



**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE
ACT 2004**

PLANNING STATEMENT

**RE: DEMOLITION OF OUTBUILDING AND REPLACEMENT WITH
SINGLE DWELLING AND ASSOCIATED WORKS**

**Land at 112 Brize Norton Road, Minster Lovell, Oxfordshire,
OX29 0SQ**

**On behalf of:
Jack James Homes**

Date: March 2024
Ref: AP/P/G-035A

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1. INTRODUCTION

1.1. This statement has been prepared by **Plan-A Planning and Development Ltd** in support of a full planning application for the demolition of an existing outbuilding and its replacement with a single dwelling along with associated works, on land at 112 Brize Norton Road, Minster Lovell, OX29 0SQ.

1.2. This report assesses and evaluates the context and character of the site and surrounding area then considers the proposals against the national and local policy framework, referring as appropriate to the following drawings:

- Drawing No. 2022023-A-P-02-019 P2 – Location Plan;
- Drawing No. 2022023-A-P-02-021 P2 – Existing Site/Block Plan;
- Drawing No. 2022023-A-P-02-020 P4 – Proposed Site/Block Plan;
- Drawing No. 2022023-A-P-02-023 P1 – Existing Floorplans/Elevations
- Drawing No. 2022023-A-P-02-022 P2 – Proposed Floorplans / Elevations;

1.3. This report should be read alongside other supporting documents which accompany the application:

- *Design and Access Statement*, prepared by TSH Architects;
- *Sustainability Statement*, prepared by TSH Architects;
- *Preliminary Ecological Appraisal*, prepared by 4 Acre Ecology Ltd;
- *Heritage Assessment*, prepared by John Moore Heritage Services;
- *Drainage Scheme*, prepared by Forge Engineering Design Solutions.

1.4. Based on our assessment and having taken all relevant material planning considerations into account, this statement sets out our case that the application proposals are fully compliant with relevant planning policies as a whole. Accordingly, planning permission should therefore be granted.

2. SITE LOCATION AND DESCRIPTION

- 2.1 The application site comprises a small parcel of land (0.1ha) to the SW of the house at 112 Brize Norton Road, currently occupied by an existing outbuilding (barn), used for storage, and access to it from Brize Norton Road. The barn is proposed to be demolished to make way for the erection of a single new dwelling in its place.
- 2.2 A fuller description of the site and its context is provided in the *Design and Access Statement*. Only a brief summary is therefore provided here.

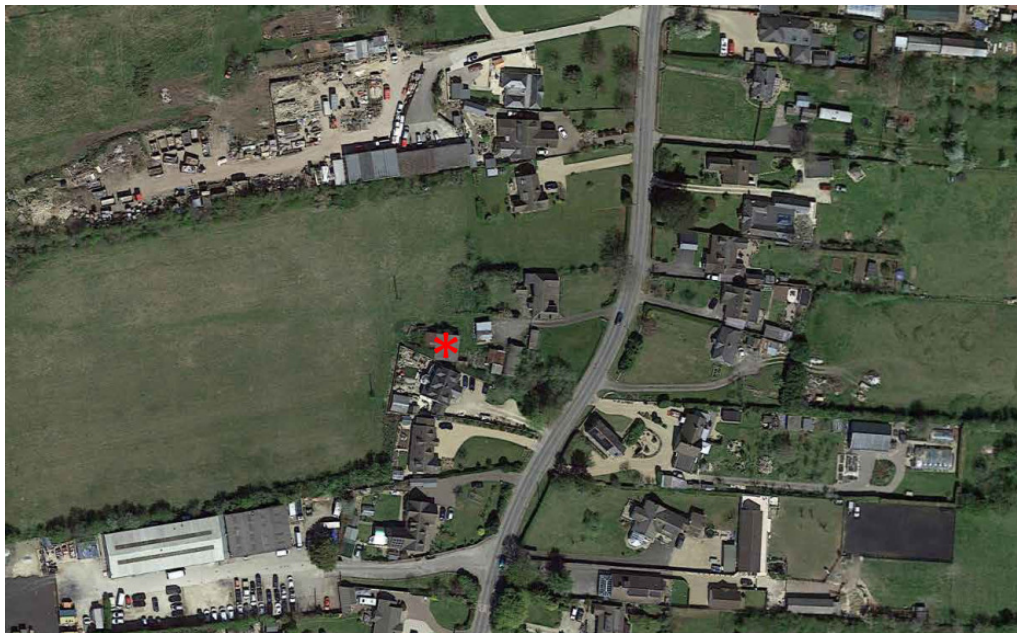


Fig 1: Extract from Google Earth showing location of site (accessed March 2024)

- 2.3 The location of the application site is towards the southern end of Minster Lovell, a village approximately 2½ miles west of Witney, the largest of the District's three main towns. The settlement of Minster Lovell is identified as a 'village' in the District's Settlement Hierarchy as set out in the adopted Local Plan.
- 2.4 The village itself consists of two distinct parts – Old Minster Lovell (the original part of the settlement, located north of Burford Road), and the larger part of the village, known as 'Charterville', located to the south of the Burford Road, established initially in the nineteenth century as a Chartist settlement. The application site lies on the western side of Brize Norton Road in the formerly Chartist part of the settlement.

