

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 12th January 2026

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

List of Background Papers

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

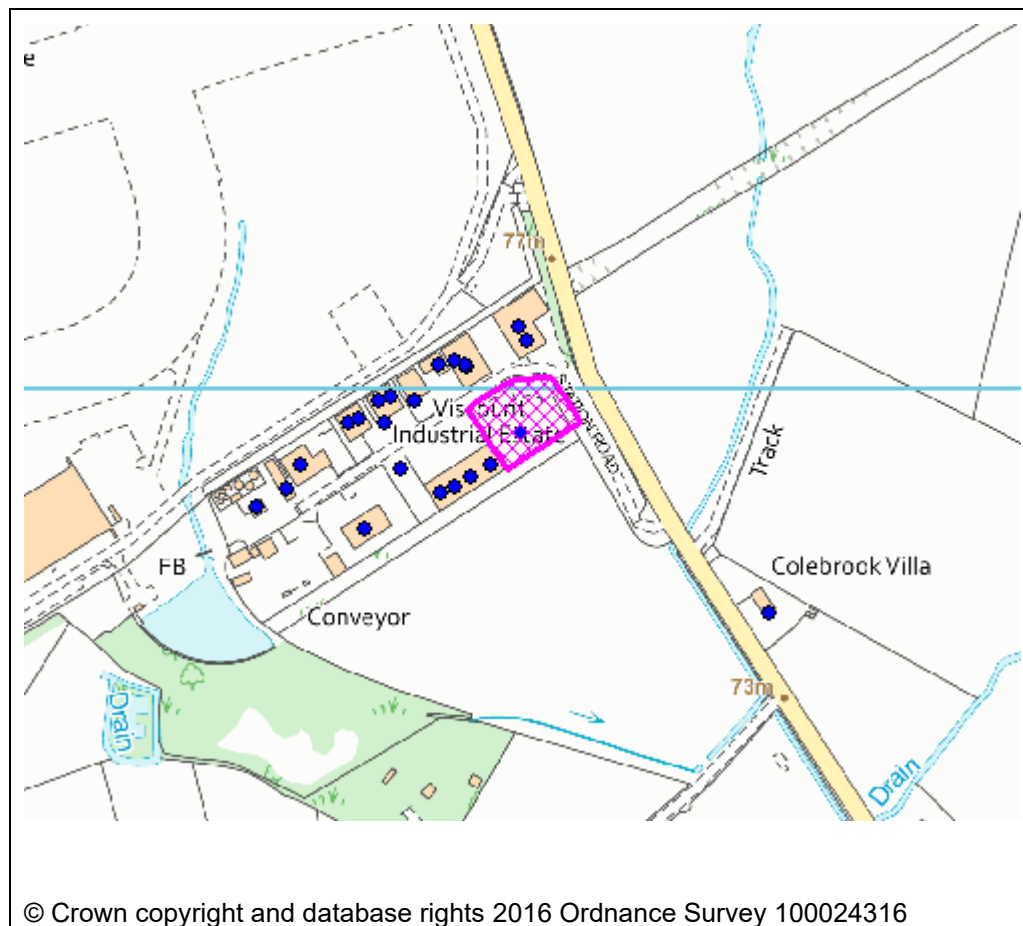
Please note that:

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

Item	Application Number	Address	Officer
	24/02837/FUL	Plot 4 Viscount Industrial Estate	James Nelson
	25/00487/OUT	Land (E) 428789 (E) 208512 Burford Road	Fern Lynch
	25/01852/FUL	44 Black Bourton Road Carterton	Clare Anscombe
	25/01989/FUL	46A Market Square Witney	Fern Lynch
	25/01990/LBC	46A Market Square Witney	Fern Lynch
	25/02578/FUL	Land Adjacent To Kencott Cottages Kencot	James Nelson

Application Number	24/02837/FUL
Site Address	Plot 4 Viscount Industrial Estate Station Road Brize Norton Oxfordshire
Date	23rd December 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	430587 E 205971 N
Committee Date	12th January 2026

Location Map



Application Details:

Erection of four industrial units and associated works

Applicant Details:

Mr Aniket Chhipa

30 Dalston Gardens
Stanmore
HA7 1BH

I CONSULTATIONS

Parish Council

Objection on traffic and foul water drainage matters.

The full comments are available to view on the Council's website and raise the following points:

Brize Norton Parish Council is extremely concerned about any additional vehicle movements through the village, especially HGV's; Concerns over lack of vehicular parking and excessive cycle parking; Underestimation of HGV movements; Journeys to and from the site will be heavily reliant on private car; HGVs and construction vehicles should be directed south away from Brize Norton village; and Lack of capacity in sewerage system and uncertainty on how foul water will be managed.

The Parish Council have also requested S.106 funding amounting to £105,000.00 based on the assumption that increased in traffic volumes through the village would result from the scheme and suggested this be put towards:

1. Installing a new pedestrian crossing between the east side of station road and the north entrance to the school. provide a new safety barrier with a gap to align with the new pedestrian crossing.
2. Removing build-out between the entrance and exit of Elder bank hall. Provide a pedestrian crossing between the east side of station road and the gated entrance into the pavilion car park. Inside the gated entrance, remove the steps the north side and replace with a ramp to provide accessibility. From the top of the steps of the south side of the gated entrance, create a pathway to opposite the hall entrance. At this location, paint a safe crossing point across the car park.

Major Planning Applications
Team

Transport

No objection subject to conditions.

LLFA

No objection subject to conditions.

Archaeology

No objection.

Thames Water	No objection subject to 'Grampian-style' conditions relating to foul and surface water drainage.
District Ecologist	Acceptable subject to conditions and informative.
Conservation And Design Officer	No Comment Received.
Natural England	No Comment Received.
MOD MOD (Brize Norton)	Acceptable subject to condition and informative.
Env Health Contamination	Acceptable subject to conditions.
Env Health Noise And Amenity	Acceptable subject to condition.

2 REPRESENTATIONS

2.1 The application has not attracted any third party comments.

3 APPLICANT'S CASE

3.1 A Design and Access Statement ('DAS') has been submitted in support of the application. The main points of the DAS are summarised below.

3.2 'In 2010, planning approval was granted for 3 buildings and some container storage (08/1559) on what was referred to at the time as Phase 2 of the Viscount Industrial Estate Development. This application relates to what was described as Plot 4 of Phase 2. Plot 4 has, to date, never been developed.

3.3 This proposal is for a building containing 4 units, 3 of approximately 236 sq m and one of approximately 358 sq m. The internal floor of the building measures 54.0 x 20.0m, giving a GIA of 1,080 sq m. The external footprint is 1,155 sq m and the ridge height is 8.45m. The total plot area is 2,630 sq m. For commercial purposes, the NIA is 1,057 sq m. (Unit 1: 355.3 sq m and Units 2 to 4: 233.9 sq m

3.4 Externally, the building is clad in reconstituted coursed stone at the lower level of the front elevation, and in two types of profiled metal cladding, one with large vertical corrugations and one with small horizontal corrugations. This helps to achieve a variety of textures on the large front elevation.

3.5 At the front of the building, 14 parking bays are provided together with generous vehicle access. The parking bays are surfaced with permeable paving and the access areas with asphalt. Areas of soft landscaping are provided and the large ash tree at the front is being retained. Additional trees are proposed along the western and eastern boundaries.

3.6 The roof has been designed to accommodate a balance between roof lights (to reduce the need for day time lighting) and photovoltaic arrays to provide on site energy generation. No gas or oil boilers will be used for heating or hot water, electric and heat pump technology will be used throughout.

3.7 The site is part of a well-established industrial estate, and has no significant access issues. No significant issues arise from this proposal and it is therefore hoped that it will be supported by the local planning authority.'

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

E1NEW Land for employment

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

BNNP Brize Norton Neighbourhood Plan

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 This application site comprises an existing industrial site located at Viscount Industrial Estate situated on the west side of Station Road near Brize Norton Airfield. The proposed development is the erection of four industrial units and associated works.

5.2 The application is reported to Committee due to the objection of Brize Norton Parish Council on the grounds set out above.

5.3 In terms of relevant planning history, permission was granted for the erection of three industrial units, one portakabin and two storage containers, associated parking, access, landscaping and service road (08/1559/P/FP) in 2010. This permission has been partly implemented and as such is still extant. This permission was however, granted to enable existing companies currently operating on the site to expand. As such a Condition (11) was attached to that permission which specified as follows:

The additional area of land hereby authorised shall only be used by those companies specified on plan 150:S:BN:2007 unless written consent is first given by the Local Planning Authority to any other occupier.

REASON: It is only the use of the extended site by existing companies that renders the proposal acceptable in policy terms. (Policy E8 of the West Oxfordshire Local Plan 2011)

5.4 Plan 150:S:BN:2007 specifies that Plot 1 (this application site) is to be occupied by R Griffiths Woodwear Ltd. The information submitted with this application clearly states that the type of businesses that will occupy the proposed units is not known and as such is unrelated to the extant permission which restricts the use of the site to R Griffiths Woodwear Ltd. As such it is Officer opinion that the extant permission is not a realistic 'fall-back' position and as such can be given only limited, if any, weight.

5.5 In addition, the extant permission for Plot 1 relates to a smaller building and the 2010 permission also included a communal car parking area/lorry parking for all 5 Plots. It is understood that the extant consent for Plot 1 is for a unit of 675 sq m with 22 parking bays.

5.6 In 2013, planning permission was granted for the erection of five industrial units with associated parking and access on Plot 2 (13/0457/P/FP). This permission has been implemented.

5.7 In 2024, application 23/03111/FUL was refused at this Committee. This sought permission for the: 'Erection of four industrial units and associated works' and was refused on the following grounds in accordance with officer recommendation:

1 The proposed 16 vehicle parking spaces fail to comply with OCC's parking standards and insufficient information has been submitted relating to the frequency / trip generation and size of vehicles for servicing / operational / delivery needs of the proposed industrial use and no swept path analysis has been undertaken of the largest anticipated vehicles at the site access with Station Road to demonstrate safe two-way operation. In addition, the proposal fails to demonstrate that safe visibility splays can be accommodated. As such, the proposed development fails to accord with Policies T1, T2, T3 and T4 of the West Oxfordshire Local Plan 2031 and advice in the NPPF.

2 Insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain and to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire District's Local Plan Policy EH3, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

The Development

5.8 This application is essentially a resubmission of the refused application (23/03111/FUL). The siting, scale and form of the building would remain unaltered with minor alterations to the elevational treatment. Alterations to the layout include the removal of two parking spaces. Additional information has also been provided regarding forward visibility for vehicles approaching the site access on Station Road and biodiversity matters as will be discussed in detail below.

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

- o Principle of Development;
- o Design/Layout/Visual Impact
- o Highways;
- o Flood Risk/Drainage
- o Residential Amenity; and
- o Trees/Ecology

5.10 Each matter will be discussed in turn below.

Development Plan

5.11 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') and the Brize Norton Neighbourhood Plan 2031 ('BNNP'), which was made in September 2025.

Principle

5.12 While the proposed development site is not expressly included as an allocation within the Local Plan, Policy EI states "proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This site forms part of the Viscount Industrial site and as outlined above was part of a planning consent for industrial development in 2010. As such, the development can be supported in principle, subject to compliance with other local plan policies.

Design/Layout/Visual Impact

5.13 Policy OS2 states 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; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.

5.14 Policy OS4 requires new development to respect and where possible enhance the character and quality of the surroundings and contribute to local distinctiveness.

5.15 Policy EI requires development to be commensurate with the scale of the town or village and the character of the area.

5.16 Policy EH2 of the Local Plan states that "new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape... Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.

5.17 This proposal is for a building containing 4 units, 3 of approximately 236 sqm and one of approximately 358 sqm. The proposed building has a total footprint of 1,155 sqm and a ridge height of 8.45m. The total plot area is 2,630 sqm. Externally, the building is to be clad in reconstituted coursed stone at the lower level of the front elevation, and in two types of profiled metal cladding, one with large vertical corrugations and one with small horizontal corrugations. The submitted Design and Access Statement advises that this will help to achieve a variety of textures on the large front elevation. The scale and design of the proposed building is considered to be acceptable and will relate well with the existing industrial buildings.

Highways

5.18 Access to Viscount Industrial Estate is via a private industrial access road off Station Road. Access to the proposed development on Plot 4 will be via two entrances from the Industrial Access Road towards the west. The existing eastern access on the outside of the bend in the access road will be

closed off and a new entrance is proposed to the west of the second access. The submitted Highways Technical Note outlines that in addition to the layout amendments made since the refused application, further information in regard to cycle parking provision, car parking provision, detailed trip generation / vehicle sizes, visibility splays, and swept path analysis has been provided. Further, the proposed level of cycle parking at Plot 4 will be 19no. spaces, including 1no. large/non-standard space, which exceeds OCC minimum standards.

5.19 Access to the site is via the private road within the wider industrial estate which has a junction with Station Road. As part of the previous application the Highway Authority raised concerns that suitable visibility had not been shown for the junction with Station Road. Traffic surveys have been undertaken to establish the speed of vehicles on Station Road and these have been used to calculate suitable visibility splays. The initial response of the Highways Authority on this application stated that suitable visibility splays for vehicles emerging from the industrial estate had been provided however the applicant had not shown forward visibility splays. This information has now been provided in the form of drawing J190409-TR-003 and therefore, the Highways Authority are satisfied that suitable visibility can be achieved and therefore that the concerns on access to the site have been addressed.

5.20 The site does occupy a rural and poorly connected location in sustainable transport terms and officers note the partial conflict with T3 in this regard. However, given the established use of the wider industrial estate and the policy support for the principle of development offered by EI, this is not considered sufficient grounds to withhold consent.

5.21 With regard to vehicle movements, which form a key concern of Brize Norton Parish Council, the Technical Notes has provided further information on the breakdown of vehicle movements. This identifies there are likely to be approximately 10 HGV movements associated with the site on a typical day. HGV movements through Brize Norton village are a particular concern due to the narrow footways and on street parking. Therefore, the Highways Authority recommend that a planning condition is attached to any permission granted requiring signage to be provided at the exit of the industrial estate advising drivers of HGVs to turn right away from Brize Norton village. Given the limited level of additional movements expected and the County's comments which state this matter could be addressed via condition, your officers consider that off-site contributions would not meet the relevant tests as set out at NPPF Para. 58 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Therefore, the suggested conditions as set out by the County are considered to represent a reasonable and proportionate approach in this case given the established nature of the wider estate and scale of development proposed.

Flood Risk/Drainage

5.22 The development site falls entirely within Flood Zone 1, which is classified as low probability of flooding. A Flood Risk and Drainage Strategy submitted with the application advises that the development proposals together with the site layout have been assessed in relation to the provision of SuDS drainage associated with the works. The report has assessed the feasibility of implementing the SuDS hierarchical approach and has confirmed that this development is likely to be able to install suitable drainage measures into the design proposals. Flood risk to the site has been assessed, and where risks have been deemed above low, mitigation measures have been proposed to reduce the risk to the site. The report concludes that having assessed the other forms of flood risk to and from the development site, the site is not considered at high risk from any other sources of flooding. The LLFA has raised no objection to the application, subject to drainage conditions.

5.23 In terms of foul drainage, the submission advises that the development proposals will seek to discharge foul water via gravity from the development site into the existing foul water pumping station to the north the east of the site which serves the estate. The pumping station was designed with connection for this plot in mind so has been confirmed with the owner that it has sufficient capacity for the additional flows. It is noted however that under the refused application, the Viscount Management Committee advised however that they had not been consulted and the pumping station did not have sufficient capacity for the buildings proposed in the application (which remain largely unaltered).

5.24 Thames Water (TW) recognises that this catchment is subject to high infiltration flows during certain groundwater conditions. TW consider that the scale of the proposed development does not materially affect the sewer network and as such have no objection, however advises that care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding. In the longer term TW, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

5.25 With the information provided, TW have been unable to determine the foul water infrastructure needs of the application and have made contact with the applicant to explore this matter. However, this remains unresolved at present and therefore, TW have stated that this issue could be addressed by the imposition of appropriately worded 'Grampian-style' conditions relating to foul water and surface water drainage, which form part of the recommended conditions at Section 6.

Residential Amenities

5.26 The site adjoins an existing airbase and industrial estate. There are however residential properties located opposite the main entrance to the estate and previous applications have contained conditions seeking to secure residential amenity. The EHO recommends a condition be imposed to protect the amenity of the nearby residents.

Ecology

5.27 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity. The application is also subject to Biodiversity Net Gain.

5.28 The application has undergone multiple rounds of consultation with the Biodiversity Officer. The latest comments dated 9th December are based on the following submitted information:

- o Ecological Impact Assessment & Biodiversity Impact Assessment prepared by Windrush Ecology dated 28/11/2025;
- o Site Photographs dated October 2024;
- o Biodiversity consultation response letter prepared by Windrush Ecology;
- o Statutory biodiversity metric calculations (iteration 2) dated 11/06/2025 completed by Windrush Ecology; and
- o Survey Site Plan (405 - 122-B) and Proposed Site Plan (405 - 123-B)

5.29 The Biodiversity Officer has confirmed that the site offers low potential for protected species as vegetation is sparse and lacks shelter or suitable structure to be of high value for species.

5.30 An amended BNG metric and report has been submitted that provides clarification in response to the previous concerns raised by the Biodiversity Officer who has confirmed that the onsite BNG proposals are realistic and achievable and that that the described approach provides sufficient certainty

that the 10% BNG requirement would likely be achieved. The application is therefore considered supportable in biodiversity terms and the previous reason for refusal has been overcome.

Other Matters

Archaeology

5.31 The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Energy/Sustainability

5.32 The roof has been designed to accommodate a balance between roof lights (to reduce the need for day time lighting) and photovoltaic arrays to provide on site energy generation. No gas or oil boilers will be used for heating or hot water, electric and heat pump technology will be used throughout.

MOD

5.33 The proposed development falls within the vulnerable building distance (VBD) statutory explosives safeguarding zone surrounding RAF Brize Norton. As such, the MOD have been consulted and stated that all buildings occupying the VBD should be 'non-vulnerable' that is of robust construction and design so that should an explosion occur at the MOD storage facility, buildings nearby will not collapse or sustain damage that could cause critical injury to the occupants. Structural details therefore have been provided and considered acceptable by the MOD.

Conclusion

5.34 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, EI, T1, T2, T4, EH2, EH3, EH7 and EH8, the Brize Norton Neighbourhood Plan, the West Oxfordshire Design Guide 2016 and NPPF 2024. The application is therefore recommended for conditional approval.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

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

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

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

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

4 The premises shall be used for purposes falling within Use Class E(g) of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: Consideration via a full planning application would be required to consider the introduction of any new alternative uses on an employment site in an open countryside location.

5 The approved drainage system shall be implemented in accordance with the approved Detailed Design detailed below prior to first occupation of the development hereby approved:

o Reference: FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY Scheme name: Viscount Court, Brize Norton Document reference: 4246-VISC-ICS-XX-RP-C-07.001 Drainage Strategy Rev 02

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

6 Prior to the commencement of development, a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall include the following details/measures:

- o A Flood Exceedance Conveyance Plan;
- o Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- o Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- o Details of how water quality will be managed during construction and post development in perpetuity;
- o Confirmation of any outfall details.
- o Consent for any connections into third party drainage systems

REASON: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

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

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

REASON: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

8 Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall include details of -

- o On site vehicle parking for the construction period
- o Identify areas of the site for the storage of plant and materials
- o Identify the time periods for deliver vehicles

- o Identify the routing of construction vehicles on the local network
- o 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
- o a schedule, to include dates and times, for the presence and operation on site of those cranes, plant and/or other tall construction equipment;
- o details of a liaison protocol through which RAF Brize Norton can be notified of any amendments to that schedule; and
- o 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.

REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the West Oxfordshire Local Plan 2018 and to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems. To ensure the development accords with the requirements of paragraph 102 of the National Planning Policy Framework (2024).

9 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

REASON: To ensure any contamination of the site is identified and appropriately remediated in accordance with West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

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

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

REASON: To ensure any contamination of the site is identified and appropriately remediated in accordance with West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

11 No development shall commence until a suitably qualified acoustic consultant has identified what measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms and gardens) is unlikely to result. A written report shall be submitted to the Planning Authority which shall

detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based. Such a report is to be agreed, in writing, by the Planning Authority and the approved measures shall be implemented in their entirety prior to occupation of the development hereby approved.

REASON: To ensure the amenity of nearby residents is safeguarded in accordance with West Oxfordshire District Council Local Planning Policies OS2 and EH8.

12 Prior to first occupation of any unit hereby approved, direction road signage for HGVs shall be installed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The signs shall then be maintained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the West Oxfordshire Local Plan 2018.

13 Prior to first occupation of any unit on the site vehicle parking and turning facilities shall be complete and available for use in accordance with the plans hereby approved. The areas shall be maintained and available for that use for the duration of the development.

REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the West Oxfordshire Local Plan 2018.

14 The development hereby approved shall not be occupied until confirmation has been provided that either: -

- a) Foul water Capacity exists off site to serve the development; or
- b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
- c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

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

15 The development hereby approved shall not be occupied until confirmation has been provided that either: -

- a) Surface water capacity exists off site to serve the development or
- b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or

c) All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

REASON: Network reinforcement works may be required to accommodate the proposed development.

