

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 19th 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.

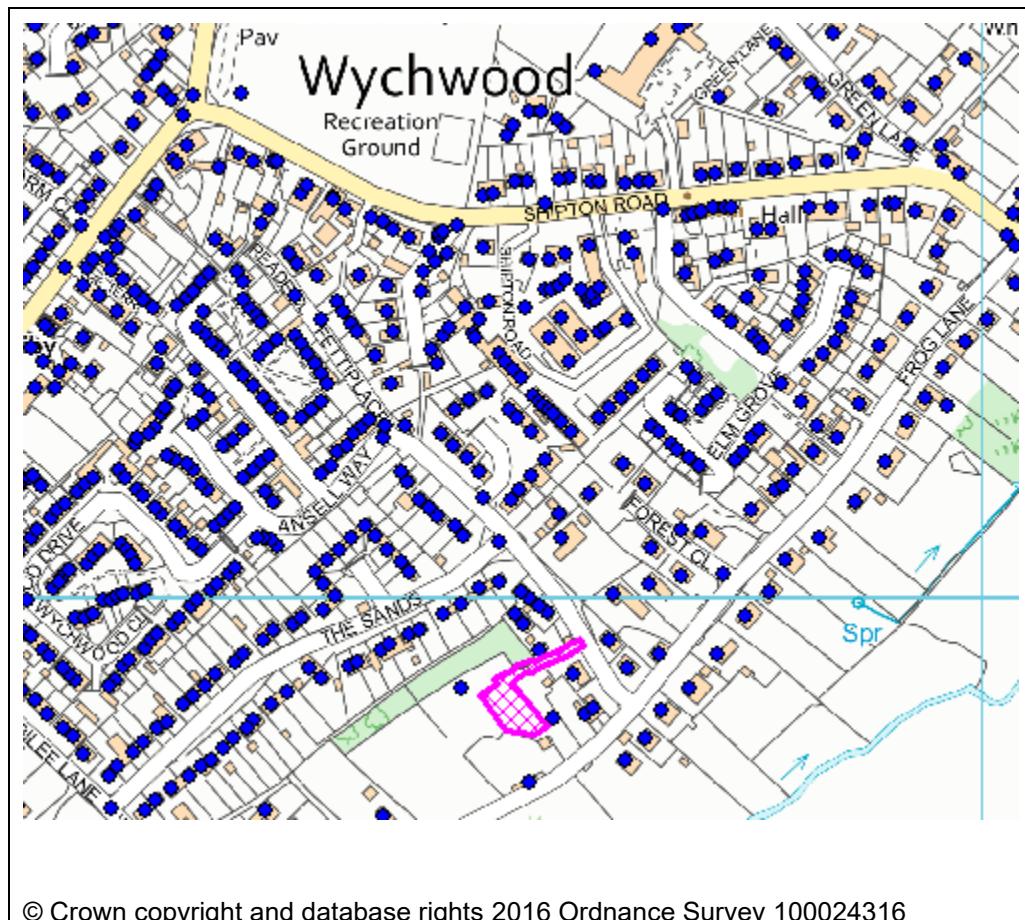
Please note that:

- 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 |
|-------------|-------------------------------------|---------------------------|-----------------------|
| | <u>25/00744/FUL</u> | The Homestead Frog Lane | Stephanie Eldridge |
| | <u>25/02814/FUL</u> | Land South Of 19 Fox Lane | Stephanie Eldridge |

| | |
|-------------------------|--|
| Application Number | 25/00744/FUL |
| Site Address | The Homestead Frog Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JZ |
| Date | 7th January 2026 |
| Officer | Stephanie Eldridge |
| Officer Recommendations | Approve |
| Parish | Milton Under Wychwood Parish Council |
| Grid Reference | 426700 E 217878 N |
| Committee Date | 19th January 2026 |

Location Map



Application Details:

Erection of a dwelling and detached garage with associated works (Amended plans received)

Applicant Details:

Mr Jones
C/o Agent

I CONSULTATIONS

Parish Council

Reconsultation:

The Parish Council strongly object and regret that the revised planning application does nothing to overcome our previous objections to this application. In the Parish Council's view the revised application is still over development of the site and destroys the green open space which currently respects the landscape character of the site. The revised application does not accord with the natural beauty of the Cotswolds and the purpose of the Cotswolds National Landscape.

Our Neighbourhood Plan Policy CH1 states that any infill development should be limited to avoid a significant change in the overall open and green character of the area and be in keeping with current build densities. The application does not accord with Local Plan Policies OS2, OS4 bullet point 2, EH1, EH2 and the relevant sections of the NPPF.

The Parish Council notes OCC Highways comments but would advise that there have been two accidents resulting from restricted visibility and narrowing of the road, one to a young cyclist and the other a two vehicle collision. Both these incidents can be solely attributed to the building of the two houses on this site. There has been extensive disruption to traffic and pedestrians using The Sands/Frog Lane intersection caused by trade vehicles parking there and we feel strongly that no further development should be permitted.

