 80-100% of all households in Witney. The clean energy generated will save on average approximately 12,800 tonnes of CO<sub>2</sub> per year, which adds up to over 500,000 tonnes of CO<sub>2</sub> over the next 40 years. The proposal will also deliver biodiversity enhancements and habitat creation.

3.4 The application is supported by a number of technical reports, which have demonstrated that there is no adverse impact arising from the development. In particular, the application is supported by a Landscape Visual Appraisal, which concludes that the scheme can be accommodated without significant harm on the identified landscape and mitigation receptors through the implementation of the proposed mitigation measures to the north and southern boundaries of the Site.



- 3.5 The application is also supported by a Historic Environment Desk Based Assessment, which confirms that there is no impact on the setting and significance of any designated heritage assets. The Applicant is liaising with the County Archaeologist in order to determine the percentage of the Site to be trial trenched, providing an appropriate response sought by the NPPF.
- 3.6 The Agricultural Land Classification confirms that the majority of the Site is Grade 3b and Grade 4, so of low agricultural land value. The Ecological Impact Assessment has provided ecological enhancements and mitigation measures. The Biodiversity Net Gain assessment concludes that the scheme is providing a net change of 80.38% in habitat units and a net change of 52.85% in hedgerow units, well above the 10% required by the Environment Act.
- 3.7 In addition, the Applicant has proactively engaged with the local community, discussing the benefits of the proposal. The community's feedback was mainly positive with the community understanding the importance of the scheme to support the UK's commitment to net zero by 2050.
- 3.8 Therefore, the proposals have been assessed and are considered to be in accordance with the Council's Development Plan with a particular focus on Policy EH6. The technical reports that accompany the application have demonstrated that there are no reasons for the scheme to be refused on technical grounds.
- 3.9 The proposals are appropriate in respect of flood risk. The drainage strategy provides for adequate attenuation for surface water for sealed surfaces and includes measures to reduce run off from the solar fields.
- 3.10 The existing field access can be utilised to provide safe highway access for the construction, operation and decommissioning of the development.
- 3.11 Construction and decommissioning of the development would be managed through a Construction Environmental Management Plan which can be agreed by way of a condition on any planning permission. Once agreed, the Plan will prescribe Site access arrangements, movements, working hours and practises and environmental matters, to manage potential impacts to local people and the environment.
- 3.12 To conclude, there is a recognised need and support for renewable energy technology within Development Plan policy, national planning policy and national and local policy guidance. This development would contribute towards the targets set for the UK's greenhouse gas emission reduction and increasing the country's energy supply from renewable sources and more specifically, assist West Oxfordshire District Council in its own fight against climate change.
- 3.13 The proposed development is considered wholly compliant with all policies of the Development Plan and is sustainable development of notable planning benefit and should be approved without delay.'

#### **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

E2NEW Supporting the rural economy  
 T2NEW Highway improvement schemes  
 EH2 Landscape character  
 EH3 Biodiversity and Geodiversity  
 EH6 Decentralised and renewable or low carbon  
 EH7 Flood risk  
 EH8 Environmental protection  
 EH9 Historic environment  
 EH11 Listed Buildings  
 EH13 Historic landscape character  
 EH13 Historic landscape character  
 EH15 Scheduled ancient monuments  
 EH16 Non designated heritage assets  
 DESGUI West Oxfordshire Design Guide

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

## 5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the construction and operation of a ground-mounted solar farm with battery energy storage system (BESS) and associated infrastructure, access, ancillary works and landscaping at Land (E) 431186 (N) 208772, Witney Road, Brize Norton.
- 5.2 The site comprises approximately 46ha of agricultural land located to the south west of Witney, between the villages of Curbridge, Brize Norton and Minster Lovell. The northern site edge is bound by the A40, with the Witney Road to the south. A mature woodland block lies at the western edge of the site with mature hedgerows and intermittent trees defining field boundaries. A Public Right of Way (PRoW Ref: 185/11/30) bisects the site running north-south. There are numerous PRoWs crossing the landscape to the south of the site between Brize Norton and Curbridge, as well to the north connecting Witney and Minster Lovell.
- 5.3 The site is not within any areas of designated planning significance. The nearest statutorily designated site is Worsham Lane Site of Special Scientific Interest ('SSSI'), located approximately 300m from the northwest of the Site. The Cotswolds National Landscape lies approximately 1.5km to the north of the Site. There are a number of Ancient Woodlands within the 2km study area. Those closest to the Site are Rabbits Piece Copse, an Ancient and Semi-Natural Woodland approximately 150m to the south of the Site and another copse approximately 200m to the southeast of the Site. The woodland adjacent to the Site is not classified as Ancient Woodland.
- 5.4 The Site falls within Flood Zone 1. There are small areas in the northwest and south that are at low to high risk of surface water flooding.
- 5.5 There are no listed buildings within the site. Listed buildings are located approximately 500m to the north (Charterville Allotments at Bushey Ground), 550m to the south (Caswell House (Grade II\*) and associated farm buildings), 550m to the west (Grove Farmhouse and associated farm buildings) and 650m to the south west (Astrop Farmhouse and Brewhouse).
- 5.6 The majority of the application site is within the Curbridge Parish with a small portion within the Brize Norton Parish. Officers note that neither of these Parish Councils object to the application. Minster Lovell Parish lies in close proximity to the north and have submitted a representation in opposition to the application.

5.7 The application was deferred at the August meeting of this Committee to enable further consideration regarding the impact of the proposal on the private water supply of Caswell House. The applicant has submitted a document entitled 'Responses to Comments at and Submissions to Lowlands Area Planning Sub-Committee', which addresses in detail the rationale for the siting the BESS, third party comments regarding risks to groundwater and sets out in detail how the requirements of proposed condition 8 (Section 6) will be complied with.

### **Relevant planning history**

24/01/127/SCREEN- Screening opinion (EIA) for development of a 30MW solar farm with 30MW BESS and associated works, equipment, and necessary infrastructure. Decision: EIA not required.

#### *Development plan*

5.8 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is comprised of the West Oxfordshire Local Plan 2031 ('WOLP').

5.9 The emerging Brize Norton Neighbourhood Plan remains in draft stage and therefore its policies are afforded reduced weight.

5.10 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
- Use of agricultural land
- Impact on the landscape character/visual amenities of the area
- Impact on heritage assets
- Highways issues
- Biodiversity
- Flooding and drainage
- Contamination
- Glint and glare
- Noise
- Planning obligations

5.11 Each are considered in the following sections of this report.

### **Principle**

5.12 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. In open countryside locations, OS2 requires development to be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area, as well as comply with the general principles of OS2.

- 5.13 Policy EH2 of the WOLP also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and manmade features of the local landscape.
- 5.14 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', is also directly relevant. EH6 supports the principle of renewable energy developments stating that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016).
- 5.15 The NPPF (2024) supports proposals for renewable and low carbon energy, with policies in this regard having been strengthened in the latest iteration. For example, paragraph 163 states 'the need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts'. Paragraph 168 states that 'when determining planning applications for renewable and low carbon energy developments and their associated infrastructure, local planning authorities should not require applicants to demonstrate the overall need for renewable energy and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future.'
- 5.16 National Policy Statements ('NPSs'), which make up the planning policy framework for examining and determining Nationally Significant Infrastructure Projects ('NSIPs'), would also form material considerations in the determination of the planning application even though this scheme is not a NSIP and as such the NPSs are not directly relevant.
- 5.17 The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100% to reach net zero by 2050. In 2021 the Government introduced the sixth Carbon Budget which enshrines in law a new target to cut emissions by 78% by 2035 compared to 1990 levels a new target of 81% was announced in November 2024.
- 5.18 West Oxfordshire District Council declared a Climate and Ecological Emergency in June 2019 and the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) recognises that solar energy can help meet targets for reducing carbon emissions and increase energy security.
- 5.19 There have been a number of Government policy statements and commitments produced in relation to energy and climate change in recent years. These include the Net Zero Strategy: Build Back Greener (2021), which sets an ambition for the UK to be powered entirely by clean energy by 2035, subject to security of supply.
- 5.20 In December 2024, the Government released their Clean Power 2030 Action Plan which sets out the pathway to achieving the government's goal of delivering at least 95% of Great Britain's generation through clean power by 2030. The Action Plan recognises that solar plays a key role in this target, requiring a substantial increase in installed capacity of both solar and battery infrastructure in a short timeframe. This is against the background of a predicted 40-60% increase in demand. In July 2024, a Written Ministerial Statement was made by the Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, referring to boosting the

delivery of renewables, which it described as 'critical to meeting the Government's commitment to zero carbon electricity generation.'

5.21 There is also a need to reduce reliance on imported fossil fuels in the interests of energy security and to ensure less volatile energy prices for UK consumers. The British Energy Security Strategy (2022) sets out the strategy to achieve this. It notes the expectation of increasing solar power fivefold by 2035. It also sets out the support for solar co-located with other functions such as battery storage to maximise the efficiency of land use.

5.22 The PDAS outlines that it is estimated that the solar panels would generate an export capacity of up to 30MW ac with a battery storage capacity of 30MW. This equates to energy supply to approximately 12,000 homes per year. The scheme would save over 500,000 tonnes of CO<sub>2</sub> over its lifespan of 40 years. These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development. In the context of the above policy and legislative context, your officers consider that the principle of development in this instance to provide renewable energy generation and supporting infrastructure is therefore supportable. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

### **Use of agricultural land**

5.23 The National Planning Practice Guidance ('PPG') (Renewable and Low Carbon Energy) sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, the LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. The NPPF advises that the best and most versatile agricultural land is land within grades 1, 2 and 3a of the agricultural land classification and seeks to steer development of this nature towards less productive land.

5.24 An Agricultural Land Classification survey has identified that the majority of the Site is Grade 3b (28.3ha) and Grade 4 (15.9ha), so is not considered best and most versatile agricultural land. 1.8ha of the site is Grade 2 (good quality). This equates to approximately 4% of the site located in an irregular pattern in the north east corner of the site. WOLP Policy EH6 requires some form of compelling evidence to justify the use of BMV agricultural land. The applicant states that this area would not be economically viable as an isolated agricultural field and it would not be feasible to design the layout of the solar farm to exclude this area and continue to farm the Grade 2 land. Officers have considered this argument and conclude that in national, regional, and local terms it is not considered that this development would have an adverse impact on the loss of the 'best and most versatile' land.

### **Impact on the landscape character/visual amenities of the area**

5.25 Policy EH2 of the WOLP also 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. Policy EH6 outlines that renewable energy developments should be located and designed to minimise any adverse impacts. Officers recognise the relative proximity of the site to the Cotswolds NL, but given the separation distance and intervening topography and landscape features, no impact on the NL is identified.

5.26 Policy EH13 of the WOLP relates to historic landscape character and sets out the matters which particular attention will be paid to in determining applications that affect the historic character of the landscape. These include:

- the age, distinctiveness, rarity, sensitivity and capacity of the particular historic landscape or townscape characteristics affected
- the extent to which key historic features resonant of the area's character, such as hedgerows, watercourses and woodland, will be retained or replicated
- the degree to which the form and layout of the development will respect and build on the preexisting historic character
- the degree to which the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic character of its surroundings.

5.27 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study refers to the 'Renewable Energy and Low Carbon Energy Assessment and Strategy for West Oxfordshire' prepared by LDA Design in October 2016. This report states that, 'in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals'. The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. Officers note that the site is within the 'More Suitable' area for solar farms.

5.28 In terms of landscape character, at a national level, the site lies within the 'Upper Thames Clay Vales' National Character Area (NCA108). The key characteristics of the NCA include its open, gently undulating lowland farmland falling to the Thames, infrequent woodland cover but strong network of hedges and field trees and willow-lined watercourses.

5.29 At a county level, the Oxfordshire Wildlife and Landscape Study identifies the Site as lying within the 'Estate Farmlands' Landscape Character Type which is described as a 'rolling agricultural landscape characterised by parklands and a well-ordered pattern of fields and estate plantations'.