16 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 1 no. house sparrow terrace shall be integrated into or externally installed on the east elevation of the new structure in accordance with the council's Biodiversity Specification #3;
- iii. At least 2 no. bat boxes to be installed in accordance with the proposed site plan (405-123 Rev B) and described in section 6.3.2.3 of the Ecological Impact Assessment & Biodiversity Impact Assessment report prepared by Windrush Ecology dated 28/11/2025;
- iv. Recommendations in sections 6.2.1.1, 6.2.3, 6.3.1.1, 6.3.3 and 6.3.4 and appendix 6 of the Ecological Impact Assessment & Biodiversity Impact Assessment report prepared by Windrush Ecology dated 28/11/2025; and
- v. Biodiversity Net Gain details in the following documents (as modified by the approved Biodiversity Gain Plan)
 - a. Section 5.2.3.4, 5.2.3.5, 6.2.1.2, 6.2.2 and appendix 4 and 5 of the Ecological Impact Assessment & Biodiversity Impact Assessment report prepared by Windrush Ecology dated 28/11/2025; and
 - b. Statutory biodiversity metric calculations (iteration 2) dated 28/11/2025.

REASON: In the interest of biodiversity and to secure the implementation of the Biodiversity Net Gain proposals.

17 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 Net Gain proposals.

18 Notwithstanding the submitted details, before the development hereby approved is first brought into use, a 10 year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The approved plan will be implemented in accordance with the approved details. The content of the LEMP shall include, but not necessarily be limited to, the following:

- i. Full details of all the 'habitat creation and enhancement works' that will be implemented in accordance with section 6.2.2 and appendix 4 of the Ecological Impact Assessment & Biodiversity Impact Assessment report prepared by Windrush Ecology dated 28/11/2025 (and subject to modification as part of the approved Biodiversity Gain Plan);

- ii. Aims and objectives of management (including those related to species) to ensure that the grassland, scrub and individual tree habitats reach target condition as set out in the Statutory Biodiversity Metric calculations (iteration 2) dated 28/11/2025 (as modified by the approved Biodiversity Gain Plan)
- iii. Appropriate management prescriptions for achieving aims and objectives; and
- iv. Monitoring plan to ensure that the habitats are establishing successfully, and the identification of any remediation measures needed to reach the target conditions.

REASON: To secure the 10-year management and monitoring of habitats delivered as part of the Biodiversity Net Gain proposals.

19 Notice in writing shall be given to the Local Planning Authority when the habitat creation and enhancement works (i.e. the capital works required to establish the new habitats) as set out in section 6.2.2 of the Ecological Impact Assessment & Biodiversity Impact Assessment report prepared by Windrush Ecology dated 28/11/2025, Biodiversity Metric Calculation tool (iteration 2) dated 28/11/2025 (as modified by the approved Biodiversity Gain Plan) and approve Landscape and Ecological Management Plan have been completed to agree the start of the 10-year management and monitoring period.

REASON: To confirm the completion of the habitat creation and enhancement works delivered as part of the Biodiversity Net Gain proposals, and agree the start of the 10 year monitoring period.

20 A final monitoring report shall be submitted to the Local Planning Authority for approval within the 12 months following the end of the agreed 10 -year period to confirm that the Biodiversity Net Gain proposals in line with (and as modified by) the Biodiversity Gain Plan have been delivered. If necessary, it shall detail any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All remedial actions shall be approved in writing by the Local Planning Authority and implemented in full.

REASON: To ensure the success of the Biodiversity Net Gain proposals and the submission of a 10-year final monitoring report to the LPA with remedial actions implemented where necessary.

21 Notwithstanding the submitted information, details of external lighting based on the recommendation in section 6.3.2.4 of the Ecological Impact Assessment & Biodiversity Impact Assessment report prepared by Windrush Ecology dated 28/11/2025 shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting serving the development hereby approved. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

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

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

REASON: To protect roosting, foraging and commuting bats.

Notes to applicant

- 1 Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

The Local Nature Recovery Strategy (LNRS) for Oxfordshire has been published, and an amended Biodiversity Net Gain Metric with the post-development strategic significance updated to account for the LNRS should be submitted with the Biodiversity Gain Plan at discharge of condition stage.

- 2 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.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes.
- 4 The Local Planning Authority would strongly recommend that the applicant considers the use of the following glass specification, which is in accordance with traditional blast hazard mitigation measures:
 - o 4mm thick or 6mm thick Toughened glass to the outer pane
 - o Cavity (no 'blast' requirements on thickness)
 - o At least 6.8mm thick Laminated glass with a PVB interlayer to the inner pane

Thicker panes of laminated glass are also acceptable provided they contain a PVB interlayer thickness of at least 0.76mm. Aluminium frames are preferred.

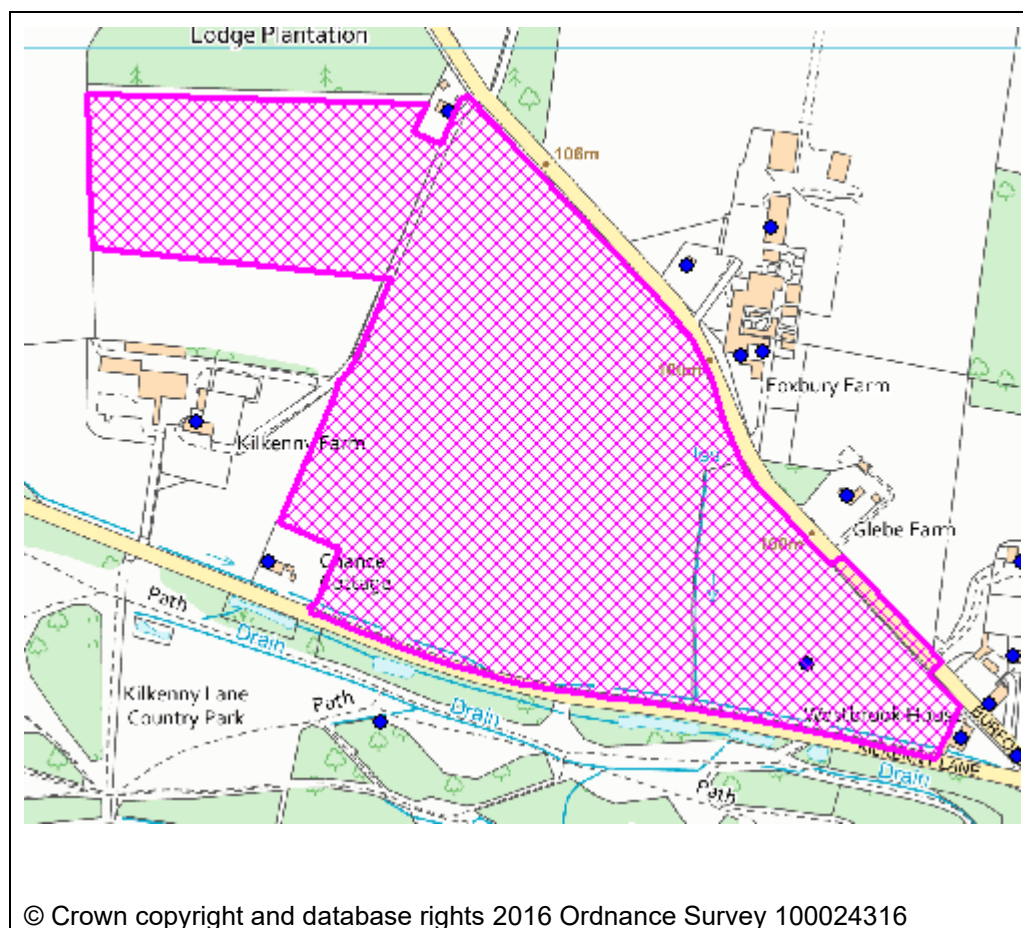
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 23rd December 2025

Application Number	25/00487/OUT
Site Address	Land (E) 428789 (E) 208512 Burford Road Brize Norton Oxfordshire
Date	23rd December 2025
Officer	Fern Lynch
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	428790 E 208512 N
Committee Date	12th January 2026

Location Map



Application Details:

Outline planning application with all matters reserved except access for up to 350 dwellings (Use Class C3); land for local community use (Use Classes E and F2); detailed means of access from Burford Road; public open space; landscaping; service infrastructure and associated works on land to the south of Burford Road, Brize Norton

Applicant Details:

HarperCrewe Bloombridge Ltd
C/o Agent

I CONSULTATIONS

Parish Council	No Comment Received.
Major Planning Applications Team	No Comment Received.
WODC - Arts	<p>Should this proposal be granted planning permission then the Council would favour the following approach:</p> <ul style="list-style-type: none">o An allocation of £47,880 towards public art development enhancing the public spaces on site including the community facilities, community green spaces, cycle routes, footpaths and growing spaces to promote understanding of the area, aid orientation around and between sites and aid connectivity between residents. This is based on a calculation of £210 per house of market housing and assumes 65% of the development will comprise such properties. Further details are set out below. <p>Details</p> <p>The use of public art installation, in the form of seating and wayfinding measures could be considered to aid orientation around the site, and between key local neighbouring sites such as Kilkenny Country Park, Brize Norton village, Carterton Community Centre and local schools - encouraging residents to use active travel means where possible. This would enable all residents, including older people, to make use of the outside areas more fully and stop and talk to neighbours, maximising the health benefits of active travel and give new residents the opportunity to engage with existing communities.</p>
Conservation And Design Officer	No Comment Received.
Env Health Noise And Amenity	<p>Noting the contents of the PROPG stage 1 risk assessment, and that a Stage 2 Acoustic Design Statement should be prepared to support the detailed design stages and to support the Reserved Matters application, I have no adverse comment on this outline application, from a noise perspective.</p> <p>Any future permission should also include a requirement for a suitable Construction Management Plan.</p>
Env Health Contamination	<p>From the information submitted with the application it appears that the site is primarily been in agricultural use and has remained undeveloped over time. Given the proposed residential</p>

development please consider adding a condition to any grant of permission as a precaution.

Environment Agency No Comment Received.

Wildlife Trust No Comment Received.

District Ecologist No Comment Received.

MOD MOD (Brize Norton) No Comment Received.

Natural England No Comment Received.

Oxford Clinical Commissioning Group NHS No Comment Received.

WODC Planning Policy Manager No Comment Received.

WODC - Sports No Comment Received.

Designing Out Crime Officer No Comment Received.

Thames Water No Comment Received.

WODC Env Services - Waste Officer No Comment Received.

WODC Housing Enabler

Having had the opportunity to review the application I am able comment as follows:

The planning statement proposes that 35% of the dwellings are to be provided as affordable housing in accordance with requirements for medium value areas set out in Policy H3 of the local plan.

An affordable housing mix is provided although not broken down by tenure. The mix indicates 1 and 2 bed homes making-up 56% of the total affordable homes. I would request that 1 and 2 bed homes equate to 65% of the total affordable mix in accordance with the supporting text to policy H3.

For reference, at time of writing the district-wide number of applicants to the Council's Homeseeker Plus register for people seeking affordable housing to rent together with their bedroom need is shown in the following table.

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

For affordability reasons the Council currently prioritises Social Rent as its preferred tenure for the rental element of this mix. I would welcome discussion on how the element of intermediate homes are delivered.

The Homeseeker plus priority bandings that the applicants fall under are as follows:

bronze	silver	gold	emergency	Total
1686	430	28	3	2147

The bandings are used to assess an applicant's housing needs and are broadly explained as:

- Emergency - Is in immediate need of re-housing on medical grounds or down-sizing etc
- Gold - Has an urgent medical / welfare need / move due major overcrowding etc

- Silver - Significant medical or welfare needs that would be alleviated by a move

- Bronze - All other applicants not falling into the above categories

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

Of the total 2147 applicants to the Homeseeker Plus register, 198 applicants have indicated a need for lift accessible or level access accommodation.

The scheme would be required by policy H4 to provide homes built to Building regulations M4(2) and M4(3). I request a layout and accommodation schedule showing these homes by house-type and tenure.

The scheme would be required to provide 5% of the dwellings as self/custom build. The Council would need to understand how these homes would be delivered therefore I request that a delivery statement is provided at an early stage.

Affordable Housing and custom/self build housing provided on this scheme could make an important contribution to local housing need.

Active Travel England	No Comment Received.
CPRE	No Comment Received.
ERS Air Quality	No Comment Received.
Env Health Noise And Amenity	Response by email to Development Control Officer, sent 1/6/25.
Env Health Contamination	<p>Thank you for notifying me of revised planning documentation for this application.</p> <p>There appears to be no new information concerning land contamination, therefore I have no further comment to make at this time. My previous comments, made on 20 March 2025 and requesting a condition to accompany any grant of planning permission, still apply.</p>
Env Health Noise And Amenity	With respect to noise issues, the submission of an ILLUSTRATIVE MASTERPLAN is noted, pending a Stage 2 Acoustic Design

Statement, prepared to support the detailed design stages and to support the Reserved Matters application. Please note that the layout is one of the matters that need to be informed by the Stage 2 Acoustic Design Statement.

I have no adverse comment on this outline application, from a noise perspective.

Env Health Contamination

Thank you for consulting me following the receipt of revised documentation for this application.
I have received no new information to address my previous comments on land contamination, and therefore my previous comments, made on 20th March 2025 and requesting a condition to accompany any grant of planning permission, still apply.

2 REPRESENTATIONS

2.1 116 letters of objection have been received in respect of the application. These are available to view in full on the Council's website. The key points raised relate to:

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

2.2 Two general comments have been received in respect of the application, these comments to view in full on the council's website. The key points raised:

- Planning notice for 350 homes was posted after the comment deadline, raising transparency concerns.
- Burford Road is in poor condition with potholes and patchwork repairs.
- Road is partly single lane, causing vehicles to swerve and creating safety risks.
- Significant extra traffic from 350 new homes will worsen these issues.
- Road could be widened using existing verges and should be upgraded before development proceeds.
- Without road widening/resurfacing, one commenter objects to the application.
- Additional proposals could bring up to 6,500 more homes, causing major overdevelopment.
- Concentrating large developments around Brize Norton—a small historic village—is seen as inappropriate and poorly planned.
- Increased risk of flooding and sewage problems from cumulative development.
- Development provides no Section 106 benefit to Carterton because it sits in Brize Norton parish.
- Resulting strain on Carterton infrastructure will not be matched with financial support.

2.3 Four letters of support have been received in respect of the application; these are available to view in full on the council's website. The key points raised:

- Carterton previously had a comprehensive Master Plan to 2031, which appears to have been disregarded.
- Carterton and Brize Norton have limited land within their own boundaries; current development land is within Brize Norton parish but owned by external landowners.
- Brize Meadow development lacked a needed GP surgery and has issues with poor workmanship.
- Current application is seen as addressing key community concerns, including cemetery provision, good connectivity, and high-quality housing design.
- Recognition of Carterton's large veteran community is appreciated.
- Application considered more sustainable than alternatives proposed by Bloor Homes.
- Burford Quarry operator (Smiths) has no objection to the development due to a 500m buffer and long-standing agreements confirming no quarry conflict.
- Agreement from 2011 and Local Plan hearings confirm no minerals sterilisation issues at the site.
- Brize Meadow has already delivered useful community assets (park, shops, school).
- Additional housing is viewed as a way to unlock further community resources.
- UK housing crisis means more homes are needed to support young people, affordability, and economic stability.

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

3 APPLICANT'S CASE

3.1. The proposed development provides an opportunity to accommodate 350 dwellings, significantly contributing to WODC's housing land supply shortfall through the provision of market and affordable housing in a sustainable location in one of the key service centres in the district. It will create a sustainable new community linked to both Carterton and Brize Norton.

3.2. The principle of new residential development on this site is supported by the WOLP 2031 which identifies Carterton as one of the three main service centres in the district where future homes and jobs should be located. West Oxfordshire proposes to take this strategy forward in its emerging Local Plan 2043, continuing the area as a focus for growth and a priority area for new homes and regeneration.

3.3 Housing growth on the northern edge of Carterton, as proposed through this application, is therefore consistent with the established and emerging spatial strategy for West Oxfordshire and will enable growth in the district's most affordable housing market. The Carterton Sub-Area is acknowledged in the adopted WOLP31 as the most affordable location in West Oxfordshire and the proposed development will deliver 35% affordable housing; 66% of which will be Social Rent and the remainder intermediate.

3.4. In formulating the illustrative masterplan, the Applicant has prepared a detailed 'proving layout' for the proposed development which has undergone rigorous technical assessment and demonstrates that 350 dwellings can be delivered. The scale of the proposed development; the sole landowner; the lack of physical constraints to starting on site; and the masterplanning input of a housebuilder (HarperCrewe) as the Applicant, is such that housing can hopefully be brought forward very quickly following outline and (in future) Reserved Matters consents, and as such contribute positively to the Councils 5 year housing land supply.

3.5 The proposed development will also deliver enhancements both on and off-site through Section 106 and Section 278 Agreements in relation to essential infrastructure, the provision of new and enhanced open space and recreational facilities, including the rejuvenation of Kilkenny Lane Country Park, contributions towards education and healthcare provision locally, contributions towards a new cemetery and woodland burial site, contributions to sport and funding to public art, as well as specific community initiatives requested by Brize Norton Parish Council and Carterton Town Council.

3.6. The Planning Statement submitted in support of the application concludes as follows:
'The proposed development of 350 houses complies with the Development Plan for West Oxfordshire and with the emerging spatial strategy for the district. The proposed development constitutes sustainable development that will deliver social, economic and environmental benefits, and should be granted planning permission on the basis of its compliance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 11(d) of the Framework.'

4 PLANNING POLICIES

BNNP Brize Norton Neighbourhood Plan
CA5 Carterton sub-area strategy
DESGUI West Oxfordshire Design Guide
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
H5NEW Custom and self build housing
H1 Phasing
NATDES National Design Guide
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
E5NEW Local services and community facilities
The National Planning Policy framework (NPPF) is also a material planning consideration.

4.1 Background Information

4.1.1 Harper Crewe Bloombridge Ltd, is seeking outline planning permission with all matters reserved except access for up to 350 dwellings, land for a community building, public open space, landscaping and associated infrastructure on land to the south of Burford Road, Brize Norton. The proposed

development is referred to in this Planning Statement and the documents supporting the planning application as 'Land at Kilkenny Farm'.

4.1.2 The site does not fall within any special designated areas of control. The woodland along the southeastern boundary of the site is subject to a group TPO. The site falls within Flood Zone 1. There are no listed buildings within close proximity of the site.

4.1.3 The site is formed of a 17-hectares of green fields bound by Kilkenny Lane to the south, beyond which is the Kilkenny Lane Country Park and Burford Road to the north and east, with a mixture of woodland blocks, existing dwellings and open countryside. Although it sits within the Parish of Brize Norton, geographically speaking, the site is located approximately 2.5km to the north of Carterton town centre and 1.5km north west of Brize Norton.

4.1.4. The site has been promoted since 2011 as an opportunity for residential development through the West Oxfordshire Local Plan 2031 and the Oxfordshire Plan 2050 and is currently being promoted as a 'preferred strategic option site' through the emerging West Oxfordshire Local Plan 2041.

4.1.5 The site forms part of a wider land holding totalling approximately 100 hectares which has been held under option by Bloombridge LLP since 2011.

4.1.6 The site is currently undeveloped and consists of arable fields with no existing buildings and is bound by vegetation and a stone wall along part of the northern and eastern boundaries adjacent to Burford Road, with existing vegetation along the southern and western edges. A line of trees runs through the site from north to south. There are no Public Rights of Way (PROW) crossing the site.

4.1.7 The site benefits from being in proximity to existing services and facilities in both centres of Brize Norton and Carterton, including primary schools, a community college, leisure and recreation facilities, convenience stores, a country park and allotments.

4.1.8 The Transport Assessment (TA) submitted in support of the planning application assesses the site's proximity to current public transport links serving Carterton, Witney and Oxford. It notes the site is in walking distance of existing bus stops, footpaths and cycle connections.

4.1.9 The application is before Members of the lowlands sub-committee for consideration as the views of the Parish Council are contrary to your officer's recommendation.

4.1.10 There is no relevant planning application history on this site.

4.1.11 Considering 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 the Development.
- Design and Layout
- Housing Mix
- Flood Risk/Drainage/Water Supply
- Highway impact
- Landscape Impact
- Biodiversity
- Archaeology
- Minerals

- Residential Amenity
- Other Matters (s106)

5. Principle of Development

5.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

5.2. As the application proposal lies within Brize Norton Parish, regard must also be had to the Brize Norton Neighbourhood Plan which was adopted (made) in September 2025 and forms part of the statutory development plan alongside the Local Plan 2031.

5.3. The District Council is in the process of preparing a new Local Plan which is expected to cover the period up to 2043. The emerging plan is currently at the Regulation 18 'plan-making' stage with three previous stages of initial consultation having been undertaken and a fourth stage on potential 'spatial options' (i.e. future growth locations) taking place from 3 November - 22 December 2025.

5.4. It is relevant to note that as part of the spatial options consultation, two large tracts of land to the north of Carterton have been identified as potential locations for future residential growth. The application site lies within one of these areas - Area E which is stated to have an indicative capacity range of between 700 - 800 dwellings (inclusive of this development).

5.5. Because the emerging plan remains at the Regulation 18 stage, it carries relatively little weight in decision-making terms, but the fact the application site lies partially within a defined potential future growth location is highly relevant to the issue of prematurity and whether or not granting planning permission at this point in time would undermine the plan-making process. This issue is addressed in more detail below.

West Oxfordshire Local Plan 2031

5.6. In terms of the principle of large-scale residential development in this location, the two most relevant policies of the adopted Local Plan 2031 are Policy OS2 - Locating Development in the Right Places and Policy H2 - Delivery of New Homes.

5.7. Policy OS2 sets out the overall spatial strategy for growth in West Oxfordshire in the period up to 2031. It adopts a hierarchal approach whereby a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres of Witney, Carterton and Chipping Norton.

5.8. Although the application site is located within the Parish of Brize Norton, it adjoins the Kilkenny Lane Country Park located on the edge of Carterton and is considered to accord with hierarchal approach underpinning Policy OS2.

