

Householder Delegated Report



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

A. Application Details

Application No.	25/00871/F
Site Address	Chancel Cottage, Fir Lane, Steeple Aston, OX25 4SF
Proposal	Erection of a standalone free standing EV charge point affixed to a pole

B. How the Application is Assessed

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The assessment below has taken into account all relevant policies within the development plan along with the material considerations related to the proposal.

C. Relevant Planning Policy Documents and Considerations

Development Plan <ul style="list-style-type: none">• Cherwell Local Plan 2011-2031 Part 1 (CLP 2015)• Cherwell Local Plan 1996 (CLP 1996)• Mid-Cherwell Neighbourhood Plan (MCNP)	Material Considerations <ul style="list-style-type: none">• National Planning Policy Framework (NPPF)• Planning Practice Guidance (PPG)• Supplementary Planning Guidance and Documents• Conservation Area Appraisal• Cherwell Residential Design Guide 2018• Cherwell Home Extensions and Alterations Design Guide (2007)• Site Constraints• Planning History• Neighbour/Consultation Responses
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D. Constraints and Relevant Planning History

Constraints	<ul style="list-style-type: none">• Steeple Aston Conservation Area• Listed building
Site history	None relevant
Pre-application advice	None sought

E. Summary of Responses

Below is a summary of the 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.

<p>Consultees</p>	<p>Steeple Aston PC – no comment to date</p> <p>Conservation (CDC) – Original comments - This is a sensitive site in the Conservation in the setting of listed buildings including Chancel Cottage and the Grade II* church. We support an independent charger on a pole as opposed to fixing to listed fabric but wondered if the post could be located on the north side of the wall with the charger facing south above the coping, set against the backdrop of the hedge to reduce the impact on the views?</p> <p>Conservation (CDC) – additional comments - If it (the wall) is of modern construction as Streetview suggests, it would be less conspicuous with the charger fixed to the wall, omitting the post, the wires could feed through from the garden side. Ideally wires would be cream to match the stone. If the wall is not high enough for my suggestion, could they powdercoat the post to the stone colour to make it less noticeable, so only the charger is black? It is reversible and the impact on the setting is relatively low. There seems to be a recommended length of cable, I don't know if this would rule out moving it to the south side of the driveway or the east side of the west boundary wall (just south of the opening) where it would be less obvious.</p> <p>Conservation (CDC) – Final comments - the post colour may be an acceptable compromise and I agree the hedge backdrop will help</p> <p>Mid Cherwell Neighbourhood Forum – no comment to date</p>
<p>Neighbours</p>	<p>There have been no letters of objection or support</p>

F. Appraisal of Application

In order to be acceptable, the application needs to be assessed against the following topics:

Impact on Character of Host Dwelling and Surrounding Area –Policies: ESD15 (CLP 2015); C28, C30 (CLP 1996); Cherwell Residential Design Guide (2018); Cherwell Home Extensions and Alterations Design Guide (2007), NPPF

The NPPF explains that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. The importance of **high-quality** responsive design also forms a central component of the policies of the development plan and local guidance.

Therefore, to be supported development proposals should meet the following design tests:	Y / N / NA
a) Does the development use external materials to match those on the existing dwelling?	NA
b) Is the design in keeping (use of similar style windows and architectural detailing, fencing/walling) with the host dwelling and the surrounding area?	NA
c) Is the development in scale with the existing dwelling, its curtilage and the character of the street scene?	NA
d) Is the extension subservient to the existing dwelling?	NA

e) For two storey side extensions, does the development avoid a terracing effect ?	NA
f) Is the development consistent with the CDC Residential Design Guide 2018 and Cherwell Home Extensions and Alterations Design Guide (2007) ?	NA
<i>Comments: The application is for a freestanding pole mounted EV charger within the curtilage of the property – set back from the highway on an existing parking area. It would be readily visible in public views but would be viewed in the context of a wall and an existing hedge. The site is somewhat visually sensitive especially from a heritage perspective (see below). The applicant has agreed to paint the pole element a stone colour to match the adjacent stone wall (limestone). The charger element would be viewed with a backdrop of the hedge.</i>	

