

APPLICATION NO.	P23/S1723/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	23.5.2023
PARISH	HOLTON
WARD MEMBER(S)	Tim Bearder
APPLICANT	The Trustees of Shotover Estate
SITE	Site at the entrance to the track to Warren Farm Holton
PROPOSAL	Construction of three bedroom house. (As amplified by arboricultural information received on 26 September 2023, amended by plan 833 1 C to reduce the red site area received 12 December 2023, revised site plan received 18 December 2023 and ecological assessment and biodiversity metric calculation received 8 January 2024).
OFFICER	Kim Gould

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This planning application has been referred to the planning committee because the recommendation to approve planning permission conflicts with the views of Holton Parish Council who object to the planning application.
- 1.2 Although the site is part of an existing field, there is a frontage onto the road within a line of continuous development. The site is considered to lie within the built-up limits of Holton and within the Oxford green belt. It sits adjacent to the track to Warren Farm and buildings which lie to the north. Public footpaths run along the farm track and to the south east of the site (HOLFP02 and 05). During the processing of the application, the site area has been reduced.
- 1.3 A plan identifying the site is **attached** as Appendix 1.
- 1.4 The site forms part of the Shotover Estate.
- 1.5 This application seeks full planning permission to erect a single 3-bed detached dwelling. Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the council's website at www.southoxoon.gov.uk
- 1.6 Should permission be granted the trustees of the estate seek to generate income for the estate by renting out the property. This is part of the long term conservation management plan which aims to bring the estate buildings back into a good state of repair and to safeguard their viability individually and also the viability of the estate.

1.7 The application was subject to a pre-application advice request under ref P22/S2468/PEM. The advice concluded that the principle of a dwelling on this site is acceptable.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Holton Parish Council** – Objection.

The site is not an infill plot and constitutes inappropriate development within the Oxford green belt. There are no very special circumstances to develop this open area of farmland.

OCC Highways Liaison Officer –

The Local Planning Authority should give due consideration to the poor accessibility of the development. Future residents would be highly dependent on private motor car to access essential services, employment and shops. The site has no pedestrian (or cycle) infrastructure provided to connect it to the rest of the village.

It is recommended, if planning permission is granted that pedestrian awareness visibility splays are provided at the access. It is unlikely that vehicles will be displaced into the adopted highway so as to cause an obstruction.

Forestry Officer – Initial comment – Objection due to insufficient arboricultural information being submitted with the application.

Following submission of tree survey and arboricultural impact assessment – No objection subject to landscaping condition requiring the planting of trees and shrubs.

Countryside Officer – Initial comments - the application needs to be supported by ecological information to demonstrate compliance with policy ENV2 of the SOLP and the NPPF. A preliminary ecological appraisal (PEA) should be undertaken for the site, to identify on site habitats and potential suitability for fauna. Depending upon the results, of the PEA, further ecological surveys and/or mitigation may be required.

Following the submission of a PEA – The development site is within a great crested newt red zone and therefore the developer should enter the NatureSpace District Level Licencing Scheme as recommended by the project ecologist. The certificate should be supplied to the council prior to any determination.

Drainage – No objection subject to condition requiring details of surface water drainage to be submitted.

Neighbour objection (1)

- Size of plot is too big for a single dwelling

Neighbour Concerns (2)

- The large plot could be subdivided in the future for additional dwellings

- The northern boundary of the site lies outside the built-up limits of Holton -concern for future development within the large site.
- No objection in principle of limited infilling.
- One house is a good idea and is line with all the local planning policies.
- The property does not need such a large garden
- The plot size could be reduced to prevent future subdivision of the plot
- Wildlife protection- need for ecological survey in relation to great crested newts.

