

Case Officer: Rebekah Morgan

Recommendation:

Applicant: Mr Kirkman

Proposal: New detached two storey house with detached garage - Re-submission of 23/01365/F

Expiry Date: 18 January 2024

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises of a large paddock/field located to the south of Middleton Stoney between the property known as 'Sayers Bungalow' and Stable Lodge (the gap between the two properties is approximately 80m). The site itself measures approximately 58.5m across the frontage (west boundary) with a maximum depth of 94.5m along the northern boundary.
- 1.2. Immediately to the south of the site is Stable Lodge and Middleton Stoney House (formerly known as the Old Rectory) which are collectively a Grade II Listed Building. Immediately to the west of the site is the Grade II Registered Park and Gardens – Middleton Park.
- 1.3. The application site is within 2kn of a Site of Special Scientific Interest (Adley Trackways) and the constraints data identifies the potential presence of protected and notable species on the site. The site is bounded by a mature hedgerow along the west boundary and there are a number of trees around the perimeter of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks consent for a two storey detached dwelling and detached garage, with ancillary accommodation in the roof space. The surrounding land is proposed to form a large domestic curtilage to the property (the site has an area of 4493 SQM).
- 2.2. The proposed dwelling is laid out in a 'L' shape. The property would have a width of 16.4m. The front section has a depth of 6.5m with the longer section having a depth of 14.4m. The dwelling would have an eaves height of approximately 5,3m and a ridge height of 9.1m. The property would be constructed in natural stone with a slate roof.
- 2.3. The proposed garage would measure approximately 8.2m x 7.5m (including staircase) with an eaves height of approximately 3m and a ridge height of 7m. The garage would be predominantly finished in timber cladding with a slate rood and lead finish to the dormer window.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

23/01365/F: New detached two storey house with detached garage, detached workshop and swimming pool. WITHDRAWN.

15/01930/F: Conversion of north wing of existing house/stables to kitchen, dining and utility room at ground floor and two bedrooms and bathroom at first floor; re-conversion of existing domestic garage to stables; and associated external works. APPROVED

15/01931/LB: Demolition of single storey rear porch; conversion of north wing of existing house/stables to kitchen, dining and utility room at ground floor and two bedrooms and bathroom at first floor; re-conversion of existing domestic garage to stables; associated external works. APPROVED

10/00858/F: Re-conversion of existing garage to stable. APPROVED.

10/00794/LB: Conversion of North wing stables into kitchen and dining room. Conversion of existing lean to into utility and WC. Conservatory to be repaired. Garage/Store to be converted to stables. Conversion of playroom into 2no. bedrooms and bathroom. Removal of modern glazed porch. 2no. Dormer window and door to East elevation. Remove concrete terrace and replace with york stone. Form 4no. Car parking spaces to the West elevation. Remove tarmac and resurfacing front terrace and driveway. Various interior and exterior minor repairs and alterations. APPROVED

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **11 January 2024**, by advertisement in the local newspaper expiring **6 January 2024** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records The overall final date for comments was **11 January 2024**.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. MIDDLETON STONEY PARISH COUNCIL: Support.

CONSULTEES

6.3. OCC HIGHWAYS: No objection, the highway access is existing and has good visibility in both directions. The intensification of use is not considered to be significant. It is a requirement for new dwellings to have a minimum of 1 E/V charging point as per Policy EVI 8 of the Oxfordshire Electric Infrastructure Guide.

6.4. OCC ARCHAEOLOGY: The site lies within an area of archaeological interest. Conditions are recommended requiring an Archaeological Written Scheme of Investigation and a staged program of archaeological evaluation and mitigation.

- 6.5. CDC CONSERVATION: It is noted that conservation advice was not provided on the previously withdrawn application and the site is not within a conservation area, however it is considered that this site has sensitivity in heritage terms. No heritage statement or assessment appears to have been provided with the application and it is suggested that due to the location of the site a heritage statement should be required.