- 2.5 The distinctive plot structure of the original Chartist settlement (which generally comprised 2, 3 and 4 acre plots, spurring off either side of Brize Norton Road, each containing a single dwelling built to a standard design) has been heavily eroded in recent years. The generously wide Chartist plots have been subdivided and infilled with new houses (mainly bungalows or 1½ storey dwellings), including Nos. 108 and 110 (immediately to the north of the current application site) and Nos. 118 and 120 (to the south of it).
- 2.6 A number of the original Chartist bungalows remain scattered throughout the settlement and are listed (further details of these are included within the accompanying *Heritage Assessment*). Whilst others remain still visible, they have been subject to extensive modern extensions and extensive alterations (such as No. 116, immediately adjacent to the application site).
- 2.7 No. 112 Brize Norton Road is not one of the original Chartist bungalows, the current house having been constructed during the 1950s.

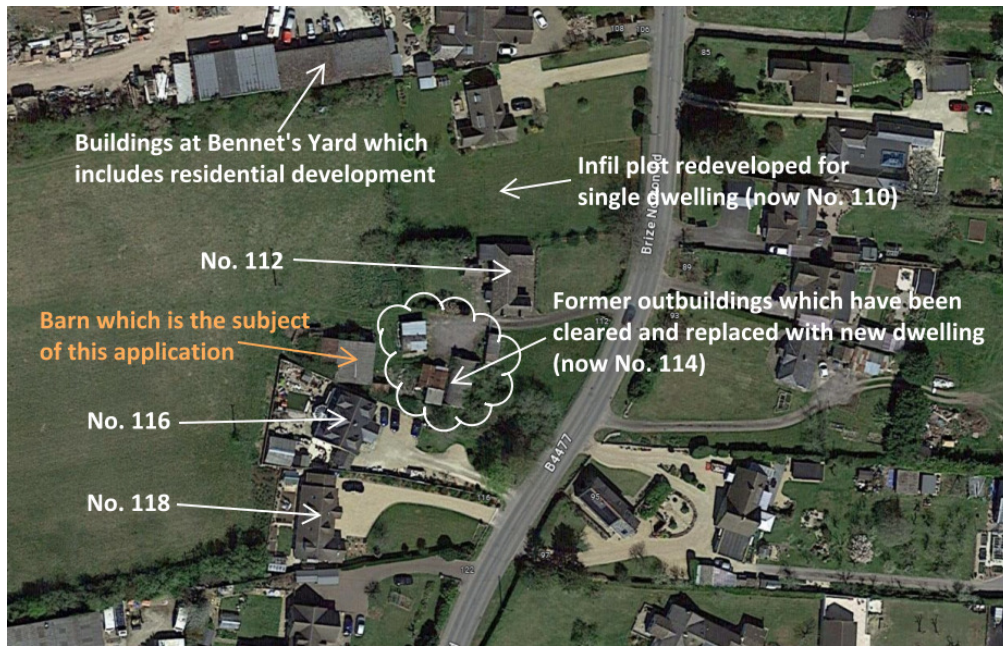


Fig 2: The outbuilding which is the subject of this application

- 2.8 The barn which is to be demolished as part of the current proposals, comprises one of an assortment of outbuildings that were associated with No. 112 (the host property), located to the south and southwest of the host dwelling, as shown on the aerial photograph at Fig 2 (above). The barn represents the last remaining outbuilding, the others having recently

been cleared to make way for the erection of a new dwelling (No. 114 Brize Norton Road – permission 22/03152/FUL refers).

- 2.9 The barn sits close to the site’s southern boundary, immediately adjacent to the neighbouring property (No. 116 Brize Norton Road). It is a large metal frame structure, open-sided on the east side, with corrugated tin-sheet walls and a corrugated low, dual-pitched roof. There is a mono-pitched corrugated tin extension to the rear of it (west). The barn is approximately 4m to the eaves, with the roof apex rising a metre or so above this. On the northern side of the barn is a make-shift wooden shed approximately 2m high and 1.5m wide by 3m long, with an open doorway in the north elevation.
- 2.10 In terms of context, the application site forms part of a much larger land holding, which extends to some 1.8ha and includes a large portion of open land to the west of the main built-up area of the village. This is bounded to the south by a number of industrial units (which extend westwards behind No. 120 Brize Norton Road) and to the north by buildings associated with Bennet’s Yard. The wider landholding associated with the host property is not therefore representative of the structure/layout of individual Chartist plots evidenced elsewhere in the settlement.
- 2.11 The application site itself is surrounded by existing residential development on three sides. It is located at something of a transition zone along Brize Norton Road, where the character and building line of development changes. On the western side of the road, properties to the north of the application site are generally located closer to the road frontage, compared to those further south (beyond the kink in Brize Norton Road), where the houses are generally sat further back within their plots.
- 2.12 Access to the proposed dwelling lies in between Nos. 112 and 114 No. Brize Norton Road, at a juxtaposition between the two character ‘zones’. No. 116 Brize Norton Road lies immediately to the south of where the proposed dwelling is to be sited. No. 114 lies immediately to the east. No. 112, the host property, lies to the NE. Agricultural land lies to the west of the application site.
- 2.13 The application site is *not* located within the village’s Conservation Area, which lies wholly to the north of Burford Road, which runs through the village in an East-West orientation. Neither does the application site fall within the Cotswolds AONB, the outer boundary of which is similarly located to the north of the Burford Road.

- 2.14 There are no Listed Buildings at the application site, the nearest being No. 87 Brize Norton Road, a Chartist bungalow (built c.1847), located on the opposite side of Brize Norton Road. Other nearby Listed buildings include The Croft (No. 81 Brize Norton Road), also on the other side of the highway, and No. 104, another Chartist bungalow (c. 1847) located on the same side of the road, but separated from the application site by several intervening houses. Details of these can be found in the accompanying *Heritage Statement*.
- 2.15 Environment Agency flood risk mapping data confirms that the application site is located within Flood Zone 1 (areas at least risk of flooding).

