

<b>APPLICATION NO.</b>	<a href="#">P17/S3225/FUL</a>
<b>APPLICATION TYPE</b>	Full application
<b>REGISTERED</b>	11.9.2017
<b>PARISH</b>	Garsington
<b>WARD MEMBER(S)</b>	Elizabeth Gillespie
<b>APPLICANT</b>	Mrs Amber-Lauren Ballantyne-Styles
<b>SITE</b>	Land to the west of Chiselhampton Hill, Garsington
<b>PROPOSAL</b>	Redevelopment of existing builders yard to provide one residential dwelling , provision of associated private garden, courtyard, parking, landscaping and other ancillary works.
<b>OFFICER</b>	Tom Rice

**1.0 INTRODUCTION**

- 1.1 The application site is currently a derelict builder's yard off the Chiselhampton Hill between Oxford and Chiselhampton. The site location plan is shown in **Appendix 1**.
- 1.2 The site is home to one permanent structure, a delapidated single storey office building that is filled with various debris and materials associated with the site's use as a builder's yard. The structure appears to be dangerous and close to collapse, and, by virtue of its age could contain toxic substances such as asbestos. The office building is of limited architectural value.
- 1.3 The only other structure on site is a single storey portacabin building, that again looks dated and unusable in its current form. Aside from the structures, there is scattering of construction debris such as cement mixers and sheet metal, and a few earth mounds on the site. There is practically no visible hard standing on site, and aside from the aforementioned structures and debris, the site is greened over with grass, shrubs and hedges, and trees.
- 1.4 The site lies within the Oxford Green Belt and within the parish of Garsington. There are no other planning constraints or designations affecting the site.

**2.0 PROPOSAL**

- 2.1 The applicant proposes to demolish the existing apparatus associated with the builder's yard and to erect a new house in its place, along with garden space, parking, landscaping, and ancillary works. The proposed house would be a single storey above ground, but have a subterranean living quarters below ground level. It would be accessed off of Chiselhampton Hill using the site's existing access.
- 2.2 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the council's website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) under the planning application reference number.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1

Consultee	Summary of response
Garsington Parish Council	Garsington Parish Council objects to the application as it is within the Oxford Green Belt and would not result in a material impact on the housing land supply position.
Local Highway Authority (Oxfordshire County Council)	<p>The county council has no objections to this application. They observed that the proposed development is unlikely to result in any significant intensification of transport activity than the current use of the site. They recommended the following conditions are attached to any consent:</p> <ul style="list-style-type: none"> <li>▪ Prior to the first occupation of the development, the existing means of access onto the B480 Chiselhampton Hill, shall be improved and laid out and constructed strictly in accordance with the local highway authority’s specifications and all ancillary works specified shall be undertaken.</li> <li>▪ The vision splays shown on drawing no. 18430-01, Rev a, shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.</li> <li>▪ Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with drawing no.P01, and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times.</li> <li>▪ No surface water from the development shall be discharged onto the adjoining highway.</li> </ul>
Forestry Officer (SODC)	The forestry officer has no objection to the proposed development and the proposed protection measures are acceptable. He has suggested that a landscaping condition is attached to any consent to help soften the impact of the development in this rural location.
Contaminated Land Officer (SODC)	The officer was unable to comment as the applicant had not submitted an appropriate contamination assessment. The applicant should submit a contaminated land preliminary risk assessment consultant’s report. This will establish the potential for land contamination to be present at the application site. After further consultation with the officer, he has suggested that a pre-commencement condition is attached to any consent to address this point.

4.0 **RELEVANT PLANNING HISTORY**

Application reference	Summary
<a href="#">P14/S2416/PEM</a> (August 2014)	Pre-application advice request for the removal of the lawful use of the site as a builder's yard to be replaced by a single detached dwellinghouse.
<a href="#">P97/N0323/LD</a> (September 2002)	Decision issued in 2002, but application for lawful use of the site as a builder's yard was made in 1997. The council considered this to be lawful development.
<a href="#">NE98/137</a> (October 2002)	Alleged planning breach and enforcement action against the use of the land as a builder's yard.