5.9. Policy OS2 also sets out several general principles which all development will be expected to accord with, irrespective of location. A number of these are of particular relevance to this application and are further discussed as appropriate below.

5.10. With specific regard to residential development, Policy OS2 explains that such proposals will be considered in accordance with Policy H2 - Housing Delivery.

5.11. Policy H2 outlines the plan's overall housing requirement (at least 15,950 homes from 2011 - 2031) and how this is expected to be delivered, with a 'stepped' housing trajectory significantly increasing the number of required homes from 2021 onwards.

5.12. The policy outlines the circumstances in which new dwellings will be permitted at the main service centres including Carterton. Of particular relevance to the application proposal is the fourth bullet point of Policy H2 which refers to undeveloped land adjoining the built-up area.

5.13. In such circumstances, any such proposal will need to be supported by convincing evidence to demonstrate that it is necessary to meet identified housing needs, must be in accordance with the distribution of housing set out in Policy H1 - Amount and Distribution of Housing and must accord with other policies, particularly the general principles in Policy OS2.

5.14. In terms of identified housing needs, it is relevant to note that following a Regulation 10A review of the Local Plan 2031 in September 2023, the Council reverted to the use of the Government's standard method for establishing local housing need.

5.15. Following the introduction of the new standard method in December 2024, the Council's current housing need is 905 dwellings per annum.

5.16. The impact of this is twofold. Firstly, it means that the Council is not currently able to demonstrate a 5-year supply of deliverable housing land. This engages the 'tilted balance' outlined in paragraph 11 (d) of the NPPF whereby relevant policies for determining the application are considered out-of-date and there is a presumption in favour of planning permission being granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.17. Secondly, it means there is little doubt that convincing evidence of local housing need exists to justify a residential proposal in this location in accordance with the requirements of Policy H2 in any event.

Brize Norton Neighbourhood Plan - September 2025

5.18. The Brize Norton Neighbourhood Development Plan (NDP) was formally adopted (made) in September 2025 and now forms part of the statutory development plan alongside the West Oxfordshire Local Plan 2031. The NDP covers the whole of Brize Norton Parish, including the application site and includes a total of 8 policies.

5.19. Unlike the West Oxfordshire Local Plan 2031, none of those policies deal specifically with the principle of residential development but they do address a number of issues of direct relevance to the application including in relation to the protection of landscape character and the setting of Brize Norton Village. These are addressed as appropriate throughout this report.

Emerging Draft West Oxfordshire Local Plan 2043

5.20. As outlined above, the District Council is in the process of preparing a new Local Plan that, once adopted, will replace the existing Local Plan 2031. The emerging Local Plan is currently at the Regulation 18 'plan-making' stage with the formal Regulation 19 publication stage scheduled for May 2026.

5.21. In the most recent Regulation 18 'spatial options' consultation, two large tracts of land to the north of Carterton have been identified as possible future locations for strategic-scale residential growth.

5.22. Notably, the application site falls partially within one of these options - Area E which is stated to have an indicative capacity range of between 700 - 800 dwellings.

5.23. Paragraph 49 of the NPPF usefully clarifies the extent to which local planning authorities can give weight to policies in emerging plans. In essence, plans that have reached a more advanced stage, are subject to fewer outstanding objections and closely align with the NPPF can be afforded greater weight.

5.24. In the case of the emerging West Oxfordshire Local Plan 2043, because the plan remains at a relatively early stage (i.e. Regulation 18) and remains subject to a large number of outstanding objections (including objections relating to potential spatial options) Officers consider that very limited weight should be afforded to it.

5.25. Although very limited weight can be given to the fact the application site lies partially within a potential future growth location, because it has been identified as such, it is necessary to consider whether granting planning permission at the current time could be considered premature in the context of the emerging Local Plan.

5.26. Paragraph 50 of the NPPF provides specific advice on this issue, stating that in the context of the Framework - and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- o The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- o The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5.27. Paragraph 51 then goes on to explain that refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination and furthermore that where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

5.28. Although the proposed application is significant in scale at 350 units, whether it is so substantial that to grant planning permission would undermine the plan-making process is open to interpretation.

5.29. However, given that the emerging Local Plan is not yet at a particularly advanced stage and has not yet been submitted for examination, Officers consider that it would be difficult to make a robust case for refusing the application on the grounds of prematurity alone.

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

5.30. 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.

5.31. 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).

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

5.33. In summary, the principle of residential development on this site is influenced by several interrelated factors spanning the adopted West Oxfordshire Local Plan 2031, the Brize Norton Neighbourhood Plan (2025) national policy and the ongoing preparation of the new Local Plan 2043.

5.34. The starting point remains Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires decisions to be taken in accordance with the development plan unless material considerations indicate otherwise. In this instance, the statutory development plan comprises the West Oxfordshire Local Plan 2031 and the Brize Norton Neighbourhood Plan (2025), with emerging policies in the draft Local Plan 2043 being a material consideration carrying very limited weight.

5.35. The adopted Local Plan contains a clear spatial strategy focused on directing significant growth to the main service centres, including Carterton. Although the application site falls within Brize Norton Parish, its relationship with the edge of Carterton means the proposal broadly aligns with the hierarchical approach in Policy OS2. Policy H2 is also relevant, supporting residential development on undeveloped land adjoining the built-up area where justified by housing need and consistent with the overall distribution strategy. Given the Council's current inability to demonstrate a five-year housing land supply and the clear evidence of significant housing need under the Government's new standard method, there is compelling justification in principle for new residential development in this location, subject to compliance with relevant policy criteria.

5.36. The Brize Norton Neighbourhood Plan does not set a specific housing strategy but introduces important considerations related to landscape character and the village setting. These do not directly prevent residential development but must be weighed alongside the wider strategic objectives of the Local Plan and the presumption in favour of sustainable development currently engaged by the housing land supply position.

5.37. Finally, while the emerging Local Plan 2043 identifies the wider area as a potential future growth location, the plan remains at Regulation 18 stage and attracts very limited weight. National policy makes clear that refusal on grounds of prematurity will seldom be justified unless a proposal would predetermine key spatial decisions in a plan at an advanced stage. Given the current relatively early stage of the emerging plan and the scale of development proposed, Officers consider that prematurity concerns would not provide a defensible basis for resisting the scheme.

5.38. Taken together, these factors indicate that the principle of development is acceptable in broad terms. The proposal aligns with the strategic growth focus of the adopted Local Plan, responds positively to acute housing need, and is not constrained by the emerging plan to an extent that would justify refusal on prematurity grounds. The principle of development therefore weighs in favour of the application, subject to detailed consideration of site-specific impacts and compliance with the wider policy framework.

6. Housing Mix

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

6.2. Policy H3 of the Local Plan states residential development of 11 units or more will be required to provide affordable housing on-site. Brize Norton is within the "Low Value Zone" therefore 35% affordable housing provision is required. In addition, the affordable housing mix and tenure is required to respond to identified housing needs and site-specific opportunities.

6.3. In accordance with Policy H3, 35% affordable housing provision is proposed. Based on a total of up to 350 dwellings, this equates to up to 105 affordable dwellings. This will be secured by way of a S106 agreement.

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

6.5. The Developer has worked collaboratively with the Council's Strategic Housing and Development Officer and has provided a draft affordable housing mix which includes affordable rent and social rent. The Council currently prioritises Social Rent as its preferred rental tenure and has secured 66% of the affordable units to be this tenure and the remaining 34% will be other intermediate tenures. Within this agreement the developer has also secured all affordable units will be built to NDSS space standards and a policy compliant percentage will be M4 (2) units meaning they will be accessible units for the disabled. Currently these details have been agreed within the 'heads of terms' to be secured as part of the S106 agreement with greater detail to follow.

Self/ Custom Build Units

6.6. Policy H5 of the Local Plan requires residential schemes over 100 units to provide 5% of units be self/custom build. The developer has confirmed it is their intention to fully comply with the delivery of serviced plots which will be secured via the s106 agreement and delivered via the Reserved Matters (RM) process.

6.7. In considering the above and via collaborative working with the district housing officer, the proposed housing mix is considered to demonstrate that a wide mix of housing typology is achievable within the development and sufficient reassurance has been provided within the consideration period to provide officers with the confidence that a policy compliant mix will be achieved via the RM process and consequently the proposal is considered to accord with local plan policies H1, H2 and H3.

7. Design and Layout

7.1. Paragraph 135 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high-quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

7.2. The site is located on the outer fringes of the settlement of Carterton although it should be noted that it falls within the parish of Brize Norton. Consequently, it is important to take a view on the context and pattern of development within both surrounding areas when considering the design and layout of the proposal and also how local community facilities and services could be utilised by future residents.

7.3. The illustrative masterplan (IM) estimates that the site could accommodate up to 350 new units with associated road infrastructure and suitable open space, recreational facilities and landscaping. Although indicative at this stage the applicants have provided a draft affordable housing mix for consideration to assist officers in envisaging how a future layout might work and meet local housing needs.

7.4. In considering the IM and draft affordable housing mix, the new dwellings are expected to be distributed across the site in a range of 1-, 2-, 3- and 4-bedroom units ranging in typology from bungalows and maisonettes to terraced, semidetached and detached houses. The street hierarchy is traditional and linear in form which a main spine road running from the only vehicle access off the Burford Road and transecting through the site running east to west. Secondary access roads run off the spine road serving plot blocks. It is also expected that the majority of houses will have off-road parking and back-to-back gardens. For the avoidance of doubt the submitted 'land use and access parameter plan' is not considered to be an approved or supportable plan and consequently it has been disregarded from the approved plans list condition and the condition in relation to the RM submission depicts a list of design requirements that will inform the design of future phases going forward.

7.5. Officers expect that the future RM(s) would feature a proposed density of approximately 34 dwellings per hectare (dph). Paragraphs 124 and 129 of the NPPF seek to promote the effective use of land through appropriate development densities taking into account the identified need for housing, the availability of land, local market conditions and viability, the availability and capacity of infrastructure and services (as well as their potential for further improvement and scope to promote sustainable transport

modes), the desirability of maintaining the areas prevailing character and setting and the importance of securing well designed, attractive and healthy places.

7.6. Your officers are satisfied that, on balance, the level of growth and proposed density is appropriate and proportionate to the existing scale of the village, subject to securing the appropriate financial contributions and other required improvements to infrastructure required to support the development as set out in detail later in this report.

7.7. Further, as this application seeks outline consent, the masterplan illustrating the proposed layout of the development is indicative only and these details would be subject to a RM application or applications.

7.8. The proposed layout of the residential development, although only indicative at this stage, is considered to respect the established character and pattern of development in this part of Brize Norton.

7.9. Your officers note the detailed response provided by the Thames Valley Police 'Designing Out Crime' officer. There are several concerns set out within their response. However, these relate to the detailed design and layout which is not being considered at this stage. If members approve this outline application, then the applicant should take the points raised into consideration when producing any RM submission.

7.10. In light of the above, your officers are satisfied that the proposed development would form a logical complement to the existing scale and pattern of development within the vicinity and through condition of the reserved matters application officers be able to ensure that the openness of the visual gap of the site when viewed from Shilton and the A40 would be retained which would also positively contribute to the rural character of the area. This is achieved through limiting building heights to two storeys across the site and a requirement for extensive landscaping planting particularly towards the western site of the application site. However, it is important to note that the detailed design and layout would be considered at the RM stage, if this application is approved.

7.11. Despite some reservations over the quantum of residential units, the IM demonstrates that the site could reasonably accommodate in the region of 350 dwellings. The proposed development therefore adheres broadly with adopted Policies H1, H2, OS2 of the Local Plan and the guidance set out within the residential design guide SPD.

8. Flood Risk/Drainage/Water Supply

8.1 The site falls within the Environment Agency Flood Risk Zone 1 (less than 0.1% chance of flooding in any year) and there is no historic flood events recorded on the site. However public comments noted flooding events in recent years along Kilkenny Lane. There are also two nearby watercourses, the Shill Brook, which is c.1.5km north of the site and a small brook to the southwest in Brize Norton. The Flood Risk Assessment supporting the proposal concludes that the site is not at risk of fluvial flooding and is suitable for any form of development.

8.2. As the site is currently undeveloped, and owing to a large volume of public concern, additional mitigation measures will be required to manage and control surface water runoff to ensure the post development runoff rates reflect that of a greenfield site. An initial review of the British Geological Survey website maps reveals that the site is underlain by clay and mudstone and therefore there will be limited capacity for infiltration devices such as soakaways. Consequently, Sustainable Drainage Systems

(SuDS) are proposed to be incorporated to help replicate predevelopment greenfield runoff rates, details of which will be secured by condition of the decision.

8.3. The LLFA has not raised an objection to the proposals, subject to the inclusion of a suggested condition.

8.4. Thames Water (TW) Thames Water has raised no objections to the proposals in terms of surface water but has identified an inability in the existing water network to accommodate the needs of this development proposal. During consultation Thames Water have recognised that upgrade works are ongoing within the district and confirmed that the Sewage Treatment Works (STW) at Carterton are ongoing however, TW also confirmed that the Witney STW has recently completed its upgrades in summer 2025. TW confirmed that this site will pump to the Witney STW and there are no concerns with this approach. However, there are still some water network upgrades ongoing which will currently affect the foul treatment from this site, and it is unclear exactly when the required water network upgrades will be completed by TW although consultation did confirm that the upgrades serving this site are due to be completed in mid-2026 (delayed from end of 2025). Therefore, the imposition of Grampian conditions has been proposed to ensure the required upgrade works are completed before the development is occupied. An approach also supported by the environment agency.

8.5. However, during consideration, the Grampian condition approach was queried by officers, as the ongoing TW delays may result in the outline permission expiring before work can lawfully start which would affect the district's 5-year housing land supply.

8.6. The Environment Agency has also provided a response in respect of the current water environment in the area. At the time of writing, the EA do not raise any objections to the application, their response also noted the insufficient water network capacity due to failure to upgrade in line with statutory obligations. Sewage treatment works within the district have frequently exceeded its Dry Weather Flow (DWF) permit over the last few years. Therefore, it is imperative that new developments are supported by adequate infrastructure, which includes ensuring that wastewater can be treated without causing an adverse environmental impact. As such, upgrades and/or improvements need to be undertaken in order to support development within the catchment.

8.7. In response, the applicants HCB offered an interim on site solution in order to maintain housing delivery and to mitigate impacts onto the existing water network. Various technical information has been shared with members and via public access in the form of an FAQs page detailing the proposed interim on site solution. In conjunction with officers from the EA, the LLFA, TW and district drainage team, the technical information and approach was discussed and shared. A bespoke condition has been crafted which provides the developers with an "either or" approach to the water network infrastructure. This can be seen in condition number 16 of the conditions list at the end of this report.

8.8. It is the opinion of your officers that the recommended suite of drainage conditions will ensure that the proper and required water network infrastructure is delivered prior to the occupation of the development proposed and complies with Local Plan policy EH7 thus protecting surrounding areas from additional flood risk.

9. Access and Highways

9.1. The principal access to serve the development will be located along the northeastern boundary along Burford Road, the existing access from Burford Road just east of the lodge plantation will also be retained for access.

9.2. A Travel Plan Statement has been submitted in support of the application alongside a number of access arrangement plans. OCC highways have not raised any objections to the proposals or travel plan subject to the inclusion of suggested conditions, s106 obligations for one site and offsite enhancements and entering a s278 agreement.

9.3. In terms of accessibility, the development site features 5 new pedestrian and cycle access links. Two of these will provide additional access to Burford Road along the northern site boundary and the remaining 3 pedestrian and cycles accesses will be located at various interims along the southern site boundary provision connection points onto Kilkenny Lane and the country park to the south.

9.4. In terms of public transport links, the site is rather car reliant in its nature, there are no bus stops to the north with the closest southern stop located on Elmhurst Way. The walk to the town centre of Carterton is roughly 1km and the centre of Brize Norton Village is currently about 2km walk away, making the site a car reliant scheme. However, the financial contributions within the s106 will secure the provision of various highway improvements including enhancements to bus services to the site and Carterton and PROW enhancements.

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

- A lit Active Travel Route through Kilkenny Country Park linking the development site to trefoil way is to be delivered prior to first occupation.
- Prior to first occupation a Residential Travel Plan Statement and Travel Information Pack should be submitted to the Local Planning Authority.
- A Construction Traffic Management Plan (CTMP) which seeks to minimise impacts and maintain safety particularly in relation to the operation of the surrounding residents.

9.6. A number of financial contributions are also sought to deliver a series of highway and public transport related improvement works to be secured via a S106 agreement, alongside a S278 agreement to provide:

- Site access junction and shared use pedestrian / cycle facility along Burford Road, connecting with existing facilities on Monahan Way. Pedestrian and cycle priority over junction with Kilkenny Lane. Layout as indicated in Drawing No. PD18 Rev D
- Speed reduction and traffic calming features on Burford Road. Layout as indicated in Drawing No. PD18.1 Rev B
- Signalised toucan crossing of B4477 and new pair of bus stops on B4477 including road markings, hardstanding, bus shelter, flag and pole unit, electric feed for RTPI displays and cycle parking. Widening of refuse island at the junction of Burford Road and B4477. All as shown in Drawing Number 184382-PD13 Rev A.

9.7. Other matters relating to cycle and vehicle parking provision, internal road layout and design, and travel plan measures should also be dealt as part of a reserved matters application. In considering the above and relevant sections of the NPPF and Local plan policies T1, T2, T3 and T4, your officers consider the proposal acceptable in highway terms.

10. Landscape

10.1. Currently the site is divided into three fields, separated by a mature and native hedgerow. The northern and southern boundaries have existing vegetation that provides separation from the adjacent Burford Road and Kilkenny Lane.

10.2. Kilkenny Lane Country Park, circa. 21ha, lies to the immediate south of the site, on the opposite side of Kilkenny Lane and sits between the town of Carterton and the proposed development. There are pedestrian links extending north - south across the Country Park, providing physical connections between Carterton and the site. The park is open all day every day although routes are unlit. It is important to note that there is a significant mature native hedgerow extending along the southern boundary of Kilkenny Lane Country Park, which blocks views to the Country Park (and the application site beyond) from the residents, shops and community hall along this northern edge of Carterton, south of the application site.

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

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

10.5. On completion, the development will introduce several permanent changes to the landscape and visual amenity. The predicted effects of the development during the operational phase will be of a permanent nature. Changes to the landscape resource and visual amenity following completion will include:

- o Introduction of a residential-led development
- o Loss of agricultural land
- o Partial loss of hedgerows for road access
- o Introduction of a strong green infrastructure to support retained existing trees and hedgerows, including new public open space, allotments, natural play areas and sports provision, and new tree, shrub and meadow planting.
- o Lighting of highways access points and internal roads through the development
- o The provision of new pedestrian and cycle links through the development, connecting to adjacent pedestrian and cycle routes, and across Kilkenny Country Park.

10.6. The IM demonstrates that most hedgerows within the site are proposed for retention, as is the majority of the grazing field immediately north of Kilkenny Farm.

10.7. The IM Plan shows an increased green site buffer to the boundaries and retention of field boundaries. This would frame and structure the development, perpetuating the character of the woodland blocks and hedgerow in the local area. The tree lined avenue to Kilkenny Farm is also proposed to be strengthened.

10.8. The site lies within a minor valley which provides a degree of containment. The majority of the surrounding area lies within the Shilton Downs landscape area it is categorised as 'semi enclosed limestone Wolds.' Within the West Oxfordshire Landscape Character Assessment 1998 (WOLCA). The area can be characterised as:

'Predominantly gentle rolling farmland with patchworks of large arable fields with regular sinuous boundaries made up of dry stone walling and mature hedgerows.'

10.9. The Oxfordshire Wildlife and Landscape Study (OWLS) is the current landscape character assessment for Oxfordshire published in 2004. It provides a regional and local landscape character study. This supersedes the West Oxfordshire Landscape Assessment of 1998. The OWLS study places the site wholly within the Estate Farmlands typology. The Lowland Village Farmlands typology lies to the south and east. This is a rolling agricultural landscape characterised by parklands and a well-ordered pattern of fields and estate plantations. Key characteristics include:

- o Medium to large, regularly shaped, hedged fields.
- o Small, geometric plantations and belts of trees.
- o Large country houses set in ornamental parklands.
- o Small estate villages and dispersed farmsteads.
- o The land uses are generally mixed, with arable cropping becoming increasingly dominant, particularly in the area around Carterton.

10.10. As part of the baseline assessment, 19 views have been selected which are representative of views towards the site from public footpaths, residential areas, recreational areas and roads. From this assessment, it is evident that in parts the site area is well screened from the wider countryside, with no views to the site from the majority of surrounding public footpaths and residential areas, due to the local topography, vegetation and plantations in the surrounding landscape, as well as the vegetated boundaries surrounding the site itself.

10.11. The residential views affected by the development are very limited in number, relative to the number of houses proposed - 7 affected properties in comparison with the 350 homes proposed. The main views which would be affected by the development would be from Kilkenny Country Park and Kilkenny Lane (Views 16, 17, 18 & 19 within the submitted LVA).

10.12. Existing hedgerows and tree planting characteristic of the local landscape would be retained and supplemented, resulting in a development that reflects its wider setting. The height of the proposed properties, retention of existing hedgerows and trees, retention of plantation woodland, avoidance of development above the 110m contour line, and the layout of new access routes and areas of green infrastructure will assist the development in ensuring that the development integrates appropriately within the site and the surrounding landscape.

10.13. The proposed multi-functional greenspaces would comprise natural play areas, allotments and new tree planting. These spaces would contribute to biodiversity, provide recreational and amenity space for residents of the proposed development and neighbouring settlements, and assist in reducing the visual impact of the development.

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

10.15. Further, the location of the built form in the western part of the site will be limited to two storeys in height with a requirement for extensive landscaping belts to intermit the hard built form retaining a sense of variety of textures and pattern of development.

