



## Planning Statement

### Town and Country Planning Act 1990

<b>Project:</b>	The construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door
<b>Site Address:</b>	Heyford Lodge, Heyford Road, Middleton Stoney, OX25 4AL
<b>Issue and Revision Record:</b>	Version 3 (17/11/2023)
<b>Local Authority:</b>	Cherwell District Council
<b>Highways Authority</b>	Oxfordshire County Council
<b>Planning Portal Application Ref:</b>	PP-12438858
<b>MDP Reference:</b>	JN01



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## 1. Introduction

### ***Background***

- 1.1 This Planning Statement has been prepared to accompany a householder planning application for the construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door. This is at Heyford Lodge, Heyford Road, Middleton Stoney, OX25 4AL. The application has been submitted via the Planning Portal by Mark Doodles Planning (MDP) herein referred to as the Applicant or Agent interchangeably on behalf of Jane Brown as landowner.
- 1.2 The purpose of this Statement is to clarify and expand upon the above description of development and to consider the degree to which the proposals accord with national and local planning policies. The statement also reflects upon the degree to which the proposals can be described as *sustainable* development.
- 1.3 Any use of the word ‘paragraph’ is, for the avoidance of doubt, a reference to the National Planning Policy Framework (the Framework or ‘NPPF’).
- 1.4 The description of development is:

*“The construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door.”*

## 2. Application Submission

- 2.1 This Statement is submitted with a number of documents which make-up the planning submission. These documents are:

- Covering Letter.
- Application Form (online).
- Planning Statement.
- Site Location Plan.
- Site Block Plan.
- Existing and Proposed Elevations.



- Existing and Proposed Floor Plans.
- Heritage Impact Assessment

2.2 It is important, like with national planning policy, to read the application submission *as a whole*.

2.3 The development was not screened for EIA purposes as its nature and scale clearly does not meet the applicable thresholds and criteria for such development as set out in Schedules 1 and 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### 3. Site and Surroundings

3.1 The application site is located on the southern side of Lower Heyford Road. It accommodates a detached, two-storey, dwelling known as Heyford Lodge. This is positioned within a pocket of development, comprising residential, agricultural and commercial uses, located in-between Middleton Stoney (to the south east) and Upper Heyford (to the north west). The application building has the characteristics of a Victorian lodge, with stone facades and gothic style windows constructed under a slate pitched roof. It is of no real architectural merit.

3.2 As evidenced by this Statement and the associated Heritage Impact Assessment (HIA), Heyford Lodge is not a 'curtilage listed' building associated with the relatively nearby Grade I listed Middleton Park country house. This is so even though the associated Grade II listed Middleton Park Registered Park and Garden (RPG) wraps around the site's eastern and southern boundaries.

3.3 In terms of other constraints, the site does not fall within the Green Belt, an Area of Outstanding Natural Beauty or a Conservation Area. Neither is it within the setting of a listed building. The site also falls within Flood Zone 1 and has no designation or other allocation status within the Council's development plan.

### 4. Planning History

4.1 **Application Ref. 23/01646/F** – Single and two storey extensions and internal modifications to existing dwelling. Refused 10 August 2023.

### 5. Proposed Development



5.1 This application seeks householder planning permission for the construction of a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door.

## 6 Planning Policy Context

6.1 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be considered against the provisions of the adopted development plan, unless material considerations indicate otherwise.

6.2 Relevant to this scheme, the development plan comprises the adopted Cherwell Local Plan 2011-2031 (Part 1) (LP), the saved policies of the adopted Cherwell Local Plan 1996 (CLP) and the Mid-Cherwell Neighbourhood Plan 2018-2031 (NP).

6.3 Other material planning policy considerations include the National Planning Policy Framework (revised September 2023) (henceforth referred to as 'the Framework') and Planning Practice Guidance (PPG). The most relevant policies within the overall development plan are outlined below.

### **Cherwell Local Plan 2011-2031 (Part 1)**

6.4 **Policy PSD1: Presumption in Favour of Sustainable Development** – Amongst other things, this policy states that that Council will take a proactive approach to reflect the presumption in favour of sustainable development in national planning policy.

6.5 **Policy SLE4: Improved Transport and Connections** - Requires all development, where reasonable to do so, to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.

6.6 **Policy ESD6: Sustainable Flood Risk Management** – Amongst other things, the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.