5.30 The 'West Oxfordshire Landscape Assessment' (1998) ('WOLA') considers landscape character at a district scale placing the Site within the 'Shilton Downs' Landscape Character Area ('LCA'). This LCA forms the divide between the low-lying clay vale to the south and Windrush Valley and limestone uplands to the north. The area has a generally large-scale field pattern dominated by arable farming with sparse vegetation cover. Pockets of woodland are identified with the LCA to the east of Brize Norton, such as that which bounds the western edge of the site. At a finer grain, the site is located within the 'semi-enclosed limestone wolds (large-scale)' Landscape Type. Key features of this Landscape Type include:

- Large-scale, smoothly rolling farmland occupying the limestone plateau and dip-slope;
- Intensive arable cultivation;
- Large-scale fields with rectilinear boundaries formed with dry-stone walls and low hawthorn hedges with occasional trees;
- Some visual containment provided by blocks and belts of woodland creating a semi-enclosed character;
- Thin, well-drained soils and an impoverished upland character;

- Elevated and expansive character in higher areas; and
- Moderate intervisibility

- 5.31 Your officers consider that the application site shares these characteristics as set out in the WOLA. Key threats to landscape character in this area are listed as agricultural intensification, removal of vegetation cover and hedgerows, Brize Norton Airfield and settlement growth. The reintroduction of woodland belts and blocks is supported to restore a mosaic of woodland and farmland and strengthening of the network of hedgerows. The semi-enclosed limestone wolds are visually sensitive and a strong landscape structure is needed to absorb development.
- 5.32 A Landscape and Visual Appraisal ('LVA') is submitted with the application. In terms of impact on landscape character, the LVA concludes that the sensitivity of the site is Medium. The Scheme retains all landscape features, including trees, hedgerows, scrub and permanent grassland which contribute positively to the character of the Site and its wider landscape. All aspects of the development are located on the arable component of the landscape which will be transferred to grassland under the solar PV panels. The overall Magnitude of Change at site level is considered Small and Adverse during construction but Beneficial in the long term following decommissioning and due to the introduction of what would then be mature vegetation. The Magnitude of Change on the NCA is considered as Negligible Adverse reducing to Negligible Neutral as the vegetation matures. The LVA in para 4.1.12 states that the NCA has Medium Sensitivity giving a Negligible Adverse Effect on the landscape resource and character of the NCA at year 1 reducing to Negligible Neutral once the scheme has established.
- 5.33 In LVA paras 4.1.14 to 4.1.18 overall Magnitude of Change at local landscape level is considered Small and Adverse. The sensitivity of the local landscape is described as Medium. The landscape effects are described as having a Moderate Minor Adverse Effect at Year 1 whereas the longer term Magnitude of Change will reduce to Negligible as a consequence of maturing vegetation resulting in long term effects which are Minor Adverse.
- 5.34 On visual effects, the LVA assesses the significance of the effects at Construction, completion (Year 1) and establishment (i.e. 15 years plus). It states that overall, the extent of views and visual influence of the proposed development is limited to the local area and mostly contained to locations in close proximity to the Site. Other views are considered possible from locations within the wider landscape to the south.
- 5.35 PRoW Ref: 185/11/30 crosses the site and therefore views from this PRoW would experience a large magnitude of change in terms of views across the site and to the wider landscape. LVA Para 4.2.18 notes that the footpath through the site is not well-used due to the lack of connectivity across the A40 and consequently it is assessed as having low sensitivity. This leads the LVA to conclude a moderate adverse affect over the lifetime of the development.
- 5.36 From Caswell Lane to the south of the site (PRoW Ref: 185/14/10), There is a channelled view into the eastern part of the Site at the junction with Witney Road (viewpoints 2 and 3) from which the change at site level would be apparent. The effect is considered Moderate Adverse dropping to Moderate/Minor Adverse on establishment (15 years).
- 5.37 PRoW Ref: 185/10/10 runs west from Caswell Farm allows for open middle-distance views across fields towards the Site beyond intervening hedgerows (viewpoints 4 and 5). The LVA sets out that agricultural fields on rising land within the Site are just visible within the strong framework of its

field hedgerows and adjacent woodland which characterise views. The initial effect is categorised as Moderate/Minor Adverse reducing to Negligible Adverse on establishment.

- 5.38 Viewpoints 6, 7, 8 and 8 are taken from PRoW Ref: 143/6/20 (which runs south west towards Abingdon Lane) and Abingdon Lane itself. Mid to long distance views towards the Site across agricultural fields are possible with the A40 on the horizon. Small sections of the solar scheme could be viewed intermittently along these PRoWs and the junction of Abingdon Lane and Witney Road, with the initial effect again categorised as Moderate/Minor Adverse reducing to Negligible Adverse on establishment.
- 5.39 Viewpoints 10, 11 and 12 are taken from PRoW Ref: 143/7/40 which connects from the western end of Abingdon Lane through Wilbro Farm to Footpath 185/10/10. Partial views of the site would be possible with some wide panoramic views from this Footpath being affected. The LVA states that the initial visual effects would be Moderate/Minor Adverse reducing to Negligible Adverse with screening.
- 5.40 Minor adverse effects are also identified to users of the Witney Road including from middle distance views near Astrop Farm and Abington Lane to the southwest of the Site (viewpoint 9), users of the A40 and from the edge of Brize Norton to the west (viewpoint 13) with negligible effects identified from Brize Norton Road (viewpoint 14).
- 5.41 Officers have commissioned an independent review ('IR') of the submitted LVA by MCA Landscape. The IR is supportive of the methodology of the LVA and generally endorses its findings with some reservations. These include the sensitivity of walkers on the PRoW crossing the site (which the LVA deems as low) due to the relatively poor connection of the PRoW to the wider landscape caused by the dangerous nature of the A40 crossing. Your officers agree with IR which states: 'footpath users would have at least a medium sensitivity to the solar array in close proximity to the footpath which would obscure the remarkable views southwards over Brize Norton to Faringdon.' Further, the IR states that 'insufficient weight allowed for the rising ground which will expose the solar array in views from the south'.
- 5.42 The IR also states that landscape measures to mitigate the impacts of the proposals, such as woodland screening, gapping up existing hedgerows and extensive tussock and meadow grass areas, would be 'entirely appropriate to the landscape character of the site and its surroundings' and 'does not introduce an incongruous element into the landscape'.
- 5.43 In order to mitigate the visual effects of the proposed development in views from the south west (which the IR and your officers consider would be most affected by the proposal), the IR recommends that the proposed woodland belt along the southern boundary should return northwards along the western site boundary from Witney Road to the existing woodland. This would significantly improve connectivity for wildlife and would reinforce this currently sparsely vegetated boundary with a developing screen which would mitigate exposure of the solar arrays in views from the south-west. Officers endorse this finding noting the landscape enhancement priorities of the WOLA as set out above and the applicant has amended the proposed plans to include this feature which officers consider will further mitigate the visual impact of the proposal in most affected views of the site from the south east at it matures.
- 5.44 Your officers consider that the application has therefore demonstrated that appropriate mitigation measures are included within the scheme and amendments made during the course of the application would address your officers' concerns and provide a locally informed landscape feature.



On this basis, whilst the proposal would result in landscape and visual harm and thus conflict in part with Policies EH2 and EH13, the impacts of the scheme would be contained to a site and localised level, and the proposal has sought to minimise and mitigate any adverse impacts in accordance with WOLP Policy EH6.

### **Impact on heritage assets**

5.45 The closest listed buildings to the study site are the Grade II\* listed Caswell House and associated Grade II listed buildings within the complex. The remaining listed buildings set out above are in excess of 500m from the site. Due to this distance, intervening topography and mature vegetation and lack of historical associations as set out in the submitted Heritage Statement, no impact on the heritage significance of listed buildings at Bushey Ground, Grove Farm or Astrop Farm is identified. As such, this section will focus on the impact of the proposal upon the setting of Caswell House and associated listed buildings.

5.46 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. Policies EH9 and EH11 of the WOLP reflect this duty.

5.47 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment and states that in determining applications, LPAs should take account of the desirability of sustaining or enhancing the significance of heritage assets. 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). Paragraph 215 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.

#### *Main elements contributing to the significance of designated heritage assets*

5.48 The following principal factors contributing to the significance of the identified designated heritage assets associated with Caswell House/Farm are the high level of historic, aesthetic and evidential significance of Caswell House and farm. The Farmhouse having originated as a medieval moated residence, reflecting the socio-economic importance of its occupiers. From the early C18, the site became economically important as an agricultural entity.

5.49 The Farmhouse has a high level of historic, architectural and archaeological importance, exemplifying late medieval construction techniques and architectural features with legible later adaptations. The wider farmstead retains its C17 layout and form, with their high-quality vernacular construction demonstrating the economic importance of the site and evidence of historical agricultural practices. The group value of the Farmstead is therefore also highly significant.

#### *Significance resulting from setting*

5.50 As set out, the Farmstead largely retains its C17 form and context and occupies an isolated position within an overtly agricultural landscape with which it has historically been closely linked. Its immediate setting is characterised by medieval moat to the south of the Farmhouse as well as

numerous earthworks further south and west, likely connected with the lost medieval settlement of Caswell.

- 5.51 The appreciation of these assets from Witney Road is somewhat limited by intervening vegetation, however PROWs cross the site offering immediate views of the complex, which can be seen in its rural, historic landscape context in which the complex appears as notably isolated and aside from modern agricultural buildings, unspoilt.

*Impact of the proposal upon the significance of designated heritage assets*

- 5.52 Turning to the impact of the scheme upon the significance of heritage assets associated with Caswell Farm, the site is separated from the immediate setting of the Farmstead by the Witney Road and intervening landform and mature vegetation which significantly inhibit any intervisibility. Further, the applicant has demonstrated that the site has no direct connection in terms of land ownership or function with Caswell. Therefore, whilst the site forms part of the wider rural landscape in which the complex sits, its contribution to the significance of the assets is limited. Nonetheless, the proposed development would introduce a large urbanising feature into this historical rural landscape, which would be experienced by visitors to Caswell on the approach to the site and therefore to a limited extent, erode its wider setting. Officers therefore consider that the proposal would lead to 'less than substantial harm' to the setting of designated heritage assets associated with Caswell Farm. Officers consider that this harm should be considered to fall towards the lower end of less than substantial harm in the terms of the NPPF and WOLP Policy EH9.

*Archaeology*

- 5.53 The site lies in an area with considerable archaeological potential, and has been subject to a geophysical survey and archaeological evaluation prior to the determination of the application. These surveys recorded two foci of activity in the northwest and southeast fields of the development site. The southeast field contains Iron Age - Roman settlement and agricultural features which are focussed on a spring fed well located on the southeast boundary of the site. Human remains were recovered from within this area of activity which could point towards the presence of a possible Roman shrine associated with the well. A low level of Medieval features were also recorded in proximity to the well, which may suggest the location retained its importance into this period. The northwestern field recorded some possibly Roman features, however, this area had poorer preservation than the south east field. Though the erection of solar panels themselves results in limited below ground impacts, the excavation of cable trenches to connect the panels are destructive. The County Archaeologist has therefore stated that the applicant should be responsible for ensuring the implementation of archaeological investigation to be maintained during the period of construction as secured via planning conditions.

*Heritage balance*

- 5.54 Having identified less than substantial harm to the significance of designated heritage assets, to which great weight must be applied, the balancing exercise set out under Paragraph 215 of the NPPF must be undertaken whereby the public benefits of the scheme are weighed against the heritage harms. In this case, the harm identified is considered to fall towards the lower end of less than substantial in the terms of the NPPF. The public benefits of the scheme are considered to principally result from the low carbon method of energy generation proposed and associated battery infrastructure. Given the scale of the scheme and policy context as outlined above, significant weight should be awarded to this benefit. Significant positive weight should also be awarded to delivery of

ecological enhancements in excess of the minimum statutory requirement (as will be covered below). Limited weight should also be awarded to the economic impacts of the scheme during construction. In this case and given the modest level of heritage harm identified, whilst applying great weight to this harm, the public benefits resulting from the scheme are considered to outweigh the heritage harm and this heritage balance falls in favour of the application.

## **Highway issues**

5.55 Your officers have regard to the policies of the WOLP and NPPF with regard to the impact of the proposed development on the highway network. WOLP Policy T2 for example states: 'all development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network.'

5.56 The proposals include a new bellmouth access a short distance to the west of the existing field gate. Visibility splays have been shown in each direction through the removal of existing hedgerow and vegetation. OCC Transport have confirmed in their consultation response that the proposed access is suitable to serve the proposed development in highway safety terms.

5.57 In terms of traffic impact, the nature of the proposal is such that the majority of any impact would be during the construction and decommissioning phases. The application has provided a Construction Traffic Management Plan (CTMP) which forecasts that there will need to be an average of 8 HGV vehicles per day delivering over the anticipated 6-month construction period. The site would be accessed from the A40 via the Downs Road/Witney Road/Main Road junction. OCC Transport consider that vehicle tracking for large vehicles should be provided and the CTMP updated to consider whether traffic management will be required at this junction to allow suitable operation with the anticipated delivery vehicles. Your officers are satisfied that this can be addressed through planning condition as recommended by OCC Transport. The application is therefore considered acceptable in highways terms.

## **Biodiversity**

5.58 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district 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, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.

5.59 The application is also subject to statutory Biodiversity Net Gain ('BNG') requirements and proposes a biodiversity unit value increase from 108.79 habitat units up to 196.23 (an 80.38% net gain) and 32.58 hedgerow units up to 49.8 (a 52.85% net gain). The Council's Biodiversity Officer ('BO') has reviewed the submitted BNG information and considers that statutory requirements have been exceeded and the application is acceptable in this regard.

5.60 In terms of the impact on protected species, the application is supported by an Ecological Impact Assessment ('EclA') and Skylark Mitigation Strategy ('SMS'). The BO has confirmed that the impacts to protected/priority species can be avoided, mitigated or compensated. A Construction Environmental Management Plan ('CEMP') will be produced which will contain precautionary measures to avoid impacts to reptiles, badgers and other mammals, nesting birds, foraging/commuting bats, the adjacent priority woodland and onsite retained trees/hedgerows. The CEMP can be secured via planning condition.