10.16. Further, there is a largely linear area of open space running north to south of the site incorporating new native structure planting which will help assimilate the development into the immediate landscape from views the country park and create opportunities for SuDs and habitat enhancement within the site. Also, the retained hedgerows throughout the site will be enhanced with new tree and scrub planting.

10.17. The LVA submitted concludes,

'Overall, the proposed development is considered to be a relatively modest and logical extension to the established settlement pattern of Carterton to the south of Kilkenny Country Park. It will be predominantly screened by existing and enhanced boundary vegetation and characterised by the area of green space providing openness in the centre of the site. Where the development is visible from within the surrounding landscape, it will be read in the context of adjacent contemporary residential development located on eastern edges Brize Norton, thereby maintaining visual coherence with the existing built form.'

10.18. Your officers consider that the native planting, boundary hedgerows, and green corridors will soften the settlement edge and create a natural transition to the surrounding countryside, consequently the proposal is considered to accord with Local plan policy EH2.

11. Biodiversity/BNG

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

11.2. Following the submission of additional information, including An outline skylark mitigation strategy; and an outline recreational/cat predation mitigation strategy, the Council's ecologist is satisfied that the impact on protected species, priority habitats and priority species can be properly mitigated and appropriate enhancements achieved, and through onsite BNG provision can achieve the statutory 10% biodiversity net gain requirement, subject to the imposition of a number of conditions, an informative and the use of a S106 to secure the offsite provision and biodiversity monitoring fees. As such, the application is considered to be acceptable in this regard and complies with adopted local plan policy EH3.

12. Archaeology

12.1. The site lies in an area of archaeological interest and is supported by an Archaeological Evaluation, and which examines the archaeological baseline of the site, and includes previous investigations carried out in and around the proposal site. A total of 50 trenches were excavated across the Site, targeting anomalies identified by a preceding geophysical survey, as well as testing apparently blank areas in the geophysical survey results and known cropmarks.

12.2. The evaluation results confirmed those of the preceding geophysical survey. The correlation between geophysical anomalies and the features identified in the trenches was good, with features predicted by the geophysical survey matching those encountered in the trenches. Directional trends identified by the geophysical survey also broadly matched remnant furrows across most of the Site.

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

13. Minerals

13.1 During consultation, Oxfordshire County Council Minerals officers objected to the proposal as it conflicts with Core Strategy Policy M8, after various discussions with officers and the applicants, the county deferred the overall decision to the district for LPA officers to consider the merits of releasing land safeguarded for future mining for residential development. A district level decision on local need is engaged. In considering a very small portion of the upper most northern boundary of the site is covered by the safeguarding zone, officers are of the view that the local need for housing in this location is greater than the need for new mining land. Therefore, officers considered to be acceptable to overturn the county minerals consultee.

14. Residential Amenity

14.1. Your officers consider that it is possible that up to 350 units could be accommodated on the site and there is no reason to believe that suitable interface distances and relationships as regards adequate light could not be provided in respect of the application site itself, given the indicative layout provided. These matters would be fully assessed and taken account of at reserved matters stage. There is also no reason to believe that existing properties to the south and west would be materially affected in terms of overlooking or loss of light as a result of the siting of the proposed dwellings. Your officers note that the outlook from some properties along Burford Road in particular, would be affected in terms of the loss of an attractive view, but effect on a private view is not material to this assessment.

15. Other Matters

15.1. Local Plan Policy OS5 along with the Developer Contributions SPD, seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

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

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

15.4. The financial contribution requests are set out as follows:

- Primary and Nursery Education - £745,440 towards primary education capacity serving the development.
- Secondary Education - £2,836,359 towards secondary education capacity serving the development.
- Special Education - £306,899 towards special school education capacity serving the development.
- Primary Healthcare - £317,166 towards ran identified primary care estates project in the local area to serve the development.
- Strategic Transport Contribution- £1,101,100
- Public transport services- £477,400 for Enhancements to bus services to the site and Carterton
- Public transport infrastructure - £23,272 for Real time passenger information displays at the new pair of bus stops on the B4477
- Travel Plan Monitoring- £1,985, To monitor the travel plan for a period of 5 years post occupation.
- Public Rights of Way- £130,000, Improvements to Public Rights of Way in the vicinity of the site.
- Pedestrian Crossing Contribution - £300,000, towards the provision of a new signalised pedestrian crossing of Upavon Way in the vicinity of the junction with Stanmore Crescent
- Site access junction and shared use pedestrian / cycle facility along Burford Road, connecting with existing facilities on Monahan Way. Pedestrian and cycle priority over junction with Kilkenny Lane. Layout as indicated in Drawing No. PD18 Rev D
- Speed reduction and traffic calming features on Burford Road. Layout as indicated in Drawing No. PD18.1 Rev B
- Signalised toucan crossing of B4477 and new pair of bus stops on B4477 including road markings, hardstanding, bus shelter, flag and pole unit, electric feed for RTPI displays and cycle parking. Widening of refuse island at the junction of Burford Road and B4477. All as shown in Drawing Number 184382- PD13 Rev A.
- County Waste Expansion and efficiency of Household Waste Recycling Centres (HWRC)- £35,658
- District Waste contribution £30,338.00 for the provision of waste and recycling bins serving the development.
- Community and Culture (libraries) £190,716.
- Outdoor pitch provision and ancillary facilities of £692,377 towards enhancements and improvements to sports facilities within the catchment area.
- Sport hall/ studio provision of £161,548 toward the cost of an enhancement or improvement to sports halls/ studios in the catchment area.
- Swimming pool provision of £194,885 towards the cost of an enhancement or improvement to pools in the catchment area.
- LEAP play areas commuted sum for onward management of play provision by Parish Council £143,932 equivalent to 5 years' worth of costs.
- Thames Valley Police, £56,628 Provision of infrastructure to mitigate the impact of the development including: ANPR cameras, vehicles and Staff set up.
- BNG monitoring costs - £7000 towards the monitoring of onsite BNG provision.
- S106 registration fee £500
- S106 monitoring fee £10,500.

15.5. Further commuted sums to safeguard the future management of asset such as the public open space, allotments, orchard, and community room as still evolving at the time of writing however flexible clauses have been included in the s106 to enable these negotiations to also continue to evolve.

16. Conclusion

16.1 In this case, there are material considerations which indicate that the application should be determined otherwise in respect of the development plan. As the Council cannot demonstrate evidence of a five-year supply of deliverable housing sites, the relevant development plan policies for the supply of

housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

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

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

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

16.4. Furthermore, in considering that the recommended contributions and other improvement works are being secured via the legal agreements and conditions listed below, your officers are of the opinion that a development of this scale in this location would form a logical complement to the existing settlements of Brize Norton and Carterton which would also respect the wider landscape character. There are no demonstrable harms that would outweigh the benefits associated with the provision of 350 new dwellings (35% affordable) towards the Council's housing land supply shortfall. Additional benefits include the provision of 10% biodiversity net gain, two new play areas, new allotments, a flexible use community room and short term and long-term economic benefits through employment during the build process and increased expenditure in the local area.

16.5 As such, the application is recommended for approval, subject to the imposition of the conditions set out within this report, and the S106 and S278 legal agreements.

17 CONDITIONS/REASONS FOR REFUSAL

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3 Other than as detailed below, the reserved matters applications shall be substantially in accordance with the following documents:

-Illustrative Landscape General Arrangement- I369-001-P4 received 22.09.25,

-Illustrative Master Plan I369-002 Rev P5 received 22.09.25 and the Design and Access Statement dated September 2025 and shall be in broad accordance with the following: the residential Travel Plan. For the avoidance of doubt, the submitted Land Use and Access Parameter Plan dated 24th Feb 2025 is not an approved plan.

The reserved matters should also include details of the following:

- Units should front onto the Burford Road but should be set back far enough to include a service road immediately in front, there should be no direct access onto the Burford Road or Kilkenny Lane aside from the one vehicular access shown on the illustrative masterplan.
- A spine road leading from site boundary to site boundary suitable for public transport
- Tree lined avenues which signal the key routes ways through the site.
- Repair and infilling of the existing stone wall fronting onto the Burford Road.
- Details of LEAP locations and specification including boundary treatments and furniture.
- Allotment location including layout and boundary treatment details.
- Extensive landscaping to the west side of the site on the higher ground.
- A 10m setback distance along the northern site boundary running adjacent to the Burford Road and the house elevations.
- A 10m setback from the attenuation ponds to the house elevations to the south of the site.
- Notwithstanding the details other than as agreed on a detailed basis within the RM no unit shall be more than 2 storeys in height.

REASON: To ensure the creation of a sustainable and balanced urban extension to Brize Norton, in accordance with the requirements of the West Oxfordshire Local Plan 2031 and the design objectives of the Design and Access Statement.

4 The development hereby approved shall be carried out strictly in accordance with the following approved plans:

- Drawing No. PD18 (Rev D) - contained in Transport Addendum
- Drawing No. PD18.1 (Rev B) - contained in Transport Addendum
- Drawing 184382-PD13 (Rev A) - contained in Transport Assessment

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

5 No works shall commence until a site wide Phasing Plan that accords with the plans identified in Conditions 3 and 4 has been submitted and approved in writing by the Local Planning Authority. The Phasing Plan shall identify the sequence of development and indicate where phases may overlap. The Phasing Plan shall identify the location and timing of residential parcels and access (vehicular and cycle and pedestrian), open space, play and community uses.

The Phasing Plan shall explain: the means of access (vehicular, cycle and pedestrian), the drainage strategy serving residential parcels, and other supporting infrastructure. The development shall be carried out in accordance with the approved Phasing Plan or such updated version as shall be subsequently approved in writing by the Local Planning Authority.

REASON: To ensure the proper planning and delivery of the development and to ensure the safeguarding of matters of acknowledged importance, including amenity, ecology and infrastructure provision in general as well as to ensure that the site is built out in a manner which is logical and secures appropriate connections for each phase of development.

6 Prior to first occupation of the development hereby permitted, a plan and specification of the active travel route through Kilkenny Country Park connecting the development site with Trefoil Way shall be

submitted to and approved in writing by the Local Planning Authority. The route shall have a surface suitable for year-round walking, cycling and wheeling with a suitable provision of low-level lighting. The route shall be delivered in accordance with the approved details prior to the 50th occupation of the development and be permanently retained and kept available for pedestrian and cyclist access at all times.

REASON: To ensure active travel route connectivity through the site.

7 Prior to commencement of the development within each phase, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CTMP will need to incorporate the following in detail:

- o The CTMP must be appropriately titled, include the site and planning permission number.
- o Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site for construction vehicles.
- o Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- o The erection and maintenance of security hoarding / scaffolding if required.
- o A regime to inspect and maintain all signing, barriers etc.
- o Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- o The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- o Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes, and vehicle parking etc.
- o Details of times for construction traffic and delivery vehicles.
- o For each phase of development, no site clearance, construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- o Given the site proximity to RAF Brize Norton, details of any planned use of tall plant or cranes (over 10.5m) should also provide a notification to the MOD and include details within the CTMP.

Thereafter, the development shall be carried out in accordance with the approved CTMP.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

8 Prior to first occupation of the development hereby permitted, an updated travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared in accordance with the Oxfordshire County Council guidance document 'Transport for new developments, Transport assessment and travel plans'.

REASON: To deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling and cycling.

9 Prior to first occupation of the development hereby permitted, a Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Information Pack shall be provided to any new residents prior to the occupation of each dwelling.

REASON: To ensure all residents and guests are aware of the travel choices available to them from the outset.

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

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

11 Following the approval of the Written Scheme of Investigation referred to in condition 10 and prior to 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).

12 Prior to the commencement of development, a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- o Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- o A Flood Exceedance Conveyance Plan;
- o Detailed design drainage layout drawings of the SuDS proposals including cross section details.
- o Details of how water quality will be managed during construction and post development in perpetuity.
- o Confirmation of any outfall details.
- o Consent for any connections into third party drainage systems.

REASON: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

13 Within 3 months of occupation of each unit within a residential phase, a record of the installed SuDS and drainage scheme for each phase shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o As built plans in both .pdf and .shp file format;
- o Photographs to document each key stage of the drainage system when installed on site;
- o Photographs to document the completed installation of the drainage structures on site;
- o The name and contact details of any appointed management company information.
- o The SuDS drainage scheme should also include a plan of the ponds and drain down times.

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

14 No development approved by this permission shall be occupied until a phased foul drainage strategy that can either be delivered by Thames Water, or via a Private Treatment System delivered by the Applicant, has been submitted to and approved by the Local Planning Authority. The requirements of each strategy are as follows:

Either:

Via Connection to the Thames Water Network:

1. Written confirmation that foul water capacity exists off-site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All foul water network upgrades required to accommodate the additional flows from the development have been completed.

Or:

Via an Interim Private Treatment System:

As part of ensuring sufficient foul water capacity, details of a private treatment system drainage strategy must be agreed by the Local Authority in consultation with the Environment Agency and in accordance with a development and infrastructure phasing plan. The development must proceed in accordance with the approved phasing plan, with any subsequent amendments to the drainage strategy agreed phase by phase by the local planning authority in consultation with the Environment Agency.

Should Thames Water (or any future water company) notify the applicant of available network capacity, the interim private drainage system must be removed and the land reverted back to POS within 6 months of receiving notification from Thames Water.

REASON: to ensure development can come forward in a timely manner whilst ensuring that the relevant compliance requirements of the Environment Agency are fully considered in the event that the Thames Water network is not available and the Applicant chooses to progress with a private treatment system.

15 The residential development hereby approved in outline form shall be designed to ensure that the new housing does not exceed 110 litres per person per day water consumption level (which includes external water usage). Within 3 months of each phase being brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development delivers betterment in terms of the level of discharge of phosphates from the sewage treatment plant into the Shillbrook.

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

- o The results of a pre-commencement site walkover for badgers conducted by a suitably qualified ecologist and any recommended avoidance/mitigation measures for badgers.
- o Retained tree and hedgerow protection measures in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction'.
- o Dust management measures in accordance with IAQM 2024 guidance.

- o Measures to avoid impacts to individual reptiles.
- o Measures to avoid impacts to nesting birds.
- o Measures to avoid indirect impacts to foraging and commuting bats with adherence to a sensitive lighting scheme; and
- o Measures to avoid impacts to terrestrial mammals such as hedgehogs.

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

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

17 The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved biodiversity gain plan and the following details, has been submitted to and approved in writing by the Local Planning Authority:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- (d) a landscape masterplan detailing boundary planting which will effectively minimise cat dispersal into the adjacent Kilkenny Lane Country Park;
- (e) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (f) the monitoring methodology and frequency in respect of the created or enhanced habitat.

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

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

18 No development hereby permitted, including any site clearance, shall take place until a skylark mitigation, compensation and management strategy has been submitted to, and approved in writing by, the local planning authority. The loss of two skylark territories is to be compensated for with the creation of no fewer than 6 x 16sqm skylark plots which shall be established and maintained in broad accordance with the submitted Skylark Mitigation Plan (Aurochs Ecology, May 2025).

Management and remediation details, as well as a timetable for implementation and a monitoring schedule shall be detailed in the strategy submitted to the local planning authority for written approval prior to commencement of the approved development. Monitoring reports, including details of any necessary remedial measures, shall be submitted to the local planning authority for a period of five years. The first monitoring report shall be submitted to the local planning authority one year following completion of the offsite compensation habitat for skylark and as detailed in the approved skylark mitigation strategy. Should monitoring reports demonstrate that proposed measures for skylark are not providing sufficient compensation for lost habitat, remedial measures shall be proposed. Written approval from the local planning authority shall be required prior to any remedial measures being implemented to ensure that they are adequate.

All habitat mitigation, compensation, enhancements, management and monitoring shall be implemented in accordance with the approved skylark mitigation strategy and approved remedial measures and shall be retained thereafter.

REASON: With consideration for the conservation of skylarks in accordance with paragraph 192(b) of the NPPF 2024 and Section 41 of the Natural Environment and Rural Communities Act 2006.

19 Prior to the commencement of works in any residential phase in connection with the development hereby permitted, block plans and elevations drawings showing the make, model and locations of no fewer than 350 integrated swift nesting boxes and bat boxes (175 of each) of durable construction and suitably-located, shall have first been submitted to and approved in writing by the local planning authority. Nest boxes shall be provided in accordance with BS 42021:2022 (British Standard for integral nest boxes).

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

REASON: In accordance with BS 42021:2022 and with consideration for swifts and bats in accordance with paragraph 187(d) of the NPPF 2024.

20 Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- o Identify the areas/features on site that are particularly sensitive for foraging bats;
- o Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: In the interests of biodiversity and protection of nocturnal wildlife.

21 Prior to any construction above slab level of a residential phase, written and illustrative details of the number, type and location of electric vehicle charging points (EVCPs) shall be submitted to and approved in writing by the local planning authority before any of the development hereby approved is first brought into use. The EVCPs shall be installed and brought into operation in accordance with the details agreed as above.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the NPPF 2024.

22 Prior to any construction above slab level of a residential phase, details of the number, type and location of bicycle storage at each plot (including the community building) shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be installed and brought into operation in accordance with the details agreed as above, prior to occupation of each dwelling.

REASON: To ensure sufficient cycling parking provision is delivered through the development.

23 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.

Relevant Policies: West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

24 Not including construction plant and equipment, all other building service plant and equipment (including air conditioning units and any air handling plant etc.) shall be sited and designed in order to achieve a Rating Level (BS4142:2014 or any subsequent version) of -5dB below the lowest measured background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

REASON: To ensure that the amenities of future residents are substantively protected as well as adopting measures to minimise noise and disturbance levels.

25 No development (pursuant to each phase) other than the works hereby approved pursuant to the site access shall commence on site until the details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, fire-fighting apparatus and fire hydrants, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development pursuant to each phase shall not be brought into use until the above cited matters have all been constructed and laid out in accordance with the approved details.

NOTE: The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing public highway.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

26 In regard to the reserved matter relating to the landscaping of the site, the details to be submitted for each phase shall be made in accordance with the Illustrative landscape general arrangement plan (I369-001-P4) to be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify:

- o Areas including hedgerow and tree planting corridors, with development being designed to ensure that there is no significant increase in light exposure when compared against existing levels;
- o Areas of informal open space and wildlife habitat;
- o The locations and types of measures which would be used to reduce severance for wildlife where Green Corridors are breached by roads and/or paths.
- o The width of buffers which would remain undeveloped and outside the curtilage of dwellings to ensure hedgerows and other habitats which are integrated into the urban fabric would be retained in perpetuity; and

- o Locations for reptile, hedgehog and other animal refugia and all other measures, including gaps in close board fencing, necessary to ensure that the urban areas are permeable to wildlife. The development shall be then delivered in accordance with the Illustrative landscape general arrangement plan (I369-001-P4).

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to ensure that the development is undertaken in an acceptable manner, to ensure green corridors function effectively to conserve and promote biodiversity conservation.

27 No development (pursuant to each phase), other than the works hereby approved pursuant to the new site access shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- o The location and current canopy spread of all existing trees and hedgerows on the land.
- o Full details of any to be retained, together with measures for their protection in the course of development.
- o A detailed planting specification showing all plant species, number, supply and planting sizes and planting densities.
- o Finished levels and contours.
- o Means of enclosure.
- o Car park layouts.
- o All hard and soft surfacing materials.
- o Minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.);
- o Proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines indicating lines, manholes, supports etc.); and
- o Any historic landscape features and proposed restoration, where relevant.

All planting shall be in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to ensure that it is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

28 All soft landscaping comprised in the approved details of landscaping for each approved phase of development shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development phase whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of ten years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping for each approved phase of development shall also be carried out in accordance with the details enshrined within the preceding condition and prior to the occupation of the respective phase of the development; or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

29 No site clearance or development, including construction of the access shall commence on site within any particular phase, and; no equipment, machinery or materials shall be brought on to site for the purpose of development within any particular phase, until a Tree and Hedgerow Protection Plan

showing the exact position of each tree and hedgerow and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted, or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be conducted in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree and/or hedge" means an existing tree and hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the date of commencement of the phase].

REASON: To safeguard trees to be retained in the interests of amenity.

30 No dwelling, pursuant to each phase, shall be brought into use until it has been provided with dedicated car parking and cycle storage spaces in accordance with OCC adopted parking standards. Car Parking and Cycle Strategies respectively (or as otherwise amended for later years). Any garage to be counted as being a parking space shall have internal dimensions of at least 3m by 6m per parking space. In addition, no community uses shall be brought into use until the adopted parking standard requirements are accommodated for on site.

REASON: To ensure adequate parking space is provided on site clear of the highway, and to encourage transport by sustainable means.

31 No additional vehicular access onto Kilkenny Lane or Burford Road is hereby permitted other than the one access point to the south of Burford Road (unless otherwise agreed as a temporary access). Prior to any dwelling, community premises being brought into use, a plan showing all existing field gates that are not required shall be removed or closed up and as part of the phased landscaping provisions, details pursuant to each reserved matters application shall confirm new boundary treatments in accordance with a programme to be agreed in writing by the local planning authority.

REASON: To ensure that vehicular access is not gained to the site from inappropriate locations.