3. THE PROPOSALS

3.1 The application proposals comprise two elements.

- Demolition of the existing barn outbuilding; and
- Erection of single dwelling in its place (on broadly the same footprint).

3.2 The proposed dwelling is a 1½ storey, 2-bed home, with one bedroom proposed on the ground floor and one on the first floor. The property has been designed to have bathrooms on both the ground and first floor.

3.3 The proposed dwelling will have a ridge height of 6525mm and eaves at 2852mm. The Gross Internal Area of the proposed new dwelling is 84sq m.

3.4 The proposed dwelling has been designed to reflect the scale, elevational treatment and materials typical in the vicinity. . The design draws on vernacular elements, such as low eaves and dual pitch dormer windows, found on neighbouring properties, combined with soft buff-coloured reconstituted stone external walls.

3.5 Access to the proposed new dwelling will be via an existing access – the driveway that currently serves No. 112, which will become a shared driveway serving the two dwellings (host property plus proposed new house). Two off-road parking spaces are proposed to the front of new dwelling, off the shared driveway.

3.6 A private rear garden area is proposed to the west of the new dwelling. The rear boundary of the proposed garden area aligns with that of the neighbouring property.

3.7 Please refer to the *Design and Access Statement* for further details about the proposals.

4. RELEVANT PLANNING HISTORY

Planning Applications

- 4.1 The current application site forms part of a wider site that has been subject to a number of previous applications:
- 4.2 **22/00885/FUL** - Demolition of existing dwelling and erection of four new dwellings together with associated works including closing of existing vehicular access and formation of new in revised position (Withdrawn 09/08/2022).
- 4.3 **22/02408/FUL** - Erection of a detached dwelling and associated works (approved 21/10/2022). Subsequently, a number of conditions discharge applications were approved:
- **22/03055/CND** - Discharge of condition 3 (schedule of materials) of planning permission 22/02408/FUL
 - **22/03478/CND** - Discharge of Condition 10 (surface water drainage scheme) of planning permission 22/02408/FUL
 - **23/00663/CND** - Discharge of condition 3 (schedule of materials) of planning permission 22/02408/FUL (previously discharged under 22/03055/CND)
- 4.4 This now forms No. 110 Brize Norton Road.
- 4.5 **22/03152/FUL** - Erection of a detached dwelling and associated works (Approved 01/02/2023). Subsequent conditions discharge and amendment applications have also been approved:
- **23/00543/CND** Discharge of condition 4 (full surface water drainage scheme) of planning permission 22/03152/FUL
 - **23/00664/VAR** - Variation of condition 3 of planning permission 22/03152/FUL to allow the use of jumper stones and an alternative window colour.
- 4.6 This is now No. 116 Brize Norton Road.
- 4.7 **23/03072/FUL** - Erection of four detached houses with associated access and works (Refused 26/01/2024).
- 4.8 In refusing this application, the Case Officer drew attention to other applications for residential development in the locality that had also been refused to help justify the decision. These were:

- **15/01783/OUT**– proposed development of 74 dwellings and new access on land West of Brize Norton (immediately to the south of Ripley Avenue), which was refused in July 2015 and a subsequent combined appeal (with the scheme below) dismissed in August 2016;
- **15/04463/OUT** – proposed development of 58 dwellings with the creation of a new access onto Brize Norton Road at the same site, refused in March 2016 and a subsequent (cojoined) appeal also dismissed.
- **21/01320/OUT** – outline application for the erection of 6 dwellings with off-street parking and associated amenity on land at Bennetts Yard, which was refused on 19/07/2021.

4.9 It should be noted however that these schemes are for considerably larger numbers of units. Neither the size of above schemes, nor the nature/location of the sites are directly comparable to the current application site and proposals which relates to the direct replacement of an existing building with a new dwelling in its place. Accordingly, it would be inappropriate to draw any direct comparisons.

Pre-Application Advice

- 4.10 In addition to formal planning applications, the wider site has also been the subject of several pre-application enquiries.
- 4.11 **21/03164/PREAPP** – advice was sought about the prospect of 6-7 bungalows on land to the west of 112 Brize Norton Road.
- 4.12 There have been a couple more recent enquiries made in respect of a much larger parcel of land comprising the entire field to the west of 112 Brize Norton Road (comprising approx. 1.6 hectares):
- **22/02935/PREAPP** was a draft scheme for 64 affordable homes; and
 - **23/01661/PREAPP** related to a draft scheme for 65 open market homes.
- 4.13 Both pre-apps related to significantly larger-scale proposals, and officers raised concerns regarding what was considered to be an excessive size [of site] and quantum of development. They also had reservations about more detailed issues, including proposed layout, open space and access. However, in response to 22/02935/PREAPP, officers indicated that it may be acceptable to development *some* of the land, indicating that “*New built form should extend no further to the west than the existing built form to the north and south*”. In responding to the enquiries, officer’s gave advice regarding the possible extent of potentially acceptable developable land (see Fig 3 below).