The application site has a direct relationship with the Listed Building as it appears to have historically formed part of the garden and still forms part of the land surrounding and associated with the building today. The open and landscaped nature of the land surrounding the Listed Building is considered to contribute to the character and significance, therefore it is considered that by introducing a dwelling of this nature the character of the setting will be unacceptably altered. As the setting is considered to contribute to the significance of 'The Old Rectory' the proposal will unavoidably result in some harm to significance as a consequence of development within the setting. Furthermore, this land is also considered to form part of the wider setting of the Registered Park and Garden and although the proposal is considered to be less harmful to this heritage asset as a result of development within its setting it is argued that any new build here should complement the character of the area as a whole.

The design and massing of the proposed dwelling is considered to be out of keeping with the properties within the village and also to dominate and detract from the Listed Building, therefore rendering it to be considered to be inappropriate in this location. This is a sensitive site, and it is considered that any development here would be difficult to achieve, but something more akin to a modest cottage within the grounds or converted outbuildings may be more acceptable and have less of an impact.

Overall, it is considered that the proposed development on this site will result in less than substantial harm to the Heritage Assets.

- 6.6. CDC ENVIRONMENTAL PROTECTION: No comments with regards to noise, air quality, odour or light. A condition is recommend in respect of contaminated land.
- 6.7. CDC ECOLOGY: I would expect some ecological information to be submitted here to ensure that there will be no impacts on priority habitats, protected and priority species. They should also demonstrate that an overall enhancement for biodiversity could be achieved although this aspect could be conditioned. There is potential for reptiles to be present, grassland of unknown value and the site falls within the Amber zone within Nature space modelling - denoting great crested newt habitat suitability in the area is generally good. The applicants would need to show that there would no harm or loss to great crested newt habitat (or to give proof of joining the District licence scheme) and this should be assessed by an ecologist.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- ESD1: Mitigating and Adapting to Climate Change
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Landscape Impact
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: Development beyond the built-up limits of settlements
- C28: Layout, design and external appearance of new development
- C30: New residential development

MID-CHERWELL NEIGHBOURHOOD PLAN (Draft)

- PD5: Building and Site Design
- PH5: Parking, garaging and waste storage provision

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, impact on the character of the area and impact on historic assets
- Residential amenity
- Highway safety
- Ecology and biodiversity
- Other matters

Principle of development

8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.

8.3. The District's current housing land supply position of 5.5 years supply of housing for the period 2022-27 as reported in the Council's 2023 Annual Monitoring Report ('AMR'). Paragraph 226 of the NPPF requires a minimum of 4 years' worth of housing, instead of a minimum of 5 years outlined in paragraph 77 of the

Framework. It states it is applicable to authorities which have an emerging local plan that has reached Regulation 18 or Regulation 19 stage. The Council carried out a Regulation 18 consultation from 22nd September 2023 to 3rd November 2023. As such, the Council's housing policies are therefore to be considered up to date, and the 'tilted balance' does not need to be applied in assessment of this application.

- 8.4. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.
- 8.5. Paragraph 11 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social, and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 8.6. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Middleton Stoney is a Category C village and therefore in the group of villages considered to be the least sustainable in the district. Policy Villages 1 of the CLP 2015 allows for 'infilling' and 'conversion' only.
- 8.7. Notwithstanding the above, the application site is located to the south, away from the main dwellings that form the village and is therefore within the open countryside. Although Stable Lodge and Middleton Stoney House are to the south of the site, it is considered that these historic buildings were set outside of the village, and this is demonstrated by the significant gap (in excess of 80m from the newest house on the edge of the village). Policy Villages 1 is permissive of proposals of this scale, only where they are "within the built-up limits of the village" and the Council do not consider the site to be within the built-up limits of Middleton Stoney.
- 8.8. Saved Policy H18 of the CLP 1996 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*

(i) it is essential for agriculture or other existing undertakings, or

(ii) the proposal meets the criteria set out in policy H6; and

(iii) the proposal would not conflict with other policies in this plan.