OCC Highways

No objections, subject to condition.

Parish Council

Original consultation:

With regards to Planning Application 25/00744/FUL for the erection a third dwelling, detached garage and associated works at the Homestead, Frog Lane, it is the Planning Committee's opinion that the application should be refused for the following reasons. To start with, this would appear to be planning by stealth with another application for further development as soon as the last application has been approved. We have had an extension to the Homestead followed by two detached dwellings with detached garages followed by tennis courts followed by swimming pool and pool house followed by this application for a third dwelling on the site.

Milton-under-Wychwood is part of the Cotswolds National

Landscape and is a designated Area of Outstanding Natural Beauty. The prime purpose of The Cotswolds National Landscape is to conserve and enhance the natural beauty of the Cotswolds.

The planning committee believe that this latest application does not respect the landscape character of the site. The dwellings in Frog Lane are large on spacious plots with large areas of greenery. This application proposes shoehorning in a building on the green open space between the two approved dwellings and the Homestead appearing as cramped overdevelopment of the site and further eroding its openness which originally just had one large dwelling. Furthermore, the access to the site is not owned by the applicant but the owners of Robinswood. Access was originally granted for the use of cattle and horses to access the field at the Homestead and is not really suitable for extensive vehicle and pedestrian use as it is single track and cannot be extended. The access is already used by four properties and will be increased to six when the two approved properties are built. A seventh is over the top and would cause harm to the use and enjoyment of land and buildings of neighbouring residents.

We consider that this application does nothing to retain or enhance the unique rural character and setting of this part of Milton-under-Wychwood and as such is not in accordance with our Neighbourhood Plan Policy CH1. Policy CH1 states that any infill development should be limited to avoid a significant change in the overall open and green character of the area and be in keeping with current build densities. Furthermore, the application does not accord with Local Plan Policies OS2, OS4 bullet point 2, T2, EHI, EH2 and the relevant sections of the National Planning Policy Framework.

WODC Drainage

No objection, subject to condition.

District Ecologist

No objections with regard to the impact on protected and priority species, subject to the imposition of conditions to secure appropriate mitigation and enhancement measures. Condition wording to be provided still.

Off-site options will need to be used to achieve 10% BNG as it cannot be provided within a private garden.

Env Health Contamination

The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination.

Therefore, I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.

2 REPRESENTATIONS

2.1 16 letters of objection have been received in respect of this application. These can be viewed in full on the Council's website. The key points raised are:

- A third dwelling on the site is considered overdevelopment, particularly following approval of the two current dwellings.
- Development is seen as contrary to the Milton under Wychwood Neighbourhood Plan (Policy CH1), which seeks to protect open and green character and limit infill.
- Does not address local housing needs and no community benefit.
- Concerns raised that the site lies within the Cotswolds National Landscape, where urbanising development is inappropriate.
- Several note previous officer advice recommending refusal for similar proposals.
- The single lane access drive is described as substandard, narrow, privately owned, and originally designed for cattle and farm machinery, not cars.
- Visibility at the junction with The Sands / Frog Lane is poor.
- Risk of accidents, congestion and conflict between vehicles, pedestrians, cyclists and school children.
- More dwellings would intensify vehicle movements, headlights into neighbouring windows and general disturbance.
- Additional vehicular movements would increase noise, disturbance, light spill and loss of privacy for adjoining properties.
- Headlights from cars exiting/parking would shine directly into neighbouring homes.
- Prolonged construction activity (following existing two house build) would result in years of disruption
- The proposal is seen as further urbanisation of a rural edge of village location.
- The land previously formed part of an ancient orchard / grazing field, much of which has already been lost to the two new houses.
- Cumulative development is viewed as eroding the open, green character identified in the MuW Historic Character Appraisal.
- Concerns that additional development conflicts with village biodiversity goals.
- Access Ownership & Legal Concerns
- No details provided for drainage

3 APPLICANT'S CASE

3.1 The applicants Planning Statement is concluded as follows:

'This planning statement has been prepared on behalf of Mr Jones in support of a full planning application for a single dwelling on land at The Homestead, Frog Lane, Milton Under Wychwood.

The proposals are considered to be in accordance with the adopted policies in the West Oxfordshire Local Plan and the Made Milton-under-Wychwood Neighbourhood Plan.

Paragraph 11(d) of the Framework is clear that development should be approved, where they accord with an up-to-date Development Plan. The West Oxfordshire Local Plan (2031) is considered to be up-to-date and therefore the proposals should be approved without delay.'

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design
H2NEW Delivery of new homes
EH1 Cotswolds AONB
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH7 Flood risk
EH8 Environmental protection
T4NEW Parking provision
DESGUI West Oxfordshire Design Guide
NPPF 2024

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

5 PLANNING ASSESSMENT

5.1 This application seeks planning permission for the erection of a new dwelling with associated works on land at The Homestead along Frog Lane in Milton under Wychwood.