5.61 The EclA confirms that the site is of 'county' level importance to bats as ten species of bat were recorded during bat activity surveys. The existing arable fields themselves are of negligible importance to bats and all of the above key foraging/dispersal routes are to be retained/buffered (15m for key hedgerows listed above, 10m for all other hedgerows and 15m to existing woodland). No artificial lighting is proposed.

5.62 In terms of noise, the substation/BESS is located to the south-east corner of the site and will be buffered from the south hedgerow with woodland planting. The south hedgerow is not identified as an important dispersal route for bats in any case, so no significant impacts to bats from noise are anticipated.

5.63 Compensation for the loss of nine skylark territories is expected as skylark are a 'priority' species under section 41 of the Natural Environment and Rural Communities Act 2006. The EclA (6.6) contains a commitment to compensating for the loss of these nine skylark territories via the creation of offsite plots on nearby fields. A SMS has been submitted which identifies six offsite fields where skylark plots can be created which will increase the carrying capacity of the surrounding landscape for skylark. As these measures are off-site, an S106 agreement will be needed to ensure delivery of the offsite skylark measures. The BO has therefore confirmed that the application is acceptable in ecological terms subject to the imposition of conditions as set out in Section 6 and planning obligations as set out below.

### **Flooding and drainage**

5.64 The Applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy as part of the submission. The site falls within Flood Zone 1 and is at low risk of flooding from rivers. The proposals constitute 'Essential Infrastructure' and are appropriate in Flood Zone 1. The site is not considered to be at risk of flooding from fluvial, tidal, groundwater, sewers, reservoirs, or other artificial sources. The risk of flooding from surface water and the network of ordinary watercourses is generally very low across the site with some areas of higher risk on the southern and western boundaries of the site. All vulnerable infrastructure is in areas shown to be at very low risk of surface water flooding. The cessation of intensive agriculture across the site will allow establishment of natural grassland and a commensurate improvement in soil structure. This will reduce runoff rates and volumes, soil erosion and pollution.

5.65 The Local Lead Flood Authority ('LLFA') have been consulted on the application and an updated Flood Risk Assessment and Drainage Strategy has been submitted in response to the initial comments of the LLFA which, whilst not raising objection to the principle of development, required the submission of further information. At the time of writing, the LLFA maintain their objection as the discharge rate has not been shown on the drainage strategy drawing. The applicant and LLFA are working to resolve this one outstanding matter, and a verbal update will be given at the meeting.

### **Contamination**

5.66 As identified in Section 2, the application has drawn objection from the owners of Caswell House partly on the grounds that the proposed BESS facility lies in close proximity to the spring/aquifer from which Caswell House sources its water supply. It is stated that damage to the aquifer from piling and contamination in the event of a fire (and attempts to extinguish it) have the potential to result in impacts on human health.

5.67 The LPA's Environmental Protection Officer ('EPO') has therefore been consulted on the application and a Planning and Drainage Technical Notes prepared to address these specific concerns. The EPO has reviewed the additional information and confirmed that measures to mitigate potential contamination risks from fire water associated with the BESS can be secured via conditions as set out in Section 6. These measures would include siting, all battery units complying with industry fire containment standards, impermeable tanking measures, a dedicated fire water runoff tank, exceedance flow route management and a site-specific Risk Management Plan and Emergency Response Plan to be submitted and approved prior to first export date. Subject to these mitigation measures therefore, the application is considered to provide suitable measures to avoid any adverse impact on third parties in this regard.

5.68 Since the last meeting of this Committee, further information regarding the groundwater risks and how the requirements of draft condition 8 will be complied with has been provided by the applicant in the document titled 'Responses to Comments at and Submissions to Lowlands Area Planning Sub-Committee'. This first deals with the rationale for the chosen siting of the BESS and confirms that the chosen location would be the least impactful in landscape and visual terms and it is important for operational reasons that BESS is located as close as possible to the main highway access (including to allow access for emergency services, construction vehicles and avoid the need for long and intrusive additional roadways/gates affecting the PRoV). Further, the chosen location is the least impactful regarding bats in accordance with the submitted Ecological Impact Assessment (EclA) and minimises the length of cable route from grid connection at Ducklington substation.

5.69 With regard to groundwater, the applicant confirms that the proposed design ensures that the BESS is configured so that no battery unit or piece of substation equipment would be closer than 50m from the spring. It continues at 3.1.3:

'Environment Agency guidance states that drinking water sources have a Source Protection Zone 1 (SPZ1) radius of 50m. The Applicant is not aware of evidence suggesting that SPZ1 for this spring should be higher. The closest BESS unit is approximately 58m from the spring, so is outside SPZ1. Only fencing and roadways, which are not sources of contamination, are within SPZ1.'

5.70 With regard to firewater runoff, which is understood by your Officers to be the main concern raised by the owners of Caswell House, Members attention is drawn to paragraphs 3.1.4- 3.1.9 which discuss this matter in detail. Your Officers consider that this submission has demonstrated a clear understanding of the risks posed by firewater runoff and proposes a design that would store the hazardous materials that might be potentially found in firewater from a BESS and direct runoff away from the nearby spring and to a purpose built and impermeable tank, avoiding contamination to the spring.

5.71 With regard to compliance with the condition proposed to ensure these measures are fully implemented and secured (condition 8), the applicant has provided further commentary to satisfy Members that these requirements are deliverable and can be agreed prior to commencement of development. Full details can be reviewed at paragraphs 4.1.4-4.1.13 but Officers draw Member attention in particular to the following points with regard to the requirements of draft condition 8:

- a) The Applicant will select a model of battery unit that, as well as generally conforming to standards, incorporates a high level of fire resistance to contain fires;
- b) A built-in monitoring and detection system which allows either for affected parts to be electrically isolated or for suppression systems to stop the whole unit being affected;

- c) The proposed design of the Applicant's Scheme includes separation distances of 3m, which exceeds the manufacturer's recommendation and industry standards;
- d) Two accesses to the BESS compound and an access on the eastern side will be provided to allow for emergency access, which can be reached via the perimeter track of the field;
- e) The BESS compound will be tanked to prevent any water from directly entering the ground in accordance with details to be agreed with the LPA. The outlet from the BESS compound will be on the western side;
- f) Firewater runoff tank will be installed to the west of the BESS compound to contain any water used in firefighting with precise details to be agreed with the LPA;
- g) The outflow from the runoff tank will be controlled by a penstock valve. The BESS compound itself will be designed to contain firewater temporarily in case the runoff tank is approaching capacity;
- h) The swales proposed along the southern boundary of the Site direct surface water away from the spring and towards the watercourse that leaves the Site in the southwest corner of the south-central field; and
- i) Comprehensive Risk Management Plan and Emergency Response Plan will be developed in consultation with the FRA and agreed with the Council.

5.72 On this basis, your Officers consider that the applicant has demonstrated that the requirements of condition 8 can be suitably met prior to commencement of development to ensure no adverse impact on the spring serving Caswell Farm. Further specific commentary from the EPO has been provided which state:

'These measures have been developed in consultation with drainage specialists and reflect current best practice. However, it is important to note that while the strategy appears robust, it would not be appropriate to offer definitive reassurance that all risk has been eliminated. In conclusion, while we provide advisory input to the Development Management team on this application, we are not statutory consultees in this context. Therefore, we have no objection to the proposed development. The suggested condition appears robust and proportionate, with the design clearly aiming to minimise potential risks. Furthermore, the condition requires that additional design features and response plans be submitted to and approved by the Local Planning Authority prior to the commencement of development, offering added assurance in support of the application.'

5.73 In this context, your Officers consider that matters relating to contamination have been fully considered and may be adequately controlled via condition.

### **Glint and Glare**

5.74 A Glint and Glare study has been undertaken to assess the possible effects of glint and glare from the proposed development. The assessment pertains to the possible impact upon road safety, residential amenity, and aviation activity with particular regard to any impact on flightpaths associated with RAF Brize Norton. The MOD have been consulted on the application and have raised no

objection subject to conditions. No significant impacts are predicted upon road safety, residential amenity, or aviation activity and the application is therefore acceptable in this regard.

## **Noise**

5.75 A Noise Impact Assessment has been submitted in support of the application. The Environmental Health Officer has reviewed this information and has no objection to the application subject to a condition to restrict the permitted noise level above the existing background level at the boundary of the nearest noise sensitive receptor.

## **Planning obligations**

5.76 The BO has calculated that a £10,000 monitoring fee is required to facilitate the monitoring of BNG measures on site. This will be secured via S.106 agreement.

5.77 The S.106 agreement will also secure off-site skylark mitigation measures. This is required as the site of the mitigation proposals is distant from the application site. The S.106 will secure the delivery of the submitted SMS with requirements to ensure that management and remediation details, as well as a timetable for implementation and a monitoring schedule are submitted to and approved by the LPA and then implemented in accordance with those details.

## **Other matters**

5.78 The MOD have raised no objection to the application subject to the imposition of planning conditions to ensure a suitable Construction Management Strategy and Electrical Noise Interference Management Plan are secured via condition.

5.79 Officers note comments received requesting S.106 contributions to improve local pedestrian and cyclist infrastructure. However, given the proposal will not generate any such trips and construction traffic impacts can be adequately managed through condition, such obligations would not meet the tests set out in para. 58 of NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5.80 No adverse impact on the adjacent PRoW network is identified and the OCC PRoW officer will be consulted on a CTMP to ensure pedestrian facilities are protected during construction.

## **Conclusion and planning balance**

5.81 As set out above, the proposed development would harm the character and appearance of the surrounding landscape and result in less than substantial harm to the setting of designated heritage assets. Your officers attach significant weight to these matters whilst acknowledging that the landscape and visual harms would be contained to a site and localised level.

5.82 It is also recognised that the application proposal has sought to minimise and mitigate any adverse impacts in accordance with WOLP Policy EH6. The resultant impacts on heritage assets would constitute a low level of less than substantial harm, which has been found to be outweighed by the public benefits of the scheme in the initial heritage balance. Therefore, there would be no conflict with heritage-related policies in the development plan or NPPF.

5.83 Conversely, the scheme would result in significant economic, social and environmental benefits through the low carbon method of energy generation proposed, resulting in 30MW of electricity generation capacity. This includes the generation of renewable energy and a consequent reduction in carbon emissions, supporting the county and country in meeting national and local targets on renewable energy and carbon emissions, providing additional employment and ecological enhancements in excess of the minimum statutory requirements. Your officers also recognise that the proposal includes facilities for Battery Energy Storage, which facilitates a time-shift in the consumption of previously generated energy in order to successfully address demand. This also attracts significant positive weight in this balance. These extensive benefits are considered sufficient to outweigh the landscape and heritage harms. Despite partial conflict with the development plan with regard to landscape and visual impact, the proposal is therefore considered to accord with the provisions of the development plan as a whole and the above policy and legislative context with regard to renewable energy development, which provides a material consideration adding weight to the conclusion that the application should be approved. The application is therefore recommended for provisional approval subject to the signing of a S.106 agreement in order to cover BNG monitoring costs and secure off-site skylark mitigation.

## **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 permission hereby granted shall expire 40 years from the date when electrical power is first exported ('first export date') from the solar farm to the electricity network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after the event.

REASON: In the interests of landscape character and visual amenity to accord with the NPPF.

4. Should the solar panels not be used continuously for the production of energy for a period of six months, the panels, supports, inverters, cables, buildings and all associated structures and fencing shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose in the interests of landscape character and visual amenity.

5. Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of



the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in full accordance with the approved DMS and timetable within six months of the expiry of the planning permission.

REASON: In the interests of landscape character and visual amenity to accord with the NPPF.

6. All electrical cabling between the solar panel rows and the on-site connection buildings shall be located underground and the excavated ground shall be reinstated to its former condition.

REASON: In the interests of landscape character and visual amenity.

7. No construction activity shall take place outside the following hours, unless otherwise first agreed in writing by the local planning authority:

- 08:00 to 18:00 on Monday to Friday
- 08:00 to 13:00 on Saturday

No construction activities shall be carried out on Sundays or any Public/Bank Holiday.

REASON: In order to safeguard the living conditions of nearby occupiers.

8. Notwithstanding the details as submitted with the application and prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Fire-resistant housing to battery units;
- b) Built-in detection and suppression systems to battery units;
- c) Spacing distances between battery units;
- d) Two access points for emergency response;
- e) Tanking to BESS compound with impermeable liner designed to prevent ground infiltration of fire water and to ensure all surface runoff flows westward;
- f) A dedicated fire water runoff tank;
- g) Measures to ensure that all fire water is captured and prevented from entering soakaways or local watercourses and captured for quality testing in the event of a fire;
- h) Swales along the southern boundary and site low point to guide flow toward the southwest; and
- i) A site-specific Risk Management Plan and Emergency Response Plan including measures to address fire scenarios and environmental risk mitigation measures required to avoid any impacts to the Caswell House Spring.

The development shall be carried out in accordance with the approved details prior to the first export date.

REASON: In order to avoid pollution to adjacent water sources.

9. Prior to the commencement of development, a detailed Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority. The AMS and TPP shall be adhered to in full during the entire period

of construction and shall be consistent with the submitted Arboricultural Impact Assessment dated December 2024 and prepared by Lanpro.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

10. Prior to commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed CTMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure safe and suitable access to the site and an acceptable impact on the local highway network in accordance with policy T2 of the West Oxfordshire Local Plan 2031.