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy (SOCS) Policies**

CS1: Presumption in favour of sustainable development  
 CSS1: The overall strategy  
 CSH2: Density  
 CSR1: Housing in villages  
 CSEN1: Landscape  
 CSEN2: Green Belt  
 CSQ2: Sustainable design and construction  
 CSQ3: Design

5.2 **Saved policies of the South Oxfordshire Local Plan 2011**

G2: Protection of the district from adverse development  
 G4: Development in the countryside  
 C4: Landscape setting of settlements  
 GB4: Visual amenity in the Green Belt  
 EP8: Contaminated land  
 D1: Good design  
 D2: Vehicle and bicycle parking  
 D3: Plot coverage and garden areas  
 D7: Access for all  
 D10: Waste management  
 E6: Retention of employment sites  
 T1: Transport requirements for new developments (i)  
 T2: Transport requirements for new developments (ii)

5.3 **Garsington Village Plan (not a neighbourhood plan)**

Garsington parish is a designated neighbourhood plan area, although the steering group appears to have made little progress towards a neighbourhood plan. In February 2015, the parish council published a village plan. The village plan is not part of the development plan, but is still a material consideration. I have noted the following relevant comments / conclusions from the village plan for this application:

- a) There is high support from residents (70% of responders) for some form of new housing development.
- b) There is a perceived over reliance on the private car.

- c) The bus service is widely criticised by parishioners, although around one third of responders used the bus route.
- d) There are problems with on-street parking in the village centre causing safety issues with visibility.
- e) Over 80% of parishioners saw a need to improve pavements, footpaths and cycle paths. They noted narrow pavements, poor lighting and difficulty with road crossing as key issues.

#### 5.4 South Oxfordshire Design Guide 2016

The South Oxfordshire Design Guide contains detailed design guidance for applicants to follow. The SPD is not part of the development plan, but is a material consideration for the determination of this application. It contains a long checklist of items to consider for designing an extension, which is too long to repeat in this report. I will, where relevant, consider the design guide in the planning considerations section below.

#### 5.5 National Planning Policy Framework (NPPF)

Paragraph 14: The presumption in favour of sustainable development  
Paragraph 17: The core planning principles  
Paragraph 22: Protection of employment land  
Paragraphs 47 to 55: Delivering a wide choice of high quality homes  
Paragraphs 60, 63, 64: Requiring good design  
Paragraphs 87 to 89: Inappropriate development in the Green Belt  
Paragraph 95: Low carbon future  
Paragraph 111: Encouraging the re-use of land  
Paragraph 120: Pollution risk  
Paragraphs 186 & 187: Decision taking

#### 5.6 National Planning Practice Guidance (NPPG)

Climate change  
Design  
Determining a planning application  
Land affected by contamination  
Natural environment  
Rural housing  
Self-build and custom housebuilding

#### 6.0 PLANNING CONSIDERATIONS

6.1 I have considered the various representations, planning history and planning policies that are relevant to this application. In reaching my recommendation, I believe that the following matters are relevant to determining this application:

- The principle of development
- Self build development
- Sustainability matters
- The loss of employment land
- The impact on the Oxford Green Belt and landscape, incorporating forestry and arboriculture
- Other arboricultural matters
- Contaminated land
- Drainage
- Design, scale and character

- Transport and access
- Outdoor amenity space
- Community Infrastructure Levy
- Other matters