3.0 RELEVANT PLANNING HISTORY

3.1 [P22/S2468/PEM](#) - Advice provided (10/08/2022)

Proposed new single dwelling at junction of Warren Farm Estate Road and the main street in Holton.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 POLICY & GUIDANCE

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicated otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. The council's adopted development plan comprises the South Oxfordshire Local Plan 2035 (SOLP)

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development
DES10 - Carbon Reduction
DES2 - Enhancing Local Character
DES5 - Outdoor Amenity Space
DES6 - Residential Amenity
DES8 - Promoting Sustainable Design
DES9 - Renewable Energy
ENV1 - Landscape and Countryside
ENV2 – Biodiversity priority habitats and species
ENV3 - Biodiversity
EP4 – Flood risk
H1 - Delivering New Homes
H16 - Backland and Infill Development and Redevelopment
H8 - Housing in the Smaller Villages
STRAT1 - The Overall Strategy
STRAT6 - Green Belt
TRANS5 - Consideration of Development Proposals

5.2 Neighbourhood Plan

Holton does not have a Neighbourhood Plan

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Principle of development – Green belt policy and housing policy**
- **Design and character**
- **Residential amenity**
- **Amenity space**
- **Access and parking**
- **Carbon reduction and sustainable development**
- **Biodiversity**
- **Trees**
- **Drainage**
- **Other issues**

6.2 **Principle of development – Green Belt**

The site lies within the Oxford green belt. The Green Belt serves the following five purposes:

- a) To check the unrestricted sprawl of large built-up areas;
- b) To prevent neighbouring towns merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.3 Within the Green Belt there is a presumption against inappropriate development which is, by definition, harmful to the openness of the Green Belt and should not be approved except in very special circumstances.

6.4 The first step in assessing the impact on the Green Belt is to consider whether the proposal constitutes inappropriate development or not. If the proposal is inappropriate, then the council must consider whether there are any 'very special circumstances' that would outweigh the identified harm by reason of being inappropriate.

6.5 Policy STRAT6 of the SOLP seeks to ensure that the green belt continues to serve its key functions and will be protected from harmful development. Within

its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF.

- 6.6 Paragraphs 154 (new buildings) and 155 (other development) of the NPPF define the types of development which are not inappropriate in the Green Belt. Limited infilling within villages is included as an acceptable form of new buildings within the Green Belt at paragraph 154 (e) of the NPPF.
- 6.7 Policy STRAT6 of the SOLP seeks to ensure the Green Belt continues to serve its key functions by protecting it from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF. Consideration must therefore be given as to whether the proposal constitutes limited infilling. Infill development is defined within policy H16 of the SOLP as “the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.” With infill development within villages, it is accepted that there may be some impact on the openness of the Green Belt but that it will be limited due to the site being surrounded by other built form.
- 6.8 Although the site is part of an existing field, there is a frontage onto the road within a line of continuous development. The site is considered to lie within the built up limits of Holton and to meet the definition of infill development as it is a small gap in an otherwise continuous built-up frontage.
- 6.9 As such, the principle of the development is acceptable in Green Belt policy terms.
- 6.10 **Principle of development – housing policy**
Policy H1 of the SOLP details the spatial strategy for new development across the district during the plan period. It establishes a settlement hierarchy that seeks to direct new development to the growth point of Didcot with smaller development supported in the main towns and various sizes of village across the district.
- 6.11 Holton is defined in the settlement hierarchy within the SOLP as a ‘smaller village’. Policy H8 of the SOLP relates to housing in Smaller Villages. The policy states that the council will support development within smaller villages in accordance with Policy H16 of the SOLP.
- 6.12 Policy H16 of the SOLP seeks to limit development within smaller villages to infill and redevelopment of previously developed land or buildings. In my opinion the proposal meets the definition of infill development. As such, the principle of erection a single dwelling on the site is acceptable.
- 6.13 **Design and character**
Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design subject to a series of criteria.

6.14 Policy DES2 of the SOLP states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.15 The proposed dwelling would be finished using brick and clay tiles and is of traditional design. It would be in keeping with the variety of house types and pallet of materials within the vicinity of the site and would not appear visually intrusive within the street scene when travelling through the village.

6.16 **Residential amenity**

Policy DES6 of the SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

6.17 In this case, the nearest neighbours to the site are The Paddock Bungalow to the south west and Chilterns to the south east. The proposed dwelling is orientated so that it faces the front and side garden of The Paddock Bungalow. It has a rooflight facing that property but no first floor windows. The new dwelling would be some 15 metres from the front elevation of The Paddock Bungalow across an access track. A distance of some 34 metres would separate the side elevation of the new dwelling and Chilterns. A single first floor window would face towards this property. Given the distance between the 2 properties this is not considered to result in significant adverse harm to neighbour amenity. None of the concerns from neighbours relate to loss of amenity.