- 4.14 In the image (below) officers indicated in red “*what the development site should be*”. Officers also noted that “*There is some scope for a more rounded western edge (shown in blue) however, built form should not extend beyond the blue line. There is scope beyond the blue line for public open space and landscaping but built form should not be proposed in this area.*”
- 4.15 In respect of the draft scheme for 65 open market units (23/01661/PREAPP refers), the feedback given confirmed that the red/blue line limits to development previously suggested by officers were still considered relevant, as “*Filling the whole site with housing would conflict with the general principles a-e of OS2, would cause significant harm to the settlement pattern of Minster Lovell which is protected as a non-designated heritage asset, and would harm the settings of 98 and 104 Brize Norton Road to the north, amongst other issues such as landscape, amenity and highway safety.*”



Fig 3: Annotated photograph provided by officers in Pre-App Report in respect of 22/02935/PREAPP

- 4.16 Both of the above Pre-Application enquiries date from a time when the LPA was unable to demonstrate the required minimum supply of housing land, before the current Local Plan became 5 years old, and prior to the publication of the Council’s updated *Housing Land*

Supply Position Statement (October 2023). The advice given related specifically to draft proposals for large-scale development of the whole field to the west of No. 112 and *not* the current application site. Accordingly, it would be unreasonable to draw direct comparisons between the two, as the current scheme is materially different.

- 4.17 **23/01661/PREAPP** - In a subsequent Pre-App Enquiry (dated 23 November 2023) advice was sought in respect of a 5-unit scheme on a smaller site, immediately to the west of No. 112.
- 4.18 In the context of the Council's then recently updated *Housing Land Supply Position* statement, the advice given by officers was that *"the strategic housing policies in the Local Plan can be afforded full weight. As such, there is now an in principle objection to new homes in this location and the tilted balance no longer applies. The previous pre-app advice was given when we could not demonstrate a 5YHLS. Should an application be forthcoming for the 5 open market dwellings as shown, they are now unlikely to be approved. However, you may wish to challenge that at appeal."*
- 4.19 Since that Pre-App advice was given, the National Framework has been revised, with implications for the way in which LPA's should calculate housing need and supply of deliverable housing land, and the associated circumstances in which relevant development plan policies may be deemed as being 'out of date'.
- 4.20 Furthermore, the deliverability of some sites included within the Council's latest 5YHLS calculation have also been called into question.

Other Relevant Nearby Applications/Appeals

- 4.21 Of particular note is a recent appeal in respect of 'land south of Burford Road, Minster Lovell', a large site at the western extreme of the village. The proposal was an outline application for up to 134 dwellings including means of access into the site and associated highway works, with all other matters reserved for future determination (**22/03240/OUT** refers). The application was refused by WODC on 21 July 2023.
- 4.22 The proposal was subsequently appealed (appeal reference: **APP/D3125/W/23/3331279**) and the inquiry held very recently (February 2024). The Inspector's decision has not yet been issued, but is expected shortly.

Whilst the size of the appeal site and quantum of development proposed are not in any way comparable to the current application, a number of statements made leading up to and at the Inquiry on behalf of both the appellant and LPA are considered of relevance to the

assessment of the current application. These includes points on pertinent issues such as the status of current development plan policies, local housing need/supply position etc. These will be explored further in the 'Planning Considerations' section of this report.

5. PLANNING POLICY FRAMEWORK

5.1 In line with the requirements of Section 38(5A-C) of the *Planning and Compulsory Purchase Act 2004*, the determination of planning applications must be made in accordance with the Development Plan and any national development management policies (yet to be published), unless material considerations strongly indicate otherwise. The starting point for assessing the acceptability of the current application is therefore the policies contained within the *West Oxfordshire Local Plan 2031*, adopted September 2018.

5.2 The weight attributed to relevant development plan policies in the assessment of applications is a matter for the decision-maker. The adopted Local Plan is however now more than 5 years old, and the housing policies contained within it, based on out-of-date housing need/land supply data. This should be reflected in the weight attributed to the relevant policies for the purposes of decision-making, until such time as a new/replacement Local Plan is in place. Nevertheless, the adopted Local Plan currently remains the starting point for consideration of the acceptability or otherwise of proposals.

Development Plan Policies

5.3 The following policies from the adopted Local Plan are considered to be of relevance:

- OS1 – *Presumption in Favour of Sustainable Development*
- OS2 - *Locating Development in the Right Places*
- EH2 - *Landscape Character*
- EH3 – *Biodiversity and Geodiversity*
- EH7 - *Flood Risk*
- EH9 - *Historic Environment*
- EH11 – *Listed Buildings*
- EH16 - *Non-Designated Heritage Assets*
- T4 – *Parking Provision*
- H2 – *Delivery of New Homes.*

5.4 There is currently no Neighbourhood Plan for Minster Lovell.

Other Material Policy Considerations

National Planning Policy Framework (NPPF) (updated Dec 2023)

- 5.5 The NPPF sets out the Government’s planning policies for England, together with guidance on how they are expected to be applied. It is a material consideration in its own right in the determination of planning applications (paragraph 2 of the revised Framework refers).
- 5.6 The updated NPPF reconfirms that the purpose of the planning system is to contribute to the achievement of sustainable development, which encompasses the three overarching and interdependent economic, social and environmental objectives. It confirms that planning policies and decisions should play an active role in guiding development towards sustainable solutions. In doing so, Local Planning Authorities are instructed to take local circumstances into account to reflect the character, needs and opportunities of each area (paragraph 9 of the Framework refers).
- 5.7 At the heart of the NPPF is a clear presumption in favour of sustainable development (see paragraphs 10 and 11). For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay, or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless: policies in the Framework provide a clear reason for refusing the proposals; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (NPPF paragraph 11 refers).
- 5.8 The Framework instructs LPAs to approach decision-making in a positive and creative way, and to “*work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area*”. The Framework stipulates that decision-makers at every level should “*seek to approve applications for sustainable development where possible*” (paragraph 38 refers).
- 5.9 Paragraph 60 emphasises the Government’s objective of “*significantly boosting the supply of homes*”. To determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method, which is an advisory starting point for establishing housing requirements for an area (paragraph 61 of the updated Framework refers).