5.2 The site is located within the Cotswolds National Landscape but does not fall within any other special designated areas of control. The site does fall within the Milton under Wychwood neighbourhood plan area.

5.3 Revised plans were submitted during the course of the application in an attempt to address your officer's concerns regarding the original submission that the development would appear overly cramped and contrived on the plot.

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

Relevant Planning History

5.5 23/00603/FUL: Planning permission was granted for the 'Erection of two detached dwellings and associated works' on the land directly adjacent to this site. This application was approved by Members of the Uplands planning sub-committee contrary to the officer's recommendation at the time.

5.6 24/01155/FUL: An application for the 'Erection of a single dwelling and detached garage with associated works' on this site was withdrawn following your officers concerns that the development would be overly cramped to the detriment of the character and appearance of the area.

5.7 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;
- Siting, Design and Form;
- Impact on the Cotswolds National Landscape;
- Highways Safety;
- Ecological Matters;
- Flood Risk and
- Residential Amenity.

Principle

5.8 Milton under Wychwood is defined as a village within the settlement hierarchy in the Local Plan. Policy H2 states that new dwellings will be permitted on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2.

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

5.9 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, your 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).

5.10 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, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

Conclusions on the principle of residential development

5.11 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.

Siting, Design and Form

5.12 Policy CH1 of the MUW Neighbourhood Plan relates to village character and achieving environmentally sensitive design. It states: 'The design and location of any new buildings, alterations or extensions should take into account the potential impact of such development on the distinctive character of the particular area in which it is located within the Parish of MuW'.

5.13 Policy OS4 of the West Oxfordshire Local Plan 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'.

5.14 In terms of the siting of the new dwelling, whilst it would sit behind the existing dwelling along the frontage of Frog Lane, which was previously linear in character, it would be located directly adjacent to the previously approved new dwellings to the east/southeast of the site sitting in line with the new established pattern of development.

5.15 Officers acknowledge the local objections raised and that the proposal would result in a further change to the character and appearance of the site, particularly when considered in the context of its historic land use, which was previously more open and rural in form. However, it is material that earlier permissions for domestic related development (including the change of use of the land to garden, approval for new tennis courts and pool houses, and the construction of two new dwellings on the adjacent land) have already brought about a fundamental shift in the sites established character. As a consequence, the land now functions, in planning terms, within a clearly domestic and residential context. This application must therefore be assessed against that altered baseline, recognising that the principle and visual impact of a new domestic dwelling in this location have effectively been established through prior consents.

5.16 Your officers raised concerns that the original proposal would appear overly cramped on the site given the relatively limited plot size and the scale of the dwelling and detached garage proposed. The applicant has now submitted amended plans to seek to address these concerns. The revised drawings show a reduction in the footprint of the new built form from 184sq.m to 132 sq.m. This is a reduction of approximately 28% and your officers are satisfied that the new dwelling would now fit much more comfortably on the site. There would be sufficient space around the dwelling and a gap of around 12.4m between the proposed and recently approved dwellings.

5.17 In terms of the design, similar to the adjacent approved dwellings, the proposed new dwelling would sit at 1 ½ storeys high and would employ a duo-pitched form with a set down, cross gabled garage, dormer windows and would be constructed of natural stone with timber joinery and a cardinal slate roof to match the Homestead.

5.18 Your officer's are of the opinion that the proposed design would appear consistent with the adjacent approved dwellings and would respect the character and appearance of the local area generally.

Impact on the Cotswolds National Landscape

5.19 Paragraph 189 of the NPPF states that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues'. This is also reflected in policy EHI of the West Oxfordshire Local Plan.

5.20 From 26 December 2023, Section 85 of the Countryside and Rights of Way Act 2000 (CRoW Act) was amended by the Levelling up and Regeneration Act 2023. Relevant authorities must now seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape - not just have regard to it. Guidance from the National Landscapes Association and Natural England makes clear that LPAs must:

- (a) Avoid, minimise and mitigate harm
- (b) Aim for a positive outcome
- (c) Use the Management Plan as a key decision making tool
- (d) Consider setting impacts

5.21 The duty applies not only to land within the National Landscape but also to proposals affecting its setting.

5.22 In this case, the proposed new dwelling is located within the curtilage associated with The Homestead. It would sit within the site to the east of approved tennis courts and pool/pool house serving The Homestead. Given its location within the site adjacent to the previously approved new dwellings, the well-established landscaping along the northern boundary of the wider Homestead site and the height of the dwelling proposed, your officers do not consider that the development would be visible beyond its immediate setting and it would not result in any harm to the wider landscape. Your officers have had regard to the 'duty to further' the purpose of conserving the CNL through the negotiations to secure a more appropriately scaled and designed dwelling within this sensitive setting.

5.23 In light of the above, the application is considered to be acceptable in these terms.

Highways

5.24 The proposed new dwelling will be accessed via the existing driveway from The Sands. This access serves the two approved dwellings adjacent to the site.