11. No works shall commence on site other than those required by this condition until the vehicle access and associated visibility splays as shown on submitted drawing AMA-22785-SK-003 P01 have been completed and shall maintained as such for the duration of construction and decommissioning.

REASON: To ensure safe and suitable access to the site in accordance with policy T2 West Oxfordshire Local Plan 2031.

12. No development shall take place unless or until such time as a Construction Management Plan has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the Ministry of Defence (MOD). The submitted Construction Management Plan shall include, but not be limited to:

- a) details of any cranes, plant and/or other tall construction equipment to be used either to implement, or in support of the implementation of, the development approved;
- b) a schedule, to include dates and times, for the presence and operation on site of those cranes, plant and/or other tall construction equipment;
- c) details of a liaison protocol through which RAF Brize Norton can be notified of any amendments to that schedule; and
- d) details of obstacle lighting that will be displayed on any crane, plant or tall construction equipment that will be used on site.

The development shall be carried out and managed strictly in accordance with the details approved through discharge of this condition, unless otherwise agreed in writing by the Local Planning Authority, in consultation with MOD.

REASON: In the interests of maintaining aviation safety. To ensure the development accords with the requirements of paragraph 102 of the National Planning Policy Framework (2024).

13. No development shall take place unless or until such time as an Electrical Noise Interference Management Plan ("ENIMP") has been submitted to and approved in writing by the local planning authority in consultation with the Ministry of Defence (MOD). The submitted ENIMP shall contain, but not be limited to:

- a) manufacturer's specifications for any generating, and associated, infrastructure to be installed at the site, to include any inverter(s), substation(s), PV panels, and any associated cables (including all interconnecting cables as well as the export cable(s) to the national grid) and connectors; ii)
- b) details of measures designed to prevent electrical noise interference being caused to transmitter/receiver technical installations at RAF Brize Norton;
- c) a schedule setting out how the development will be operated, maintained, and tested throughout its life to ensure that any electrical noise interference on transmitter/receiver technical installations at RAF Brize Norton is prevented; and
- d) a protocol through which the site operator can be notified of electrical noise interference issues or observations, the measures that would be taken to investigate, and a description of the approach to resolving/rectifying/mitigated those impacts.

The development shall be carried out and managed strictly in accordance with the provisions set out in the approved ENIMP for the life of the development. No electrical component or electrical equipment that is not specified within the approved ENIMP shall be installed or operated within the site without the express written consent of the local planning authority in consultation with the MOD.

REASON: In the interests of maintaining the effective operation of national defence infrastructure and to maintain aviation safety. To ensure the development accords with the requirements of paragraph 102 of the National Planning Policy Framework (2024).

- 14. Prior to 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).

- 15. Following the approval of the Written Scheme of Investigation referred to in condition 14, 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 programme of archaeological 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).

- 16. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- a) Risk assessment of potentially damaging construction activities with consideration for the recommendations of the Ecological Impact Assessment (EclA) (BSG, December 2024);
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) with specific reference to reptiles, badgers and other terrestrial mammals, nesting birds, foraging and commuting bats, the adjacent priority woodland and onsite retained trees and hedgerows;
- d) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- e) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- f) A non-native invasive species protocol;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works; and
- j) The submission of a verification report by the ECoW or similarly competent person(s) to the LPA at the end of the construction period.

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

REASON: To ensure that protected and priority species and priority habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, paragraphs 187, 192 and 193 of the NPPF 2024 and Local Plan Policy EH3, and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

17. The development shall not commence until a Biodiversity Management and Monitoring Plan (BMMP), prepared in accordance with the approved Biodiversity Gain Plan and the Ecological Impact Assessment (EclA) (BSG, December 2024) (as amended by the BNG Report Rev 2 received by the local planning authority on 29.07.2025) associated with the planning application and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the BMMP;
- 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;
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority; and
- f) a 10 year species monitoring schedule for birds, bats and invertebrates as outlined in section 6.10 of the EclA;

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 BMMP.

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

18. Prior to the commencement of development, a detailed hard and soft landscaping scheme in accordance with the details contained within Mitigation Plan Ref. 1001 P03 and the Concept Design Plan (Rev 07) received by the Local Planning Authority on 29.07.2025 shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and the approved landscaping shall be completed by the end of the next available planting season immediately following the first export date and retained in place as approved for the duration of the consent unless otherwise agreed in writing with the local planning authority.

REASON: to secure full details of the proposed landscaping scheme and to ensure that this is in accordance with the Biodiversity Net Gain proposals for the site.

19. No external lighting, whether temporary or permanent, shall be installed on the site unless details are submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and demonstrate that no impacts to bat foraging/commuting activity will result. Important foraging and commuting routes for bats as identified in the Ecological Impact Assessment (EclA) (BSG, December 2024) are:

- the central north hedgerow (H14 and H5);
- the eastern hedgerow (H2);
- the central east-west hedgerow (H15 and H3); and
- adjacent to the west woodland.

External lighting details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as an ISO lux plan showing light spill demonstrating that the above features are unaffected. The subsequently approved details shall be retained thereafter.

REASON: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c).

20. Noise resulting from the use of plant, machinery or equipment hereby approved shall not exceed a rating level of the existing background level when assessed according to British Standard BS4142-2014 (as amended), at the boundary of the nearest noise sensitive receptor. A preliminary assessment of compliance with the condition to be submitted to, and approved by, the Local Planning Authority within six months of the first export date.

REASON: In order to safeguard the living conditions of nearby occupiers.

21. 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 in accordance with West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

### **Notes to applicant**

1. The submitted CTMP should be updated to address the comments above relating to Downs Road and to safely manage users of the PRoW around construction vehicles.
2. 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>.
3. The Habitat Management and Monitoring Plan (HMMP) required by condition of planning permission should follow the same structure as template found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>
4. All British bat species, otter and dormouse 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 places of shelter (habitat, roosts), whether occupied or not. If a bat, otter or dormouse (or evidence of these species) 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 mitigation licence.

All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest and replacement provision made so that there is no net loss of biodiversity.

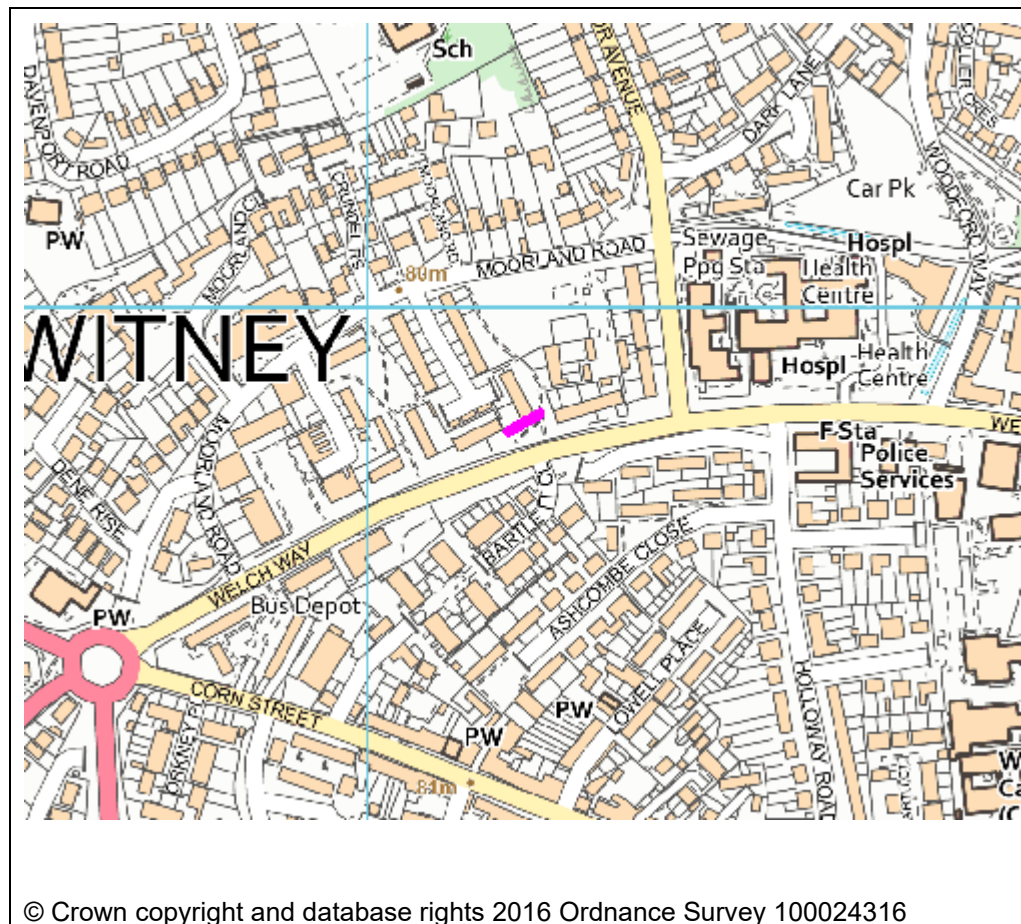
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 27th August 2025

Application Number	25/00277/FUL
Site Address	87 Moorland Road Witney Oxfordshire OX28 6LT
Date	27th August 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435103 E 209929 N
Committee Date	8th September 2025

### Location Map



### Application Details:

Change of use of land to extend residential curtilage and erection of a fence



**Applicant Details:**

Mr Anthony Backhouse  
87 Moorland Road  
Witney  
Oxfordshire  
OX28 6LT

**I CONSULTATIONS**

Parish Council

Objection.

Contrary to policy OS2 of the WOLP as it would involve the loss of a prominent and highly visible pocket of open space that makes an important contribution to the visual character and appearance of the area. The grass aids drainage and helps mitigate against surface water flooding. It contributes to the visible, recreational and biodiverse landscape across the town.

WODC Drainage

If no construction work apart from the fence is proposed, I have no other comments to make on this application as there will be no flood risk implications.

District Ecologist

Original Consultation:-

Holding objection due to insufficient information on biodiversity.

District Ecologist

Reconsultation:-

Holding objection due to insufficient information on biodiversity.

District Ecologist

Reconsultation response dated 15th August 2025:- no objection, subject to informative.

**2 REPRESENTATIONS**

2.1 None received.

**3 APPLICANT'S CASE**

3.1 The application is accompanied by a statement summarising changes to the application. This states that the application is for the change of use of land to residential for use as part of 87 Moorland Road in Witney. The area of land is 3m (Width) x 27.61 (Length) and extends the full length of the curtilage of the existing dwelling. The Land is to be used as part of the existing rear garden along which a 6ft fence will extend the length of the dwelling and rear garden. The fence shall be set back from the boundary and screened with native planting to enhance the aesthetic and improve biodiversity.

## 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

H6NEW Existing housing

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH7 Flood risk

DESGUI West Oxfordshire Design Guide

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

## 5 PLANNING ASSESSMENT

5.1 The site relates to a strip of amenity land adjoining an existing dwelling in Witney known as 87 Moorland Road. The existing dwelling and garden is located to the north. There are existing footpaths located to the south and east of the site. The site comprises existing grass and lies within Flood Zone 2.

5.2 There is no relevant planning history for the site. The application is before members because the Town Council's view is clearly contrary to the Planning Officer's.

5.3 The proposed development is for the change of use of land to residential use and the erection of a fence along the boundary as well as planting.

5.4 Taking into account planning policy, other material considerations and the comments of interested parties, Officers consider that the main considerations of this application are:

- Principle of development
- Impact on the character and appearance of the area and visual amenity
- Impact on ecology
- Impact on flood risk

5.5 In terms of the principle of development, policy OS2 (Locating development in the right places) of the WOLP (2031) states (inter alia):

'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;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment...'

5.6 Policy H6 (Existing housing) of the WOLP states: 'alterations, extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area...'

5.7 Policy EH4 (Public realm and green infrastructure) states: 'New development should avoid the loss, fragmentation loss of functionality of the existing green infrastructure network, including within the built environment...'

5.8 In terms of the principle of the development and impact on the character, appearance and visual amenity of the area, the land is currently public amenity space which lies between a footpath and existing dwelling. The area of land proposed for residential use is relatively small, covering circa 3m in width and 27.61m in length. 1.8m high open board fencing panels will be erected within this area, set back from the front elevation of the existing property, with native planting along the length of the fence and in the area forward of the existing front elevation. Public amenity space would be retained to the south and the proposal would not compromise the use and functionality of the existing footpath. The site is well-screened from the main road by existing vegetation. Subject to conditions requiring the submission and approval of a landscaping scheme detailing the native planting species, planting heights, and a maintenance plan for the proposed planting prior to the commencement of development, to screen the fence, Officers consider that the proposed development would have an acceptable impact on the character, appearance and visual amenity of the area.

5.9 In terms of impact on flood risk, the site lies in floodzone 2. The Council's Flood Risk Management Officer has been consulted and has raised no objection on flood risk grounds on the basis that the proposed development only includes the change of use of the land and the erection of a fence. Therefore, the proposal is considered to comply with policy EH7 of the WOLP and is acceptable on flood risk grounds.