## THE PRINCIPLE OF DEVELOPMENT

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires the council to make decisions in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the development plan is the South Oxfordshire Core Strategy and saved policies from the South Oxfordshire Local Plan 2011. The site is not affected by any known minerals designations and so the Oxfordshire Minerals and Waste Plan is not relevant to this application.
- 6.3 The Core Strategy sets out the current development strategy for South Oxfordshire. It states at Policy CSS1 (the overall strategy) that development outside the towns and villages will need to relate to very specific needs, such as of the agricultural industry or enhancement of the environment. The applicant is not proposing that the dwelling would be for a specific need, and the site falls beyond the main settlement of Garsington. The proposed development therefore conflicts with Policy CSS1.
- 6.4 This position is reinforced in Policy CSR1 (housing in villages) which states that development in 'all other places not listed' would not be granted planning permission. Although the site lies within the parish of Garsington I consider it to be significantly separated from the main village and it instead represents a site in the open countryside. However, the policy does support redevelopment of previously developed land, that must be assessed on a case by case basis on the proposal's consistency with other policies in the development plan. I therefore consider that the application would not conflict with Policy CSR1.
- 6.5 As the site is previously developed land it receives support for redevelopment from saved Policy E6 of the Local Plan 2011. Policy E6 contains several criteria for applications to demonstrate for the council to support the re-use of the land. I will deal with these points where relevant under the Green Belt and Design sections below.
- 6.6 Another material consideration regarding the principle of development will be whether the council can demonstrate it has a sufficient pipeline of housing for the next five-year period. The requirement to maintain a five-year supply of homes is set out in Paragraph 49 of the NPPF. When the council cannot demonstrate a sufficient supply, I cannot consider policies relevant to the supply of housing up to date, and can therefore only attribute them limited weight.
- 6.7 The council does not currently have a five-year housing land supply. In such an instance, the NPPF directs that the council should apply the presumption in favour of sustainable development (paragraph 14) and grant consent unless the NPPF directs otherwise. For this application, relevant sections of the NPPF relating to Green Belt must be satisfied before the presumption in favour of sustainable development is applied. I explore the Green Belt in further detail below.
- 6.8 Although there is a conflict with Policy CSS1 of the development plan with regard to the principle of development, these policies focus on greenfield development. This site is previously developed land and therefore, subject to satisfying the criteria of saved Policy E6, I do not consider there to be a conflict with the development plan in terms of the principle of development. Furthermore, subject to the proposals satisfying the Green Belt sections of the NPPF, national policy as a material consideration also

indicates that a presumption in favour of sustainable development should apply. On this basis I now go on to explore the other relevant matters for this application before making a recommendation.

### **SELF BUILD DEVELOPMENT**

- 6.9 The Council has a duty, under the Self-build and Custom Housebuilding Act (2015), to hold a register of all those interested in bringing forward a custom or self-build home, and to have regard to this register when carrying out planning functions. There are 310 applicants registered on the South and Vale register as of 27 November 2017.
- 6.10 This application is for a self-build home. The applicant who will be living in the home has been part of the design and commissioning of their property.
- 6.11 In accordance with the Self-build and Custom Housebuilding Act (2015), and Paragraph 50 of the NPPF, the fact that this is an application for a self-build property is a material consideration weighing in favour of the development.

### **SUSTAINABILITY MATTERS**

- 6.12 The application site is in a relatively isolated location. There are much more sustainable locations for development in the district where residents would have access to shops, services and essential facilities with longer opening times, more variety and with a greater choice of travel on foot, bike, bus or train. However, I am not undertaking a comparative exercise here and I must assess the merits of the application before me.
- 6.13 Garsington is the nearest settlement to the site. The village centre, which houses most of the village's facilities is around 2km away via Southend; a country lane with no lighting and no footpath. Furthermore the landscape rises some 60m from the application site to the village centre. In my mind, this is not walkable and the steep incline may discourage cycling. I consider it very unlikely that future residents would travel into Garsington via any other method than by car, especially in winter months once the nights draw in.
- 6.14 The applicant has not submitted any material that demonstrates the safe, secure and convenient parking of bicycles. This, in my view would reinforce the reliance on the private car in this location. However, the site is relatively secure in that it is likely to be safe enough for residents to leave bicycles in the garden without fear of theft.
- 6.15 The site is immediately opposite a bus stop serving the T1 bus route, that runs between Oxford City Centre and Watlington. The bus runs every hour, and takes half an hour (timetabled) to reach the city centre, with a return fare of £4.50. I consider there to be a reasonable prospect for an individual to make this journey (i.e. if one of the occupiers works in the city centre), but doubt that a family would make the journey into town for a weekend shopping trip since it would be much more economical and convenient for them to drive.
- 6.16 I therefore consider that the development would introduce a new dwelling that is almost entirely reliant on the private car to meet day to day needs. I would therefore consider the development to be contrary to saved Policy T1 of the Local Plan 2011 since it doesn't provide safe and convenient routes for cyclists and pedestrians (criterion ii).
- 6.17 At Paragraph 29 the NPPF states that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This site clearly represents a rural area, and I

acknowledge that this part of the district will not have as comprehensive sustainable transport measures as urban areas.