- 8.9. Paragraph 84 of the NPPF states:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it:*
 - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

8.10. With regards to criteria a-d of paragraph 84 of the NPPF, the dwelling is not required for a rural worker, the proposal does not relate to a heritage asset, it does not involve the re-use of redundant or disused buildings, and it does not involve the subdivision of an existing property.

8.11. Criteria e requires the design to be '*truly outstanding*' and therefore, it needs to help raise the standards of design in rural areas and must '*Significantly enhance*' its setting. The standard for exceptional design under this requirement is extremely high and is intended as an exception. The proposed development would not be of exceptional design and does not meet the expectations of this criterion.

8.12. The application site has been used as a paddock, so is essentially a large open field. There are no clear environmental benefits to the proposal as the site is not 'previously developed land' and does not require any remediation works.

8.13. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. The proposed location of the development is remote, and the needs of occupiers cannot be met without the need to travel (by private motor vehicle). Therefore, the proposal is not considered to represent 'sustainable development' because it fails to meet the economic objective or social objective of sustainable development as set out in the NPPF. It is also not clear if the proposal would meet the environmental objective due to the limited information submitted.

8.14. The Council has concluded that the proposal does not comprise minor development, infilling, or conversion within the built limits of a settlement. The proposal is therefore contrary to the Council's rural housing strategy, as outlined in Policies ESD1, BSC1 and Policy Villages 1 of the CLP 2015 and saved Policy H18 of the CLP 1996, which seeks to deliver the housing growth in the district in the most sustainable manner reducing the need to travel and the impact on climate change and Government guidance in the National Planning Policy Framework which seeks to encourage sustainable patterns of growth.

Design, impact on the character of the area and impact on historic assets

8.15. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 135 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

8.16. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 8.17. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.18. The Council's Residential Design Guide SPD (2018) seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of traditional building materials and detailing responding to the local vernacular.
- 8.19. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in '*considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.20. Paragraph 200 of the NPPF states '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary*'.
- 8.21. The application site is within the setting of a Grade II Listed Building and on the opposite side of the road to the boundary of the Grade II Registered Middleton Park. The application documents make no reference to these historic assets and does not consider the potential impact of the proposal on these assets; therefore, the proposal fails to meet the requirements of paragraph 200 of the NPPF.
- 8.22. The Council's Conservation Officer has advised that the site sits within the historic grounds of 'The Old Rectory' (comprising Middleton Stoney House and Stable Lodge). The application site has a direct relationship with the Listed Building as it appears to have formed part of the garden and still forms part of the land surrounding the building today.
- 8.23. Paragraph 205 of the NPPF states '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'.
- 8.24. Paragraph 206 of the NPPF goes on to state '*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
 - b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II**

*registered parks and gardens, and World Heritage Sites, should be wholly exceptional*⁷².

- 8.25. The Listed Building is set away from the village and the surrounding land has an open and landscaped character. The introduction of a building on the land will detrimentally alter the character of the area and cause harm to the setting of the Listed Building.
- 8.26. In addition, the site is considered to form part of the wider setting of the Registered Park and Garden. The Council's Conservation Officer considers this to be less harmful than the impact on the Listed Building, however, any development within the setting of the Registered Park and Garden should complement the character of the area as a whole.
- 8.27. The design of the proposed dwelling is considered to be out of keeping with the properties within the village. The proposed dwelling is large, with a wide span across the frontage and deep projection to the rear. Although the building is proposed to be constructed in stone, the proposed fenestration and layout are not traditional in design. The addition of a detached garage increases the overall size of the development on the site, particularly due to its height and the inclusion of dormer windows which give this 'outbuilding' a prominent appearance.
- 8.28. The application provides no justification (as required by para 206 of the NPPF) for this harmful development within the setting of the Grade II Listed Building and a Grade II Registered Park and Garden. The applicant's personal circumstances are not considered sufficient justification for development in this location and there are no public benefits to the scheme.
- 8.29. The proposal would be dominant, out of keeping with the character of the area and detract from the setting of the heritage assets. The proposal would have a significantly harmful impact on the setting of a Grade II Listed Building and a detrimental impact on the setting of the Grade II Registered Park and Garden. The proposal is contrary to Policies ESD13 and ESD15 of the CLP 2015, Saved Policies C28 and C30 of the CLP 1996 and government guidance contained within the NPPF.