6.18 **Amenity Space**

Policy DES5 of the SOLP relates to outdoor amenity space and requires that a private outdoor garden or amenity areas should be provided for all new dwellings. The amount of land should be provided for amenity space will be determined by the size of the dwelling.

6.19 The Joint South and Vale Design Guide (JSVDG) sets out the minimum areas based on the number of bedrooms and for 3+ bedrooms, 100 square metres should be provided. An inability to provide the minimum amenity space and or parking provision can be an indicator that the proposal constitutes an overdevelopment of the site.

6.20 In this case, the proposed dwelling would have 3 bedrooms and would therefore require a private amenity area of 100sqm. The submitted site plan shows that the property would have a garden in excess of 400sq metres.

6.21 **Access and Parking**

With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

- 6.22 Policy TRANS5 of the SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas. It also requires the provision of facilities which support the take up of electrical and /or low emissions vehicles.
- 6.23 A new access is proposed onto the farm track, which is also an existing footpath HOLFP02.
- 6.24 Oxfordshire County Council has raised the following matter in relation to the proposal; the accessibility of the development is poor and future residents would be highly dependent on private motor car to access essential services, employment and shops. The Local Planning Authority is advised to give due consideration to this matter when evaluating the overall sustainability i.e. environmental, economic and social merits of the proposed development. The site has no pedestrian (or cycle) infrastructure provided to connect it to the rest of the village. In addition, I understand there are limited local facilities in the village and raise concern with the accessibility of this development site that the local planning authority will need to consider as part of the determination of this planning application.
- 6.25 Policies H1 and H16 of the SOLP allow residential development where it represents infilling or redevelopment within smaller villages such as Holton. Therefore, whilst the local highway authority has raised concerns, these do not align with the relevant housing policies set out within the council's development plan, and having regard to these the principle of the proposed development is acceptable.
- 6.26 Notwithstanding the comments in paragraph 6.22 above, OCC (highways) has concluded that the proposal provides ample parking and turning provision and it is unlikely that vehicles will be displaced onto the adopted highway so as to cause an obstruction. A number of standard conditions are recommended by OCC(Highways) including the provision of pedestrian awareness visibility splays.
- 6.27 **Carbon reduction and sustainable development**
Policy DES10 of the SOLP states that planning permission will only be granted for new build residential development that achieves a 40% reduction in carbon emissions compared with a code 2013 Building Regulations compliant base or a 9% reduction on the 2022 Building Regulations and that this reduction is to be secured through renewable energy and other low carbon technologies. The policy also requires that an energy statement will be submitted to demonstrate compliance with this policy.

- 6.28 An energy statement has been submitted with this application which demonstrates that the new dwelling would accord with the requirements of policy DES10 of the SOLP. A condition requiring that the development is constructed in compliance with this report is recommended.
- 6.29 **Biodiversity**
Policy ENV2 of the SOLP seeks to protect local wildlife sites from harm. It states that development will only be permitted if the need for and benefits of the development outweigh the adverse effects, it can be demonstrated that the development could not be located on an alternative site that would result in less harm, and measures will be provided which would avoid, mitigate, or compensate any harm.
- 6.30 Policy ENV3 of the SOLP supports development that will conserve, restore and enhance biodiversity. It requires all development to provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.
- 6.31 Initially, the council's ecologist recommended that a preliminary ecological appraisal was undertaken for the site (PEA). Depending on results of the PEA, further ecological surveys and/or mitigation may be required. Due to the close proximity of a nearby pond and great crested newts (GCN) records within the immediate vicinity of the area, the ecologist recommended that the PEA should also include due assessment and potential impacts to GCN.
- 6.32 Following the submission of the PEA, the council's ecologist recommended that a Precautionary Working Method Statement (PWMS) be produced outlining the measures within the PEA report. This could be secured as a pre commencement planning condition which has been approved with the agent.
- 6.33 The development site is within a GCN red zone and therefore the developer is required to enter the NatureSpace District Level Licensing scheme. The certificate has been supplied to the Local Planning Authority.
- 6.34 The council's ecologist also recommended that a One Habitat Small Bird Nest Box be incorporated into the wall on the north east elevation, one Habitat Starling Nest Box be incorporated into the wall on the north west elevation, and 3 Habitat Swift Boxes will be incorporated into the wall on the northwest elevation as shown within the PEA report. These requirements are included as a recommended condition.
- 6.35 Further recommendations by the council's ecologist include that Two Habitat cavity wall bat boxes (or similar) are to be incorporated into the southeast elevation of the new building, and two Habitat cavity wall bat boxes (or similar) are incorporated into the southwest elevation of the new building in accordance with the PEA. This requirement is also included as a recommended condition.