- 6.7 **Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment** – This policy seeks to protect and enhance biodiversity and the natural environment in a number of ways. These include; promoting a net gain in biodiversity, protecting trees and protecting internationally valued wildlife sites.
- 6.8 **Policy ESD13: Local Landscape Protection and Enhancement** - Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would; cause undue visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character; impact on areas judged to have a high level of tranquillity; harm the setting of settlements, buildings, structures or other landmark features, or harm the historic value of the landscape.
- 6.9 **Policy ESD15: The Character of the Built and Historic Environment** – New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Amongst other things, proposals should conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG. In addition, sufficient information on heritage assets should be provide in order to assess the potential impact of the proposal on their significance.

### **Cherwell Local Plan 1996**

- 6.10 **Policy C7: Landscape Conservation** – Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.
- 6.11 **Policy C9: Scale of Development Compatible with a Rural Location** – Beyond the existing and planned limits of the towns of Banbury and Bicester development of a type, size or scale that is incompatible with a rural location will normally be resisted.
- 6.12 **Policy C10: Historic Landscapes, Parks, and Gardens and Historic Battlefields** – Development which would have a detrimental effect upon the character and appearance of historic landscapes, parks and gardens and battlefields and their settings will normally be resisted.



- 6.13 **Policy C28: Layout, Design and External Appearance of New Development** – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the Area of Outstanding Natural Beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 6.14 **Policy C30: Design of New Development** – Design control will be exercised to ensure: (i) That new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity; (ii) that any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene; (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the local planning authority.

#### **Mid-Cherwell Neighbourhood Plan 2018-2031**

- 6.15 **Policy PD4: Protection of Important Views and Vistas** - Development proposals within the plan area must demonstrate sensitivity to the important views and vistas.
- 6.16 **Policy PD5: Building and Site Design** - New development should be designed to a high standard which responds to the distinctive character of the settlement and reflects the guidelines and principles set out within the Heritage and Character Assessment. Amongst other things, proposals should wherever possible include appropriate landscape mitigation measures to reduce the impact of the built form.
- 6.17 **Policy PH6: Parking Facilities for Existing Dwellings** – Applications to alter or extend an existing dwelling that would reduce the existing level of off-street parking provision will be resisted unless it can be demonstrated that the amount of overall parking provision retained on site is satisfactory and will not exacerbate existing difficulties with on-street parking in the locality.

#### **National Planning Policy Framework**

#### *Approach to Sustainable Development*



- 6.18 **Paragraph 7** of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 6.19 **Paragraph 8** states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 6.20 **Paragraph 9** states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.21 **Paragraph 10** states that, so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. This is then detailed at **Paragraph 11**.
- 6.22 **Paragraph 38** makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

### *Design*





6.23 **Paragraph 126** states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

6.24 **Paragraph 130** seeks to ensure that developments add to the overall quality of the area.

#### *Living Conditions*

6.25 **Paragraph 130** seeks to secure a high standard of amenity for existing and future users.

#### *Biodiversity*

6.26 **Paragraph 180** seeks, amongst other things, to improve biodiversity in and around developments and secure measurable net gains for biodiversity.

#### *Highway Safety*

6.27 **Paragraph 110** seeks to ensure that safe and suitable access to the site can be achieved for all users.

6.28 **Paragraph 111** states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

#### *Historic Environment*

6.29 **Paragraph 194** of the Framework requires 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.

6.30 **Paragraph 199** of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

### **LEGAL CONTEXT – HERITAGE**

6.31 Established caselaw<sup>1</sup> contains important findings which have direct implications for developments concerning designated heritage assets. The Court emphasised the need for decision makers to

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<sup>1</sup> Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG (2014) EWCA Civ 137.



apply the intended protection for heritage assets as specified under s66(1) of the relevant 1990 Act and the parallel duty under s72(1) of that Act. Relevant to this scheme, 66(1) is as follows:

*“Section 66(1) – “In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.”*

6.32 In essence, the decision maker has a statutory duty to give ‘considerable importance and weight’ to the desirability of preserving the setting of listed buildings when carrying out a ‘balancing exercise’ in planning decisions.

## 7. Planning Assessment

7.1 The key consideration for the application proposal is considered to be its effect upon;

- The character and appearance of the host property and area.