- 6.18 However, I consider that the proposed development would be entirely reliant on the car, and see the prospects of future occupiers walking to Garsington to meet day to day needs being limited by virtue of the length, topography and hazards of the route. Furthermore, the bus route that serves the site is likely to have limited appeal, and I do not consider the service offer in terms of convenience and cost to be sufficient to draw occupiers away from using the car.
- 6.19 In terms of sustainability, I consider the proposed development to be contrary to the following policies and national guidance:
- Paragraph 17 (Core Principles) of the NPPF – particularly criterion 6 – supporting the transition to a low carbon future – criterion 7 – contributing to reducing pollution – criterion 11 – make the fullest possible use of public transport, walking and cycling.
  - Paragraph 29 (promoting sustainable transport) of the NPPF
  - Saved Policies T1 and T2 of the South Oxfordshire Local Plan

#### THE LOSS OF EMPLOYMENT LAND

- 6.20 The site's current lawful use is a builder's storage yard, which is a form of employment land. Saved policy E6 of the Local Plan states that the council will permit the change of use from employment to residential if the existing use is no longer economically viable and the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses.
- 6.21 I must also have regard to national planning policies as a material consideration. At paragraph 22, the NPPF states that where there is no reasonable prospect for a site to be used for employment uses, applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses. I consider the approach set out in saved Policy E6 and Paragraph 22 of the NPPF to be compatible and therefore if the application satisfies Policy E6 it will satisfy Paragraph 22 and vice versa.
- 6.22 From my site visit, it was apparent that the site had been vacant for some time. The existing office building on site appeared to be in a sorry state of repair. Where construction materials had been left on the site they have become overgrown and nature appears to have taken over. To me, this demonstrates that the site has been vacant for well over a year, although gives no testament to any proactive attempt to return it to active employment use.
- 6.23 The applicant has submitted a marketing report with their application (April 2017 – **Appendix 4**), which demonstrates that the site has been marketed for at least a year. Those who showed an interest in renting / buying the site withdrew because of access issues for larger vehicles and security concerns about its rural location.
- 6.24 Based on the applicant's marketing report, I believe the site has been sufficiently marketed for employment uses. Furthermore, as required by Paragraph 22 of the NPPF I must also have regard to the pressure for the use of the land for other uses. As I have set out above, South Oxfordshire District Council cannot currently demonstrate a five year housing land supply indicating a high demand for residential land.

- 6.25 Based on the above, I consider the loss of employment land for housing development in this location to be acceptable.

#### **IMPACT ON THE OXFORD GREEN BELT, LANDSCAPE AND ARBORICULTURE**

- 6.26 Policies CSR1 and CSEN2 of the Core Strategy allow for limited amounts of infill development in the Green Belt villages. However, as I have already set out above the site is not within Garsington. In other circumstances, CSEN2 defers to national policy and guidance on Green Belts for determining applications.
- 6.27 Saved policy GB4 of the Local Plan states that where development is permitted in the Green Belt, it should be designed and sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised.
- 6.28 The NPPF directs that the council should not approve inappropriate development in the Green Belt, except in very special circumstances. At paragraph 89 it dictates what development is not inappropriate for the Green Belt. For this site, there are two relevant exceptions: **(a)** the replacement of a building if the new building is the same use and not materially larger than the one it replaces, and **(b)** the partial or complete redevelopment of brownfield land, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.29 The proposed development is for the replacement of the existing builder's yard office, but for a use that is materially larger and of a different use. It therefore fails this criterion. However, the application material represents the redevelopment of the brownfield site and would therefore satisfy this criterion in principle provided that there is not a greater impact on the openness of the Green Belt.
- 6.30 Both national and local policies therefore support the re-use of the site in the Green Belt in principle, subject to the impact on the Green Belt being no great than that of the existing building.
- 6.31 The applicant has submitted a Landscape and Visual Impact Assessment, which claims that the site has the capacity to accommodate the new dwelling. The assessment was undertaken in winter months so represents a worst-case scenario in terms of visibility. The assessment includes eleven view points of the site; four close distance views from Chiselhampton Hill, and seven from wider public viewpoints. By virtue of the planting surrounding the application site, it is barely visible from both long and short distance views. Where glimpsed views of the site can be seen it is in the context of the built form of Lower Farm or against the backdrop of Garsington as it rises up the hill.
- 6.32 The applicant has not submitted photomontages of the proposed development, so I have had to use the site photos in the LVIA and proposed elevations and drawings to come to a view as to whether the development would detract from the openness of the Green Belt. The tallest part of the building would be the chimney stack, some 5.5m high. The main bulk of the building would however be around 4.7m tall. This is significantly higher than the existing office building that is shown to be around 1.9m tall on the applicant's site survey (RJS/TS/256932/1). The above ground element of the proposed dwelling would have a footprint of around 59m<sup>2</sup>, while the existing on site buildings have a footprint of around 57m<sup>2</sup>.
- 6.33 The proposals therefore represent an increase in the built form on the site. However, the proposals need to demonstrate how they would not have a greater impact on the



openness of the Green Belt and the purpose of including land within it. This is not equitable with the mass and scale of the buildings, and will consider the design of the building and any visual screening.