5.25 In terms of highways impact and parking provision, the Local Highway Authority has raised no objections subject to the imposition of a condition to secure the parking arrangements as set out.

5.26 As such, the application is considered to be acceptable in these terms.

Ecology

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

5.28 A preliminary ecological appraisal has been submitted as part of the application that identifies the potential for bats, badgers, hedgehogs and nesting birds within the development site. The Council's

Ecologist has confirmed that they raise no objections with regard to the impact on protected and priority species, subject to the imposition of conditions to secure appropriate mitigation and enhancement measures. Your officers will confirm the wording of these conditions within the 'Report of Additional Representations' to follow ahead of the committee meeting.

5.29 In terms of the statutory BNG requirements, as the whole site will be private garden, it is likely that off-site options will need to be used to achieve the 10% BNG requirement as they cannot be secured within garden land. The applicants have confirmed that they intend to purchase off-site units to meet the required 10% BNG requirement.

Flood Risk

5.30 The site is located within flood zone 1 and is at low risk of surface water and groundwater flooding. The Council's Flood Risk Management team have raised no objections to the proposal, subject to the imposition of a standard pre-commencement surface water drainage scheme condition.

Residential Amenities

5.31 Your officers are of the opinion that, by virtue of the siting, design and scale of the proposed development, the new dwelling would not be adversely overbearing, nor would it result in any undue loss of light or privacy to the detriment of surrounding properties.

5.32 The new dwelling itself will exceed the minimum internal space standards set out within the Technical Housing Standards guidance and will be served by an appropriately sized private garden space.

5.33 As such, the application is considered to be acceptable in residential amenity terms.

Other Matters

5.34 Due to its location and the other ongoing building works in the vicinity, your officers have included Construction Traffic Management Plan and construction hours conditions in the interests of the amenity of the local residents.

5.35 Your officers also note the objections raised which relate to the ownership of the access drive. However, these are not material planning considerations that the LPA are able to consider. Rights of access are a civil matter which will need to be resolved outside of the planning process. The planning permission would not override any personal property rights if permitted by Members.

Conclusion

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

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

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

5.38 In this case, while the site is located within the Cotswolds National Landscape, in light of the assessment made earlier within this report, the landscape and scenic beauty of the CNL would be preserved. Further, there are no other harms or technical objections raised to the development, subject to the conditions set out.

5.39 As such, there are no harms identified which would outweigh the modest benefits associated with the provision of a single new house towards the housing land supply, short term and long term economic benefits through employment during the build process and increased expenditure in the local area, and the provision of 10% biodiversity net gain.

5.40 Therefore, the application is recommended for approval, subject to the conditions set out within this report and additional biodiversity related conditions which will follow in the 'Report of Additional Representations'.

6 CONDITIONS

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

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

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

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

3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

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

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

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

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

6 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include, measures to be taken to minimise disturbance from noise, dust, site lighting and prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

7 No construction works shall take place on site outside the hours of 08:00 to 18:00 between Monday-Friday and 08:00-13:00 on Saturdays. No construction works shall take place on Sundays or Bank Holidays.

REASON: To safeguard living conditions of neighbours during construction.

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

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

Notes to applicant

1 Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:

- Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
- Wall, floor and roof insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling
- Materials with low embodied carbon

For further guidance, please visit:

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

2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)

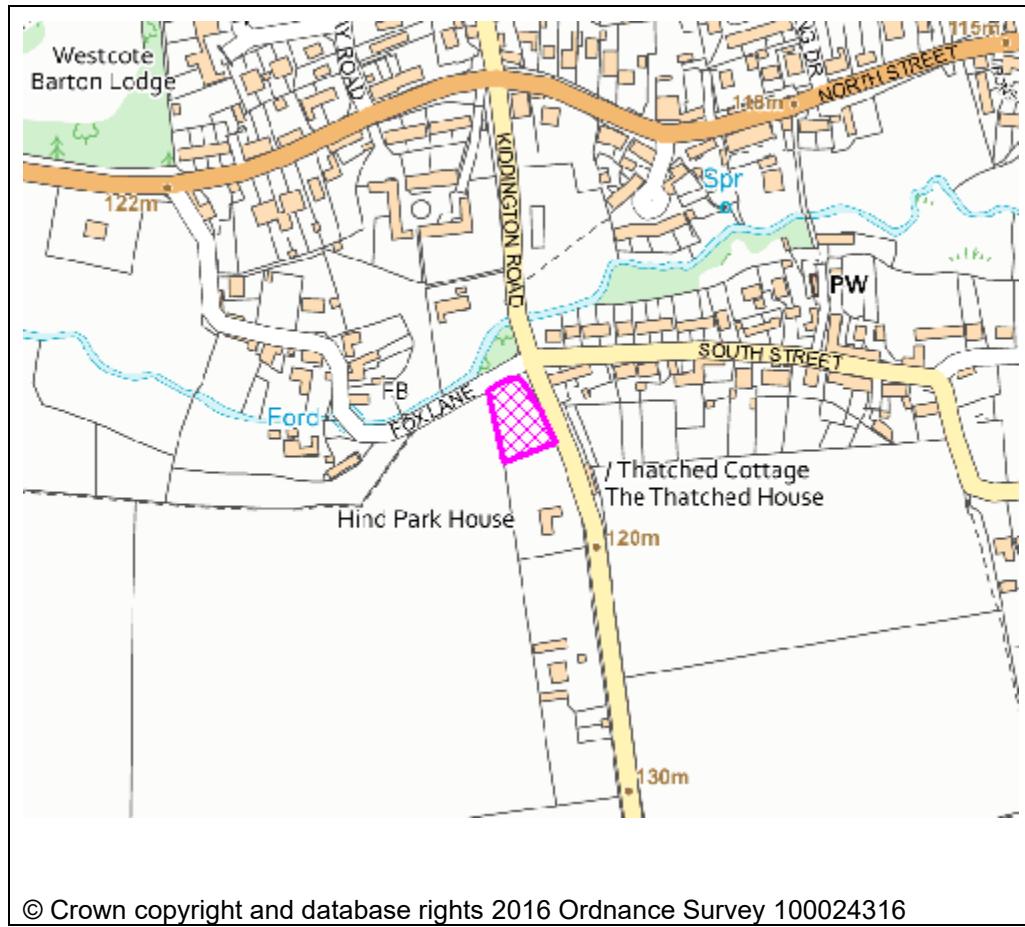
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
- Non-statutory technical standards for sustainable drainage systems (March 2015).