Notes to applicant

1. The applicant is required to contact Thames Water and agree any diversion of the existing water main that runs through the site. An easement of 6m either side of the existing water main must be maintained following any agreed diversion with Thames Water. Water Supply network modelling would be required to determine if any off site reinforcement is required to accommodate extra demand on supply generated by the development. Buildings above two storeys would however require on-site boosted storage and this must be factored in as part of future reserved matters applications.
2. The applicant is required to contact the distribution network operator (DNO) to agree any necessary diversions, deviations or removal of any electricity infrastructure. The developer is not lawfully permitted to make any modifications to electricity infrastructure implemented and controlled by Section 37 of the 1989 Electricity Act.
3. The applicant is advised that any works or alterations made to the existing watercourses or connections to them require separate land drainage consent from the appropriate drainage authority. In this case, the environment agency and lead local flood authority would be the appropriate bodies.
4. There are ordinary watercourses within or in close proximity to the site. If the developer seeks to temporarily obstruct any flow from the watercourse, including any proposed culverting; separate Land Drainage Consent would be required from the Lead Local Flood Authority. The Council's Drainage Team should be approached to discuss any requirements and the following guidance reviewed:
5. The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. In order to discharge the condition on water consumption, a water usage calculator showing how the development does not exceed a total (internal and external) usage level of 110 litres per person per day should be submitted to the LPA at the discharge of condition stage.
6. The applicant is encouraged to enter into a CoPA (Control of Pollution Act) s61 agreement with the Council to secure details on the construction phases, the construction compound locations, the hours of work, the delivery routes, the proposed plant and equipment to be used, identifying noise/vibration generators once specific construction programmes and plant type are known as well as identifying the measures to be adopted to minimise noise/vibration impacts (with community liaison, control measures and compliance monitoring schemes.)
7. Sustainability Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - o Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
 - o Wall, ceiling, roof, and floor insulation, and ventilation

- o High performing triple glazed windows and airtight frames
- o Energy and water efficient appliances and fittings
- o Water recycling measures
- o Sustainably and locally sourced materials

For further guidance, please visit:

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

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

8. The Habitat Management and Monitoring Plan (HMMP) required by condition of planning permission should follow the same format of the template found here:
<https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-...>
9. Please note that this consent does not override the statutory protection afforded to bats. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.
10. 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>
11. Please note that the granting out planning permission does not guarantee approval of an EA environmental permit.
12. Please be advised that there are parallel obligations within the associated s106 to be complied with.

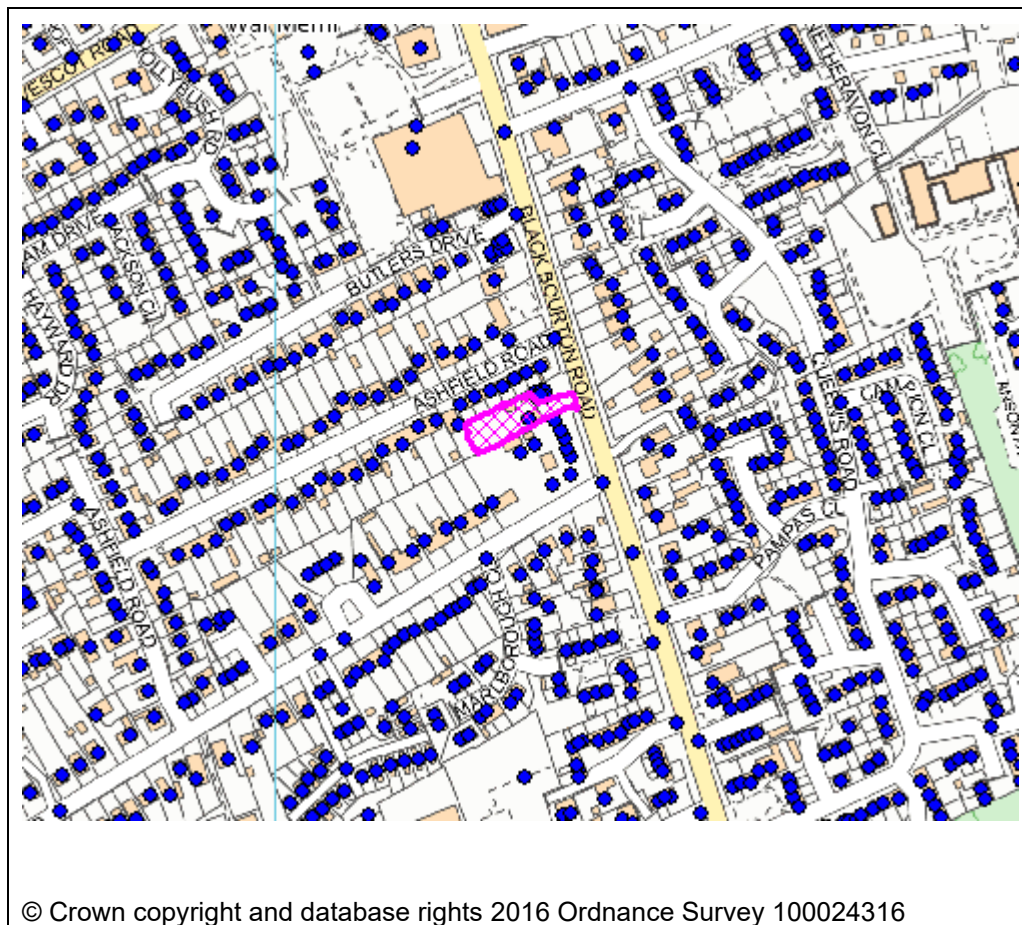
Contact Officer: Fern Lynch

Telephone Number:

Date: 23rd December 2025

Application Number	25/01852/FUL
Site Address	44 Black Bourton Road Carterton Oxfordshire OX18 3HE
Date	23rd December 2025
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Carterton Parish Council
Grid Reference	428176 E 206451 N
Committee Date	12th January 2026

Location Map



Application Details:

Redevelopment of site, including demolition of existing workshops and erection of seven dwellings and associated ancillary development

Applicant Details:

Mr Robert Clifton
44 Black Bourton Road

Carterton
Oxfordshire
OX18 3HE
United Kingdom

I CONSULTATIONS

Parish Council

Original Comments:-

Support. The Council supports the application, subject to an impact assessment being carried out for 67 Ashfield Road and the Council would like to see the inclusion of hedging on Black Bourton Road.

Parish Council

Reconsultation comments:-

Support. The comments of WODC Economic Development Officer regarding the loss of employment land should be looked at in depth.

Economic Development
Manager

Reconsultation comments dated 7th November 2025:-

No objection. Based on the information provided, I am satisfied that the requirements of policy EI have been met.

Conservation And Design
Officer

Reconsultation:- no comments received.

OCC Highways

Reconsultation:-

Repeat previous recommendation/comments.

OCC Highways

Original consultation:-

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

Conditions

- G28 parking as plan
- G25 drive etc specification
- G35 SUDS sustainable surface water drainage details
- G32 turning facility

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

WODC Drainage

No objection subject to conditions.

Env Health Contamination

I acknowledge that the application has been submitted with the following report:

'Phase I site investigation, 44 Black Bourton Road, Carterton, April 2025, Project No. 001CGTRPI prepared by Wesson Environmental.

The report outlines a Desk Study, including a site walkover, of the site '44 Black Bourton Road' which has a former/current use as an automotive garage and workshop. The report identifies a variety of potential contamination on site associated with the use as a garage/workshop, including heavy metals, TPH and PAHs.

Additionally, asbestos is mentioned from the walkover to be on-site. The Desk Study recommends a full intrusive site investigation. I concur with this recommendation.

I have no objections in principle to the application; however the following condition is recommended so as to ensure that the land is suitable for the proposed use:-

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins

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

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

Additionally, please see below regarding asbestos advice:

The existing structure would appear to be constructed of likely asbestos-containing materials. It is recommended that no development should take place until an asbestos survey has been completed. Any identified asbestos-containing material should be assessed and if necessary removed from site. Any work involving disturbance or removal of this material should be conducted by

persons trained in the safe handling of asbestos with reference to the Control of Asbestos Regulations 2012 and HSE guidance.

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

Relevant Policies: West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

District Ecologist

Acceptable subject to conditions and informative.

Conservation And Design
Officer

Original consultation:-

This development is perhaps tending towards overdevelopment - bearing in mind the scheme immediately to the south - but perhaps not outrageously so. The house designs are tidy, if innocuous. They do have a slightly deep plan and lowish pitch, but they do at least chime with the existing development adjacent. The flats tend to the slightly odd, with cluttering rooflights, but probably not refusably so. In summary, this is all a bit uninspired and somewhat underwhelming.

Thames Water

No Comment Received.

Economic Development
Manager

Original comments:-

From an Economic Development perspective, this proposal raises important considerations regarding the loss of employment land.

The employment space removal could reduce opportunities for local enterprise, particularly where employment land is limited or under pressure from residential development.

Before supporting a change of use, we would expect to see:

- o Evidence of marketing the site for employment use over a reasonable period.
- o Viability assessments showing that continued commercial use is not feasible.
- o Consideration of alternative mixed-use models, such as retaining part of the site for flexible workspace or live/work units, which could help balance housing delivery with economic sustainability.

The Local Plan aims to ensure that economic growth is not undermined by the incremental loss of employment land. This is particularly relevant in smaller towns and villages where employment opportunities are more limited and where retaining local workspace contributes to community resilience and reduced commuting.

2 REPRESENTATIONS

2.1 Comments have been received from local residents objecting to , and in support of, the application. Full details can be found on the online case file. In summary, the following concerns have been raised:

- Loss of heritage
- Infilling of an already overcrowded community
- Neighbourliness
- Contamination
- Landscaping and boundary treatment
- Design and layout
- Impact on the amenity of residents along Ashfield Road, potential overshadowing/loss of light and outlook/privacy concerns
- Proposed location of bin and bike store
- Adequacy of consultation exercise
- Impact on security of neighbouring properties
- Lack of parking
- Impact on local ecology

2.2 Other comments have been received in support of the application. In summary, these are as follows:

- Improvements to amenity and character and appearance of the area
- Provide needed homes including 1 bedroom properties
- The site is unviable for employment use
- Good public engagement
- The pre-application advice has been followed
- Good design and layout with a good mix of houses
- Clearly supports the NPPF

2.3 Full details can be found on the online case file.

2.4 Following deferral of the application at planning committee, a further neutral comment was received from a local resident. In summary, the following issues were raised:

- Affect local ecology
- Concern about potential for soil/ground contamination

3 APPLICANT'S CASE

3.1 The applicant has submitted a Planning Statement and rebuttal letter which, in summary, makes the following points:

- The proposal accords with the Council's spatial distribution policies for new housing and specifically with the Carterton Sub-Area Strategy.
- The proposals accord with the aims of policy EI
- The proposed dwellings will be more compatible with the established character of the area and surrounding residential uses, compared to the current non-conforming commercial use

- The proposed number and density of dwellings reflects the existing (and approved) scale, pattern and grain of development in the locality
- The proposal makes effective and efficient use of the available space at the site, delivering development in a sustainable location that minimizes the need to travel
- The proposal represents a bespoke design solution that is locally resonant, in line with the District's Design Guide
- The proposals will afford appropriate amenity to future occupants. Furthermore, the existing amenity of neighbouring residents (and future occupants of the recently approved dwellings to the south) will not be unacceptably impacted by the application proposals
- The proposals accord with policies T1 - Sustainable Transport, T2 - Highway Improvement Schemes, T3 - Public Transport, Walking and Cycling and T4 - Parking Provision
- There are no ecological or landscape constraints
- The application accords with policy EH7 - flood risk
- The proposal includes the provision of 7 dwellings in a town centre location, the re-use of previously developed land and associated environmental benefits. In the absence of any materially adverse impacts and in the context of substantial public benefits, planning permission should be granted

3.2 Prior to the previous committee meeting, a letter (dated 5th December 2025) and shadow drawing was sent by the Agent to members querying the amenity impact of the proposed development. In response to that, the committee report has been updated to refer to an amended building height.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

E1NEW Land for employment

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

CA5 Carterton sub-area strategy

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

5 Background Information

5.1 This application seeks consent for the redevelopment of the site, including demolition of existing workshops and erection of seven dwellings and associated ancillary development at 44 Black Bourton Road, Carterton. Ashfield Road lies to the north of the application site and Milestone Road is to the south.

5.2 The site consists of existing hardstanding and several dilapidated buildings.

5.3 To the front of the site (but outside the current application boundary) is an existing detached two-storey building which operates as a HMO. To the north, south and east are residential dwellings.

5.4 The site is registered as contaminated land. The site has a long planning history. Relevant planning history is as follows:

W77/0875 - Use of land as builders yard (retrospective application). Approved.

W80/1485- Change of use from builders' yard and offices to car repairs, tyre and exhaust fitting, accessories shop and residential. Approved. 20th January 1981

W84/0974 - Use of land and buildings as contractors depot. Approved. 3rd October 1984

W92/0050 - Change of use to park and maintain three coaches (retrospective). Approved. 19th February 1992. This related to the front part of the site

W92/0726 - Change of use of ground floor offices to provide additional two room flat (use Class C1). Approved. 24 August 1992

W95/0289 - Change of use of garage to a store and workshop (retrospective). Approved. 19th July 1995. This related to the building located along the southern boundary of the site.

W95/1698 - Part change of use of ground floor from office (of no. 44 Black Bourton Road) to self-contained flat. Refused 23 February 1996, but the subsequent appeal was upheld, allowing the development.

W97/1763 - Change of use of the workshop from copier company to picture framing, t-shirt printing, embroidery, screen printing and sign making with ancillary retail trading - Approved. 22 January 1998. Unclear if this was implemented.

5.5 Based on the available planning history, the site has an existing employment use.

5.6 The neighbouring site (48 Black Bourton Road) was recently the subject of an appeal for 9 dwellings, which was allowed and is under construction. 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/compliance with the development plan
- Conclusions on the principle of residential development and conclusions on paragraph 11 di)
- Loss of employment use
- Design
- Impact on amenity
- Ecology
- Impact on flood risk
- Impact on highway safety
- Other Matters

- The overall planning benefits
- Paragraph 11dii) planning balance

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

Principle/compliance with the development plan

5.8 Policy OS2 of the adopted West Oxfordshire Local Plan (WOLP, 2031) sets out the overall strategy on the location of development for the District. It adopts a hierarchical approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross). The site lies within Carterton, a main service centre.

5.9 Policy H2 of the WOLP states that:

'New dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

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...'

5.10 Policy OS2 of the WOLP states that all development should (inter alia):

- 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 increase flood risk elsewhere;
- Conserve and enhance the natural, historic and built environment;
- Safeguard mineral resources;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.11 Officers' concerns in relation to these particular General Principles will be discussed further below. Paragraph 11d) of the NPPF (2024) applies and this is explained below.

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

5.12 The 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.

5.13 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- I. the application of policies in this 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

5.14 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. An updated HLS position statement has not been published by the LPA since the December 2024 revisions to the NPPF. Nevertheless, officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

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

5.15 For a combination of reasons relating to the changes identified above, 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 and paragraph 11d of the NPPF

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

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

5.17 In terms of the first arm of paragraph 11d of the NPPF, detailed above, it is not considered that the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

5.18 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.

5.19 Notwithstanding this, the application is assessed against paragraph 11d ii) of the NPPF below.

Loss of employment use

5.20 In terms of the principle of development, policy E1 is relevant in this case. This states:

'Non-employment uses on employment sites will be refused except in the following circumstances:
o where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
o where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
o where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
o where substantial community benefits would be achieved by allowing alternative forms of development.'

5.21 The submission states that the site is unsuitable for reuse as offices or other employment uses on the basis that the existing buildings/facilities are unsuitable for alternative business uses, by virtue of their construction and condition, and that repurposing the site for an alternative residential use will deliver amenity benefits to neighbouring properties by reducing the risk of late night disturbances and/or daytime noise emanating from car repairs taking place in the workshops and it also represents an opportunity to address historic contamination issues.

5.22 The application also states that there will be no loss of employment use because the existing company will relocate to another site close by and so the proposals accord with the aims of policy E1.

5.23 Policy E1 seeks to safeguard existing employment sites unless it can be clearly demonstrated that they are no longer suitable or viable for continued employment use. In this case, the applicant has provided justification. This approach aligns with the intent of Policy E1, which allows for flexibility where

employment continuity is secured through relocation. The applicant's succession strategy and commitment to remain within the vicinity particularly given contractual obligations with RAF Brize Norton further strengthen the case. On this basis, the Council's Economic Development Officer considers the justification provided to be sufficient and proportionate, and is therefore satisfied that the proposal complies with Policy E1.

Design and Amenity

5.24 In terms of design, paragraph 135 of the NPPF states:

'Planning policies and decisions should ensure that developments:

- a) 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;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

5.25 Paragraph 139 states: 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁴, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

5.26 The National Design Guide 2021 states that a high standard of amenity is a key objective for good design in the NPPF.

5.27 In terms of whether a high standard of amenity would be achieved, the gable end of plot 1 is around 9.2m from the rear elevation of no. 67, Ashfield Road. Given the scale, positioning, mass and blank design of the gable end of the proposed dwelling, it is considered that the proposal would harm the amenity of the neighbouring residents of no. 67 Ashfield Road by way of overbearing.

5.28 Due to the positioning and height of the proposed dwellings in relation to existing properties along Ashfield Road, it is considered that the proposal would lead to some loss of light to neighbouring residents. The submitted shadow analysis shows that there will be some additional overshadowing to some properties along Ashfield Road in the summer and winter months. However, the applicant states that even in mid winter (the worst case scenario), the shadows cast by the proposed dwellings do not reach the rear elevation of the dwellings on Ashfield Road, and even the rear projecting conservatory at No. 67 Ashfield Road remains clear of any shadows at noon in mid winter. At that time of year existing boundary features cast shadows on the gardens in any event. However, in applying the 25 degree rule, a line drawn at 25 degrees from the sill height of rear windows would clip the proposed ridge of the dwellings. Therefore, Officers consider that the proposal would be very likely to lead to loss of light and overshadowing of neighbouring residents and so harm the amenity of neighbouring residents.

5.29 Concern has been raised by neighbouring residents about the bin and bike store which is proposed adjacent to the rear boundary of 67, Ashfield Road. Due to proposed boundary treatment and that the bike and bin store are for plot 1 only and Officers could not control where bins are stored within the property once occupied because this is not a planning matter, Officers consider that this is acceptable.

5.30 Rooflights are proposed in the rear elevation of the flats. Provided these are conditioned to have a minimum internal sill height of 1.7 metres above finished floor level, Officers consider that the proposed flats would be unlikely to harm the amenity of future occupants of the properties to the south which have planning permission (if built-out) by way of loss of privacy.

5.31 In terms of impact on the dwellings permitted to the south of the site to the rear of 48 Black Bourton Road, the submitted shadow analysis confirms that there will be some loss of light/shadowing to occupants of these properties, but Officers consider that this would not be to an unacceptable degree. Due to the height of the proposed flats, adjacent permitted bungalows to the rear of 48, Black Bourton Road and the distance between these properties, it is considered that the proposed apartments would have an overbearing effect on neighbouring residents in the permitted bungalows.

5.32 A dwelling is permitted at 48, Black Bourton Road adjacent to the entrance to the site. This has a height of 8.5m and the proposed flats are located circa 4m from the rear boundary of the property with a height of 6.67m. Due to the height of the proposed flats and proximity to this property, Officers consider that the proposal would likely have a harmful effect on the amenity of future occupants by way of overbearing and overshadowing. Further, Officers consider that due to the location and size of the external amenity space provided for the four flats, the outdoor amenity space provided would not be private and of sufficient size to meet the needs of the occupants and so is considered to be unacceptable.

5.33 In terms of the relationship between the existing HMO and new flats, due to the proximity and positioning of the proposed flats in relation to the HMO and existing and proposed windows, Officers consider that the proposal would have a tunnelling effect, be overbearing, and have an oppressive impact on the amenity of occupants of the existing HMO, particularly those residing to the rear of the HMO. Therefore, the proposed development is considered to harm the amenity of existing neighbouring residents and future occupants of the proposed dwellings in conflict with paragraphs 135 and 139 of the NPPF 2024, the National Design Guide 2021, and policies OS2, H2 and OS4 of the adopted WOLP.

Ecology

5.34 In terms of impact on ecology, the Council's biodiversity officer has no objection, subject to conditions and informative, and so the proposal is considered to conserve and enhance biodiversity in accordance with policy EH3 of the adopted WOLP.

Impact on flood risk

5.35 In terms of impact on flood risk, the application form confirms main sewer as the surface water drainage proposal but the Design and Access Statement refers to soakaways. In accordance with SUDS hierarchy, infiltration should initially be considered for the disposal of surface water. The Council's Flood Risk Management Officer has been consulted, and no objection has been raised on surface water flood risk grounds, subject to a condition requiring the submission and approval of a full surface water drainage scheme prior to the commencement of development. In terms of foul water, disposal is to be via mains sewer. Thames Water have been consulted, but no comments have been received to date.

Impact on highway safety

5.36 In terms of impact on highway safety, access is proposed from 44 Black Bourton Road, and 13 car parking spaces are proposed including 3 unallocated spaces. The County Council as the local highway authority have been consulted and consider that the proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety) on the adjacent highway network and so raise no objection, subject to conditions. Therefore, the proposed development is considered to be acceptable on highway safety grounds, subject to conditions.

Other Matters

5.37 Local concern has also been raised about contamination and the presence of storage tanks. A desk-top contamination study has been submitted which confirms that further intrusive investigations will need to be carried out to qualify the identified contamination risks. The Council's Environmental Health Officer has no objections in principle to the application, but recommends conditions to ensure that the land is suitable for the proposed use.

5.38 Concern has been raised about boundary treatments and security of neighbouring properties. The applicant has confirmed that no changes are proposed to the current boundary (tall close-boarded timber fence) which exists between the application site and the neighbouring houses in Ashfield Road (to the north). Additional proposed boundary treatments could be conditioned for approval. Concern has also been raised about the public consultation process. A site notice advertising the application was posted for the relevant period during the determination process.

The overall planning benefits

5.39 Planning benefits claimed for in the application include the effective use of previously developed land in a sustainable location, in an area where there are identified local needs and where land supply is constrained. Officers acknowledge that the NPPF says that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and that these proposals should be approved unless substantial harm would be caused. Further, Officers acknowledge that appropriate opportunities to remediate contaminated land should be supported.