Residential amenity

- 8.30. Paragraph 135 of the NPPF states that planning decisions should 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.
- 8.31. Policy ESD15 of the CLP 2015 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.32. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.33. The proposed dwelling would be located on a large plot with plenty of outdoor amenity space. The dwelling is generous in proportions providing adequately sized rooms which all have sufficiently sized windows to provide natural light. Overall, a sufficient level of amenity will be provided for the future occupiers of the dwelling.

- 8.34. The proposed dwelling would be approximately 26m away from the side of the nearest residential property to the south and approximately 36m away from the nearest residential property to the north. The proposed side elevations of the dwelling do include first floor windows facing the neighbouring properties, however, given the distance between the dwellings, it would not result in harmful overlooking. Given the design and siting of the proposed dwelling, it would not have an adverse impact on neighbouring amenity in terms of overlooking or loss of outlook.
- 8.35. With regards to residential amenity, the proposal complies with, Policy ESD15 of the CLP 2015, Policies ENV1 and C30 of the CLP 1996 and Government guidance contained within the National Planning Policy Framework.

Highway safety

- 8.36. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: "Be designed to deliver high quality safe...places to live and work in."
- 8.37. Paragraph 114 of the NPPF advises that in assessing specific applications for development, it should be ensured that:
- *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - *safe and suitable access to the site can be achieved for all users; and*
 - *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
- 8.38. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions"; whilst Policy SLE4 states that: "*All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.*"
- 8.39. The Oxfordshire County Council Parking Standards for New Developments sets parking standards for villages and hamlets within Oxfordshire. The standards outline a 3-4 bedroom property should benefit from "*Up to 2 spaces per dwelling*". As such, the proposal represents an over-provision of parking, which is likely to result in the dwelling being car dependent. Whilst this is a concern, it is not considered to be so harmful as to justify a reason to refuse the application on this basis, as this would not result in a detrimental impact to highway or pedestrian safety.
- 8.40. The application proposes to utilise the existing access that serves Stable Lodge. The site is large and sufficient space is provided for the manoeuvring of vehicles to allow them to enter and leave the site in a forward gear.
- 8.41. The Local Highway Authority Officer raises no objections to the proposal. The proposal would not be detrimental to highway and pedestrian safety or result in any significant impacts of the highway network and thus compliant with local and national planning policies in this regard.

Ecology and biodiversity

- 8.42. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 8.43. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.44. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.45. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.46. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat, or species of known ecological value.
- 8.47. The application site is currently an open, undeveloped field in the open countryside and the constraints data highlights the potential presence of protected and notable species at the site. The application submission does not include an ecology survey or any ecology/biodiversity information relating to the site.
- 8.48. The Council's Ecology Officer has advised there is the potential for reptiles to be present and grassland of unknown value within the site. Furthermore, the site falls within the Amber Zone within Nature Space modelling, denoting great crested newt habitat suitability in the area is generally good.
- 8.49. The applicant needs to submit ecological information demonstrated there would be no harm or loss to a great crested newt habitat (or proof of joining a district licence scheme) which should be prepared/assessed by an ecologist. Furthermore, information demonstrating overall biodiversity enhancements on the site should be included.
- 8.50. The application has not included sufficient ecological information to allow the Council to adequately assess the proposal and therefore the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats and Species Regulations 2017 cannot be met or discharged. The proposal

is likely to have a detrimental impact on ecology and biodiversity contrary to Policy ESD10 of the CLP 2015 and government guidance contained within the NPPF.