Contact Officer: Stephanie Eldridge

Date: 7th January 2026

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| Application Number | 25/02814/FUL |
| Site Address | Land South Of 19 Fox Lane Middle Barton Oxfordshire |
| Date | 7th January 2026 |
| Officer | Stephanie Eldridge |
| Officer Recommendations | Approve |
| Parish | Westcot Barton Parish Council |
| Grid Reference | 443493 E 225544 N |
| Committee Date | 19th January 2026 |

Location Map



Application Details:

Erection of a detached dwelling with associated parking and landscaping (Revised and additional information received)

Applicant Details:

L C Homes
C/o Agent

I CONSULTATIONS

Parish Council

A previous proposal for development on this site was refused.

The Parish Meeting is primarily concerned with 2 key aspects relating to this proposal, Impact on the Conservation Area and Flooding.

Conservation Area.

The majority of Westcote Barton Parish falls within the Bartons Conservation Area and Fox Lane is one of the oldest parts of the settlement. Fox Lane in its entirety including the verge to the south side of the road form part of the Conservation Area. The south side of Fox Lane between Mill Cottage (14) and the junction with Kiddington Hill / South Street is currently agricultural fields. This provides Fox Lane with a rural aspect to the south with an open aspect to the arable fields beyond.

The proposal would also enclose the field, form a formal garden and garaging that we feel would break that open rural aspect.

The proposed site is bordered by the Conservation Area on 2 sides including the verges of the carriageway and it is therefore adjacent to and visible from the Conservation Area on both Fox Lane and Kiddington Hill and is not of a design that is in keeping with any adjacent property within the Conservation area. The proposed development is for a substantial home, significantly larger than the properties within the Conservation Area.

The Parish Meeting is concerned that approval for this development would provide a basis for future 'infill' development that would substantially change the rural aspect of this section of Fox Lane.

It is proposed to access the site from Fox Lane and thus access can only be gained to the site through the Conservation area. The Parish Meeting would therefore suggest that this site should be treated as within the Conservation Area on the basis that it cannot be accessed without crossing the Conservation Area from the highway and shares 2 boundaries with the Conservation Area.

In that context we believe that the proposal would be contrary to the West Oxfordshire Local Planning policy and is not in the public interest.

Drainage and Increased Risk of Flooding

Westcote Barton and Steeple Barton suffered from a significant flooding event in November 2024 which is subject of a Section 19 Flood Report commissioned by Oxfordshire County Council. The junction of Fox Lane / South Street and Kiddington Hill where the property will access Fox Lane was subject to significant flood levels and was impassable. This junction suffers from flooding to an extent during periods of heavy rain primarily due to the current drainage arrangements being insufficient to manage the surface water.

The Parish Meeting is therefore concerned that the proposed development, changes to the land and access profile and an increase in surfaced area may increase the surface water run off from the site along with surface debris or silt which will increase the risk of flooding at this key junction.

Further discharge into the River Dorn may also result in an increased risk of flooding within Fox Lane itself or within the Parish of Steeple Barton. The section 19 report suggests that there is no option to increase the capacity of the River Dorn through Steeple Barton due to its proximity to residential properties.

Following consultation with residents the Parish Meeting received no comments in support of the proposal and 3 residents within Fox Lane have raised **OBJECTIONS** to the development. The Parish Meeting will therefore reflect those responses and **OBJECT** to the proposed development.

WODC Drainage

Reconsultation - Response outstanding.

OCC Highways

No Comment Received.

