

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 16<sup>th</sup> January 2026

### Report of Additional Representations



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25/00744/FUL	The Homestead, Frog Lane, Milton under Wychwood
25/02814/FUL	Land South Of 19 Fox Lane, Middle Barton

## Report of Additional Representations

Application Number	25/00744/FUL
Site Address	The Homestead Frog Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JZ
Date	16th 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

### Application Details:

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

### Applicant Details:

Mr Jones  
C/o Agent

### Additional Representations:

**Two further letters of objection have been received from members of the public ahead of the committee meeting.**

#### **Mr & Mrs Walker of Stone Cottage, Frog Lane, MUW:**

'We believe the application conflicts with NPPF framework and policies guidance.

We believe it would increase the urbanising effect on the village.

We believe it would have a negative impact as the village is part of the Cotswolds AONB.

We believe it does not address the housing needs in the area.

We believe the proposed development would conflict with policies OS2, OS4 and EH1 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF.

The application is for market housing but does not address local housing needs, unlike the previously approved two dwellings 23/00603/FUL which was for self-build but subsequently sold to a developer, despite assurances by the applicant to the planning committee.

The Preliminary Ecological Appraisal was produced in January 2023 for 23/00603/FUL and has no bearing on the present status of the environment, which has changed noticeably up to the present

day, with the works of the adjacent on-going development. (e.g. The felling of 5 veteran orchard trees which the applicant assured the planning committee would be retained.)

With reference to the Milton under Wychwood Neighbourhood Plan: - We believe that the application conflicts with policy CH1 generally And specifically, Area A area and be in keeping with current building densities." "Any infill development should be limited in number to avoid a significant change in the overall open and green character of the area.

With reference to the supporting document Road Safety Audit Stage 1: - We note that the site visit was carried out between 12.30 & 1.00 pm, which is a relatively quiet time of the day. We are not surprised that no problems were encountered. However, between the hours of 7am & 9am,3pm & 6pm a different scenario would be apparent!

Also, the safety of using the narrow privately, owned by others, access to the development has not been addressed.

We fail to see by reducing the footprint of the new proposal by 28%, addresses any of the objections we have raised before. The new proposal is the same cramped and over developed configuration.

With reference to the removal of the garage, stores, office, gym and bathroom block from the previous submission to reduce the footprint.

If permission is granted, we believe the building could be reinstated under Section 73 of The Town and Country Planning Act 1990 as was the case with Plot 1 of the previous permission 23/00603/FUL. This was done with little or no public knowledge as it was delegated to the planning officer, denying us the opportunity of commenting.

If the application is approved, the provision of a Construction Method Statement will be inadequate for minimising disturbance from noise, dust and egress of mud, water and other detritus onto the public highway, as well as the insufficient parking arrangements. There is no provision of resources to police these nuisances.

The present and proposed developments have and will have a profound impact on the small community of the Frog Lane/Sands corner. Over the past 40 years we have tolerated the development that surrounds us now i.e. 67 The Sands, Greenbanks, Garden Cottage, Stoneham House, Fardon House and the two properties under construction presently. We feel that the addition of another house in this neighbourhood, is approaching over development.

We have accepted that we will have to endure the construction process for the existing development (i.e. dust, noise, mud on roads etc), but we must object to the possibility of this situation extended for several years.'

**Mr & Mrs Owen of Robinswood, Frog Lane, MUW:**

'We do not propose to reiterate all our objections laid down in our letters of 9<sup>th</sup> April 2025 and 1<sup>st</sup> October 2025 but it beggars belief that the access to this large development is not a concern of the planning department. How can one more large property be allowed to use this narrow access when there are already four properties plus two new properties using it (probably twelve cars).

We granted access to this field 42 years ago for cattle and horses not a housing development. There are only 38 years left on this right of way only.