5.10 In terms of impact on ecology, the proposed development includes the planting of two small trees, 23 square metres of ornamental shrubs and 19m of native hedgerow. The Council's biodiversity officer has no objections to the revised plans, subject to a BNG informative.

5.11 In conclusion, the proposed development is considered to comply with key policies OS2, OS3, OS4, H6, EH2, EH3, EH4 and EH7 of the adopted West Oxfordshire Local Plan 2031 and so the application is recommended for approval, subject to conditions.

## 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. Prior to the commencement of development, a scheme for the landscaping of the site, including the planting of additional trees and/or hedges along the boundaries of the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character, appearance and visual amenity of the area during and post development.

5. Prior to the commencement of development, a schedule of landscape maintenance for a minimum period of 5 years should be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

REASON: To safeguard the character, appearance and visual amenity of the area.

### **Notes to applicant**

- I. BNG INFORMATIVE: 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>.

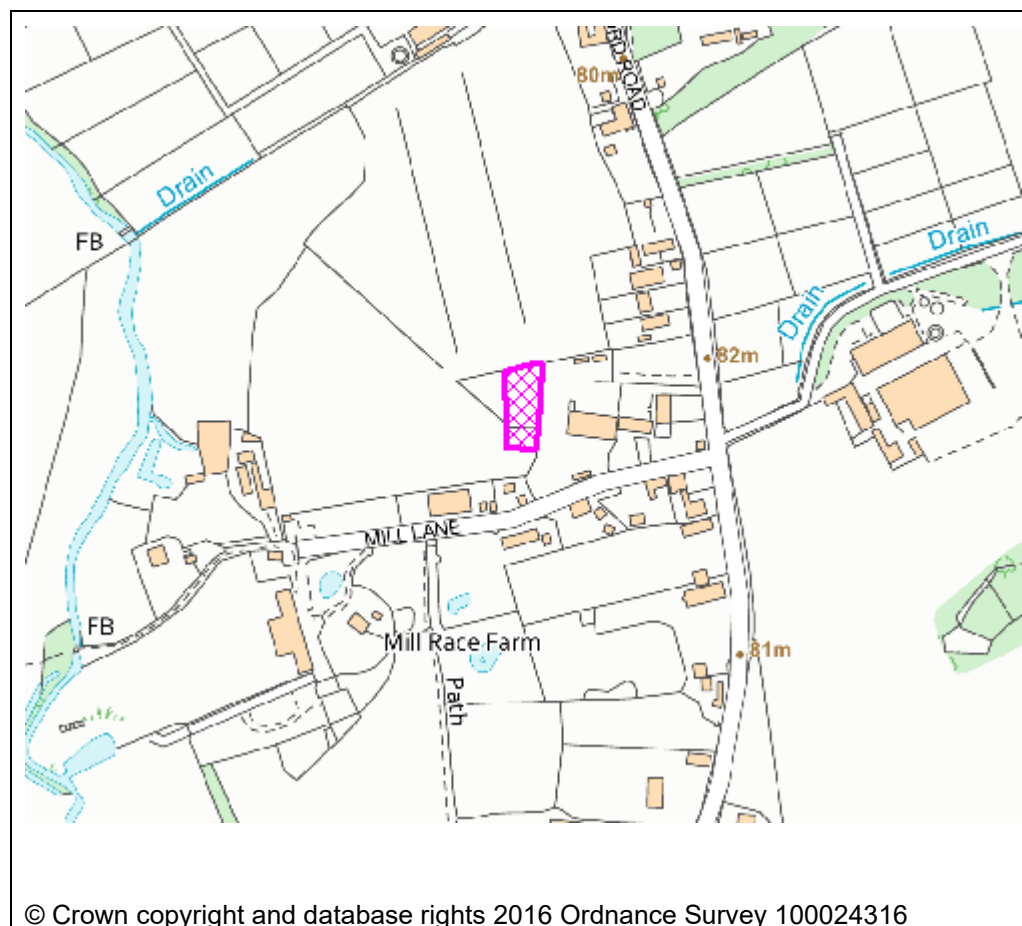
**Contact Officer:** Clare Anscombe

**Telephone Number:**

**Date:** 27th August 2025

Application Number	25/00840/FUL
Site Address	Land (E) 428631 (N) 204548 Burford Road Black Bourton Bampton Oxfordshire
Date	27th August 2025
Officer	Rebekah Orriss
Officer Recommendations	Approve
Parish	Black Bourton Parish Council
Grid Reference	428631 E 204549 N
Committee Date	8th September 2025

### Location Map



### Application Details:

Change of use of building for storage of agricultural and commercial equipment.

**Applicant Details:**

Mr Steve Hopkins  
C/O Agent

**I CONSULTATIONS**

Parish Council

The Parish Council opposes the change of use as it contravenes the conditions of the original application ref 22/01024/FUL

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.

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.

This application is for change of use of an agricultural building, but as a retrospective application it is outside of the scope of statutory biodiversity net gain requirements. The development proposes to create bunds planted with trees within the site increasing the area of vegetated habitat and likely increasing the biodiversity value of the site. The trees are recommended to be a mix of native species, and the areas could be seeded with a shade tolerant meadow mix to provide a ground vegetation suitable for shaded conditions under tree canopies. Detailed information on the planting can be submitted for approval by condition. To ensure successful establishment of the planting, I recommend that a management plan is secured as part of the landscaping scheme condition.

In addition to habitat enhancements, species specific enhancements could be provided such as bird nesting opportunities and bat roosting features installed externally on the building. Information on these can be submitted for approval as part of a landscaping scheme condition attached to planning consent.

No information on protected species has been submitted as part of the application but as the building was already used for the storage of equipment, the change of use is not considered to have significantly impacted protected and priority species that may be present due to no significant changes to the structure or use.

Env Health Noise And Amenity

The site is in close proximity to the rear of a number of dwellings in this rural location. The proposed development would represent a likely intensification of the use, compared to the storage of equipment for equipment used by a single business. The proposal would involve increased levels of noise, typically from the movement of equipment and access by vehicles, as well as associated repairs and maintenance,

undertaken elsewhere on the immediate site.

No effective proposals to control noise are included in the application. Should noise control in the form of barriers and/or bunds be proposed, these should be supported by a Noise Impact Assessment undertaken by a suitably-qualified person.

Should the LPA be minded to grant permission, the use should be restricted to the hours of 08:00 to 18:00hrs Monday to Friday; 08:00 to 14:00hrs on Saturday (if weekend operations are thought to be appropriate at this location); and no activity on Sundays and Bank Holidays.

Env Health Noise And Amenity

Following the submission of a noise report ref P8800-RI-VI, dated 09/07/2025, I can advise further.

The report is generally a thorough and suitable report. It evidences that the use of the building itself will not represent a significant noise impact. This is demonstrated by the assessment of occasional use of a rolling road with HGV within the building.

An uncertainty which does not appear to be addressed in the report concerns the assessment of activity and noise at the existing site. This may be significant should the proposed development contribute to an intensification of use of the whole site, as well as compared to the storage of equipment for equipment used by a single business.

The noise levels from the site are addressed in the report over one 23-hour period. The report notes that sound levels at the assessment point were influenced by 'Noise from LA Lockhart Site Operations: Occasional noise originating from vehicle movements at the development site, typically occasional HGV manoeuvring.' It is not clear whether this would be a typical day, in terms of level of noise and activity at the existing site, or whether additional noise at the site, from plant or machinery being moved, operated, repaired, or maintained might add to the reported noise levels.

This concern, that the proposed development would represent a likely intensification of the use, might be substantially addressed by restricting the use of the proposed building to the hours of 8:00 to 18:00hrs Monday to Friday; 9:00 to 14:00hrs on Saturdays; and no use on Sundays and Bank Holidays.

If acoustic barriers are proposed to address noise concerns, these might be effective at reducing noise from the whole site (not just the application site). Evidence for the effectiveness of such noise barriers would need to be supported by a suitable acoustic assessment and characterisation of noise from the existing operation.

## **2 REPRESENTATIONS**

2.1 The full representations can be found on the WODC website, but are summarised as follows:

- The application will result in an intensification of the business;
- The application will result in an increase in HGV movements through the village;
- Noise impacts will increase;
- There will be a negative impact on biodiversity.

## **3 APPLICANT'S CASE**

3.1. The applicant has submitted the following statement:

'At the time of the submission of the [previous] application it was confirmed that the application site had over many years been used for the open storage of plant and equipment associated with the activities of haulage, plant hire and agricultural contracting. The purpose of the new building was confirmed as being part of a site tidying up and would be used for the undercover storage of previously externally stored equipment. The surrounding area enclosed by the renewed existing boundary fence has been re-dressed with gravel and provides access to the building entry points and also to the adjoining field entrance gates.

The description of the previous long established existing use was included in a letter ref.22013 dated 07/04/22 prepared by our Agent and submitted as part of the planning application.

The building was approved and as planned is used for the storage of a wide variety of kit some of which was externally stored at the new building location and other equipment owned and operated by the Company on a wide variety of agricultural and external work activities. WODC is of the opinion that because of the inevitable overlap of activities that the use is better described as being of mixed use and suggest that an application is made to include the linking in of implements and associated equipment used by the plant hire business and utilised in agriculture and construction. We are in agreement that an application for mixed use as suggested by WODC is made and confirm that we have no intention that the primary use of the building to become a vehicle maintenance workshop as these specialist facilities are provided elsewhere on the site.'

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

EH8 Environmental protection

T2NEW Highway improvement schemes

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

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



## **5 PLANNING ASSESSMENT**

### **Background**

- 5.1 This is an application for retrospective planning permission for the change of use of a building from storage of agricultural equipment to a mixed use of storage of agricultural and commercial equipment in association with Lockhart Plant Hire Ltd.
- 5.2 The application site is adjoins the Lockhart Plant Hire site in Black Bourton but is separated by an established hedge.
- 5.3 The site does not lie in any designated areas; however the listed building 'Old Farmhouse' is within 100m to the east of the site.
- 5.4 The application is before Members of the Lowlands sub-committee because the views of the parish council are contrary to those of you Officers.

### **Planning History**

- 5.5 The relevant planning history for the application site is as follows:
- 22/01024/FUL - Construction of agricultural maintenance store. - approved
- 5.6 There is also relevant history on the adjoining land that forms the yard and workshop for Lockhart Plant Hire Ltd.:
- 16/00527/CLE - Certificate of lawfulness. (Commercial Plant Hire) - granted
  - 20/02754/FUL - Change of Use of land to hardstand storage for equipment of Lockhart Ltd. (Retrospective). - approve

### **Principle of Development**

- 5.7 Policy OS2 sets out the settlement hierarchy for the district, in this case the application site is within Black Bourton which is classed as a small village, where small villages can absorb limited development and appropriate proposals can be:
- 'Proposals to support the effectiveness of existing businesses...'
- 5.8 Policy OS2 also states that development should be: proportionate and at an appropriate scale to its context; form a logical complement to the scale and existing pattern of development; be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants; protect the local landscape; and conserve and enhance the historic environment.
- 5.9 Policy EI (land for employment) relates to B class uses (storage, industrial or office) or related sui generis uses. The building subject of this application is used for storing vehicles in connection with the adjoining plant hire business and agricultural equipment used to maintain the adjacent field and hired out to agricultural customers, this mixed use is considered to be a sui generis use related to storage.

5.10 Policy EI states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the village; this may include expansion of the existing employment uses.

5.11 The building subject of this application was approved as an agricultural maintenance store and is restricted to agricultural use by a condition; the proposed use would permit a wider use of the building to include storage of commercial plant as well as agricultural machinery used to maintain the adjacent field.

5.12 Your officers are of the view that the principle of development is acceptable with regard to consideration of the material considerations such as highways, neighbouring amenity and landscape impact.

### **Design and landscape impact**

5.13 Policy OS2 states that development should, as far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s.

5.14 Policy OS4 states that development should demonstrate high quality design.

5.15 Policy EH2 states that new development should conserve and where possible enhance the intrinsic character of the district, and proposals should avoid causing pollution such as noise and light.

5.16 While there are no physical changes to the building, the application also includes an area of gravel forming an apron around the building, this was not approved under the original application. Officers consider that on its own the gravel has limited impact in terms of visual harm, however it has been highlighted to officers that the area is used for outside storage of large vehicles which would be visible from nearby dwellings. Your officers have proposed to impose a condition to restrict the use of the area for storage and parking of vehicles.

5.17 The proposal also includes the installation of bunds around the building, which are to be planted and managed according to an agreed landscape scheme and will serve to form a boundary around the building and provide screening.

5.18 As such, your Officers consider the proposal accords with policies, OS2, OS4 and EH2.

### **Highways impacts**

5.19 Policy T2 (highway improvement schemes) states that all development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network.

5.20 Several representations have been received raising concerns that this proposal will lead to a significant increase in large vehicles moving through Black Bourton. Your officers note these concerns also relate to the increase in the scale of the business.

5.21 As this proposal will lead to the building being able to be used for storage in relation to Lockhart Plant Ltd. it can be considered an expansion of the business that might have an impact on traffic. However, your officers consider that this is a small expansion that is within scale of the existing site. Further, the applicant has also confirmed the sites vehicle operators licence restricts the number of vehicles that can operate from the site.