WODC Drainage

Further information required.

Can construction detail for the permeable paving please be submitted.

Flooding in the vicinity has been attributed to surcharging of the River Dorn, which has no capacity to accept additional runoff. The existing Qbar runoff for the site is given as 0.7l/s, whereas the proposed discharge rate is 2l/s. Discharge must not exceed existing Qbar. There are flow devices available to accommodate this, even it involves additional maintenance/checks to ensure there are no blockages. A full set of calculations is required for the 1 in 100 year + 40% storm events.

There is no discharge point indicated into the Dorn on the drainage layout, the pipework is just shown going up the centre of Kiddington Road up to the bridge. The pipework would presumably need to go through 3rd party land, has the downstream landowner been approached about an easement ?

If the headwall/outfall into the Dorn protrudes beyond the bank profile, S23 Land Drainage Consent will be required from WODC.

All surface water should be contained on site for all storm events up to and including 1 in 100 year + 40% cc without property flooding.

An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties.

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| District Ecologist | No Comment Received. |
| Env Health Contamination | No objection, subject to conditions. |
| Env Health Noise And Amenity | No objections. |
| Conservation And Design Officer | The location of the dwelling along the southern boundary is now acceptable. The elevations are good. They show a low-lying design, with clean contemporary forms, tending to the converted barn. The removal of permitted development rights is recommended. |

2 REPRESENTATIONS

2.1 Three letters of objection have been received in respect of this application. The full versions of these letters can be viewed on the Council's website. The key points raised are:

- Fox Lane is narrow and increased vehicle use is unsafe for cars, pedestrians and horse riders;
- Concerns about the steep driveway gradient and safety of this;
- Area is already affected by flooding - including significant flooding events in 2024;
- Drainage strategy lacks clarity;
- Adverse landscape impact and encroachment into open countryside;
- Harmful to conservation area and listed building;
- Loss of biodiversity and no biodiversity net gain.

3 APPLICANT'S CASE

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

'This revised planning application has been carefully designed to address and overcome the concerns raised in the refusal of application 24/02961/FUL. The new proposal responds positively to the key issues identified—namely, the impact on landscape character, visual amenity, and the setting of the Barton's Conservation Area.

The siting and layout have been sensitively reconsidered to ensure the development integrates harmoniously with the existing pattern of development and avoids encroachment into the open countryside. The design has been refined to reduce visual impact and ensure that the dwelling complements the local vernacular, thereby preserving the rural character of the area and enhancing the setting of the conservation area.

The proposal represents a modest and well-considered addition to the village that respects its historic and landscape context. It results in no significant harm to the character or appearance of the Barton's Conservation Area, and any minor impacts are demonstrably outweighed by the public benefits of providing a high-quality, sustainable new home in a suitable location.

Accordingly, the application should be considered acceptable in planning terms and is respectfully submitted for approval.'

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

T4NEW Parking provision

NPPF 2024

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 This application seeks consent for the erection of a detached dwelling with associated parking and landscaping on land south of 19 Fox Lane in Middle Barton.

5.2 The boundary of the Bartons Conservation Area falls along the north and eastern boundaries of the site, but the majority of the site sits just outside of it. Thatched Cottage is a Grade II listed building located on the opposite side of the road to the south of the site and there is a public right of way (footpath 400/1/10) running along the northern boundary.

5.3 Additional information has been submitted during the course of the application to seek to address the Council's Flood Risk Management Officer's response. This will be addressed in more detail later in the report. An amended elevation drawing was also submitted omitting the brick detailing on the new dwelling.

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

Relevant Planning History

5.5 24/02961/FUL - Erection of a detached dwelling with associated parking and landscape enhancements
- This application was refused on the grounds that the development, due to the siting of the dwelling, would fail to complement the existing pattern of development in the area and would erode the open character of the site having an enclosing effect on the street scene to the detriment of the character and

setting of the Bartons Conservation Area. This decision has been appealed and is currently with the Planning Inspectorate for consideration.

5.6 The applicant has stated that they maintain their position that the refused scheme referenced above is acceptable in planning terms, but without prejudice and in the spirit of constructive engagement, they have made this application to seek to find a mutually acceptable solution following pre-application discussions.

5.7 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;
- Siting, Design and Form, and the Impact on the setting of the Conservation Area;
- Setting of the Listed Building;
- Landscape Impact;
- Flood Risk;
- Ecological Matters;
- Highways Safety and
- Residential Amenity.

Principle

5.8 Middle Barton is defined as a village within the settlement hierarchy in the Local Plan.

5.9 Policy OS2 of the West Oxfordshire Local Plan 2031 sets out the overall strategy for directing new development to the most sustainable locations. The application site comprises part of an agricultural field on the edge of the village separated from the main built-up extent of the Middle Barton. Although the village does not have defined settlement boundaries, your officers consider that the site does sit outside of the built-up area due to the clear separation created by the roads and parcels of open space that border the site. While there are dwellings to the south, these are not viewed as forming part of the core village fabric.