5.40 Three 3-bedroom dwellings are proposed and 4, 1-bed flats/maisonettes. Officers acknowledge that there is a need for 1-bedroom properties in the district and attach modest weight at most to the provision of 7 dwellings.

5.41 There are also economic benefits associated with the scheme, the application representing a small-scale windfall site which can be quickly developed by an SME developer. For a scheme of this size, however, Officers consider that resulting economic benefits would be limited to modest at most.

5.42 Other benefits claimed for include the regeneration of an unsightly workshop building and resulting improvements to the visual amenity and appearance of the area, and improvements to amenity from the removal of a non-conformist commercial use in a residential area. Officers acknowledge these benefits, however, as the existing unsightly HMO building will be retained and there will be harm to amenity from the proposed dwellings as set out above (amenity disbenefits), the weight that can be attributed to these benefits is lessened.

Paragraph 11dii) planning balance

5.43 The proposed development would lead to harm to the amenity of neighbouring residents and future occupants of the proposed dwellings and is therefore not considered to constitute high quality design.

5.44 Officers acknowledge that the Council cannot currently demonstrate a five year housing land supply and acknowledge the public benefits identified by the applicant.

5.45 Paragraph 139 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁴, taking into account any local design guidance and supplementary planning documents such as design guides and codes.' Paragraph 135 states: 'Planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹...' Therefore, Officers consider that substantial weight should be attributed to the harm to the amenity of neighbouring residents and future occupants of the proposed dwellings resulting from the design of the proposal.

Recommendation

5.46 In this case, taking into account planning policy, other material considerations and the comments of interested parties, the harms identified above are considered to significantly and demonstrably outweigh the benefits of the development and so the application is recommended for refusal.

6 CONDITIONS/REASONS FOR REFUSAL

1 The development proposal by reason of its siting in close proximity to adjoining dwellings, height and scale will have a harmful impact on the amenity of neighbouring residents by way of unacceptable levels of overbearing and overshadowing and due to the location and size of the external amenity space serving the proposed flats, the proposed development fails to demonstrate a high standard of amenity for future users. Therefore, the proposed development fails to achieve a high quality design. As such the development is considered contrary to policies OS2, OS4 and H2 of the adopted West Oxfordshire Local Plan, the NPPF 2024 and the National Design Guide 2021. These adverse impacts are considered to significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

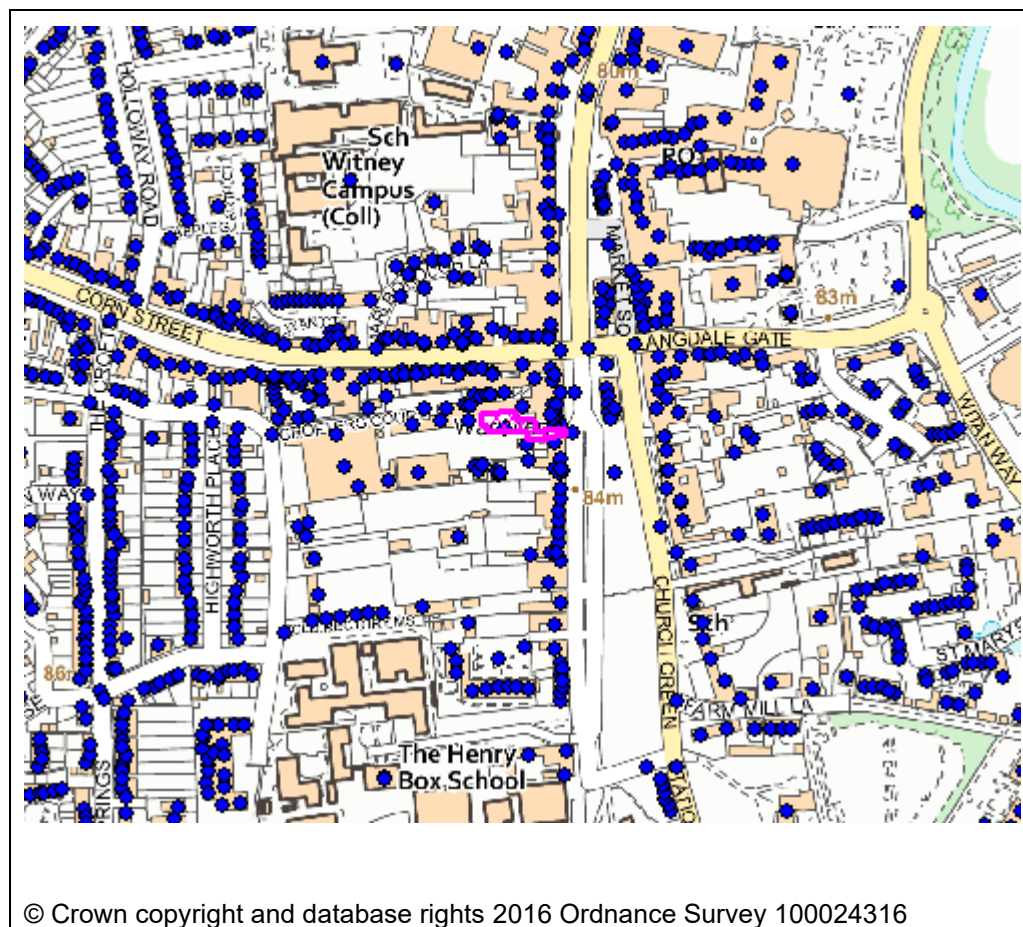
Contact Officer: Clare Anscombe

Telephone Number:

Date: 23rd December 2025

Application Number	25/01989/FUL
Site Address	46A Market Square Witney Oxfordshire OX28 6AL
Date	23rd December 2025
Officer	Fern Lynch
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435538 E 209524 N
Committee Date	12th January 2026

Location Map



Application Details:

Conversion of the existing office building to a dwelling with works to include erection of a two storey extension with a single storey glazed link

Applicant Details:

Mrs Juliet Druce
46 Market Square

Witney
Oxfordshire
OX28 6AL

I CONSULTATIONS

District Ecologist

Holding Objection, more information needed.

Env Health Contamination

Joseph Woodfield Thank you for consulting our team. I have looked at the above referenced planning application in relation to potentially contaminated land.

From the information submitted with the application it appears that the site is part of a former Brewery Depot, 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:

1. 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.

Relevant Policies: West Oxfordshire District Council Local Planning Policy EH8 and Section 15 of the NPPF.

Please let me know if you would like to discuss any aspect in further detail.

Regards

Joseph Woodfield

Career Grade Senior Environmental Protection Officer

Parish Council

Witney Town Council does not object to this application in principle. Members are supportive of the introduction of residential use in this location as they feel it would be a positive contribution to the area.

OCC Highways

No objections subject to the inclusion of suggested conditions.

Env Health Noise And
Amenity

Thank you for consulting me on this application. I would have concerns over this application and would objection on the grounds of insufficient information to demonstrate the future occupants would not suffer a loss of amenity or a nuisance from the use of the surrounding commercial units.

I would have concerns over noise and vibration from vehicles particularly larger vehicles using the access road alongside the proposed property given the bedroom is located on the wall next to the access road. The times at which vehicles begin to use the access road could have an impact on any occupants.

There also appears to be a pool and darts club which could operate late at night and therefore any impacts need to be sufficiently evaluated.

Therefore, I request that the applicant submits a site-specific Noise and Vibration Impact Assessment conducted by a suitably qualified acoustic consultant accredited by the Institute of Acoustics (IOA) or the Association of Noise Consultants (ANC). The Noise and Vibration Impact Assessment must comprehensively evaluate the existing noise and vibration environment, assess the potential impacts arising from and to the proposed development, and propose mitigation measures to ensure full compliance with relevant noise and vibration standards.

Professionally accredited acoustic consultants can be sourced using the weblinks provided:

IOA (<https://www.ioa.org.uk/find-acoustics-specialist-or-supplier>)

ANC (<https://www.association-of-noise-consultants.co.uk/sound-testing-member-companies/>)

If you would like to discuss anything further please contact me.

WODC Drainage

No objections subject to the inclusion of suggested comments.

Conservation And Design
Officer

Objection raised

Economic Development
Manager

The loss of a commercial unit in a town centre location may reduce opportunities for small business growth, local entrepreneurship, and footfall, particularly where alternative commercial space is limited.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

3.1 A planning support statement has been submitted along with a Heritage Impact Assessment and Design and Access Statement. This document is available on the Council's website. The statements have been summarised and concluded as follows:

Listed Building Consent and Planning Permission has been submitted for the renovation and refurbishment, in an extended form, of an outbuilding to the rear of 46 Market Street, Witney, to provide two storey three bedroomed house. The proposal would lead to less than substantial harm to the setting of the listed former Bull Inn, but that the public benefits of the proposal would be to provide

a new family house, with office space, in a highly sustainable location in the centre of Witney and put this part of the curtilage of the listed building, in a modified form, back into an optimum new and viable use.

4 PLANNING POLICIES

NPPF 2024

E1NEW Land for employment

E3NEW Reuse of non residential buildings

EH10 Conservation Areas

EH11 Listed Buildings

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

E6NEW Town centres

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

T1NEW Sustainable transport

T4NEW Parking provision

WIT5NE Witney town centre strategy

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks planning permission for the conversion of the existing office building to a dwelling with works to include erection of a two storey side extension with a single storey glazed link with associated amenity area and two car parking spaces at 46a Market Square, Witney.

5.2 The application site relates to an outbuilding known as Long Barn located to the rear, and within the curtilage of no.46 Market Square, Witney, a Grade II listed building (list entry 1213490). No. 46 was formerly known as Bull Inn and dates from early-mid C18 with C19 alterations. The Bull Inn stated to be brewery tap to Clinch and Co Brewery, the original owners and occupiers of what was the Wychwood Brewery. Long Barn is curtilage listed, locally listed and falls within the Witney & Cogges Conservation Area. The building is a long linear free standing building running parallel to the entrance road of the Eagle Industrial Estate from Market Square. 46 Market Square and its attached outbuildings are used as offices for a variety of local businesses. The outbuilding which is the subject of this application has been split into three units and are used as offices.

5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Town Council.

Planning History

5.4 21/03643/FUL- Demolition of existing outbuilding and rebuild to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. (Amended)- Refused

5.5 21/03644/LBC- Demolition of existing outbuilding and rebuild to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. (Amended)- Refused

5.6 22/02854/LBC- Internal and external alterations to renovate and refurbish existing outbuilding and extension to create a one and half storey three bedroom house with associated amenity area and two car parking spaces.- Refused.

5.7 22/02853/FUL-Renovation and refurbishment of existing outbuilding and extension to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. Refused.

5.8 Members may recall the above applications, as they were refused by the Lowlands Planning Sub Committee on 19th April 2022 and 16th January 2023. This application proposes a scheme that is not dissimilar to the previous refusal in 2023. The key difference being the addition of a single storey glazed link from the historic Long Barn into the 2 storey side extension element of the proposal. The applicants engaged in Pre Application advice prior to the submission of this amended scheme. However members should note that pre application advice is the view of the individual case officer at the time and not legally binding nor is it the view of the Council.

5.9. Your officers were unable to find any other planning history specifically relating to the outbuilding which is the subject of this application. However, from the Heritage Statement provided and the consultation comments received from your Listed Building and Conservation Officers, it is believed that the outbuilding was possibly a cartshed or similar with a historic association to the former Bull Inn and was converted to offices in the late 1970's.

Proposed Development

5.10 The proposed renovation and extension will form a single storey glazed link side extension linking into a 2 storey side extension which will create a 3-bedroom dwelling, which extends out across an existing car parking area.

5.11 The long barn section of the site has one roof light on the Northern and southern elevation and a series of patio doors and bi-folding doors running pretty much the entire length of the northern elevation whereas the southern elevation which runs the car park for the industrial estate will remain unchanged.

5.12 The proposed side extension element along with the single storey glazed link which connected the historic long barn to the new build 1.5 storey element has two country style dormer windows in the southern roof elevation which front onto the Long Barn and Courtyard below, but views will extend into the industrial estate to the south. Two rooflights are also shown on the roof plans on either elevation of the pitched 1.5 storey side extension. A further dormer window can be seen in the eastern end gable. With a window in the western end gable in the upper floor with two windows on the ground floor.

5.13 The proposed materials are natural stone, oak panels, concrete tiles, double glazed wooden windows and doors and an aluminium bi folding door. The proposed dwelling would also have associated a small area of dedicated outdoor amenity space in the form of a patio and enclosed garden terrace constructed on permeable material.

5.14 Two allocated off road parking spaces are proposed along with private bin and cycle storage.

5.15 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
- Design and Impact on Heritage Assets and the Conservation Area
- Residential Amenity
- Highways

Principle of Development

5.16 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making. The NPPF is a material consideration in any assessment and makes clear in Paragraph 11 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.17 The starting point in the assessment of the principle of development is policy OS2, which outlines the general spatial strategy for new development in the District. The application site sits within Witney which is identified under West Oxfordshire Local Plan Policy OS2 as a Main Service Centre, where new dwellings can be permitted where they are of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area.

5.19 Policy OS2 defers the housing locational strategy to Policy H2 stating:

"Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan."

5.20 Policy H2 of the West Oxfordshire Local Plan allows for new dwellings within the main service centres 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.

5.21 The principle of a dwelling in the proposed location is considered to comply with the locational policies set out within the adopted West Oxfordshire Local Plan 2031.

5.22 As stated within policy H2 the development has to comply with any other relevant policies in the plan. Your Officers consider the relevant policies to be OS2- Locating development in the right places, OS4- High quality design, E1- Land for Employment, E6- Town centres, T4- Parking provision, EH3- Biodiversity and geodiversity, EH8- Environmental protection, EH9 -Historic environment, EH10- Conservation areas, EH11- Listed buildings, EH13 - Historic landscape character and WIT5- Witney Town Centre Strategy.

5.23 As stated within the supporting documents submitted, the last known use for Long Barns is as a workshop, storage and office space. Given its most recent use and that the site is immediately adjacent

to and shares access with the Eagle Industrial Estate, your officers are satisfied that whilst it does not fall within the Article 4 Directions of the industrial estate, that the site is categorised as an employment site. Therefore, Policy E1 is relevant when considering this application. Policy E1 states that non-employment uses on employment sites will be refused except in the following circumstances -

- o where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
- o where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
- o where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
- o where substantial community benefits would be achieved by allowing alternative forms of development.

5.24 Examples of other commercial units considered to be suitable for conversion have been submitted as part of the application along with a supporting statement and a Viability Statement produced by Worledge Associates - Heritage Consultants have been provided to support this application.

5.25 The Viability Report states that *it is not feasible to refurbish the building to rent as office space given the considerable outlay required to bring it back into use, against payback time of such an outlay...*

5.26 The key case arising from discussions with the applicant via their agent is that there is a lack of demand for traditional town centre office space. The proposal has been considered by the economic development team at WODC who have subsequently objected to the proposal stating the following: 'it is noted that the unit has been actively marketed and that viability assessments indicate limited demand for continued commercial use. In line with Policy E5, it is essential that any proposed change of use is supported by clear and transparent evidence demonstrating that:

- o The unit has been marketed for a reasonable period at a realistic price.
- o No viable commercial interest has been expressed.
- o The unit is no longer economically viable for its intended use.

This approach ensures that commercial space is only lost where there is a demonstrable lack of demand, and not prematurely, which could undermine long-term town centre resilience. Nowhere within the review submitted does it refer to the demand or lack of it relating specifically to Long Barn. Nor does the submission documents comprehensively detail how long and for how much has the commercial units within the long barn been marketed for.'

5.27 For the reasons stated above, your officers do not consider that sufficient information has been provided demonstrating that Long Barn is not capable of being used or redeveloped for employment uses. Your officers also consider that should the building be converted into residential accommodation, that this may impact the future of the estate, given amenity issues that may arise from businesses and residential properties being situated in such close proximity to each other. As such, the proposal is considered to be contrary to policy E1.

5.28 Additionally, Policy OS2 states 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

- 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.
- Conserve and enhance the natural, historic and built environment.

5.29 Your officers are of the opinion that the principle of the proposal does not comply with the general principles set out in Policies OS2 and other relevant policies in this plan. The details of the proposal are assessed against the general principles of Policy OS2, and in detail against the other relevant policies as outlined above, guidance and legislation in the relevant sections below:

Design and Impact on Heritage Assets and the Conservation Area

5.30 Long Barn is a grade II curtilage listed building in association with no.46 Market Square, Witney. There are also listed buildings to the north and the south of Long Barn. Whilst officers note that the existing south and eastern facing stone walls are to be retained, the building is to be significantly altered and extended. Whilst Long Barn is curtilage listed it should be treated as any other grade II listed building as stated within Paragraph: 044 Reference ID: 18a-044-20190723 of government planning guidance, *all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.*

5.31 The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.32 Section 16 of the National Planning Policy Framework (NPPF, 2024) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 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, where appropriate, securing its optimal viable use.

5.33 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Whilst a Heritage Impact Assessment has been submitted with this application, your officers consider it to be inadequate and goes no way to looking into the historical or architectural history, fabric, character and significance of this listed building. Proposals for changes can only be informed and guided by a comprehensive understanding of the building and its locality. Your officers have assessed the significance of this building as being its age, the buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, possibly cartshed or similar with a historic association to the former Bull Inn, its linear form and prominent location within the Conservation Area. The outbuilding is clearly viewed from Market Square and is considered to make a positive contribution to the character, appearance and setting of the principal listed building (inc. curtilage) and the conservation area.

5.34 The proposed alterations and extensions will result in a substantial increase to the buildings scale in terms of its footprint, height and volume, its existing linear plan form is also to be changed and the character of the building will be largely lost by the associated domestication such as the additional windows, doors and rooflights, as a result of the use change. The proposed extension into the characterful courtyard is incongruous and together with the increase in roof height, will have a transformative impact on character of the existing building. The buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, such as its form and scale will mostly be lost. The proposed form and layout of the development will not respect and build on the pre-existing historic character (and building layout). Your officers therefore consider that the proposed development would harm the significance, character, appearance and setting of the curtilage listed Long Barn. This harm is considered to be towards the higher end of 'less than substantial'.

5.35 The vernacular outbuilding delineates and provides historic and architectural context to its relationship to former Bull Inn and Brewery. Long Barn is of a modest scale, clearly secondary and subservient to principal listed building. The proposed extension into the characterful courtyard and its increase in height, is incongruous and it does not respect the historic curtilage, context and setting of the heritage assets, including its historic townscape context. Therefore, by reason of the increased scale of the development, its design, alterations to plan form and the residential character of the proposed works, the proposed development will have a harmful impact on the setting, character and views out from the principal listing building 46 Market Square and neighbouring listed buildings. This harm is considered to be towards the higher end of 'less than substantial'.

5.36 In terms of the impact on the Witney and Cogges Conservation Area, local authorities have a legal duty to preserve or enhance and must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In Witney and Cogges Conservation Area Appraisal, it states: *'For centuries, High Street and Market Square have represented the commercial heart of the old town; a long and memorable street of shops giving way to houses at its northern end, whose essential character has remained intact since the Middle Ages...in particular Market Square at the street's southern end - marks the commercial focus of the old town. Historically, the street was lined with a combination of shops, houses and inns - a mix that remains strongly intact. And, Market Square and High Street are primarily defined by their buildings'.*

5.37 The Long Barn can be clearly viewed from within Market Square and by reason of its traditional character and historic significance your officers consider that it positively contributes to the character and appearance of the Witney and Cogges Conservation Area. This proposal involves significantly altering this characterful building and given the scale and design of the proposed dwelling, officers do not consider that the proposed development would enhance or protect the Conservation Area, having a harmful impact on its setting, character and appearance. This harm is considered to be towards the higher end of 'less than substantial'.

5.38 Whilst the existing building is curtilage listed, it is also locally listed. Policy EH9 states that when considering proposals that affect, directly or indirectly, the significance of non-designated heritage assets, a balanced judgement will be made having regard to:

- o the scale of any harm or loss;
- o the significance of the heritage asset; and
- o the public benefits of the development. If it is determined through the relevant evidence that currently non-designated buildings, structures, historic landscapes or archaeology are of national significance, those elements of this policy for designated heritage assets will apply.

5.39 For the reasons already stated above the proposal is considered to be contrary to policy EH9 of the Adopted West Oxfordshire Local Plan. Your Officers have identified harm to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building, neighbouring listed buildings and the setting of the Witney and Cogges Conservation Area. This harm is considered to be towards the higher end of 'less than substantial'. Paragraph 215 of the NPPF 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.'

5.40 In terms of public benefits, the proposed development would add a dwelling to West Oxfordshire Council housing stock within a sustainable location, however it will only be a single dwelling and therefore attracts very limited weight. Some economic benefits will arise from the construction of the development however given the scale of the development this will be limited and attracts very limited weight.

5.41 In light of the less than substantial harm to the higher end of the scale, which has been found to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building, neighbouring listed buildings and the setting of the Witney and Cogges Conservation Area. Your officers are satisfied, that the public benefits of the new dwelling and the economic public benefit found, would not outweigh the less substantial harm found to the Grade II listed Buildings, their setting and the Witney and Cogges Conservation Area.

5.42 The proposal is therefore contrary to Local Plan Policy EH10, EH11, EH13 EH9, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 'Conserving and enhancing the historic environment ' of the NPPF.