5.22 No objection has been received from the highways authority and as such your Officers consider the proposal to comply with policy T2.

### **Neighbouring Amenity**

5.23 Policy OS4 states that development should not harm the use or enjoyment of land and buildings nearby including the living conditions in residential properties.

5.24 Policy EH8 states that proposals should not cause unacceptable nuisance to the occupants of nearby land and buildings from noise and disturbance or light.

5.25 Representations have been received stating that the use of the building is producing levels of noise that are disturbing residential neighbours.

5.26 The building is to be used for storage only and the proposal would not grant consent for the use of the building as a workshop for vehicle repair or maintenance, these operations are restricted to the existing workshop building on the adjoining site.

5.27 Officers note that the previous planning permission 20/02754/FUL did include a condition requiring an acoustic fence along the western boundary, this is in place and was required because application 20/02754/FUL was close to dwellings and the application site was open.

5.28 However, for this application the applicants have provided a noise report for the use of the building itself, based on this report, which did not show that the noise was at a high level, the environmental health officer has not requested any noise mitigation, but has suggested a condition restricting the use of the building to certain hours of the day.

5.29 A condition is also suggested to require details of external lighting to be submitted to reduce the potential impact of floodlights.

5.30 In light of the above, your officers consider that that proposal complies with policies OS4 and EH8.

### **Heritage Impact**

5.31 As there is a listed building within 100m of the site, your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. Paragraph 212 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.32 In this case, as there are no physical changes to the building and the building is read in context of the existing Lockhart site your officers consider that the proposal conserves the setting the of the listed building and is acceptable in this regard, complying with policy EH11.

## Other Matters

5.33 Officers note that representations also comment on the use of the adjoining plant hire site. The use of this site for this purpose was found to be lawful through the 2016 application for a certificate of lawfulness and falls outside the scope of this application. As the use came about on this basis, this site does not have conditions imposed restricting operating hours, lighting or similar.

## Conclusion

5.34 In light of the above assessment, your officers find the proposal to be acceptable with regard to design and landscape impact, highways impacts, neighbouring amenity impact and heritage impact and to comply with policies OS2, OS4, E1, T2, EH8 and EH11 of the Local Plan, relevant paragraphs of the NPPF and the West Oxfordshire Design Guide and the recommendation is to approve with conditions.

## 6 CONDITIONS

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

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

2. Notwithstanding the submitted details, within 6 months of the date of consent, a scheme for hard and soft landscaping of the site (incorporating existing flora) including biodiversity enhancements (e.g. bird nesting opportunities and bat roosting features), the means of enclosure and the materials used for hard surfacing, shall be submitted to and approved 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 which shall be consistent with any Construction Management Plan;
  - ii. A landscaping implementation phasing plan, where appropriate;
  - iii. Detailed planting / sowing specifications including species, size, density spacing, cultivation protection (fencing, staking, guards) and non-chemical methods of weed control;
  - iv. Details of surfacing, boundary treatments and landscaping structures (including the bunds indicated on the approved site plan) including design, location, hedgehog accessibility, size, colour, materials and openings;
  - v. Management Plan capable of being rolled out forward over a 5-year period;
  - vi. The location and specification of biodiversity enhancement features to be installed.

The approved scheme shall be implemented in full within 2 years of approval, unless otherwise agreed in writing by the Local Planning Authority.

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

3. 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.

4. Business activity shall not take place on the site outside of these hours:

- 8.00 a.m. - 6.00 p.m. Monday to Friday;
- 09.00 am - 2.00pm Saturdays;
- and no activity shall take place at any time on Sundays, or Bank Holidays.

REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties.

5. The gravel apron shall not be used for the parking or storage of vehicles, plant, machinery or materials which shall take place solely within the building at any time.

REASON: To safeguard appearance of the application site and the visual amenity of the area.

6. No external lighting shall be installed, unless in accordance with specifications and locations first submitted and approved in writing by the Local Planning Authority. Any lighting shall be maintained thereafter in accordance with the details approved.

REASON: To safeguard the amenity of neighbouring dwellings.

### **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: The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

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 recommencing works (especially with regard to bats and great crested newt). Sensitive designed lighting that avoids direct illumination of tree planting and bat roost features would increase the likelihood of bats using roost features provided onsite.

Sensitive designed lighting measures include downward lighting with a corrected colour temperature not exceeding 2700K controlled by means of a PIR sensor with a maximum over-run time of 1 minute. Additional 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-artificiallighting-at-night-ilp-guidance-note-update-released>.

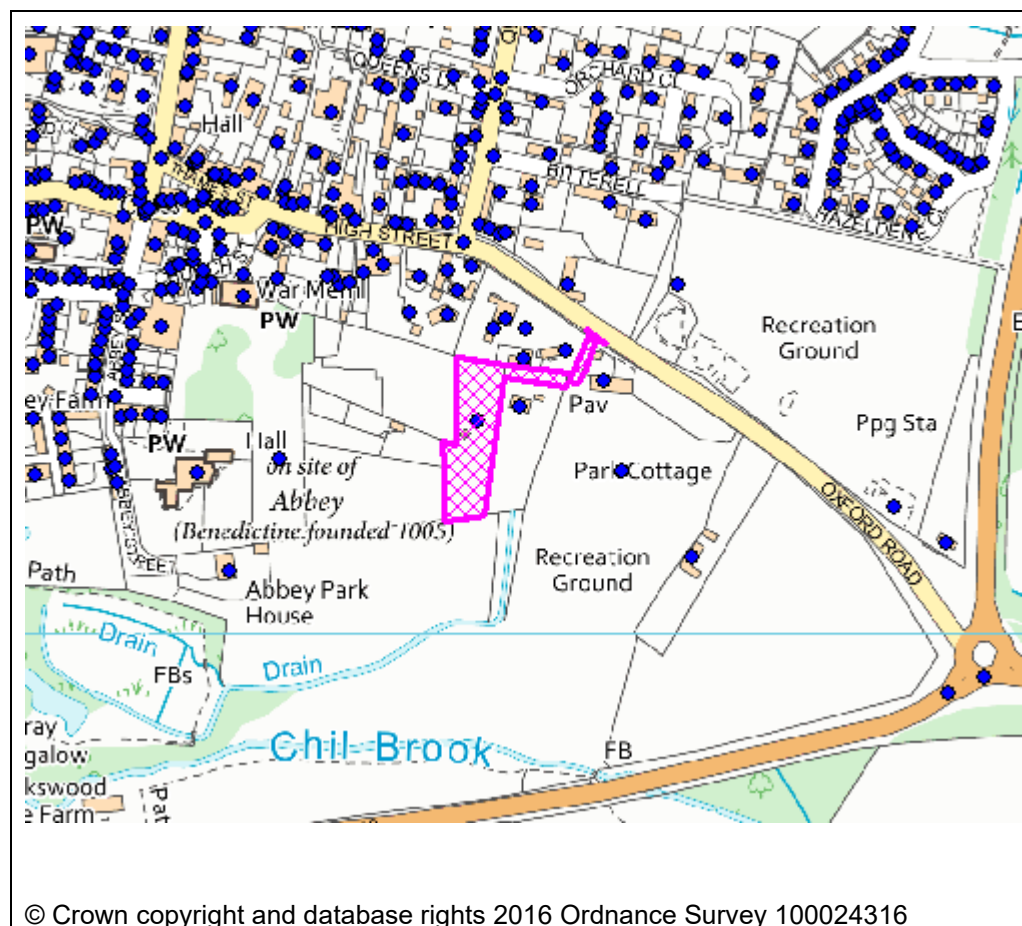
**Contact Officer:** Rebekah Orriss

**Telephone Number:**

**Date:** 27th August 2025

Application Number	25/01129/FUL
Site Address	Land West Of The Nursery 6 Oxford Road Eynsham Oxfordshire
Date	27th August 2025
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Eynsham Parish Council
Grid Reference	443460 E 209141 N
Committee Date	8th September 2025

### Location Map



### Application Details:

Erection of 1 self-build dwelling and garage.

**Applicant Details:**

Mr Jago  
C/O Agent

**I CONSULTATIONS**

OCC Highways	<p>No objection, subject to conditions.</p> <ul style="list-style-type: none"><li>• G28 parking as plan</li><li>• G32 turning facility</li></ul>
WODC Drainage	<p>No objection, subject to conditions.</p>
District Ecologist	<p>Original Consultation:-</p> <p>Holding objection due to insufficient information on biodiversity.</p>
Thames Water	<p>No Comment Received.</p>
Env Health Contamination	<p>I have looked at the above referenced planning application in relation to potentially contaminated land.</p> <p>From the information submitted with the application it appears that the site is a former horticulture nursery, our records indicate that the site has remained undeveloped over time. Given the proposed residential development please consider adding the following condition to any grant of permission as a precaution:</p> <p>I. 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.</p> <p>Reason: To prevent pollution of the environment in the interests of the amenity.</p> <p>Relevant Policies: West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.</p>
Conservation And Design Officer	<p>Objection.</p> <p>The proposed development would harm the character, appearance and setting of listed buildings in particular St Leonards Church and associated structures (GII*), The Shubbery (GII), Eynsham Abbey SM, and Eynsham conservation area.</p> <p>This proposal would be contrary to legislation, Local Plan policies</p>



EH9, EH10, EH11, EH13 and EH15 the relevant provisions of the NPPF.

Env Health Noise And Amenity      No objection to proposal but I would ask for the following condition to be attached to any consent granted:

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

Reason: To protect the amenity of the neighbourhood.

WODC Housing Enabler      The proposed development is described as self-build on the application form and within the submission documents.

Planning authorities are required to keep a register of people interested in self/custom build housing. This is used as an indication of demand. The number of applications to the register received at the end of the most recent reporting period (base years 1-9) were 365 from individuals and 6 from groups held on Part 1 (applicants with a local connection to the district), and 142 individual applications on Part 2 (all other qualifying applicants).

Currently the council has identified 289 plots as meeting self/custom build criteria that gained planning consent during base periods 1-9 (up to end October 24). Monitoring of this activity is ongoing. Self-build dwellings should be developed and occupied in accordance with the Self-build and Custom Housebuilding Act 2015. I would request that compliance with this act is secured via a legal undertaking. The Self-Build dwelling developed through this planning application would assist the Council in meeting its obligations in respect of the Self-build and Custom Housebuilding Act 2015.

Newt Officer      No Comment Received.

Historic England      Historic England has serious concerns about this application on heritage grounds and the principle of development on the site. There is insufficient information to meet the requirements of paragraph 207 of the NPPF and there is no justification given for any harm caused to the Scheduled Monument. We therefore recommend that it is either withdrawn or refused.

OCC Rights Of Way Field Officer      The public footpath that runs for a short section down the access drive to the site will not be affected by the proposal so there are no objections from the countryside access team.

WODC Tree Officer      Pre-development tree survey - Arboricultural management recommendations based exclusively upon the individual tree or group of trees condition relative to their present context (i.e. not in relation to the proposed development). No finalised proposal drawing available.

Further comments dated 08/07/2025:

I would need the data that was collected in this pre development tree survey plotted on the proposed drawing, this will show the proximity to the proposed structures and associated infrastructure... A Tree Constraints Plan. Accompanying this there will need to be an Arboricultural Impact Assessment and Arboricultural Method Statement, this will detail the developments impact of the existing trees that are to be retained on the site.

OCC Archaeological Services

The applicant has submitted a Historic Impact Assessment which considers the potential for archaeological remains to survive in the development location based on previous works in the general vicinity of the site. However, the archaeological potential of the site will likely need to be tested in the field before any planning permission could be considered, and this will require Scheduled Monument Consent from the Secretary of State for Culture, Media and Sport. Any fieldwork programme will need to be developed under the advice of Historic England.

As set out in the NPPF 2024 paragraph 213, Historic England will also consider any impacts on the setting of the Monument should any development take place.

District Ecologist

Reconsultation comments:-

Acceptable subject to conditions and informative.

Parish Council

Support.