For the past eighteen months we have suffered construction vehicles crossing our drive with constant noise, dust and disruption. The quality of our lives has been indisputably affected, and the prospect of yet more development is horrendous. Not only have we been seriously affected, The Sands and Frog Lane have been continually obstructed with many near misses on a sharp corner. Another large property will add nothing to the village except more traffic and further development on this site is only benefitting the applicant.

We do hope the Planning Committee will take all of our objections and concerns into consideration and reject the application.'

**Biodiversity Matters:**

The Council's Ecologist has recommended the imposition of the following conditions and informative:

**Recommended Conditions**

I. The development shall be completed in accordance with the following biodiversity mitigation measures and enhancement features, (as varied by a relevant European Protected Species Licence issued by Natural England), unless otherwise agreed with the local planning authority:

1. Recommendations in Section 4.10, 4.11 and 5 of the Preliminary Ecological
2. Appraisal prepared by Cotswold Environmental dated January 2023;
3. Site clearance and construction shall be carried out in accordance with West
4. Oxfordshire District Council's Biodiversity Specification #1 Precautionary
5. Working Methods;
6. Landscaping scheme (BES 109\_25\_PL\_PR\_007 Rev A) excluding the bat and bird
7. boxes shown in the redline boundary;
8. At least 2 no. swift bricks to be integrated / built-into the east elevation wall of the
9. new dwelling at 1 metre intervals and in accordance with the council's
10. Biodiversity Specification #3; and
11. At least 2 no. integrated / built-in bat box (e.g. brick, tube or access tile) to be
12. installed into the west elevation wall of the new dwelling in accordance with the
13. councils Biodiversity Specification #4.

All the biodiversity mitigation measures and enhancement features shall be implemented in full before the development hereby approved is first brought into use and all features shall thereafter be permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: In the interest of biodiversity.

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

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

3. No external lighting shall be provided other than the maximum of one external

LED downlighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K. Every such light shall be directed downwards with a 0-degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. Lighting shall be maintained thereafter in accordance with these details.

REASON: To reduce light pollution and associated impacts on nocturnal wildlife, including bats.

#### **Recommended Informative**

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

In order to successfully discharge the Biodiversity Gain Condition, amended Biodiversity Net Gain Metric calculations should be submitted with the Biodiversity Gain Plan that reflect the statutory guidance on recording Biodiversity Net Gain in private gardens (page 33 and 34 of the Small Sites Metric (Statutory Biodiversity Metric) User Guide).

Off-site trees (T1 and T2) are identified as having potential for roosting bats. Further surveys and mitigation should be undertaken in accordance with good practice guidelines if impacts to these trees will occur. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. If a bat is discovered, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

Application Number	25/02814/FUL
Site Address	Land South Of 19 Fox Lane Middle Barton Oxfordshire
Date	16th January 2026
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Westcot Barton Parish Council
Grid Reference	443493 E 225544 N
Committee Date	19th January 2026

**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

**Additional Representations:**

**Biodiversity Matters:**

The Council's Ecologist has raised no objections, subject to the imposition of the following conditions and informative:

**Recommended conditions**

1. The development shall be completed in strict accordance with the recommendations in Section 6 of the Ecological Impact Assessment & Biodiversity Net Gain Assessment report prepared by Windrush Ecology dated 07/11/2025 (unless varied by a Protected Species Mitigation Licence issued by Natural England). All the recommendations 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 thereafter permanently retained and maintained for the stated purpose of biodiversity conservation.

REASON: In the interest of biodiversity conservation.

2. The following biodiversity enhancement features shall be implemented in full before the new dwelling 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. At least 1 no. house sparrow terrace shall be integrated into the north elevation wall of the new dwelling in accordance with the council's Biodiversity Specification #3; and

- ii. At least 2 no. permanent bat roost features (e.g. brick, tube or access tile) shall be integrated into the south elevation wall in accordance with the council's Biodiversity Specification #4.

REASON: To secure the implementation of bat roost features and bird nesting opportunities as an enhancement for biodiversity.