5.43 Notwithstanding the listed status of Long Barn, your officers have concerns with the scale and design of the proposed alterations and extensions. Given the courtyard setting of Long Barn, which has other large buildings within very close proximity, the site is quite constrained in terms of size and its relationship with neighbouring buildings. Your officers have concerns with the proposed scale of the extension into the courtyard in particular, as it is 7.5m in depth and 8m long and appears to be incongruous and cramped in this location. The proposed extensions and alterations are not considered to be of an appropriate scale and do not logically complement the character and appearance of the area. Therefore your officers consider that the proposal is contrary to policy OS4 of the Adopted West Oxfordshire Local Plan.

Residential Amenities

5.44 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and the NPPF. Your officers do have a number of concerns relating to the impact this development would have on residential amenity issues such as loss of light, loss of privacy, overbearing, overlooking and noise and disturbance.

5.45 The proposed dwelling is to be situated within very close proximity to commercial and industrial uses, which include buildings forming part of the courtyard, the dwelling will also run parallel with the entrance into an industrial estate. Your officers have concerns with a residential dwelling in this location, given the noise and disturbance impacts which may arise from the adjoining uses, such as vehicular and

pedestrian movements, machinery and night time economy. These concerns have been shared by the WODC Business Development Officer and the WODC ERS Officer who both raised objections in relation to potential noise and nuisance disturbance for future occupants. Your Officers note that with regard to the Business Development Officer's comments, the introduction of a residential unit in this location may lead to future pressure for restrictions to be placed on existing businesses in conflict with the aims of NPPF paragraph 200.

5.46 There is also a pool and darts club which could operate late at night and therefore any impacts need to be sufficiently evaluated. Consequently the ERS officer requested that the applicant submit a site-specific Noise and Vibration Impact Assessment conducted by a suitably qualified acoustic consultant. However this assessment report has not been received by the LPA.

5.47 In addition to the above, given that the dwelling is proposed in a courtyard location surrounded by high walls and that a large part of this courtyard is to be filled with the proposed side extension, your officers have concerns that the development would result in an overbearing and enclosed feeling for the future occupiers. It is also arguable that this would also result in insufficient light into the building itself and will provide a poor outlook from the proposed openings therefore providing poor living conditions. There are a number of windows within the neighbouring buildings on the courtyard which would give rise to some harm in terms of overlooking and loss of privacy into the proposed dwelling.

5.48 In view of the above, your officers consider that the proposed dwelling would give rise to unacceptable levels of harms in terms of neighbouring amenity issues and is therefore contrary to policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031.

Highways

5.49 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience subject to conditions. However, whilst the proposed parking spaces meet the guidance set out by OCC Highways, your officers do have some concerns with the practicality of manoeuvring vehicles in such a confined space. However, given the town centre location of the proposed dwelling and the amount of other parking options within the immediate locality, your officers considers the scheme to be acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Other Matters

5.50 The WODC Drainage Officer has not objected to this application subject to all comments being taken on board and a pre-commencement surface water condition being adhered to in full.

5.51 Witney Town Council have raised no objections to this proposal as they view this proposal as a way of delivering smaller residential units within a sustainable and non car reliant location.

5.52 The WODC Contamination Officer has raised no objection to this application subject to inclusion of standard conditions.

5.53 In terms of biodiversity, the District Ecologist raised a holding objection due to insufficient data within the submitted Protected Species Survey Report which officers consider to now be out of date, at over 3 years old. Consequently, officers seek a full re-assessment by a professional ecologist. However, the District Ecologist confirmed that the proposal is exempt from statutory BNG under the de minimis exemption (no vegetated habitats will be impacted as there are none onsite).

Conclusion

5.54 Your officers have had regard to the development plan as a whole and the policies which weigh both in favour of the development and against it. Your officers have also had regard to all material considerations, including a lack of 5-year housing land supply and policies in Framework. Your officers are not required to engage the 'tilted balance' as part of this assessment, as the application of policies within the NPPF which protect areas or assets of particular importance, provide a clear reason for refusing the development proposed.

5.55 By reason of the scale, design and form of the proposed alterations and extensions needed to create the proposed dwelling, the proposal is considered to have a harmful impact on the significance, character, appearance and setting of Long Barn a grade II curtilage listed building, the setting, character and views out from the principal listing building, 46 Market Square, neighbouring listed buildings and the setting, character and appearance of the Witney and Cogges Conservation Area. This harm is considered to be at the higher end of 'less than substantial'. The economic benefits and the addition of one dwelling to WODC housing stock, does not outweigh the less than substantial harm found. The proposal is therefore judged to be contrary to the duty to Sections 66(1) and 72(1) of the Planning (LBCA) Act 1990. It would also fail to meet the requirements of Section 16 of the NPPF, and policies EH10 and EH11 of the Adopted West Oxfordshire Local Plan 2031.

5.56 Your officers also consider that insufficient information has been provided demonstrating that Long Barn is not capable of being used or redeveloped for employment uses and no substantial community benefits would be achieved by the proposed development, therefore it is contrary to Policy EI of the West Oxfordshire Local Plan 2031.

5.57 Your officers additionally consider that the proposed development would fail to comply with the provisions of Policies OS2, EH9, EH10, EH11, EH13, OS4, NPPF 2024, and WODC Design Guide 2016 and Witney & Cogges Conservation Area Appraisal.

5.58 In light of the above, the application is recommended for refusal.

6 CONDITIONS/REASONS FOR REFUSAL

1 By reason of the scale, design and form of the proposed alterations and extensions needed to create the proposed dwelling, the proposal will have a harmful impact on the significance, character, appearance and setting of Long Barn a grade II curtilage listed building, the setting, character and views out from the principal listing building 46 Market Square and neighbouring listed buildings and the setting, character and appearance of the Witney and Cogges Conservation Area. This harm is considered to be at the higher end of 'less than substantial' and would not be outweighed by any discernible public benefits. Consequently, the proposal is contrary to policies OS2, OS4, H2, EH9, EH10, EH11, EH12 and EH16 of the West Oxfordshire Local Plan 2031, Section 16 of the National Planning Policy Framework, Section 14 of the WODC Design Guide 2016, the Witney and Cogges Conservation Area Appraisal and Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

2 By reason of its scale, siting and design the proposed development will appear cramped and incongruous within this location and would result in a detrimental impact on the residential amenity and living conditions for future occupants. The proposal is therefore considered contrary to Policies OS2 and OS4 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the National Design Guide and the relevant paragraphs of the NPPF.

3 Insufficient information has been provided in relation to ecology impact assessments, noise and nuisance assessments and the submission fails to demonstrate that the Long Barn is not capable of being used or redeveloped for employment uses and no substantial community benefits would be achieved by the proposed development, therefore it is contrary to Policy E1, EH3 and EH8 of the West Oxfordshire Local Plan 2031.

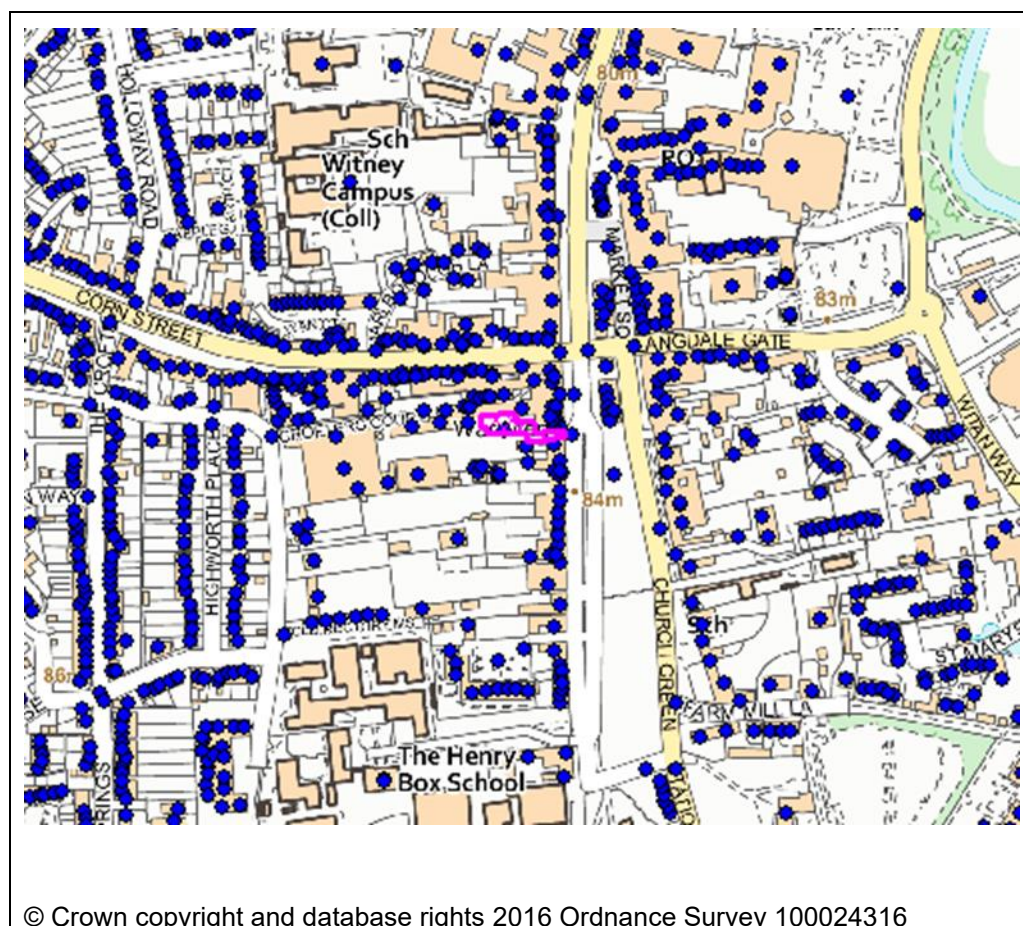
Contact Officer: Fern Lynch

Telephone Number:

Date: 23rd December 2025

Application Number	25/01990/LBC
Site Address	46A Market Square Witney Oxfordshire OX28 6AL
Date	23rd December 2025
Officer	Fern Lynch
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	435538 E 209524 N
Committee Date	12th January 2026

Location Map



Application Details:

Internal and external alterations to convert the existing office building to a dwelling with works to include erection of a two storey extension with single storey glazed link

Applicant Details:

Mrs Juliet Druce
46 Market Square

Witney
Oxfordshire
OX28 6AL

I CONSULTATIONS

Conservation And Design
Officer

Objection raised in relation to the impact of the new extension and its detrimental impact on the listed heritage asset.

Parish Council

Witney Town Council does not object to this application in principle. Members are supportive of the introduction of residential use in this location as they feel it would be a positive contribution to the area. However, given the listed building status, Members request that Witney Town Council be re-consulted should the opinion of the Conservation/ Heritage Officer not concur.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

3.1 A planning support statement and a Heritage Impact Assessment has been submitted with this application. This document is available on the Council's website. The statements have been summarised and concluded as follows:

Listed Building Consent and Planning Permission has been submitted for the renovation and refurbishment, in an extended form, of an outbuilding to the rear of 46 Market Street, Witney, to provide a two storey three bedroomed house. The proposal would lead to less than substantial harm to the setting of the listed former Bull Inn, but that the public benefits of the proposal would be to provide a new family house, with office space, in a highly sustainable location in the centre of Witney and put this part of the curtilage of the listed building, in a modified form, back into an optimum new and viable use.

4 PLANNING POLICIES

OS4 High Quality Design

EH9 Historic Environment

EH11 Listed Buildings

West Oxfordshire Design Guide 2016

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

5 PLANNING ASSESSMENT

5.1 The application seeks planning permission for the conversion of the existing office building to a dwelling with works to include erection of a two storey side extension with a single storey glazed link with associated amenity area and two car parking spaces at 46a Market Square, Witney.

5.2 The application site relates to an outbuilding known as Long Barn located to the rear, and within the curtilage of no.46 Market Square, Witney, a Grade II listed building (list entry 1213490). No. 46 was formerly known as Bull Inn and dates from early-mid C18 with C19 alterations. The Bull Inn stated to

be brewery tap to Clinch and Co Brewery, the original owners and occupiers of what is now the Wychwood Brewery. Long Barn is curtilage listed, locally listed and falls within the Witney & Cogges Conservation Area. The building is a long linear free standing building running parallel to the entrance road of the Eagle Industrial Estate from Market Square. 46 Market Square and its attached outbuildings are used as offices for a variety of local businesses. The outbuilding which is the subject of this application has been split into three units and are used as offices.

5.3 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to the Town Council.

Planning History

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5.7 22/02853/FUL-Renovation and refurbishment of existing outbuilding and extension to create a one and half storey three bedroom house with associated amenity area and two car parking spaces. Refused.

5.8 Members may recall the above applications, as they were refused at the Lowlands Planning Sub Committee on 19th April 2022 and 16th January 2023. This application proposes a scheme that is not dissimilar to the previous refusal in 2023. The key difference being the addition of a single storey glazed link from the historic Long Barn into the 2 storey side extension element of the proposal, thus breaking up the new built form within the courtyard area. The applicants engaged in Pre Application advise prior to the submission of this amended scheme. However members should note that pre application advise is the view of the individual case officer at the time and not legally binding nor is it the view of the Council.

5.9 Your officers were unable to find any other planning history specifically relating to the outbuilding which is the subject of this application. However, from the Heritage Statement provided and the consultation comments received from your Listed Building and Conservation Officers, it is believed that the outbuilding was possibly a cartshed or similar with a historic association to the former Bull Inn and was converted to offices in the late 1970's.

Proposed Development

5.10 The proposed renovation and extension will form a single storey glazed link side extension linking into a 2 storey side extension which will create a 3-bedroom dwelling, which extends out across an existing car parking area.

5.11 The long barn section of the site has one roof light on the Northern and southern elevation and a series of patio doors and bi-folding doors running pretty much the entire length of the northern elevation whereas the southern elevation which runs the car park for the industrial estate will remain unchanged.

5.12 The proposed side extension element along with the single storey glazed link which connected the historic long barn to the new build 1.5 storey element has two country style dormer windows in the southern roof elevation which front onto the Long Barn and Courtyard below, but views will extend into the industrial estate to the south. Two rooflights are also shown on the roof plans on either elevation of the pitched 1.5 storey side extension. A further dormer window can be seen in the eastern end gable. With a window in the western end gable in the upper floor with two windows on the ground floor.

5.13 The proposed materials are natural stone, oak panels, concrete tiles, double glazed wooden windows and doors and an aluminium bi folding door. The proposed dwelling would also have associated a small area of dedicated outdoor amenity space in the form of a patio and enclosed garden terrace constructed on permeable material.

5.14 Two allocated off road parking spaces are proposed along with private bin and cycle storage.

5.15 The considerations of this application are the impacts that the proposed development will have on Heritage Assets.

Design and Impact on Heritage Assets and the Conservation Area

5.17 Long Barn is a grade II curtilage listed building in association with no.46 Market Square, Witney. There are also listed buildings to the north and the south of Long Barn. Whilst officers note that the existing south and eastern facing stone walls are to be retained, the building is to be significantly altered and extended. Whilst Long Barn is curtilage listed it should be treated as any other grade II listed building as stated within Paragraph: 044 Reference ID: 18a-044-20190723 of government planning guidance, *all grades of listed building, unless the list entry indicates otherwise, the listing status covers the entire building, internal and external, and may cover objects fixed to it, and also curtilage buildings or other structures.*

5.18 The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.19 Section 16 of the National Planning Policy Framework (NPPF, 2024) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 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, where appropriate, securing its optimal viable use.

5.20 In order to consider the effect of a scheme on the significance of the listed building, there is a need to identify that significance. Your officers have assessed the significance of this building as being its age, the buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, possibly cartshed or similar with a historic association to the former Bull Inn, its linear form and prominent location within the Conservation Area. The outbuilding is clearly viewed from Market

Square and is considered to make a positive contribution to the character, appearance and setting of the principal listed building (inc. curtilage) and the conservation area.

5.21 The proposed alterations and extensions will result in a substantial increase to the buildings scale in terms of its footprint, height and volume, its existing linear plan form is also to be changed and the character of the building will be largely lost by the associated domestication such as the additional windows, doors and rooflights, as a result of the use change. The proposed extension into the characterful courtyard is incongruous and together with the increase in roof height, will have a transformative impact on character of the existing building. The buildings distinguishable architectural characteristics that relay its significance and context as an outbuilding, such as its form and scale will mostly be lost. The proposed form and layout of the development will not respect and build on the pre-existing historic character (and building layout). Your officers therefore consider that the proposed development would harm the significance, character, appearance and setting of the curtilage listed Long Barn. This harm is considered to be towards the higher end of 'less than substantial'.

5.22 The vernacular outbuilding delineates and provides historic and architectural context to its relationship to former Bull Inn and Brewery. Long Barn is of a modest scale, clearly secondary and subservient to principal listed building. The proposed extension into the characterful courtyard and its increase in height, is incongruous and it does not respect the historic curtilage, context and setting of the heritage assets, including its historic townscape context. Therefore, by reason of the increased scale of the development, its design, alterations to plan form and the residential character of the proposed works, the proposed development will have a harmful impact on the setting, character and views out from the principal listing building 46 Market Square and neighbouring listed buildings. This harm is considered to be towards the higher end of 'less than substantial'.

5.23 Your Officers have identified harm to the grade II curtilage listed Long Barn, the setting and appearance of the principal grade II listed building, neighbouring listed buildings. This harm is considered to be towards the higher end of 'less than substantial'. Paragraph 215 of the NPPF 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.'

5.24 In light of the above, your officers are satisfied, that the public benefits of the new dwelling and the economic public benefit found, would not outweigh the less substantial harm found to the Grade II listed Buildings and its setting.

5.25 The proposal is therefore contrary to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 'Conserving and enhancing the historic environment ' of the NPPF.

Conclusion

5.26 For the reasons outlined above, the scheme would fail to preserve the curtilage listed building, its features, its significance and the setting of 46 Market Square and the neighbouring listed buildings, without public benefit that would outweigh the less than substantial harm caused. The proposal is therefore judged to be contrary to the duty to Section 16 of the NPPF and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.27 In light of the above, the application is recommended for refusal.

6 CONDITIONS/REASONS FOR REFUSAL

I By reason of the scale, design and form of the proposed alterations and extensions needed to create the proposed dwelling, the proposal will have a harmful impact on the significance, character, appearance and setting of Long Barn, a grade II curtilage listed building, the setting, character and views out from the principal listing building, 46 Market Square. This harm is considered to be at the higher end of 'less than substantial' and would not be outweighed by any discernible public benefits. Consequently, the proposal is contrary to the duty to Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Section 16 of the NPPF.

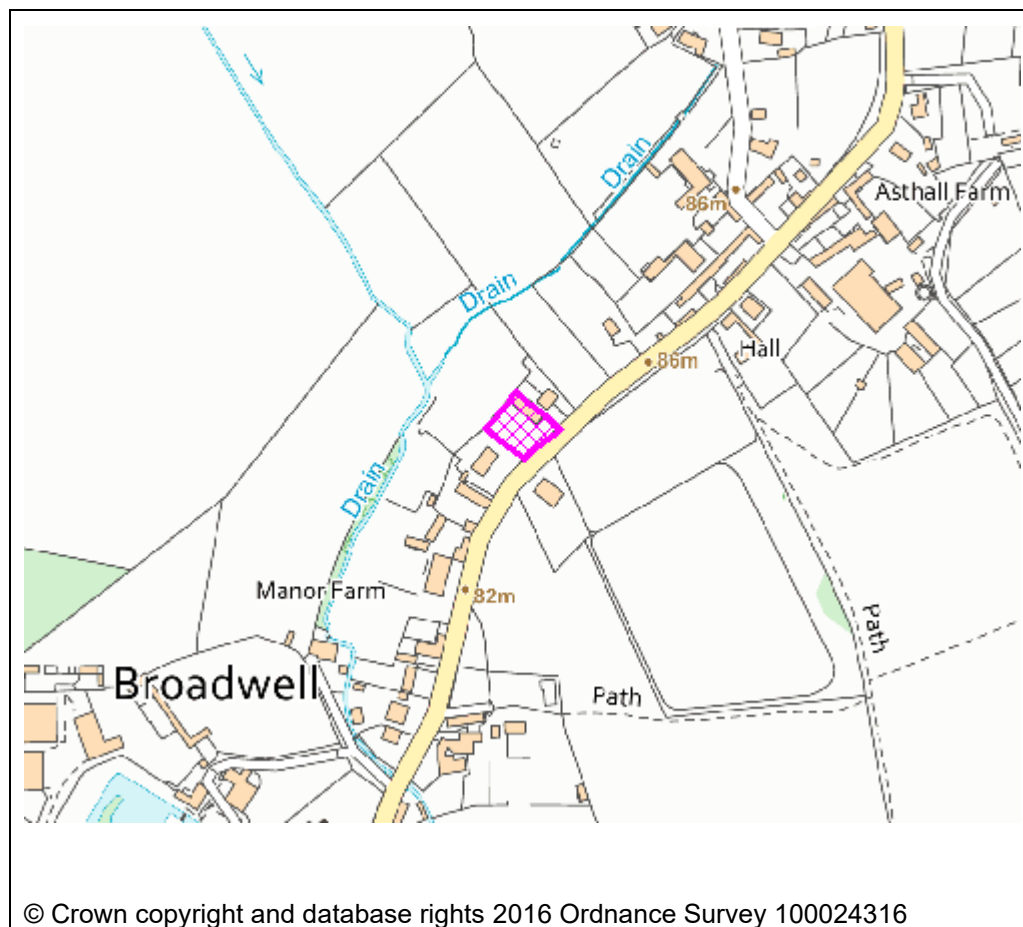
Contact Officer: Fern Lynch

Telephone Number:

Date: 23rd December 2025

Application Number	25/02578/FUL
Site Address	Land Adjacent To Kencott Cottages Kencot Oxfordshire
Date	23rd December 2025
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Kencot Parish Council
Grid Reference	425361 E 204448 N
Committee Date	12th January 2026

Location Map



Application Details:

Erection of a detached two-storey self-build dwelling with access, parking, amenity space and associated works.