### 1) Character and Appearance

7.2 The application property is a two-storey dwelling, set in relatively large, established, grounds. The dwelling is somewhat unusual in orientation, with its front elevation facing eastwards. As a result, one of its side elevations (the northern elevation) fronts the carriageway. The dwelling is simple in design and is of no real architectural merit. Relatively notable features include large chimney stacks and gothic style windows. The plot is clearly domestic in character and the site is seen in context with other residential developments across the carriageway that provide a sub-urban setting.

7.3 The proposal seeks to construct a two-storey rear extension with single-storey lean-to side element, together with a minor enlargement of the open framed canopy over the front door. The proposal would make no change to the domestic nature of the plot. Furthermore, given the modest size of the scheme, the site’s residential use, including vehicular movements to and from it, would not be intensified to any material degree. Accordingly, the scheme would not materially change the sub-urban setting in which the site falls. Moreover, the development would not result in the loss of any tree of significant amenity value and would not place additional loading in the rooting systems of such trees. As such, the verdant nature of the site would remain unchanged. Indeed, although not the intention of the applicant, it should be noted that trees at the site could be removed now without consent.



- 7.4 In terms of size, the proposal would increase the footprint of the dwelling. However, proposed extensions have been greatly reduced in overall size compared to previous iterations and represent the minimum amount of habitable space necessary to provide adequate living conditions that would be financially viable to construct. The width of the two-storey extension would not exceed the width of the existing projecting gable on the western elevation. This elevation as a whole would remain unobscured by extensions. Additionally, the two-storey extension would not have a width greater than that of the building's south elevation. The extension to the open framed canopy would be limited in size.
- 7.5 It follows that the extensions would not occupy an excessive amount of the generous plot. On the contrary, despite being positioned close to the carriageway, sufficient space would be left around the host property to ensure that it did not appear cramped upon its plot in relation to its size. The site cannot be considered as 'overdeveloped' in terms of the physical presence of built form.
- 7.6 Neither would the proposed extensions unbalance the host property or appear unduly bulky. They would mostly be seen against the silhouette of the main dwelling and would complement its bulk and mass. This is particularly so for the proposed single-storey lean-to extension. While visible from the carriageway, this element of the scheme would be limited in width and would integrate successfully with, and be clearly subordinate to, the larger northern elevation. It would not be visually dominant. Overall, the appropriate size of the proposed extensions would ensure that the existing property is read as the original element of the building. This is particularly evident at the front (eastern) elevation, at which there would be little notable change save for the addition of a small lean-to extension.
- 7.7 In terms of scale, the two-storey extension would be stepped down from the main ridge height of the dwelling and, as discussed, would be constructed within the confines of the width of the existing gable feature to which it would adjoin. The attached lean-to would have a shallow pitch to its roof that would be set below the eaves level of the main property and proposed two-storey extension. Consequently, the proposal would be clearly subordinate to the main property in terms of scale. The lean-to element would be the only part of the development that would be closer to the carriageway than the existing building. However, this would still be set away from the highway, behind a boundary wall and seen in context with the larger host dwelling (that is already relatively close to this road). As such, the development would not introduce a visually prominent or intrusive feature to the streetscene.



- 7.8 In terms of overall design, the extension is simple in form. This would compliment the architectural rhythm of the host property. Although not of architectural merit, it should also be noted that the proposal would not alter the building's main architectural features such as the bay window to the south elevation. The large chimney stacks would also be largely unobscured and the discordant timber clad lean-to to the western elevation would be removed. Materials would match the existing dwelling and new fenestration would be similar to existing openings in terms of scale and appearance. A suitable solid to void ratio and overall fenestration pattern would be formed.
- 7.9 Lastly, the proposed dormer windows would be set above the eaves line of the two storey extension. These would be small features that would not occupy an excessive amount of the roofscape. Moreover, as dormers existing at dwellings in the immediate area, they would not introduce alien features to the site.

### ***Overall Conclusion – Character and Appearance***

- 7.10 Taking all of the above into account, the proposal has been significantly reduced in size compared to previous iterations. It would not appear unduly bulky or dominant and would be subordinate to the host property and its plot. The extensions would also assimilate successfully with the architectural rhythm of the host property, preserving features that add interest in this regard, and would not change the domestic nature of the plot or the sub-urban character of this part of the streetscene.
- 7.11 For these reasons, the proposal would not harm the character of the host property or surrounding area. It would accord with Policy ESD15 of the LP, saved Policies C7, C9, C28 and C30 of the CLP and Policies PD4 and PD5 of the NP. Amongst other things, these seek to ensure that development is of a high standard of design that reflects and respects the character of built development and its setting.