Impact on Residential Amenity – Policies: ESD15 (CLP 2015); C30 (CLP 1996); Cherwell Residential Design Guide (2018), Cherwell Home Extensions and Alterations Design Guide (2007); NPPF.	Y / N / NA
a) Does the proposed development comply with the separation guidelines of the Cherwell Residential Design Guide (2018) and Cherwell Home Extensions and Alterations Design Guide (2007)?	NA
b) Would the proposed development result in an acceptable garden size along with suitable amenity and utility space ?	NA
c) Would the development dominate or have an overbearing impact upon any neighbouring garden or property?	NA
d) Would the development result in an adverse degree of overshadowing or loss of light to a neighbouring property?	NA
e) Would the development result in an adverse degree of overlooking to the any neighbouring residents	NA
f) Would the development provide an acceptable standard of living conditions for future occupiers , including noise, privacy, daylight, outlook, air quality etc?	Y
g) Would the development adversely affect neighbouring non-domestic uses?	N

Impact on Highway Safety – Policies: ESD15 (CLP 2015); NPPF	Y / N / NA
a) Does the number of parking spaces, as a result of the development, comply with the OCC parking standard?	Existing parking to be retained
b) If the parking area is to be altered, does the proposed construction accord with the OCC standard?	NA
c) Does any new access proposed meet highway standing advice/OCC response (width, visibility splays etc)?	NA

Impact on Listed Building and/or its Setting - Policy: ESD15 (CLP 2015) and policies C18, C21 (CLP 1996), NPPF	Y / N / NA
Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to 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.	
Assessment of the Impact Proposals to alter or extend a listed building or development within its setting will be permitted where they meet the following tests:	Y / N / NA

a) The proposal contributes to the preservation of the building and is not detrimental to its significance and would not result in the loss of any historic fabric	Y
b) The proposal is of an appropriate scale, form, massing and design and uses appropriate materials and methods of construction which are compatible with the character and construction of the listed building	Y
c) The proposal has regard to the historic layout of the listed building and other internal features of significance	NA
d) The proposal preserves the setting of the listed building	Y
Assessment of Harm and any Benefits Having assessed the impact of the development above, assess below the level of harm being caused by the development	Y / N / NA
e) The proposed development would result in no harm to the listed building and/or its setting	N
f) The proposed development considered to result in less than substantial harm to the significance of the listed building and/or its setting?	Y
g) The less than substantial harm identified (such as loss of historic fabric or modest extensions or to its setting) would be outweighed by the public benefits of the proposal	Y
h) The proposed development is considered to result in substantial harm to the significance of the listed building and/or its setting?	NA
i) If substantial harm would be caused, has it been demonstrated that this is necessary to achieve substantial public benefits that outweigh harm or loss , or that the tests and considerations in the NPPF have been met?	NA
<i>Comments: In the location proposed the charger and pole would have some impact on the significance of listed buildings through change to their setting. Alternative locations for the EV charger have been explored; however, the position proposed is the most convenient for its use and with the requirement for the pole to be finished in a limestone colour the charger would not result in significant harm (i.e. harm which amounts to less than substantial harm) to the significance of the LB. Subject to this condition, the public benefits for climate change of providing an EV charger within the site are considered to balance or outweigh the identified harm.</i>	

Impact on Conservation Area and/or Its Setting - Policies: ESD15 (CLP 20151); C28, C30 (CLP 1996); Conservation Area Appraisal; NPPF	
Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.	
Assessment of the Impact Within a conservation area , proposals for development including alteration, extensions and change of use will normally be permitted where they meet the following tests:	Y / N / NA
a) the development would respect the character and appearance of the area in terms of, scale, form, massing, design, materials and detailing ; and	Y
b) preserve or enhance the significance of the Conservation Area and/or its setting; and	Y
c) in the case of an intensification of use the proposal would be in scale with and not harm the established character of the area .	NA
d) The proposal would not result in the loss of attractive buildings, walls, trees, hedges, open spaces and other features of importance to the significance of the area.	N
e) The proposal is in accordance with the Conservation Area Appraisal	Y
Assessment of Harm and any Benefits Having assessed the impact of the development above, assess below the level of harm being caused by the development	Y / N / NA

f) The proposed development would result in no harm to the significance of the conservation area and any views into or out of it?	N
g) The proposed development would result in less than substantial harm to the significance of the conservation area and any views into or out of it?	Y
h) The less than substantial harm to the conservation area or any views into or out of it caused by the development would be outweighed by the public benefits of the proposal?	Y
i) The proposed development is considered to result in substantial harm to the significance of the Conservation Area and/or its setting?	N
j) If substantial harm will be caused, has it been demonstrated that this is necessary to achieve substantial public benefits that outweigh harm or loss , or that the tests and considerations in the NPPF have been met?	N
<i>Comments: The charger would be visible in public views and would have some impact on the character and appearance of the Conservation Area, within which such features are generally sited in more discreet locations. Subject to a condition to require the pole to be finished in a limestone colour it is considered on balance that the public benefits for climate change of providing an EV charger within the site would balance or outweigh the harm that may be caused to the Conservation Area.</i>	