## **2 REPRESENTATIONS**

2.1 Comments have been received from local residents regarding the application. Full details can be found on the online case file. In summary, the following concerns have been raised:

- Principle/policy
- Precedent
- Impact on highway safety
- Design and layout
- Loss of privacy and overlooking
- Impact on heritage assets

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a planning, heritage and design & access statement which, in summary, makes the following points:

- Whichever route the development proposal is considered against the criteria of policy H2 (b, c or d) there is clear and convincing justification that the proposed development of a single dwelling on the site is supported in principle.
- The proposal complies with the objectives of policies OS4 of the Local Plan and ENP2 of the Neighbourhood Plan which require new developments to respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.
- While the site is considered to have low potential to contain nationally significant archaeological remains, it will be necessary to validate and ground truth the findings through a process of archaeological evaluation intended to clarify the nature and potential sensitivity of archaeological deposits within the site.
- The proposed development will involve groundworks associated with the construction of the new building. These groundworks will be localised to the footprint of the proposed building and any necessary services. The groundworks will have a direct impact on ground within the scheduled monument and will therefore require Scheduled Monument Consent.
- The proposed new building is considered to have no impact upon the setting and heritage significance of the scheduled monument.
- The site is currently screened from view and the proposed development is anticipated to have no impact on the conservation area or its setting. It will have no impact on the setting of the historic village core, nor will it materially impinge on the green space to the south and east of Eynsham.
- The proposed development will have no impact on the setting and heritage significance of listed buildings in the study area.
- Given the modest scale of development proposed and the substantial separation and screening to neighbouring residential properties, it is considered that the proposal would not give rise to any detrimental overlooking, overbearing or overshadowing impacts. A high standard of residential amenity would be provided for future occupiers of the development and retained for neighbours in accordance with policy OS4 of the WODC Local Plan.
- To compensate for the minor loss of low-quality apple trees, the detailed soft landscape scheme which will be subject of a standard planning condition, will include suitable native tree planting to enhance the character, appearance and biodiversity value of the site in accordance with policy ENP13 of the Eynsham Neighbourhood Plan.
- Given the site has been used as a residential garden for 40 years and is in a highly sustainable location in a district with significant need for housing, development of a single dwelling on this site would be an effective use of land.
- In assessing the proposal against paragraph 11 (d) of the NPPF, it is clear that the protection of areas or assets of particular importance designated heritage assets) does not provide a reason to refuse permission in this instance, and it is clear that the proposal aligns with key objectives of the NPPF which seek to direct development to sustainable locations and make effective use

of land with well-designed places. Therefore, the assessment of the proposal under tilted balance demonstrates planning permission should be granted.

#### **4 PLANNING POLICIES**

NATDES National Design Guide  
EYNSNP Eynsham Neighbourhood Plan  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H4NEW Type and mix of new homes  
H5NEW Custom and self build housing  
T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH8 Environmental protection  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
EH15 Scheduled ancient monuments  
EH16 Non designated heritage assets  
EW10 Eynsham- Woodstock sub area  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### **5 Background Information**

- 5.1 This application relates to an existing parcel of land located to the south of Oxford Road in the rural service centre of Eynsham. To the east is '6, The Nursery' (a dwelling). Beyond this is Eynsham recreation ground and sports pavilion. To the immediate west is land associated with '24, High Street' and further to the west is St Leonard's Church. To the north are further dwellings, in particular, 'The Bay Tree, 4 Oxford Road' which adjoins the northern boundary of the site.
- 5.2 The proposed development is for the erection of 1 self-build, two-bedroom dwelling and garage. The site lies in the Eynsham Conservation Area and is a Scheduled Ancient Monument ('Eynsham Abbey (site of)' List Entry Number: 1006332). There are also a number of listed buildings within close proximity of the site. The site lies in the Eynsham Neighbourhood Plan area.

## Relevant Planning History

- W89/0492 - Detached dwelling and granny annexe. Refused. 22nd June 1989.

This application related to land further to the west but in close proximity to the site. The application was refused because it was considered to erode the special environmental character of the Eynsham Conservation Area and not conserve the historic street pattern. The site was not considered to constitute infilling or rounding off within the existing building area.

- W75/0160 - Erection of one dwellinghouse or bungalow with garage (outline). Approved.

This application related to the neighbouring property, 6 The Nursery, and included part of the application site within its curtilage.

5.3 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 of development
- Impact on heritage assets
- Conclusions on bullet point i) of paragraph 11d)
- Design, Scale, Siting and Form
- Impact on ecology
- Impact on highway safety
- Impact on trees
- Impact on flood risk
- Impact on amenity
- Paragraph 11dii planning balance

## Principle of development

5.4 Policy H2 of the adopted West Oxfordshire Local Plan (2031) states that new dwellings will be permitted in rural service centres, including Eynsham, 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.'

5.5 The northern and eastern boundaries of the site adjoin built development with its western boundary divorced from built development and to the south lies public open space (recreation ground).

Therefore, Officers are of the view that the land where the dwelling is proposed relates more to the built-up area than the open countryside and so falls within the settlement. In terms of whether the site is previously developed land, aerial photographs indicate that part of the site has previously been used as part of the garden of the neighbouring dwelling and the planning history for the neighbouring dwelling included part of the site within its curtilage. However, the lower part of the site fell outside this defined curtilage and aerial photographs indicate that this part of the site has not been managed as part of the residential garden of 6 The Nursery for over 10 years. The definition of previously developed land included in the NPPF states that previously developed land excludes land in built-up areas, such as residential gardens. Therefore, Officers are of the view that the site is undeveloped land within the built-up area.

5.6 In this case, therefore, the application must demonstrate that the proposal is in accordance with the other policies in the plan and in particular the general principles in policy OS2.

5.7 In terms of the general principles set out in Policy OS2, 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;
- Avoid the coalescence and loss of identity of separate settlements;
- 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;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.8 Officers' concerns in relation to these particular General Principles will be discussed further below.

5.9 The Eynsham-Woodstock Sub-Area Strategy states that the focus of new development will be Eynsham and that development in rural service centres will be of an appropriate scale and type that would help to reinforce/create the service centre role.

### **The Council's Housing Land Supply Position and implications of the NPPF**

5.10 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).

5.11 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 residential development**

5.12 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.

5.13 In respect of bullet point i), detailed above, specific policies relating to designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75) are relevant.

5.14 In respect of bullet point ii), detailed above, footnote 9 clarifies that the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

5.15 In terms of compliance with policy H2, the proposed development is supportable provided that the proposal is in accordance with the other policies in the adopted WOLP and in particular the general principles in Policy OS2. This is considered below.

## Impact on heritage assets

5.16 In terms of impact on designated heritage assets, the site lies within the north-eastern area of Scheduled Monument ('Eynsham Abbey (site of)' List Entry Number: 1006332), the Conservation Area and Council's Conservation Officer considers that the proposal would also affect St Leonard's Church (Grade II\* listed) and The Shrubbery (Grade II Listed). Officers have regard to the statutory protections afforded to these heritage assets under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.17 Paragraph 207 of the NPPF (2024) states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

5.18 Paragraph 212 states: '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.'

5.19 Paragraph 210 states:

'In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

5.20 Paragraph 211 states:

'In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.'

5.21 Paragraph 213 states: '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. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'



5.22 Paragraph 215 states:

'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.'

5.23 A Heritage Statement has been submitted which concludes that: '...The site is situated in a location which is set back from Oxford Road and completely obscured from view from the road by existing roadside buildings. It is also surrounded to the south and west by mature trees and low-level vegetation, which obscure the site from view from nearby listed buildings and from the site of the abbey. Depending on the size and height of the proposed building, the development is therefore considered to have a neutral effect on the setting and heritage significance of Eynsham Conservation Area and surrounding listed buildings...'

5.24 In terms of impact on listed buildings, the Council's Conservation Officer considers that St Leonards Church (a Grade II\* listed building) has a direct historic association (illustrative and evidential (archaeological) significance) to the former Abbey, the proposal would result in a high level of less than substantial harm to the setting and significance of the Church as a result of development within the grounds of the former Abbey.

5.25 In addition, they consider there to be harm to the setting of the grade II listed building known as the 'The Shubbery' as a result of the negative alteration to its currently rural and undeveloped setting. They consider the level of harm to be a moderate level of less than substantial harm. Overall, they consider that the proposal would harm the character, appearance and setting of listed buildings in particular St Leonards Church and associated structures (GII\*). The Shubbery (GII), Eynsham Abbey SM, and Eynsham conservation area, and that the proposal would be contrary to legislation, Local Plan policies EH9, EH10, EH11, EH13 and EH15, as well as the relevant provisions of the NPPF.

5.26 In terms of impact on the Scheduled Monument, Historic England have been consulted, and they consider that the application has not provided a sufficient assessment of the impacts of development on the significance of the Scheduled Monument, in order to fully understand the level of harm that will be caused. In addition, they consider that there is no clear and convincing justification for the proposed development.

5.27 The Council's Conservation Officer considers that there is more to setting and harm to heritage assets than just views. For example, it can be about the way an area is experienced including noise, lighting, its historic landscape character, its historic illustrative and evidential significance etc. They concur with Historic England's comments (dated 4th July) and add that they consider the proposal to be backland development that would result in a harmful urbanising impact on the highly sensitive area within Eynsham Abbey Scheduled Monument and an area of surrounding undeveloped rural land within Eynsham Conservation Area. Further, they consider that the proposal would result in the loss of this currently characterful and undeveloped peaceful area.

Further, in terms of archaeology, the applicant has submitted a Historic Impact Assessment which considers the potential for archaeological remains to survive in the development location based on previous works in the general vicinity of the site. However, the archaeological potential of the site will likely need to be tested in the field before any planning permission could be considered, and this will require Scheduled Monument Consent from the Secretary of State for Culture, Media and Sport. Any fieldwork programme will need to be developed under the advice of Historic England.

5.28 In accordance with paragraph 215 of the NPPF, this harm must be weighed against the public benefits of the development, including securing the optimum viable use of heritage assets. The site is located within a sustainable location and one self-build dwelling is proposed. Officers acknowledge that the Council cannot currently demonstrate that it has a five year housing land supply and, recent appeals have concluded that there is a shortfall of self-build dwellings in the district (appeal ref. APP/D3125/W/24/3349750 dated 3rd February 2025).

5.29 However, only one self-build dwelling is proposed. Therefore, in the opinion of Officers, the application does not provide clear and convincing justification for the proposed development, nor does it demonstrate that the proposal will secure the optimum viable use of designated heritage assets. In accordance with paragraph 212 of the NPPF, great weight should be given to the conservation of designated heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.30 For these reasons, in this case, Officers consider that the public benefits of the proposed development do not outweigh the high level of less than substantial harm that would be caused to the significance of St Leonards Church and associated structures. Officers also do not consider that the public benefits outweigh the moderate level of less than substantial harm to The Shrubbery. In accordance with Historic England's advice, further information is required to establish the level of harm to the Scheduled Monument however, the introduction of a dwelling in this location would result in a harmful impact upon the Scheduled Monument. Therefore, the proposed development is considered to be contrary to policies OS2, OS4, H2, H5, EH9, EH10, EH11, EH13, EH15 and EW10 of the adopted WOLP, legislation, paragraphs 207 and 213 of the NPPF 2024 and policies ENP2 and ENP14 of the Eynsham Neighbourhood Plan.

### **Conclusions on bullet point i) of paragraph 11d)**

5.31 In conclusion, officers consider that the application of heritage policies that protect designated heritage assets provides a strong reason for refusing the development proposed.

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

5.32 Policy OS4 of the WOLP requires new development to contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. High-quality design should be demonstrated. Chapter 12 of the NPPF (2024) relates to achieving well-designed places and states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.' Paragraph 135 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 139 requires compliance with local and national design guides and states that development that is not well-designed should be refused.

5.33 The proposed dwelling is 1.5 storeys and has a pitched roof form with rear projecting balcony. The dwelling has a width of circa 12.9m and a depth of circa 5.7m. The walls are to be constructed of red brick and render with a slate tile roof. The dwelling is positioned in line with the rear elevation of No.6 The Nursery and a single storey garage is proposed which has a height of 4.4m, width of 3.8m and length of 6.4m positioned in front of the proposed dwelling. A gravel driveway is proposed to the front with 1.4m high post and rail fencing separating the site from the neighbouring property and to provide secure access to the rear garden. There are inconsistencies between the submitted

drawings in terms of the proposed ridge level of the dwelling. However, based on the street elevation, the proposed ridge will exceed the ridge of the neighbouring dwelling by half a metre or so due to the topography of the site.

5.34 The relatively modest scale and form of the proposed dwelling is considered to appropriately relate to its wider context, however, for the reasons as set out above, the proposed siting raises fundamental heritage concerns.

5.35 The site contains a number of established trees which are considered to contribute to the verdant character and appearance of the site and surrounding area. As set out in more detail below, because Officers consider that insufficient information has been submitted to indicate which existing trees will be retained and which will be removed, Officers have concerns that the proposal may lead to the loss of features that contribute to the character and appearance of the area, thereby failing to constitute high-quality design.

### **Impact on ecology**

5.36 In terms of impact on ecology, the site lies in a red zone for great crested newts, protected species buffer for bats and Wychwood Project Area. The site also lies in the Cothill Fen Zone of Influence and Oxford Meadows Zone of Influence. The Council's ecologist has been consulted, and the proposed development is considered to be acceptable subject to conditions and informative.

### **Impact on highway safety and parking**

5.37 In terms of impact on highway safety, part of the site access lies along a public right of way (number 206/2/10). The site is accessed from Oxford Road via an existing track. In terms of parking, the application form confirms that four car parking spaces are proposed and 2 cycle spaces. The Local Highway Authority have been consulted and no objection has been raised, subject to conditions requiring the construction of car parking areas before occupation of the development and these to be retained thereafter and used for no other purpose. Further, the highway authority have requested that the dwelling shall not be occupied until space has been laid out within the curtilage to enable vehicles to enter, turn round and leave the curtilage in forward gear. The Countryside Access Officer has no objections. Therefore, subject to conditions, the proposed development is considered to be acceptable from a highway safety and parking perspective.