### **Other Material Considerations**

#### ***Historic Environment***

- 7.12 A Comprehensive Heritage Impact Assessment (HIA) has been submitted with this proposal. This confirms that Heyford Lodge is not itself a designated heritage asset. It is not a curtilage listed building.



7.13 The HIA also concludes that the site does not fall within the setting of the country house (Middleton Park) or the listed buildings close to it within the RPG. These simply cannot be experienced from within the site. Neither can one experience the domestic application site from close to these assets. That said, the site falls within the setting of the RPG.

7.14 The significance and setting of the RPG is fully explored in the HIA. This is mainly derived from the historic fabric of the listed buildings within it, their group value, the historic evolution of the parkland and links to historical figures. The part of the RPG closest to the application site is mainly open field systems with loosely knit established trees. It is influenced by the pocket of residential, commercial and agricultural development along Lower Heyford Road in which the site falls.

7.15 The HIA goes on to find that;

*“Overall, the site is tightly defied by its curtilage and is separated from the RPG by boundary treatment and established trees. It makes a neutral contribution to the setting of the designated heritage asset.”*

7.16 Further, it concludes that;

*“...the proposal would result in no harm to the setting or significance of the identified designated heritage assets. Their settings would be preserved....”.*

7.17 It follows that the proposal would cause no harm to the historic environment and would accord with Policies ESD10, ESD13 and ESD15 of LP, Policies C10, C28 and C30 of the CLP and Policy PD5 of the NP, together with the Framework. Amongst other things, these seek to promote high quality design, protect the District’s historic environment and ensure developments reflect the character and distinctiveness of the locality.

### ***Biodiversity***

7.18 The site is of limited ecological value, being an existing residential plot in a sub-urban area. The proposal would not affect any trees or protected species and no further ecological surveys are required. In addition, the proposal would not result in harm to any locally, nationally or internationally designated wildlife site. It would therefore cause no harm in terms of biodiversity, in line with the provisions of Policy ESD10 of the LP.



7.19 It should also be noted that the proposal could result in biodiversity net gains through the introduction of both bat and bird boxes. This would be in line with the provisions of paragraph 180 of the Framework and weighs in favour of this scheme.

### ***Flooding***

7.20 The proposal is within Flood Zone 1, indicating a low probability of flooding. Furthermore, there is no evidence of significant surface water collection at the site. Consequently, the proposal is not unduly susceptible to flood events and does not increase the likelihood of such events off-site. The development is therefore in accordance with Policy ESD6 of the LP insofar as it seeks to minimise flood risk.

### ***Highway Safety and Parking***

7.21 The proposed extensions would not occupy any space currently utilised for off-street parking. Existing spaces would therefore remain in a safe, usable, formation. Furthermore, there are no alterations to the site's access and the scheme would not unduly intensify its use. Consequently, the proposal would not prejudice highway safety and appropriate parking spaces remain, in accordance with Policy SLE4 of the LP and Policy PH6 of the NP.

### ***Living Conditions***

7.22 The proposal extensions would be a significant distance away from all surrounding neighbouring properties and would not afford direct, close distance, views towards them or their gardens. Accordingly, the scheme would not cause harm to the living conditions of the occupants of neighbouring properties in terms of outlook, access to daylight and privacy. Neither would this development materially increase noise at this domestic site. This is in accordance with saved Policy C30 of the CLP.

### ***Efficient use of Land***

7.23 Annex 2 of the Framework defines Previously Developed Land (PDL) as:

*“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals*



*extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

7.24 The site is not in a built-up area and represents PDL. Its development would therefore be supported by paragraph 85 of the Framework insofar as it encourages the use of PDL. This is a factor that weighs in favour of this scheme.

## **8. Planning Balance and Conclusion**

8.1 The proposal would not harm the character and appearance of the host property or surrounding area. Neither would it harm the historic environment (specifically the setting of the RPG). No other planning harms have been identified by this Statement.

8.2 Overall, the proposal should be approved without delay as it is in accordance with the development plan as a whole and there are no other considerations which outweigh this finding.

### *Overall Conclusion*

8.3 It is concluded that the proposal would represent sustainable development for which the Framework advocates a presumption in favour. It is therefore respectfully requested that permission be granted.

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