3. Notwithstanding the submitted details and prior to above ground works, a soft landscaping scheme incorporating supplementary hedgerow planting, a diverse flowering lawn and bulb planting as additional biodiversity enhancements shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include, but not necessarily be limited to, the following:

- i. A plan showing existing vegetation to be retained and safeguarded during construction;
- ii. A plan showing the areas to be managed for biodiversity;
- iii. A landscaping implementation plan (e.g. phasing);
- iv. Detailed planting and sowing specifications, including species, size, density spacing, cultivation protection (fencing, staking, guards) and non-chemical methods of weed control; and
- v. Indicative 5-year maintenance plan that can inform future occupiers.

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

REASON: To secure landscaping details and the associated biodiversity enhancements.

4. If at any time in the five years following planting any tree, shrub, hedge, plant or grassed area shall for any reason die, be removed, damaged, felled or eroded, it shall be replaced by the end of the next planting season to the satisfaction of the Local Planning Authority.

Replacement trees, shrubs, hedges, plants and grassed areas shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

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

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

REASON: To reduce light pollution and associated impacts on nocturnal wildlife, including bats.

**Recommended informative:**

Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain

condition") that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

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

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 (including hedgehogs) and Protection of Badgers Act 1992. In the event that evidence of protected species is found during development works, then you must seek the advice of a competent ecologist on any required mitigation and compensation measures before continuing, and consider the need for a licence from Natural England prior to re-commencing works (especially with regard to bats, great crested newt, dormouse and otter).

#### **Flood Risk Matters:**

The Council's Flood Risk Management Officer has considered the additional information provided by the applicant and has confirmed that the on-site drainage design appears to be acceptable – although a full set of calculations would be required for the specified storm periods. As such, your officers recommend the imposition of a standard pre-commencement drainage condition to cover this as follows:

- I. That, prior to the commencement of development, a full surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the size, position and construction of the drainage scheme. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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

The Flood Risk Management Officer has also advised that a number of permits/approvals would be required from third parties to agree the suggested discharge point of the disposed surface water from the site.

Members are advised that while third-party approvals such as Land Drainage Consent or agreements from statutory undertakers may ultimately be required to implement the drainage scheme, these consents sit outside the planning process and cannot be required or secured prior to the grant of planning permission. The planning permission does not override the need to secure the relevant consents from third parties.

Your officers recommend the inclusion of the following informative:

'The applicant is reminded that separate consents or permits may be required from third parties or statutory undertakers in connection with the implementation of the proposed drainage scheme. This planning permission does not override or remove the requirement to obtain any such consents, which must be secured independently where applicable.'

**The applicant's drainage engineer has also provided the following additional information regarding potential drainage solutions for the site:**

'Our experience is that drainage is normally carried out under a pre-commencement condition. Investigative work has upfront costs, and a full design pre-planning would put off many developers. Ultimately, with a drainage condition, the developer has greater certainty to unlock additional funding to investigate other options. If at the discharge of condition stage, the off-site connection to the Dorn at the bridge cannot be agreed in the location shown, there are other options (in order of preference):'

1. The site could investigate soakage in other locations toward the top of the site. A lot of Middle Barton is on sands, with reasonable soakage. From the planning portal, this site appears to be the exception.
2. The site could investigate borehole soakaways into the limestone (dependent on groundwater levels).
3. The site could drain to the Dorn via 3rd party land (with their permission).
4. A sewer potentially could be requisitioned though 3rd party land (this would require Thames Water buy-in, the agreement of the riparian watercourse owner and the costs would be high)
5. The surface water could be pumped to connect at a different location
6. The surface water could be routed along South Street and Mill Lane, to the East to outfall at the ford. Although it would be a long route, and deep dig to get there.
7. The surface water could be pumped up to the Fox Lane ford.

The solution we are showing is the least expensive, the easiest to build and the option we want to use. But there are other options, should this fail. Once planning is in place, we can meaningfully explore the options to discharge a pre-commencement planning condition.'