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, your officers consider it relevant to note that the recent changes to the NPPF are likely to increase the housing requirement for the following reasons:

- Paragraph 61 sets the overall aim of policy as meeting an area's identified housing need, including with an appropriate mix of housing types for the local community (removing previous reference to 'meeting as much of an area's identified housing need as possible').

- Paragraph 62 confirms that housing requirements will be based on local housing need ('LHN'), as calculated using the standard method, which officers understand will result in the LHN figure for West Oxfordshire increasing from 570 dpa to 905 dpa, which is likely to have a significant impact on its deliverable HLS position.
- Paragraph 78 *inter alia* re-introduces a buffer that is likely to be 5% for West Oxfordshire, as its Housing Delivery Test figures have to date never been below 85% (Nonetheless, this will increase the requirement further, again tending to worsen the deliverable HLS position).

5.11 For a combination of reasons relating to the changes identified above, 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, officers anticipate that the LPA's HLS shortfall is likely to rise when its next HLS position statement is published; and for the purposes of this application, officers accept that the LPA cannot currently demonstrate a full 5-year deliverable HLS and accordingly under the operation of footnote 8, paragraph 11(d) is engaged.

Conclusions on the principle of residential development

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

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

Siting, Design and Form, and the Impact on the setting of the Conservation Area

5.13 Policy OS4 of the West Oxfordshire Local Plan 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'.

5.14 As this site is located adjacent to the boundary of the Conservation Area, officers are required to consider 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.

5.15 The application site relates to an undeveloped parcel of land located on the corner of the crossroads with Fox Lane, Kiddington Road and South Street. It is bound by mature tree planting along the northern and eastern boundaries and is in an elevated position above the road with the land levels rising up from north to south. The highest point of the site is around 2m above the road level.

5.16 The previous application on this site (ref: 24/02961/FUL) was refused primarily due to concerns that the proposed built form would extend across the plot and encroach into the northern corner adjacent to the crossroads, thereby eroding the openness that the Conservation Officer identified as making a positive contribution to the semi-rural character of this part of the Conservation Area. This

openness is an important feature where the built up edge of the village meets the wider open countryside.

5.17 In contrast, the current proposal orientates and re-positions the dwelling within the southern portion of the site, which is considered to more closely reflect the established pattern of development along the western side of the Kiddington Road and ensures that the more sensitive northern corner remains free from built form. The new dwelling also occupies a smaller footprint than previously proposed. Although the existing access in this location would be utilised and formalised, no buildings are proposed in the northern area. To safeguard the character of the site in the longer term, your officers recommend the removal of permitted development rights for new outbuildings, extensions, fences and areas of hardstanding, thereby retaining control over any potential future development.

5.18 In terms of its scale and design, the proposed dwelling is considered to fit comfortably on the site and is consistent with other dwellings in the immediate vicinity. Your officers note that Middle Barton features a wide range of building styles and use of materials. The new dwelling would be one and a half storeys high and would take a contemporary barn style form with a dual pitched roof with a front gable projection. The building would be constructed from Cotswold stone with some timber cladding detailing under a stone tile roof. The overall design approach is considered to be acceptable and would conserve the character and appearance of this part of the village.

5.19 Your officers acknowledge that the proposed dwelling is positioned on the highest part of the site. However, it has been designed so that its roof ridge sits lower than that of the adjoining property, Hind Park House, which occupies a higher ground level immediately to the south. As a result, the new dwelling would read as subordinate in height and would appear appropriately scaled within the street scene, avoiding any sense of dominance or visual intrusion.

5.20 As such, your officers are satisfied that the proposed development is appropriately designed and would conserve the character, appearance and setting of the Conservation Area.

Setting of the Listed Building

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

5.22 In this case, given the mixed rural and residential context of the site, the location of the dwelling on the opposite side of the road, and its appropriate scale and design which will comfortably integrate in to the street scene and wider conservation area, your officers are satisfied that the setting of the listed building and its significance will be preserved.

Landscape Impact

5.23 The application is supported by a Landscape and Visual Impact Assessment.

5.24 Given the sites semi-rural nature and edge of settlement location, it is important for the LPA to consider the wider Landscape impacts that may arise as a result of the development. The West Oxfordshire Landscape Assessment 1998 ('WOLA') is listed in the supporting text to WOLP Policy EH2 and forms a material consideration in this assessment.

5.25 The site lies on the boundary of the Open Limestone Wolds within the Enstone Uplands and the Minor Valleys Area within the Ironstone Valleys and Ridges, as set out in the WOLA. The overall character area of the Enstone Upland is described as being dominated by its limestone geology, forming the typical large-scale, open and elevated landscape of the limestone Wolds.

5.26 Your officers acknowledge the proximity of the site to the public right of way which runs along the northern boundary of the site (PRoW ref: 400/1/10) and identify this as being a key sensitive public vantage point. The LVIA identifies these views as being of moderate/minor significance.