6.36 A further condition in relation to biodiversity is recommended. This requires a species-rich hedgerow to be created in order to ensure that there is no loss of biodiversity on the site.

6.37 **Trees**

Policy ENV1 of the SOLP seeks to ensure that South Oxfordshire's landscape, countryside and rural areas are protected against development which harms features that contribute to the nature and quality of the landscape such as trees.

6.38 Initially the council's forestry officer requested a tree survey and arboricultural impact assessment (AIA) to assess the impact on the development on the trees within the site.

6.39 The tree survey and AIA has been submitted. The report identified trees on site to be predominantly of poor quality. The council's forestry officer is of the opinion that they would require removal irrespective of the proposed development and should not be considered as a constraint to development.

6.40 The forestry officer has raised no objection to the proposal subject to a condition which requires the implementation of the submitted tree protection measures to safeguard trees shown to be retained within the woodland to the north of the site and a landscaping condition to help mitigate the loss of trees to be removed.

6.41 **Drainage**

Policy EP4 of the SOLP relates to matters of flooding and states that the risk of flooding will be minimised through;

- i) directing new development to areas with the lowest probability of flooding;
- ii) ensuring that all new development addresses the effective management of all sources of flood risk;
- iii) ensuring that development does not increase the risk of flooding elsewhere; and
- iv) ensuring wider environmental benefits of development in relation to flood risk.

Policy INF4 of the SOLP relates to water resources and requires that all new development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.

6.42 The council's drainage engineer has no objection to the proposal subject to conditions requiring details of surface water drainage to be submitted and approved prior to the commencement of development.

6.43 **Other issues**

Some of the objections received in relation to this planning application refer to the excessive size of the site and the concern that further dwellings may be built in the site in future.

6.44 The siting of the proposed dwelling is fixed and is considered to meet the definition of infill development. Any future planning applications for additional dwellings on this site would not, in officers' opinion, meet the definition of infill. Conditions are recommended which would remove permitted development rights in relation to extensions and outbuildings, making these the subject of a formal planning application. This would provide the Local Planning Authority with control over any encroachment into the garden to the north west.

6.45 **Community Infrastructure Levy**

The proposal is CIL liable.

6.46 **Pre-commencement conditions**

Pre commencement conditions in relation to drainage and ecology have been agreed with the agent.

7.0 **CONCLUSION**

7.1 Officers recommend that planning permission is granted because the principle of a new dwelling on this site is acceptable in green belt and housing policy terms as it meets the definition of infill development. It is acceptable in terms of highway safety and parking. Subject to the proposed conditions, this application accords with the development plan.

8.0 **RECOMMENDATION**

That planning permission is granted subject to the following conditions. These conditions are attached in Appendix 3.

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans *

3 : Materials as on plan

4 : New vehicular access *

5 : Vision splay dimensions *

6 : Parking & Manoeuvring Areas Retained *

7 : Tree protection

8 : Landscaping

9 : Biodiversity measures

10: Ecology

11: Energy Statement verification

12: EV charging point

13 : Surface water drainage details to be submitted.

14 : Removal of PD rights Class A

15 : Removal of PD rights Class E

16 : Development in accordance with the Council's Organisational License

17 : No development except in accordance with Part 1 of the GCN Mitigation Principles.

Informatives:

18 : Nature Space Best Practice

19 : GCN District Licence

20 : Criminal Liability in relation to District Licence.

21: Highways

Author: Kim Gould

Email: planning@southoxon.gov.uk

Contact No: 01235 422600

This page is intentionally left blank