- 5.10 Paragraph 70 of the NPPF specifically highlights the important contribution that small and medium sized sites can play in meeting the housing requirement of an area as they can often be built-out relatively quickly.
- 5.11 In accordance with the requirements of paragraph 77 of the Framework, Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites, sufficient to provide either a minimum of five years' worth of housing (or a minimum of four years' if the provisions of paragraph 226 apply – in cases where LPAs have an emerging Local Plan at Reg 18 or Reg 19 stage including both a policies map and proposed allocations towards meeting housing need).
- 5.12 Currently in West Oxfordshire, the applicable minimum requirement, as defined by the Framework, is the need for a demonstrable and deliverable 5-year supply of housing land, calculated according to the Government's 'Standard Method'.
- 5.13 In rural areas, the Framework advises that decisions should be responsive to local circumstances and support housing developments that reflect local needs (paragraph 82 refers). To promote sustainable development in rural areas, the Framework indicates that housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 83 refers). Whilst isolated homes in the countryside should be avoided (paragraph 84 refers), the Framework advocates identifying opportunities for villages to grow and thrive, especially where this will support local services. In circumstances where there are groups of villages, the Framework recognises that development in one village may support services in a village nearby (paragraph 83 refers).
- 5.14 Paragraph 114 outlines that planning decisions should take account of whether safe and suitable access to the site can be achieved for all users. However, paragraph 115 goes on to confirm that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.
- 5.15 Paragraph 123 confirms that planning decisions should promote the effective use of land with particular support for the development of under-utilised land and buildings referred to in paragraph 124, especially where this would help to meet identified needs for houses where land supply is constrained.

5.16 Paragraph 131 highlights that good design is a key aspect of sustainable development and helps create better places to live and work. Accordingly, the Framework confirms that planning decisions should aim to ensure that developments:-

- “- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- 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);*
- 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;*
- 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*
- 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 users, and where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion and resilience.” (NPPF, Paragraph 130).*

5.17 Chapter 16 of the NPPF sets out relevant tests and considerations for proposals likely to affect both designated and non-designated heritage assets. Further details are given in the accompanying *Heritage Report*.

Planning Practice Guidance

5.18 The Department for Levelling Up, Housing and Communities issued updated guidance on *Housing Needs of Different Groups* in July 2019.

5.19 The ‘Rural Housing’ section is relevant to this proposal and recognises that rural areas face particular issues with regards housing supply and affordability. It also acknowledges the role that housing plays in supporting the broader sustainability of rural communities.

National Design Guide

5.20 The recently published *National Design Guide* provides advice on the components of good design, which include consideration of a site’s context, form and scale, appearance, landscaping, materials, and detailing.

Supplementary Planning Documents

- 5.21 The *West Oxfordshire Design Guide (2016)* is a Supplementary Planning Document. Whilst this does not have the status of adopted policies, it is nevertheless a material consideration.

6. PLANNING AND DESIGN CONSIDERATIONS

6.1 The main issues of relevance to the current proposals are considered to be:

- Principle of the Development;
- Design, Scale and Form;
- Heritage Considerations;
- Residential Amenity;
- Highways and Parking;
- Flood Risk / Drainage;
- Other issues.

The Principle of Development

6.2 In terms of assessing the site's suitability, policies H2 – *Delivery of New Homes* and OS2 - *Locating Development in the Right Places* are most relevant.

6.3 Minster Lovell is identified as a 'village' in the context of the Council's settlement hierarchy (policy OS2). Policy OS2 confirms that villages are suitable for limited development which respects the village character and local distinctiveness and will help to maintain the vitality of the community, deferring to policy H2 with regards locational strategy.

6.4 Policy H2 allows for the development of new dwellings in 'villages' in a number of prescribed circumstances:

- On sites allocated in the Local Plan;
- On previously developed land within or adjoining the built-up area, provided that the loss of the existing use would not conflict with other plan policies, as well as compliance with the general principles of OS2;
- On undeveloped land within the built-up area provided that the proposal is in accordance with the other policies in the plan (including OS2) policies; and
- On undeveloped land adjoining the built-up area where it meets identified housing need, in accordance with policy H1 and other policies (including OS2).