5.27 In terms of the views of the landscape from within the village itself, the revised proposal, which sees the new dwelling located along the southern boundary of the site and set against the mature vegetation along this edge, allows the central and northern areas of the site to remain open, allowing for space for landscaping and the creation of a wider buffer between the proposed built form and the public right of way to the north. This is also reflected within the LVIA.

5.28 Your officers also note that the existing mature boundary hedgerows and trees around the site are to be retained, and additional planting proposed to enhance this screening within any gaps, so this will continue to filter views into the site from both Fox Lane and Kiddington Road.

5.29 In terms of the views of the site from the wider landscape, due to the position of the site in relation to the surrounding built form and field patterns, and that the dwelling is now located tucked along the southern boundary and screened by mature landscaping to the south, your officers are satisfied that the landscape character and openness of the site will be preserved to an acceptable extent. Any built form will be read against the existing backdrop of the village and/or screened by the intervening landscaping.

5.30 As mentioned above, a condition to remove permitted development rights to restrict further built form on the site has been recommended to ensure the LPA have control over any further development.

Flood Risk

5.31 The site falls within flood zone 1 but is located in close proximity to an ordinary watercourse, the River Dorn, which is approximately 15m from the northern boundary of the site. The Council's Flood Risk Management officer has advised that flooding in the vicinity has been attributed to surcharging of the River Dorn, which has no capacity to accept additional runoff. Your officers note that the Flood Risk team were satisfied that this could be dealt with by the imposition of a suitably worded pre-commencement condition when considering the previously refused application. However, in this case it has been requested that the applicants provide some additional information upfront so that the Flood Risk team can be satisfied that this development will not have a harmful impact in this regard. The applicant has submitted a full drainage design and set of calculations which are currently being considered by the relevant officer. An update on this matter will be provided within the 'Report of additional representations' circulated to Members ahead of the meeting.

Highways

5.32 The proposed development will formalise the existing access into the site from Fox Lane along the northern boundary of the site.

5.33 In terms of highways impact and parking provision, the Local Highway Authority has not provided a response to this application. However, they did respond to the previous application for a single dwelling using the same access arrangement and raised no objections, subject to a number of conditions which have been recommended to be imposed by your officers.

Ecological Matters

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

5.35 The response from the Council's Ecologist remains outstanding at the time of writing this report. However, your officers note that the Ecologist was satisfied that any impacts on protected and priority species could be appropriately dealt with through the imposition of conditions to secure suitable mitigation and enhancement measures. Your officers anticipate a comparable response to this application given the similar nature of the proposals and that there have been no significant, material changes to the site since it was last considered.

5.36 Further, in terms of the statutory BNG requirements, as the whole site will be private garden, it is likely that off-site options will need to be used to achieve the 10% BNG requirement as they cannot be secured within garden land. The applicants have confirmed that they intend to purchase off-site units to meet the required 10% BNG requirement.

5.37 Your officers will provide Members with an update on this matter within the 'Report of additional representations' circulated ahead of the committee meeting.

Residential Amenities

5.38 Your officers are of the opinion that, by virtue of the siting, design and scale of the proposed development, the new dwelling would not be adversely overbearing, nor would it result in any undue loss of light or privacy to the detriment of surrounding properties.

5.39 The new dwelling itself will exceed the minimum internal space standards set out within the Technical Housing Standards guidance and will be served by an appropriately sized private garden space.

5.40 As such, the application is considered to be acceptable in residential amenity terms.

Conclusion

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

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

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

5.43 In this case, while the site is located along the boundary of the Conservation Area and within close proximity to a listed building, in light of the assessment made earlier within this report, your officers are satisfied that the character, appearance and setting of the heritage assets would be preserved.

5.44 As such, subject to the Councils Ecologists and Flood Risk officers being satisfied with the details submitted to address the relevant outstanding matters, there are no other harms identified which would outweigh the modest benefits associated with the provision of a single new house towards the housing land supply, short term and long term economic benefits through employment during the build process and increased expenditure in the local area, and the provision of 10% biodiversity net gain.

5.45 Therefore, the application is recommended for approval, subject to the outstanding ecology and flood risk matters being resolved, and the other conditions set out within this report.

6 CONDITIONS

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

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

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

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

3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

REASON: To safeguard the character and appearance of the area and setting of the heritage assets.

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

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

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

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

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

REASON: To ensure a safe and adequate access.

7 No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

8 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.

9 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.

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

REASON: Control is needed to protect the setting of heritage assets, visual amenity and the wider landscape.

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

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

Notes to applicant

- 1 Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see Dropped kerbs- Oxfordshire County Council.
- 2 Applicants are strongly encouraged to minimise energy and carbon emissions from buildings through:
 - Low carbon heating (fossil fuel free) and renewable energy generation, for example heat pumps and solar photovoltaic panels
 - Wall, floor and roof insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling
 - Materials with low embodied carbon

For further guidance, please visit:

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

Contact Officer: Stephanie Eldridge

Date: 7th January 2026