Climate Change and sustainability

- 8.51. Policy ESD1 of the CLP 2015 states that '*measures will be taken to mitigate the impact of development within the District on climate change*'. It sets out several considerations when incorporating suitable adaptation measures in new developments.
- 8.52. Policy ESD3 of the CLP 2015 goes on to require all new development to incorporate sustainable design and construction. There is also a requirement for new dwellings to achieve a water efficiency limit of 110 litres/person/day. Policy ESD5 of the CLP 2015 supports the use of renewable and low carbon energy provision in developments.
- 8.53. The submitted plans show the inclusion of solar panels on the roof of the dwelling. The supporting statement also suggests the dwelling would be designed to incorporate sustainable construction methods and high standards of insulation. The heating could be by way of air-source heat pump or ground source heat pump where practical.
- 8.54. The information submitted is limited but this could be conditioned to ensure sustainability measures are incorporated into the building and that the required water efficiency levels are met.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. This application seeks planning permission for a single dwelling on this greenfield site. The site is located outside the built-up limits of a settlement, and as such is considered to be in an area of open countryside. The proposal therefore conflicts with Policy H18 of the CLP 1996 and Policy Villages 1 of the CLP 2015. There is no exceptional circumstances case provided with this application to warrant an exception to the adopted Policy and with a healthy provision of windfall sites in rural areas the proposal fails to comply with the Policy. The principle of the development is therefore not considered acceptable.
- 9.3. The proposal would also have a detrimental impact on the setting of heritage assets (Grade II Listed Building and Grade II Registered Park and Garden). No justification has been provided for this harm and there are no overall public benefits to the scheme.
- 9.4. The proposal lacks any ecological information to demonstrate that the scheme would not impact on ecology and biodiversity, and no details of enhancements have been provided.
- 9.5. There are no significant issues with neighbouring amenity or highways, subject to the imposition of conditions requested by technical consultees.
- 9.6. It is concluded that the benefits of one additional house to the Council's housing land supply and to the local economy and construction are significantly and demonstrably outweighed by the proposal's conflict with the Council's housing strategy in particular Policies ESD1, BSC1 and Villages 1 of the CLP 2015 and

saved Policy H18 of the CLP 1996, and Government guidance contained within the NPPF. There is no public benefits of the proposal and no justification to outweigh the harm to heritage assets and the potential harm to ecology.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposal constitutes residential development in the open countryside, beyond the built-up limits of a settlement, for which it has not been demonstrated that there is an essential need. The dwelling would therefore be an unjustified and unsustainable form of development. The proposed development is therefore contrary to Policies ESD1, BSC1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Policy H18 of Cherwell Local Plan 1996, and Government guidance within the National Planning Policy Framework.
2. The proposed development by virtue of the loss of open nature of the land and the design of the dwelling, will have a harmful impact on the setting of a Grade II Listed Building and the setting of a Grade II Registered Park and Garden resulting in less than substantial harm. The application lacks a heritage assessment and provides no exceptional justification for the harm to the significance of the heritage assets. The public benefits of the proposal do not outweigh the harm identified and the proposed development is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
3. The application does not include sufficient ecological information to allow the Council to adequately assess the proposal and therefore the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats and Species Regulations 2017 cannot be met or discharged. The proposal is likely to have a detrimental impact on ecology and biodiversity contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Planning Notes:

1. The application was submitted with the following drawing and documents:
 - Drawing number 100 – [Site Location Plan]
 - Drawing number 101 – [Existing Site Layout]
 - Drawing number 105 Rev B – [Proposed Site Layout]
 - Drawing number 110 – [Proposed Ground Floor Plan]
 - Drawing number 111 – [Proposed First Floor Plan]
 - Drawing number 112 – [Proposed Roof Plan]
 - Drawing number 115 – [Proposed Front & Rear Elevations]
 - Drawing number 116 – [Proposed Side Elevations]
 - Drawing number 117 Rev A – [Proposed Site Elevation]
 - Drawing number 118 – [Proposed Additional Side Elevations]
 - Design and Access Statement Version 2 dated 23rd November 2023
 - Supporting letter dated 23rd November 2023

Case Officer: Rebekah Morgan

DATE: 21/03/2024

Checked By: Paul Ihringer

DATE: 22/3/24