### **Impact on trees**

5.38 In terms of impact on trees, there are a number of existing trees on the site which are considered to contribute to the character and appearance of the surrounding area. The proposed block plan shows the trees that are to be retained. However, the Council's Tree Officer has been consulted, and further information has been requested including the pre-development tree survey being fully plotted on the proposed drawing to ascertain the impact on existing trees within the site. The exact trees to be removed is also not clear because this is not shown in the key. For example, proposed trees are shown in the location of the new house. An Arboricultural Impact Assessment and Arboricultural Method Statement have also not been submitted detailing the impact of the development on the existing trees that are to be retained on the site. However, Officers consider that an impact assessment and method statement could be a condition of approval. Therefore, Officers consider that insufficient information has been provided for the local planning authority to be able to establish the likely impact on existing trees and whether the proposal would be likely to lead to the loss of features that make an important contribution to the character or appearance of

the area contrary to policies OS2, OS4 and EH2 of the adopted WOLP and paragraphs 135, 136 and 139 of the NPPF 2024.

### **Impact on flood risk**

5.39 In terms of flood risk, the site lies in flood zone 1. Surface water is proposed to be disposed of via surface water drainage system and foul drainage is proposed to be via mains sewer. The Council's Flood Risk Management Officer has been consulted, and no objection has been raised, subject to conditions. No comments have been received from Thames Water. Therefore, the proposed development is considered to be acceptable on flood risk grounds.

### **Impact on amenity**

5.40 In terms of impact on amenity, the site is considered to provide adequate external and internal amenity space for future occupants.

5.41 Regarding impact on the amenity of neighbouring residents, due to the separation distance, design and position of existing windows in the southern elevation, and the oblique relationship between the proposed dwelling and 'The Bay Tree, 4 Oxford Road', it is considered that the proposed development is unlikely to harm the privacy of occupants of 'The Bay Tree.'

5.42 Due to the separation distance between the proposed rear windows and '6, The Nursery', the orientation of these windows, minimal difference in ground levels, and subject to obscure glazing being installed in the ground floor eastern elevation windows serving the en-suite and study, it is considered that the proposal would be unlikely to harm the privacy of occupants of '6, The Nursery.'

5.43 Due to the proposed height of the dwelling, separation distance and positioning, the proposal is unlikely to have a detrimental impact on the amenity of neighbouring residents by way of overbearing and loss of outlook.

5.44 There may be some overshadowing to 'The Bay Tree', but as there are other windows in the north elevation serving primary living accommodation and one of the windows on the southern elevation serves an ensuite, Officers consider that the proposal would be unlikely to have a detrimental impact on the amenity of neighbouring residents by way of loss of light.

5.45 In terms of the impact of the proposed balcony on the amenity of neighbouring residents, given the separation distance, it is considered that the proposed balcony would not harm the privacy and amenity of residents of 6, The Nursery.

5.46 Therefore, it is considered that the proposed development would not have a detrimental impact on the amenity of neighbouring residents.

### **Other Matters**

5.47 Regarding contamination, the proposed development is considered to be acceptable, subject to conditions however, how such requirements may be accommodated within the Scheduled Monument is unclear.

5.48 In terms of construction impacts, concern has been raised by neighbouring residents that the access track to no. 6 remains accessible during construction. This is considered to be a civil matter and so is

not a material planning consideration. In terms of noise impact, the Environmental Health Officer has suggested a condition restricting construction hours.

5.49 Concern has also been raised regarding the precedent for this development to lead to future development adjoining the site. Each development proposal is assessed on its own merits and so precedent is not of relevance to the determination of this application.

5.50 Land ownership is not a material planning consideration and not a constraint to this development. Vehicular movements associated with one dwelling in this location would have minor impact.

### **The Overall Planning Benefits**

5.51 The planning benefits claimed for in the application include the effective use of land from development in a sustainable location to meet housing needs. The agent has confirmed that the applicant would be willing to enter into a Unilateral Undertaking to secure the self-build status of the proposal.

5.52 The proposed development would also have some economic benefits during construction through the creation of jobs, and once operational, some social and economic benefits in terms of increasing the vitality of the community through increased spending on local services and facilities.

5.53 Officers acknowledge these benefits, but due to only a single unit being proposed, these benefits are considered to be at very limited.

### **Paragraph 11dii Planning Balance**

5.54 Notwithstanding the failure to pass the 11(d)(i) balance, for the reasons set out above, the proposed development conflicts with paragraphs 135, 136, 139, 207 and 213 of the NPPF (2024), policies OS2, OS4, H2, H5, EH2, EH9, EH10, EH11, EH13, EH15 and EW10 of the adopted WOLP, the National Design Guide 2021, policies ENP2, ENP13 and ENP14 of the Eynsham Neighbourhood Plan, and legislation.

5.55 The proposed development would fail to conserve and enhance the significance of designated heritage assets and when taken together with the other harms identified, the harms of the proposed development are considered to attract, at least, great weight.

5.56 Therefore, in this case, the adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### **Recommendation**

5.57 In conclusion, for the above reasons, the application of heritage policies in the NPPF (2024) that protect areas or assets of particular importance, in particular designated heritage assets, provides a strong reason for refusing the development proposed.

5.58 The adverse impacts of the proposed development are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. Therefore, the application is recommended for refusal.

## 6 REASONS FOR REFUSAL

1. Insufficient information has been provided in the submitted Heritage Impact Assessment assessing the impacts of the development on the significance of the Eynsham Abbey Scheduled Monument (List Entry Number: 1006332) in order to fully understand the level of harm that will be caused and no clear and convincing justification for the proposed development has been provided. Further, the proposed development is considered to harm the character, appearance and setting of listed buildings, in particular, St Leonards Church and associated structures, The Shrubbery, and Eynsham Conservation Area. In addition, the archaeological potential of the site has not been tested in the field, requiring Scheduled Monument Consent. Clear and convincing justification for the proposed development has not been provided and the proposal will not secure the optimum viable use of designated heritage assets. Further, the public benefits of the proposed development are not considered to outweigh the less than substantial harm to heritage assets. Therefore, the application of paragraphs 207, 212, 213 and 215 of the NPPF (2024) that seek to protect designated heritage assets provide a strong reason for refusing the development proposed.
2. The adverse impacts of the proposed development, including the harm to designated heritage assets and the character and appearance of the area, contrary to paragraphs 207, 213, 135, 136 and 139 of the NPPF 2024, policies OS2, OS4, H2, H5, EH2, EH9, EH10, EH11, EH13, EH15 and EW10 of the adopted WOLP 2031, policies ENP2, ENP13 and ENP14 of the Eynsham Neighbourhood Plan 2020, the National Design Guide 2021 and legislation, are considered to significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF (2024) taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.

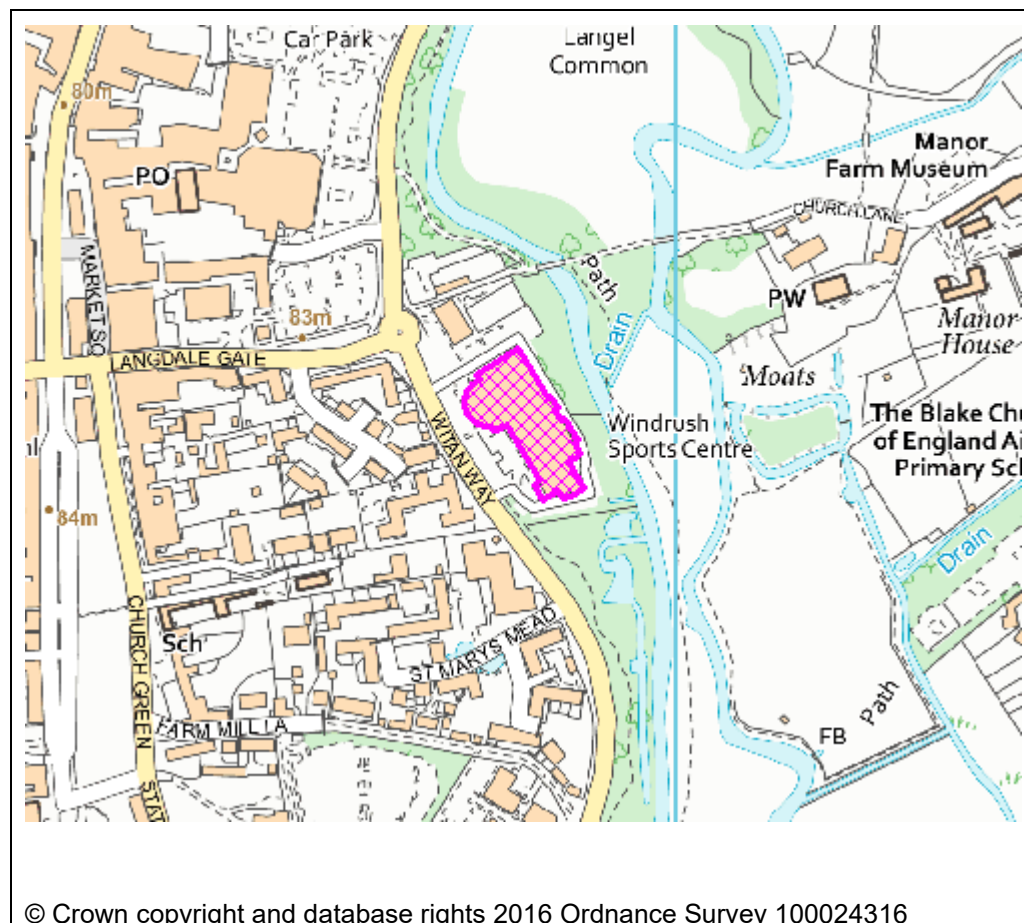
**Contact Officer:** Clare Anscombe

**Telephone Number:**

**Date:** 27th August 2025

Application Number	25/01557/PN56
Site Address	Windrush Leisure Centre Witan Way Witney Oxfordshire OX28 4YA
Date	27th August 2025
Officer	Joshua McFarland
Officer Recommendations	Prior Approval Not Required
Parish	Witney Parish Council
Grid Reference	435891 E 209557 N
Committee Date	8th September 2025

### Location Map



### Application Details:

Installation of solar panel PV system to flat roof areas of leisure centre

**Applicant Details:**

West Oxfordshire District Council  
Woodgreen  
Witney  
Oxfordshire  
OX28 1NB

**1 CONSULTATIONS**

No Comments Received.

**2 REPRESENTATIONS**

2.1 No third party representations have been received to date.

**3 APPLICANT'S CASE**

3.1 No design and access statement is required as part of this application.

**4 PLANNING POLICIES**

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

**5 PLANNING ASSESSMENT****Background Information**

- 5.1 The application is to be heard before the members of the Lowlands Area Planning Sub-Committee as the application is on behalf of the Council and on a Council Owned Building.
- 5.2 This application is a notification for a determination as to whether the prior approval of the Local Planning Authority is required for the installation of a solar panel PV system to flat roof areas of the Windrush Leisure Centre on Witan Way in Witney. The building which is the subject of the proposed application is a leisure centre within Witney.
- 5.3 This application is considered against Schedule 2, Part 14, Class J of The Town and Country Planning (General Permitted Development) (England) Order 2015 and seeks to establish whether the works would require formal planning permission or whether has been granted under the order subject to whether the prior approval has been granted.
- 5.4 The application proposes the installation of replacement rooftop solar panels which are to be 187kWp. They are to be all black solar panels and they will use low profile panel mounting which will minimise the visual impact.
- 5.5 In relation to the criteria of Schedule 2, Part 14, Class J:
- The proposed development involves the installation of other solar PV equipment on the roof of a building (J (c)).



5.6 In relation to the criteria of Schedule 2, Part 14, Class J.1:

- the solar PV equipment or solar thermal equipment would not be installed on a pitched roof and would not protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope; (J.1 (a));
- The solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would not be higher than 1 metre above the highest part of the roof (excluding any chimney);
- The solar PV equipment would be installed on a roof and would be a minimum of 1 metre from the external edge of that roof (J.1 (c));
- The solar PV equipment would not be installed on a site designated as a scheduled monument (J.1 (e));
- The solar PV equipment would not be installed on a listed building or on a building within the curtilage of a listed building (J.1 (f)).

5.7 In relation to the criteria of Schedule 2, Part 14, Class J.2:

- The solar PV equipment would not be installed on a wall (J.2 (a, b and c)).

5.8 In relation to the criteria of Schedule 2, Part 14, Class J.4:

- The solar PV equipment would be sited on an existing leisure centre in a mixed use area in the centre of town. In addition, the proposed solar panels are to be of low visual impact. In addition, there have been no material planning objections received from neighbouring properties. Given the existing nature of the surrounding area, the proposed siting of the solar PV equipment is not considered to have a detrimental impact on the external appearance of the building or the visual amenity of the surrounding area. (J.4 (1a)).

5.9 The proposal meets the remaining criteria of Schedule 2, Part 14, Class J.4.

5.10 In assessing this application against the criteria of Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015, officers consider that prior approval is not required for the proposed installation of solar panels to the existing leisure centre building.

## 6 CONDITIONS

1. The solar PV equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building.

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

2. The solar PV equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area.

REASON: To safeguard the amenity of the area.

3. The solar PV equipment is removed as soon as reasonably practicable when no longer needed.

REASON: To safeguard the amenity, character and landscape of the area.

**Contact Officer:** Joshua McFarland

**Telephone Number:**

**Date:** 27th August 2025