- 6.5 Setting aside the first bullet point (which is clearly not applicable), the current application site fully accords with policy H2, as elements of the second two bullet points apply in this case. Whilst agricultural buildings are excluded from the technical definition of what constitutes 'previously developed land' (PDL), neither is the application site fully 'undeveloped'. The application site already contains an existing building (the storage barn which is proposed to be demolished), and the driveway which is to serve the new dwelling already exists.
- 6.6 There is existing residential development to the north-west, east and south of the application site. To the west is open countryside. In this context, the site is considered to form part of the existing built-up area of the settlement for the purposes of assessment in the context of policy H2. Furthermore, historically the application site clearly formed part of settlement envelope established through the development of the original Chartist colony (as confirmed in the accompanying Heritage Report).
- 6.7 The proposed development therefore complies with the locational criteria set out in policies OS2 and H2. The application comprises limited development on a small parcel of land within the existing built-up area of the village, currently occupied by a large unsightly barn structure. The proposed replacement of the barn with a new dwelling in the same location will deliver a new home in an area with identified unmet housing needs. The proposal respects the village character and local distinctiveness (see Heritage Considerations section below) and furthermore will help to maintain the vitality of the community. Accordingly, the principle of development is therefore acceptable.
- 6.8 Additionally, the application site is well located for access to nearby Witney and employment opportunities, which are accessible by bus and cycle. The site is therefore accessible and sustainably located in relation to access to higher order services and facility available nearby.
- 6.9 The delivery of a sufficient supply of good quality housing is a national priority. The Local Plan recognises this as being a 'critically important' issue for the Council. Officers have recently acknowledged (in statements made in respect of an appeal at land south of Burford Road, Minster Lovell – appeal ref **APP/D3125/W/23/3331279**), that notwithstanding the Council's latest *Housing Land Position Statement*, there were nonetheless 'identified housing needs' across the District and particularly in the Witney sub-area, compared to the requirements set out in the Local Plan. This is primarily as a result of slow progress being

made in bringing forward large strategic development areas (especially in the Witney sub-area).

- 6.10 During the open appeal sessions, officers acknowledged that was a (modest) shortfall against the Plan requirement to date. This must be considered in the context of the stepped housing requirements set out in table supporting policy H2 on page 46 of the Local Plan (which show a proposed increase in annual requirements from 550dpa for the period 2011-2021, rising to 850dpa for the period 2024-2031), which presents an extremely challenging reality.
- 6.11 To date more than 1,000 fewer homes have been delivered than anticipated in the Local Plan trajectory. Accordingly, even if all the identified sites in the Council's current *Housing Land Supply Position* statement were to deliver, the shortfall against the Plan's trajectory is anticipated to increase. Officers acknowledged during the appeal Inquiry, that there is likely to be a significant shortfall to the end of the current Plan period, and clear evidence of housing need in the Witney sub-area specifically.
- 6.12 Accordingly, although the current proposal is only for a single dwelling, there are compelling grounds to support the provision of additional housing in suitable locations such as this.

Design, Scale and Form

- 6.13 Policies OS2 and OS4 seek to secure high quality design. Policy OS2 contains a set of general principles that new development should comply:
- Be of a proportionate and appropriate scale to its context, having regard to the potential cumulative impact of the development in the locality;
 - Form a logical complement to the existing scale and patterns of development and/or the character of the area;
 - As far as is reasonably possible, protect or enhance the local landscape character and the setting of the settlement;
 - Have safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
 - Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
 - Conserve and enhance the natural, historic and built environment; and

- Where sites fall within the AONB (which this one doesn't), give great weight to conserving landscape and scenic beauty.
- 6.14 Similarly, policy OS4 seeks a high quality of design that respects amongst other things, the historic and architectural character of the locality, contributes to local distinctiveness, and wherever possible, enhances the character and quality of the surroundings.
- 6.15 The current proposal is for a one and a half storey dwelling, in place of the existing barn. The position of the new dwelling aligns with the 'building line' established by existing residential development to the south, where the houses are set further back from the road. This serves to reinforce the site's position within the settlement as something of a 'cross over' or 'transition zone', knitting together the distinct character styles (to the north and south).
- 6.16 The design of the proposed dwelling is of a traditional vernacular form, with a dual pitch and two dormer windows to the front. In terms of scale, the footprint is broadly equivalent to the building it is to replace. The ridge height of the proposed dwelling is comparable to neighbouring properties, the closest being No. 116. The overall ridge height of the proposed dwelling will be 660mm lower than that of No. 116 (immediately adjacent) and 155mm lower than No. 114 (to the east, closer to the road frontage).
- 6.17 For ease of comparison, the relative height of the proposed dwelling and No. 116 is shown on the floorplans and elevations drawing. For reference, the ridge height of the recently approved dwelling at No. 114 (immediately to the east) is 6.8m and eaves height is 2.7m (compared with 6.5m and 2.9m currently proposed for the new dwelling).
- 6.18 The proposed palette of materials is reflective of other dwellings in the vicinity.
- 6.19 As such, it is considered that the current proposal respects the village character and local distinctiveness, in accordance with policy OS2. The proposal is considered an appropriate addition to the settlement that complements the existing scale and appearance of nearby development.

Heritage Considerations

- 6.20 This application is accompanied by a *Heritage Assessment* (HA) which provides an independent professional appraisal of the potential impact to surrounding designated and

non-designated heritage assets as a result of the development at the proposed site, following Government guidance and established methodology.