Applicant Details:

Mr And Mrs P Monk
C/O Agent

I CONSULTATIONS

Parish Council	<p>Comments in support</p> <p>A Parish Village meeting was held with the applicants, Mr & Mrs Monk, at very short notice which 8 attended and 4 others sent in comments. All were in favour of a house being built in the position described on the plans but a number were concerned that the external finishes were not in keeping with the surrounding properties, lack of Cotswold stone. Mr & Mrs Monk said that that they were happy to make changes to the cladding and stone if required. I have also spoken to a number of other people in the village who were all in favour of this application.</p>
Thames Water	No Comment Received.
Env Health Contamination	No objection.
OCC Highways	No objection subject to conditions.
Conservation And Design Officer	<p>Objection</p> <p>In the CA appraisal, the site isn't obviously identified as an important gap, or a place where there are important views out from the road. But nonetheless, in my visit this morning I felt that the gap made a very significant contribution to the loosely developed, highly rural feel of the settlement. So, infilling here isn't eminently supportable, in my view. If they were proposing to remove the barn (which is a part-stone and part-modern steel concoction) and set the building towards the north of the site, it might better preserve the current character, but I might well remain uneasy.</p> <p>With respect to the current design, I note that it presents a somewhat blocky, rectilinear elevation to the road - also somewhat fussy, with busy fenestration. And I think that we need a street elevation showing the buildings to north and south to be able to judge it.</p>
District Ecologist	No objection subject to conditions.
WODC Drainage	No objection subject to conditions.

2 REPRESENTATIONS

2.1 The application has attracted four comments from. All support the principle of development but one comment is classified as neutral as it raises concerns over the design and appearance of the dwelling. The following other points are raised in support comments:

- o Design would be of high quality and would be in keeping with the Conservation Area; and
- o Two parties raise support for the principle of development and siting but note that the architectural detailing would be somewhat at odds with its context

2.2 Matters of design and impact upon the character and appearance of the area are considered in the Planning Assessment.

3 APPLICANT'S CASE

3.1 The application is supported by a Planning, Heritage, Design and Access Statement ('PHDAS'). The full document is available to view on the Council's website and the main points are summarised below.

3.2 'The application seeks full planning permission for the erection of a detached two-storey self-build dwelling with access, parking and amenity space. As shown on the site plan, the proposed dwelling would be set-back, on average, 9.0m from the front (south-east) boundary of the site and would have an 'L-shaped' plan form with the flank elevations positioned approximately 10.8m and 6.7m from the north-east and south-west site boundaries respectively.

3.3 The main part of the dwelling would extend through the site on a north-east to south-west axis and, to the front (south-east) elevation would be finished with a mixture of Cotswold stone and vertical timber cladding, all under a pitched, grey tiled/slate-like roof to a ridge height of approximately 8.8m and with ridge line running parallel to the road. A single and two-storey projection is proposed from the right-hand side of the rear elevation, the former finished with a flat roof that would act as a balcony/terrace to the first-floor bedroom. The rear projection would be finished with a pitched grey tiled/slate-like roof, the ridge line of which would extend perpendicular to, but lower than, the main ridge line. The side and rear elevations would be finished with a combination of off-white/stone coloured render and vertical timber cladding, the latter contained to the first-floor rear elevation. The proposed dwelling - designed specifically for Mr and Mrs Monk - would provide a range of living accommodation at ground floor level (including an office/bedroom) with three further bedrooms with bathroom facilities at first floor level.

3.4 The Council accept that a five-year supply of deliverable housing land cannot currently be demonstrated. As such, the housing land supply policies of the Development Plan are deemed to be out-of-date and the tilted planning balance, as set out in paragraph 11(d) of the Framework, is engaged. This sets out that there is a presumption in favour of granting planning permission for sustainable development unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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'.

3.5 In addition to the housing land supply position, the Statement details that the Council have not met statutory requirements for the delivery of an equivalent number of permissioned self/custom-build plots for the number of registrations. The proposal is for a self-build plot, with the applicants registered on the Council's (Part 2) register for such. That being the case, the provision of a self-build plot for persons on the Council's register is a matter that also attracts substantial positive weight in the overall planning balance.

3.6 Notwithstanding the fact that the spatial housing policies of the adopted Local Plan are deemed to be out-of-date by reason of the sub five-year housing land supply position, the significant positive weight

to be attributed to the above noted factors (addressing housing land supply and self/custom-build) combined with the fact that, in locational terms, the proposals are consistent with the Framework, is such that the principle of the proposed development is considered to be acceptable.

3.7 In addition, the Statement details/demonstrates:

- o That in terms of matters of siting, layout, scale and design the proposals would preserve the significance of the special character and appearance of the Kencot Conservation Area, and the area more generally;
- o That there would be no adverse impact on neighbouring residential amenity;
- o That an appropriate and high-quality living environment would be created;
- o There are no flood risks constraints or limitations to the proposed development;
- o That the development would be served by a suitable, safe and convenient access, with sufficient parking and turning provided; and
- o That there are no ecological constraints to the proposed development

3.8 Given such, and recognising that there is a presumption in favour of granting planning permission by reason of the fact that the 'tilted planning balance' is engaged¹⁰ - with substantial positive weight to also be given to the delivery of a self-build property for applicants on the Council's register - it is considered that planning permission should be granted for the proposed 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

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

EH16 Non designated heritage assets

CA5 Carterton sub-area strategy

DESGUI West Oxfordshire Design Guide

NPPF 2024

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

5 PLANNING ASSESSMENT

5.1 The application seeks planning permission for the erection of a detached two-storey self-build dwelling with access, parking, amenity space and associated works at Land Adjacent to Kencott Cottages, Kencot.

5.2 The application site comprises an undeveloped area of paddock and modest, open-fronted agricultural building adjacent to the main thoroughfare running through the village. The site is bounded by characterful stone walls and benefits from access via a field gate.

5.3 The site is situated within the Kencot Conservation Area ('CA') and is located approximately 80m to the north of the grade II listed Manor Farmhouse. There are a number of locally listed buildings in close proximity including Kencot Cottages, Shillbrook House and De Rougemont.

5.4 The application is brought before this Committee due to conflict between your Officer's recommendation and the position of the Kencot Parish Council.

Relevant Planning History

5.5 In March 2021 application ref. 21/01063/FUL was submitted seeking consent for the conversion of the existing barn on the site to form three multi-use units with associated works. That application was withdrawn, prior to determination, in June 2021.

5.6 In October 2021, an application was made under Class R of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 for a material change in the use of the land from an agricultural barn to an office. Officers advised at the time that as the development related to less than 150 sqm of floorspace, no prior approval was required and that the onus was on the applicant to comply with Class R and for formal confirmation that the proposal was lawful, a lawful development application should be made. There is no record that such an application was made and Officers observations on site indicate that the site remains in agricultural use. As such, Officers do not consider that any meaningful fall-back position exists in this case.

Development Plan

5.7 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

5.8 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.

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

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

5.10 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:

- o 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').
- o 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.
- o 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.

5.12 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:

- o Principle
- o Siting, Scale and Appearance
- o Impact upon Heritage Assets
- o Neighbourly Amenity
- o Highways Impacts
- o Ecology
- o Drainage/Flood Risk

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

Principle

5.14 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. It takes a hierarchical approach as set out in table 4b, which differentiates between main service centres, rural service centres, villages and finally, small villages, hamlets and open countryside which are defined as 'all other villages and settlements not listed above plus open countryside'. Kencot is not listed in table 4b and as such, falls within this latter category.

5.15 Policy OS2 also contains a set of general principles with which new development should comply including that proposals 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; and
- Conserve and enhance the natural, historic and built environment.

5.16 Policy OS2 goes on to state that:

'Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2.'

5.17 Policy H2 sets out that:

'New dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the following circumstances:

- o where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- o where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- o residential development of exceptional quality or innovative design;
- o new accommodation proposed in accordance with policies specifically for travelling communities;
- o accommodation which will remain ancillary to existing dwellings;
- o replacement dwellings on a one for one basis;

- o re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met; and
- o on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.'

5.18 As the proposal seeks consent for a custom build dwelling, WOLP Policy H5 is also relevant to the principle of development. H5 outlines that:

'Proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan including Policies OS2 and H2'.

5.19 Policy CA5 reinforces the spatial strategy of the WOLP with regard to the Carterton sub-area and states:

'The focus of new housing, supporting facilities and additional employment opportunities will be Carterton. New development in the rest of the subarea will be limited to meeting local community and business needs and will be steered towards the rural service centre and larger villages.'

5.20 Officers consider that the spatial strategy as set out in the WOLP remains consistent with the NPPF which expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Officers note that the 'elevated' policies of the NPPF with regard to the Paragraph 11dii balance as set out at footnote 9 (see for example NPPF Paras. 110, 115 and 129) evidence the consistency of the spatial strategy of the WOLP and the NPPF with regard to development in the small villages, hamlets and open countryside. In this context, officers note that Kencot is served by a very limited range of services with infrequent bus connections to larger towns such as Carterton and future occupiers of the proposed dwelling would be highly reliant on private car travel to meet their daily needs.

5.21 Officers consider that the application has not provided evidence to indicate that any of the circumstances set out in Policy H2 apply in this case. This is confirmed in the submitted Planning, Heritage and Design and Access Statement which confirms that the proposal 'would be in conflict with Policy H2 of the adopted Local Plan'. The proposed residential use of the site therefore conflicts with the strategic policies in the WOLP and aims of the NPPF with regard to the sustainability of new residential development. Notwithstanding this 'in principle' objection, it may be the case that material considerations could overcome this conflict. As such, a further assessment is completed below including against the general principles of OS2 as set out above and all other relevant policies, legislation and guidance.

Siting, Scale and Appearance

5.22 WOLP Policy OS4 states 'high design quality is central to the strategy for West Oxfordshire. New development should 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'. Officers also acknowledge the general principles of OS2 with regard to design.

5.23 Section 12 of the NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 131). Paragraph 135 is clear that development proposals should function well and add to the overall quality of

the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Paragraph 139 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.

5.24 The proposed dwelling would be sited forward in the site between 7-10m back from the south eastern boundary and have a footprint of 116sqm. The existing building would be retained in situ with a parking and turning area adjacent to the access. In terms of scale and massing, the dwelling would be two-storey reaching a ridge height of 8.9m with eaves set at 5.2m. The building would be formed of a main block fronting the road with a façade running 13.5m and a set down rear projecting gable. A variety of materials would be employed including Cotswold stone, vertical timber cladding and render under a grey tiled roof with timber window frames. The impact of the proposal upon the character and appearance of the area, with particular regard to the CA and whether the proposed development would preserve the setting of the nearby Grade II listed building is fully considered in the following section.

Impact upon Heritage Assets

5.25 Given the application site lies within the CA, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.26 As the proposed development would lie in relatively close proximity to the listed Manor Farmhouse, 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.

5.27 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 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, where appropriate, securing its optimal viable use. Officers also note the provisions Policies EH9 and EH16 and NPPF paragraph 216 regarding the approach to be taken when assessing the effect of a proposal on the significance of non-designated heritage assets (the above identified locally listed buildings). WOLP Policies OS4, EH9, EH10, EH11, EH13 and EH16 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

Main elements contributing to the character and appearance of the CA

5.28 The significance of the CA is charted in the Kencot Conservation Area Character Appraisal ('the appraisal'), which is a material planning consideration in this assessment. The appraisal outlines that the heritage significance of the CA derives primarily from its collection of vernacular limestone buildings and

listed structures which result in a notable sense of harmony in its built form. In addition, the historic significance of Kencot is closely linked to its distinctive and enduring settlement pattern, which whilst appearing as broadly linear, displays a polyfocal form comprising four distinct clusters with important areas of open land ensuring the legibility of the historic settlement pattern. This scattered arrangement, punctuated by open fields, mature trees, and drystone walls, underscores the agricultural origins of the settlement and its gradual, organic growth. Kencot's settlement pattern has remained largely unchanged since the 19th century, with minimal infill during the 20th century. This continuity preserves the historic character of the village and contributes to its special interest.

Contribution of the application site to the character and appearance of the CA

5.29 The application site is situated in a prominent location adjacent to the road through the CA and includes locally characteristic boundary walling that is identified in the appraisal. The application site is not expressly identified in the appraisal but officers have regard to the advice of the Council's Conservation and Design Officer who states that the gap in the settlement pattern formed by the site makes a very significant contribution to the loosely developed, highly rural feel of the settlement. The undeveloped rural character of the site and recessive position and massing of the existing building allow views out of the settlement to the open countryside to the west and as such, officers consider Policy EH2 to also be of relevance which requires the quality, character and distinctiveness of West Oxfordshire's natural environment to be conserved and enhanced. The site therefore contributes to the polyfocal and dispersed settlement pattern of Kencot by providing a break between building clusters. This openness reflects the historic arrangement of pastures and agricultural land interspersed with dwellings, which is a defining feature of Kencot, the settlement pattern of which has been little altered since the 19th Century.

Impact of the scheme upon the character and appearance of the CA

5.30 Officers consider that the introduction of a new dwelling as proposed would result in the loss of an important break between building clusters which reinforces the polyfocal settlement pattern of the village in a highly prominent position on its only thoroughfare. Infilling this gap would erode the historic sense of openness in this location and the result in the loss of an area of open space that forms a significant positive contribution to the loose knit, fragmented and varied rural character of this part of the settlement and CA. The introduction of a dwelling and its associated curtilage would introduce a significant amount of built form into this currently undeveloped paddock, eroding the historic settlement pattern. It would also result in a change in the character of the remaining land from a rural agricultural paddock to a formalised residential garden, which would result in a harmful and transformative impact upon its character and appearance. Whilst it is noted that the existing boundary treatments would be retained, this is considered a neutral impact in isolation.

5.31 In addition, this harm is exacerbated by the detailed design itself. Officers consider that the siting of the dwelling, central and forward in the plot, would lead to a very prominent building in the streetscene, which is compounded by the blocky nature of the street-facing elevation. Further, the elevational treatment of the building is considered cluttered and busy owing to the variety and amount of window openings and mixed materials approach which would result in conflict with the harmonious nature of built form in the CA, as set out in the appraisal.

5.32 The LPA's Conservation and Design Officer has confirmed their objection to the scheme and raised concerns regarding the erosion of this important and prominent area of open space on the main route through the historic core of the village. Notwithstanding this fundamental concern, the detailed design further compounds this harm owing primarily to its siting, massing and elevational treatment. In the terms

of the NPPF, this harm would remain 'less than substantial' and would fall around the mid-point of that range given that the scheme would be transformative in its immediate context and visible for a considerable distance when travelling along the streetscene. However, it is recognised that the effect on the CA as a whole would be somewhat localised.

5.33 The proposed dwelling would also be sited in close proximity to three locally listed dwellings: Kencot Cottages; Shillbrook House; and De Rougemont. Officers consider that the loss of this important area of undeveloped land in close proximity to these assets and subsequent erosion of the historic settlement pattern would undermine the contribution of the locally listed buildings to the significance of the wider CA. Further, the prominent siting of the proposed dwelling as well as its mixed materials approach and fenestration would diminish the 'pleasingly harmonious' appearance of the CA, to which the locally listed buildings provide a positive contribution. Therefore, the introduction of the proposed dwelling would undermine the contribution of the locally listed buildings in this respect.

Impact on listed buildings

5.34 The listed building identified above lies in relatively close proximity to the site, and therefore the impact of the proposal upon their setting must be assessed as per the legislative and policy context set out above. In this case, the significance of the designated heritage assets derives primarily from its individual historical and architectural special interest and built form. Whilst the site displays a rural and undeveloped character, in this case no harm to the setting of manor Farmhouse is identified due to the lack of clear visual or functional relationship between the site and Manor Farmhouse.

Heritage balance

5.35 Paragraph 215 of the NPPF and WOLP Policy EH9 require the less than substantial harm identified to the significance of designated heritage assets to be weighed against the public benefits of the proposal. The NPPF requires the harms identified to the character and appearance of the CA to be given great weight in this balance. In terms of public benefits, the economic and social benefits associated with the provision and construction of a single dwelling, in the context of the LPA's housing land supply position, are recognised but are awarded very limited weight given only a single dwelling would be provided which would result in a very minor impact upon overall housing delivery. The scheme is put forward as a 'self-build' dwelling. Officers acknowledge that the LPA cannot demonstrate that it has met its statutory duty to provide serviced plots under the Self-build and Custom Housebuilding Act 2015 and therefore this application would make a limited contribution in that regard. However, Officers would expect the applicant to provide a unilateral undertaking to secure the dwelling as a self-build, which has not been provided. Therefore, limited weight is attributed to this benefit. Overall, when applying great weight to the harm to the CA and having regard to the adverse impact of the proposal on the setting of identified locally listed buildings, officers consider that this initial heritage balance falls against the scheme.

5.36 Consequently, the proposal would conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Policies OS2, OS4, EH2, EH9, EH10, EH13 and EH16 of the WOLP, the West Oxfordshire Design Guide 2016, the Kencot Conservation Area Character Appraisal and Section 16 of the NPPF.

Neighbourly Amenity

5.37 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse

impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the NPPF and the West Oxfordshire Design Guide.

5.38 Due to its proposed siting, scale and design, the proposed dwelling would not give rise to any material impacts upon neighbouring dwellings by way of loss of light, noise, overlooking or overbearing matters.

Highways Impacts

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

5.40 The Highways Authority have been consulted on the application and have stated that subject to planning conditions, the application would not result in a detrimental impact on highway safety. The application is therefore acceptable highways safety terms.

5.41 Policy T1 of the WOLP states that priority will be given to locating new development in areas with convenient access to a good range of services and facilities and where the need to travel by private car can be minimised, due to opportunities for walking, cycling and the use of public transport. Policy T3 seeks 'to maximise opportunities for walking, cycling and the use of public transport'.

5.42 There are very limited local services and facilities within Kencot and Broadwell which lies adjacent to Kencot to the south and poor public transport connectivity. Therefore, Officers consider that the proposed development would not be provided with safe and convenient pedestrian access to local services and amenities, and it is likely that this would discourage trips by foot or bicycle and that trips from the site would be likely to be made predominantly by car. This is reflected in the above discussion regarding the spatial strategy of the WOLP and its consistency with the aims of the NPPF in this regard and further adds weight to the conclusion that the proposal is unacceptable in locational terms.

Ecology

5.43 WOLP Policy EH3 states:

'The Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.'

5.44 The application is exempt from statutory Biodiversity Net Gain as it is put forward as a self-build.

5.45 The Council's Biodiversity Officer has reviewed the application and considers that subject to additional mitigation features, such as a kestrel nest box on the north east side of the barn to mitigate any disturbance to a kestrel nest site in close proximity to the site, the proposed development would accord with the above policy context and statutory protections afforded to protected species. Therefore, this matter could be adequately dealt with via condition.

Drainage/Flood Risk

5.46 The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. Officers are therefore satisfied that these matters could therefore be dealt with by condition.

Conclusion and Planning Balance

5.47 The proposed development by reason of its siting, scale and design, would also result in the erosion of an area of open space which makes an important contribution to the open and rural character of the settlement, as well as failing to satisfactorily relate the existing loose knit pattern of development. This would result in a transformative and dominating impact on the visual amenity of the streetscene and result in less than substantial harm to the heritage significance of the Kencot Conservation Area and harm to the setting of neighbouring locally listed buildings, which would not be outweighed by the public benefits associated with the construction of a single residential unit, which officers regard as very limited, as these benefits should be considered proportionate to the scale of development proposed. Limited positive weight is also attributed to the provision of a self-build dwelling for the reasons as set out the heritage balance. Officers therefore consider that application of policies in the NPPF that protect assets of particular importance provides strong reason for refusing the development.

5.48 Notwithstanding the failure of the application to overcome the paragraph 11d test, the proposed development would also conflict with regard to the spatial strategy of the WOLP (Policies OS2, H2, H5 and CA5 and supported by T1 and T3), which is considered consistent with the policies contained in the NPPF and should therefore be attributed near full statutory weight.

5.49 Therefore, the proposed development would fail to comply with the provisions of Policies OS2, OS4, H2, H5, CA5, T1, T3, EH2, EH9, EH10, EH13 and EH16 of the West Oxfordshire Local Plan 2031, Section 16 of the National Planning Policy Framework, the WODC Design Guide 2016, the Kencot Conservation Area Appraisal and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposal is therefore recommended for refusal.

6 CONDITIONS/REASONS FOR REFUSAL

1 The development site is located in the 'small villages, hamlets and open countryside' criteria of the settlement hierarchy and the proposed development does not meet any of the exceptions set out in the West Oxfordshire Local Plan 2031 that would permit a new dwelling in such a location. The proposed development therefore would introduce a new dwelling in an unsustainable location contrary to Policies OS1, OS2, H2, H5, CA5, T1 and T3 of the adopted West Oxfordshire Local Plan 2031 and the provisions of the National Planning Policy Framework 2024.

2 The proposed development by reason of its siting, scale and appearance, would result in the loss of an important area of open land eroding the loose-knit, fragmented and varied rural character of Kencot and would appear transformative and dominant in the streetscene. The proposal would therefore result in less than substantial harm to the heritage significance of the Kencot Conservation Area, which would fail to be outweighed by the public benefits arising from the proposed development, and harm to the setting of neighbouring locally listed buildings (Kencot Cottages, Shillbrook House and De Rougemont). Therefore, the proposed development would fail to comply with Policies OS2, OS4, EH2, EH9, EH10, EH13 and EH16 of the West Oxfordshire Local Plan 2031, Section 16 of the National Planning Policy Framework, the WODC Design Guide 2016, the Kencot Conservation Area Appraisal and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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