- 6.34 Given the presence of evergreen trees on site, and the thick coverage offered by the existing planting I do not consider that the proposed development would be visible from immediate views on Chiselhampton Hill. This is helped by the building's location at the rear (south) of the site. The applicant has not submitted any plans for the treatment of the site entrance and will remain as currently is. I will deal with this in terms of highways impact when considering access below. In terms of the perception of openness, a low-key intervention is most appropriate here. A grandiose entrance or gateway would signpost the presence of a home here, while a more modest entrance in combination with the landscape planting help preserve the perception of openness.
- 6.35 From longer distance public views, the current builder's yard office and portacabin are not visible. This would similarly apply to the proposed development, despite being nearly twice as high, due to the changes in topography and established tree lines, both on and off site.
- 6.36 However, the proposed development takes place around 3m from the conifer tree line on the western edge of the site. The Council's forestry officer is concerned that the excavation work will damage the roots of the conifers and could give rise to damage or disease to the trees. He agreed that the trees have little arboricultural value and their loss would not be a concern.
- 6.37 As the trees have no arboricultural value, I must assess the impact of their potential loss on Green Belt and landscape grounds. For this, I rely on the applicant's Landscape and Visual Assessment, particularly viewpoint 7, which shows the views into the site from the Public Right of Way to the west of Gotham Farm. I have extracted the viewpoint from the assessment at **Appendix 3**.
- 6.38 As can be seen from the extract only the tips of the conifer trees can be seen behind Lower Farm. There is also other planting near to the site, and in the intervening foreground that provides a more substantial contribution to the rural character of the area. Although the risk to the conifers is great, they have limited arboricultural value, and do not provide a significant landscape screen that contributes to the rural character of the Green Belt in this location. However, as the conifers are at risk and due to the rural nature of this site, I agree with the suggestion put forward by the council's forestry officer that a detailed landscaping scheme should be submitted and agreed before development is commenced.
- 6.39 The final criterion of the NPPF for allowing redevelopment in the Green Belt is the impact of the development on the purpose of including the site in the Green Belt. I have set these out on the table below and made my commentary:

Green Belt Purpose	How the proposals affect the purpose
To check the unrestricted sprawl of large built-up areas	The parcel forms part of the Oxford Green Belt and so plays a part in the overall function of the Green Belt in restricting the city's sprawl. However, the parcel is only 0.22ha in size, is a previously developed site, and is some 2.5km from the edge of the city. I therefore believe that the proposals would not adversely affect this purpose.

To prevent neighbouring towns merging into one another	The site is not on the edge of any settlements and so therefore does not prevent the merging of neighbouring towns or villages.
To assist in safeguarding the countryside from encroachment	The site is a previously developed parcel of land and so its appropriate redevelopment would not result in encroachment of the built form into the countryside.
To preserve the setting and special character of historic towns	Not applicable
To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	It is possible that there may be other derelict sites within the urban areas of Oxford that should be developed in preference to this site. However the urban area is within another Local Planning Authority Area. Furthermore, this site represents the recycling of previously developed land, albeit outside the urban area.

6.40 Although the proposed development meets the criteria above, the council has a duty to protect the openness of the Green Belt in accordance with the NPPF and our own local plan policies. In order to do so in this location, I consider it necessary to attach a condition that restricts permitted development. This will reduce the ability of occupiers to construct extensions and erect new outbuildings without prior consent.

6.41 In summary, I consider that the proposed development can satisfy the requirements of Policy CSEN2 of the South Oxfordshire Core Strategy, saved Policy GB4 of the South Oxfordshire Local Plan 2011, and Paragraphs 87 to 89 of the NPPF. The proposed development would recycle previously developed land within the Green Belt, with modest changes to the scale and mass of buildings on the site not affecting the perception of openness or rural character of the area.