Impact on Flooding and Drainage in Flood Zone 1- Policies: ESD6 (CLP 2015); NPPF	Y / N / NA
a) Is the site subject to other sources , and forms, of flooding and/or where other bodies have indicated that there may be drainage problems , such as risk of surface water drainage ?	
b) If, Y have you added a condition requiring details of surface water drainage ?	
<i>Comments (if any): As the site is in Flood Zone 1 the development is acceptable in flood risk terms</i>	

Impact on Trees/Hedges / Landscaping – Policies: ESD10, ESD11, ESD13, ESD15 (CLP 2015) NPPF	Y / N / NA
a) if there are mature trees with a high amenity value that the proposed development is adjacent to or in the Root Protection Area of, will the development result in adverse harm to the tree or its loss?	N
b) Is the tree in a conservation area or protected by a Tree Preservation Order (TPO) ?	N
c) Do the benefits of the development outweigh the loss of the tree ?	NA
d) Do any trees need to be potentially protected by a TPO ?	N
e) Would the development result in the loss of landscaping/important hedgerows that would help screen/soften the development/ lessen the impact to neighbouring properties ?	N
f) Does the development propose appropriate landscaping to help screen or soften the development?	N
g) Have you proposed any conditions to secure the retention or protection of trees of or planting of any trees/hedges/landscaping?	N

Impact On Ecology¹ – Policies: ESD10, ESD13, ESD15 (CLP 2015), NPPF	Y / N / NA
a) Does the site or proposed development possess/impact on any of the features where protected species are likely to be present (assessed against <u>Natural England's standing advice</u>) and <u>where species are likely to be found</u> ?	N
b) If Y, has a protected species survey been submitted ?	NA

c) If Y, Does the survey show a detailed consideration of ecological impacts , wildlife mitigation and the creation, restoration and enhancement of wildlife corridors to preserve and enhance biodiversity in accordance with the standing advice ?	NA
<i>Comments: Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and their existence on the site is unlikely. As such no formal survey is required and the absence of which this does not result in a reason to withhold permission.</i>	

G. Conclusion

Due to its siting, scale and design and subject to conditions (as set out in this report) I consider that the proposed development would not adversely affect the character or appearance of the area or the living conditions of neighbouring residents and that any harm to the significance of heritage assets would be balanced or outweighed by the public benefits. The proposal would be acceptable in highway safety terms. The proposal therefore accords with the policies and considerations as set out at section F above.

H. Recommendation

The application is recommended for **APPROVAL** subject to the conditions and for the reasons set out below and on the decision notice.

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form, details of the EV charger submitted with the application and the drawings numbered 059 1 100 and 017 0000.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the details submitted, the pole and its mounting hereby approved shall be finished in a colour to match the colour of the stone wall immediately to the north of the pole and the charger element shall be finished in black or dark green or a similarly dark colour and the development shall be permanently retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the significance of heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

I. Authorisation

Case Officer:	Shona King	Date:	12/08/2025
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Authorising Officer:	Nathanael Stock	Date:	12.08.2025
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Notes	
1	<p>Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must, in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”.</p> <p>Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Conservation of Habitats and Species Regulations 2017. When determining a planning application that affects a EPS, local planning authorities must have regard to the requirements of the EC Habitats Directive which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.</p> <p>Under Regulation 43 of the Conservation Regulations 2017 it is a criminal offence to cause harm to a EPS and/or their habitats which includes damage or destruction of a breeding site or resting place. However, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:</p> <ol style="list-style-type: none"> 1) Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature? 2) Is there any satisfactory alternative? 3) Is there adequate compensation being provided to maintain the favourable conservation status of the species? <p>In order for the local planning authority to discharge its legal duty under the Conservation Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing to authority has to consider itself the 3 derogation tests above.</p> <p>In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.</p>