- 6.21 Assessment of impact to heritage assets (both designated and non-designated) is reliant on understanding the significance of those assets (at risk of potential impact) and the extent to which the proposal site contributes to their significance. The relationship between these and any perceived harm that the development would cause is assessed in the report (para 3.4. of the HA refers).
- 6.22 **Impact on Designated Heritage Assets** - The report acknowledges that the proposed site forms part of the wider setting of three nearby listed buildings (Nos 87, 104 and 81 Brize Norton Road) due to its location within the settlement envelope of 'Charterville', the settlement to which these buildings were historically associated. The HA identifies the factors that contribute towards their significance, including setting.
- 6.23 In all cases, the report notes that there is no intervisibility between the proposal site and the listed buildings, which are well screened from the site through modern development and boundary vegetation.
- 6.24 The report notes that *"the primary significance of these [Listed] buildings is derived from their historical association with the Chartist movement, their surviving historic fabric and built form. Their survival as a group, along with those buildings located further from the proposal site, is also of significance, while their wider setting provides evidence of the layout and form of development. The historic setting of these buildings is not intact, though it does remain legible with impacts including later development, such as modern infill development and industrial development within nearby allotments."* (section 5.1 of the HA)
- 6.25 The report notes the extent to which the proposal site contributes to the significance of the listed building[s] *"...is relatively limited. It is situated within the wider setting, within the historic settlement, but there are few elements of the proposal site itself that contribute to the significance of the listed building[s]"*.
- 6.26 The report confirms that there would be no physical or visual impact to these buildings. Furthermore, the report confirms that *"The site does not contain any historic features relating to the Chartist settlement and the large field created through amalgamation of the former plots is no longer illustrative of the historic plots. However, views through the*

proposal site from Brize Norton Road and into the field beyond can be said to contribute to the appreciation of the wider rural setting of the historic settlement, and remains illustrative to some extent of the intended division between the roadside settlement and rear smallholdings, which has remained despite the loss of the former boundaries and Chartist house” (Section 4.5.1 of the HA).

- 6.27 Accordingly, the HA concludes that *“The proposal site is not intrinsic to the significance of the [Listed] buildings and forms a very small part of their wider historic setting; it does provide a minor contribution to the overall significance of the buildings. However, the contribution made is such that the impact to grade II listed 81, 87 and 104 Brize Norton Road is likely to negligible: there will be a very slight change to the setting of the building but this will not result in any overall harm to their significance.”* (Section 5.1 of the HA – emphasis added).
- 6.28 Accordingly, the proposals are considered to accord with policy EH 11 – *Listed buildings* and relevant paragraphs of the NPPF.
- 6.29 **Impact on Non-Designated Heritage Assets** – The HA confirms that the settlement of Minster Lovell as a whole is considered to be a non-designated heritage asset (NDHA), the significance of which is derived from its historic origins as a Chartist colony, which is reflected in the linear nature and cohesive built form of the settlement. The report acknowledges that there has been some infilling and redevelopment, which has eroded the historic grain of development. Notwithstanding this, the historic character of the Chartist settlement remains broadly legible (albeit more so in plan form than as experienced on the ground).
- 6.30 The report confirms that the application site forms part of the historic settlement, but goes on to state that it *“does not contain any extant features associated with the settlement, such as boundaries or historic building”,* furthermore, the wider landholding within which the site is located *“has seen considerable alteration since its historic origin as part of the Chartist settlement”.* Nevertheless, the report acknowledges that this wider plot does contribute some significance to the NDHA, confirming that *“this significance is derived from the agricultural land to the west of the site, and views into this land from Brize Norton Road.”* (Section 5.2 of the HA refers).

- 6.31 In assessing the impact of the current proposal on the significance of the NDHA, the report confirms that *“the proposed development occupies a small area and would not extend into the undeveloped agricultural zone to the rear of the site but would remain within the existing built zone. As such, the historic division between the domestic and agricultural spaces should be maintained. Similarly, the proposal will allow for the retention of views through the countryside to the rear of the allotment, identified as providing significance to the wider non-designated asset.”* (section 5.2 of the HA).
- 6.32 Furthermore, the report notes that *“the built form of the proposed development is also reflective of the historic character of the settlement in that it is linear in plan, whilst the scale and massing of the proposed house is comparable to the nearby buildings”*. (section 5.2 of the HA).
- 6.33 Accordingly, the report concludes that *“The proposal site, though small, contributes slightly to the significance of the non-designated asset. The proposed development would replace an existing unsightly agricultural building and the scale of the proposed house is appropriate to the existing built form. However the resultant double depth of development would result in some alteration to the historic character of the settlement. As such the impact to the non-designated Chartist settlement is predicted to be less than substantial – minor.”* (Section 6 of the HA).
- 6.34 When judging the impact of proposals on NDHAs, in accordance with the test set out in paragraph 209 of the NPPF, potential harm must be weighed against potential public benefits. In this case, the minor ‘harm’ is considered to be outweighed by the broader public benefits of removing an ugly utilitarian storage building and provision of an additional dwelling in an area that has suffered from a significant historical and ongoing undersupply of housing. The current proposal is therefore regarded as according with policy EH16 – *Non-Designated Heritage Assets* and the relevant tests set out in the NPPF.
- 6.35 Overall, for the reasons set out above, the proposals are also considered to accord with policies EH9 – *Historic Environment* and EH13 – *Historic Landscape Character*.

Residential Amenity

- 6.36 Policy OS2 requires that new development be compatible with adjoining uses and should not have a harmful impact on the amenity of existing occupants. Policy OS4 also stresses the

importance of minimizing adverse impacts of the amenity of future and neighbouring occupiers (an issue also flagged in the *West Oxfordshire Design Guide* and paragraphs 135 and 191 of the revised NPPF).

6.37 The design of the proposed house has been carefully considered to deliver a high standard of amenity for future occupants and also to avoid unacceptable impacts on the residential amenity of adjacent occupiers. In particular, it is worth noting:

- The position of the proposed house reflects that of the existing barn, which it is to replace;
- The height of the proposed dwelling is less than the adjacent dwelling (No. 116) and No. 114, which is located closer to the road;
- The orientation of the dwelling and arrangement of windows has been carefully designed so as to avoid overlooking (NB there are no windows in the south elevation, so no intervisibility with No. 116);
- The separation distances between any facing windows (between the rear windows of No. 114 and the proposed dwelling) are adequate, in line with the Council's *Design Guide*;
- The number of cars trips likely to be generated by the proposed dwelling will be *de minimis*, especially when considered in the context of baseline conditions associated with the existing barn. Use of the existing access to serve the proposed dwelling will not therefore give rise to unacceptable disturbance to neighbouring properties.