#### **OTHER ARBORICULTURAL MATTERS**

6.42 Although the Forestry Officer has raised no in principle objections to the development, though initial consultation, they did identify an oak tree on the site that would be at risk. The tree is still fairly young and the Forestry Officer would support a proposal for it to be replaced elsewhere on site. The applicant has agreed to this, and submitted a revised plan showing the Oak Tree being relocated to the northern edge of the site.

#### **CONTAMINATED LAND**

6.43 The site's former use as a builder's yard could have given rise to land contamination or pollution. The applicant has not submitted a contaminated land assessment, and this was criticised by the Council's Environmental Health Officer. If planning permission is granted, I would recommend that two conditions are attached to (a) undertake a contaminated land assessment, and (b) if the land is found to be contaminated through (a), then to undertake appropriate remediation work.

#### **DRAINAGE**

6.44 The applicant has not submitted any drainage information as part of this application. The site is not located in Flood Zones 2 or 3, but I am concerned that, by virtue of the site's location at the bottom of Chiselhampton and Garsington Hills, and the significant excavation work required for a subterranean dwelling, that surface water flooding could

become an issue. If permission is granted, I recommend that a pre-commencement condition is attached to submit and agree a surface water drainage scheme with the council, and for this scheme to be implemented prior to the first occupation of the dwelling.

### **DESIGN, SCALE AND CHARACTER OF THE PROPOSED DEVELOPMENT**

- 6.45 The development site does not form part of an established residential area, and so there aren't many neighbouring properties for the applicant to take design cues from. The nearest properties form part of Lower Farm and College Farm, all of which form part of discrete farmsteads. With regard to this, the new house is out of keeping with the character of the immediate area, insofar as it doesn't form a part of a nucleated set of dwellings focussed around a farmstead. Having said that, the proposed development would have limited landscape impacts owing to its screened location, and in a wider context would form part of the collection of buildings at College Farm and Lower Farm.
- 6.46 It will be important to ensure that the modest nature of the gate marking the entrance to the site is maintained. It currently alludes to a paddock or other small field and hides the perception of an abandoned builder's yard. To maintain the perception of openness and the character of this site I believe it is important to protect the characteristics of the current site entrance. The applicant has not submitted any plans to alter the entrance and so I am content with the material before me. However, I have recommended a condition to safeguard this and give the applicant the flexibility to alter the entrance to the council's satisfaction.
- 6.47 The South Oxfordshire Design Guide states that the majority of buildings in our district adopt a very consistent, simple form, with rectangular floor plans and pitched roofs. The proposed new dwelling clearly demonstrates a simple rectangular form with a pitched roof. This is reflective of both the district and local character in this area.
- 6.48 The proposed development does however take an innovative approach to form by introducing a subterranean element. The lower terrace shown on the plans is south facing, allowing this light well to maximise solar gain and the amount of light that each of the underground rooms will receive. I am mindful that bedrooms 3 and 4 are least likely to benefit from this light (being on the southern edge of the light well), but these are bedrooms where inhabitants are less likely to spend daylight hours. Indeed the applicant has sought to place the living quarters on the top level so that sunlight capture is maximised in these rooms, limiting the need for artificial lighting.
- 6.49 The proposed materials create an interesting monochromatic effect that works well for the building, and gives the type of high quality finish that is encouraged by our design guide.
- 6.50 In summary I consider that the proposed development represents an appropriate form, scale and character. It has sought to minimise the environmental impact in terms of landscape through the introduction of a subterranean element, that has been well thought out in terms of orientation for solar gain.

### **TRANSPORT AND ACCESS**

- 6.51 As I have already discussed under the principle of development, I consider that the proposed development would create a household that is almost entirely dependent on the private car for transport. In this section I will focus purely on matters of highway

safety and access and rely upon comments made by Oxfordshire County Council as the local highway authority.

- 6.52 The County Council raises no objection to the application. In reaching their conclusions the County Council consider that the proposed dwelling would not result in the intensification of any transport activity on the site. I agree with this conclusion, and although the site is currently disused, its permitted use is for that of a builder's yard and so could return to activity.
- 6.53 The County Council has raised no objection, subject to the following conditions being attached to the permission:

**Existing vehicular access:** Prior to the first occupation of the development, the existing means of access onto the B480 Chiselhampton Hill, shall be improved and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken

**Vision splays:** The vision splays shown on drawing no. 18430-01, Rev a, shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.