6.38 The proposed design will not give rise to issues of overlooking, loss of privacy, overbearing, loss of light or disturbance issues. Accordingly, the proposals are considered to accord with the relevant criteria of policy OS4 – *High Quality Design*.

Highways and Parking

6.39 The proposed development will make use of the existing access from Brize Norton Road that currently serves No. 112 and the existing barn. This will become a shared access. Both host the property and proposed new dwelling will benefit from having two off-street parking spaces (each). On-site parking provision is therefore in line with the requirements of policy T4 - *Parking Provision*.

6.40 Adequate visibility (for both cars and pedestrians) is achievable at the site entrance based on the published speed limit of the adjacent highway, as shown on the proposed site plan. Use of the existing driveway will continue to be both safe and suitable, in line with the requirements of paragraph 114 of the NPPF. The addition of a single dwelling at the site (in place of the existing barn) will have an inconsequential effect on the operation of the local

highway network. Accordingly, the proposal also meets the relevant test set out in para 115 of the NPPF.

Other Issues

- 6.41 **Flood Risk and Drainage** - As confirmed earlier in this report, the application site falls within Zone 1, and therefore a site-specific Flood Risk Assessment is not required.
- 6.42 The application is however accompanied by a full drainage scheme, which has been prepared following the SUDs hierarchy. This includes calculations which confirm the peak flow (for foul water) and the proposed soakaway layout (for surface water drainage). Accordingly, the proposals are deemed acceptable within the context of policy EH7 – *Flood Risk*.
- 6.43 **Ecology** – A *Preliminary Ecological Assessment* was prepared by a suitably qualified ecologist and accompanies the current application. The PEA report includes some considerations in respect of wider proposals that do not form part of the current application. Importantly however, the report confirms that there was no evidence of bats found in the barn (paragraph 6.6 of the PEA report refers). It was also noted that the barn has no potential roosting features. Accordingly, it is regarded as having negligible potential for roosting bats and no follow up surveys are recommended prior to its demolition.
- 6.44 No evidence of protected species (such as badger) were found within the current application site area (para 6.11 of the report refers).
- 6.45 Evidence of two bird nests were found in the barn during the walkover survey – a Blackbird nest and Wood Pidgeon roost. As all breeding birds are protected by law, the PEA recommends that clearance of the site should be undertaken outside of the breeding bird season (which runs from March to August), or if this is not possible, that an experienced ecologist should inspect for nests before the building’s demolition. If nests are found, they should remain intact with enough surrounding habitat to avoid disturbance and left until the young have fledged. After this, nests can be removed and the habitat cleared (para 6.15 of the PEA report refers).
- 6.46 The PEA concludes that the proposals are unlikely to give rise to harm to any protected species of flora/fauna. The PEA report makes recommendations, including precautionary working practices and suggests a range of potential biodiversity enhancement measures

(including the provision of bird boxes, log piles for reptiles, and gaps for hedgehog in any close boarded fences).

- 6.47 Subject to the adherence of the suggested precautionary working practices outlined above, the proposals are considered to comply with policy EH3 – *Biodiversity and Geodiversity* and relevant paragraphs of the NPPF.

7. CONCLUSION

- 7.1 Proposed development represents a carefully considered design that makes efficient use of underused parcel of land within the main envelope of the settlement. The current proposal represents a small and suitable site that accords with the terms of policies H2 and OS2, which can be built out relatively rapidly, making a contribution (albeit a modest one, as appropriate for its village location) towards the supply of new homes.
- 7.2 The design and access arrangements for the proposed house are appropriate for its context and will ensure satisfactory amenity for future residents and neighbouring properties.
- 7.3 As has been demonstrated above, there will be no harm to any nearby designated heritage assets and only negligible harm to the non-designated heritage asset. This is outweighed by public benefits, which includes the removal of an existing eyesore and contribution towards the delivery of new dwellings (albeit a modest one), support for the vitality of the village once the now home is completed and occupied, and employment during the construction phase.
- 7.4 Weight attributed by officers to harms previously identified in respect to development proposals relating to the applicant's wider landholding are not applicable to the current application site, which fully accords with the locational requirements of policy H2.
- 7.5 Irrespective of whether the LPA can currently demonstrate a sufficient deliverable supply of housing land to meet the requisite minimum threshold as required by the NPPF (currently 5 years' worth), this should not be regarded as a cap on additional residential development being permitted. The NPPF reiterates the Government's objective of significantly boosting housing supply (para 60 refers). Furthermore, the LPA has acknowledged, as evidenced in recent appeal statements, that there are identified housing needs, both across the District and specifically in the Witney sub-area.
- 7.6 There will continue to be a need to allow proposals for residential development on suitable 'windfall sites' (as acknowledged in the Council's latest *Housing Land Supply Position Statement*) in order for the LPA to be able to maintain a satisfactory supply of deliverable housing land.

7.7 Overall, the proposal is therefore considered to accord with relevant development plan policies as a whole. In accordance with the provisions of s38 of the Act, planning permission can therefore safely be granted for the submitted proposals.