**Retention of parking and manoeuvring areas:** Prior to the first occupation of the development hereby approved, the parking and turning areas shall be provided in accordance with drawing no.P01, and shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles, and shall be retained unobstructed except for the parking of vehicles associated with the development at all times

**Surface water drainage:** No surface water from the development shall be discharged onto the adjoining highway.

- 6.54 I agree with the County Council's comments and proposed conditions. I therefore consider the proposed development to be in accordance with saved policies T1 and T2 of the South Oxfordshire Local Plan 2011 regarding highway safety.

#### **OUTDOOR AMENITY PROVISION**

- 6.55 The South Oxfordshire Design Guide states that 3+ bedroom homes should have a private outdoor amenity space of at least 100m<sup>2</sup>. The application has a total external amenity space of around 85m<sup>2</sup>, although my calculations for this exclude the area marked as the drive way and turning areas. The proposed development therefore under provides private amenity space. On balance I consider this to be acceptable due to the access to the open countryside and the amenity value that this offers, and the secluded, private quality nature of the space provided.
- 6.56 Nevertheless, I do not consider it appropriate to further erode this space. I have therefore attached two conditions to this consent that restrict permitted development rights for the extension of the property and for the erection of additional outbuildings.

#### **COMMUNITY INFRASTRUCTURE LEVY**

- 6.57 CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. This development is CIL liable but the applicant has submitted a self-build exemption form.

## **OTHER MATTERS**

6.58 In accordance with paragraphs 186 and 187 of the NPPF (2012), and guidance on ‘Determining a planning application’ in the National Planning Practice Guidance (2014), the Council should take a positive and proactive approach to development proposals.

### **7.0 CONCLUSION – THE PLANNING BALANCE**

7.1 The council should make a decision based on the policies within the development plan, unless material considerations indicate otherwise. There is an ‘in principle’ conflict with Policy CSS1 (overall strategy) of the Core Strategy due to the proposal being for a residential property in an isolated location outside of settlement boundaries. However, Policy CSR1 and saved policy E6 of the Local Plan 2011 lend support to redevelopment of employment land for other uses.

7.2 The National Planning Policy Framework is a material consideration for this application. It sets out that where a council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development should apply (subject to the caveats contained in paragraph 14). This weighs in favour of the principle of development at this location.

7.3 The site is located in the Green Belt, but the development plan at policy CSEN2 defers to the NPPF regarding new development in this area. The NPPF is supportive of redevelopment of brownfield sites (such as this one) provided that it does not have a greater impact on the openness of the Green Belt, nor the reasons for the parcel being included in the Green Belt. I believe the proposals satisfy this requirement and have given my explanation at paragraphs 6.26 to 6.41.

7.4 The site is in an isolated location in the countryside and would likely be dependent on the private car to meet day to day needs, despite the presence of a bus stop nearby. This would be contrary to saved policies T1 and T2 of the Local Plan 2011 and the principles of promoting sustainable transport in the NPPF.

7.5 However, on balance, I consider that the lack of a five year housing land supply, the principle of redeveloping previously developed land under saved policy E6, and the limited harm on the Green Belt outweigh the limited sustainable transport opportunities.

7.6 There are a variety of technical matters that need to be addressed, including drainage, contaminated land, and detailed highways matters. These can be satisfactorily addressed through conditions.

### **8.0 RECOMMENDATION**

8.1 **That planning permission is granted subject to the following conditions:**

- 1. Development must commence within three years.**
- 2. Development shall be carried out in accordance with approved plans.**
- 3. Material as per those shown on plan.**
- 4. Phased risk assessment.**
- 5. Withdrawal of permitted development rights – no extensions.**
- 6. Withdrawal of permitted development rights – no out-buildings.**
- 7. Contamination remediation strategy.**
- 8. Surface water drainage details to be approved.**
- 9. Landscaping scheme.**
- 10. Existing access to be improved.**
- 11. Vision splays unobstructed.**

12. Parking as approved plan.
13. No surface water from the development shall be discharged onto the adjoining highway
14. . Details of access on to Chiselhampton Hill to be agreed.

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