

APPLICATION NO.	P22/V1851/FUL
SITE	Wrens Hobbit Betty Lane Oxford, OX1 5BW
PARISH	SOUTH HINKSEY
PROPOSAL	Change of use from high way to private garden (Amended ownership certificate received 1 Sept 2022)
WARD MEMBER(S)	Debby Hallett Emily Smith
APPLICANT OFFICER	Ms Jenny Barney Susannah Mangion

RECOMMENDATION

It is recommended that planning permission is granted subject to the following conditions:

Standard:

- 1. Commencement 3 years**
- 2. Approved plans**

Compliance:

- 3. External lighting**
- 4. Gates shall be inward opening only**
- 5. Permitted development restriction on outbuildings and boundary treatments**

Informatives:

- 6. Works within the Highway**
- 7. Highway markers**
- 8. Drainage**

1.0 INTRODUCTION AND PROPOSAL

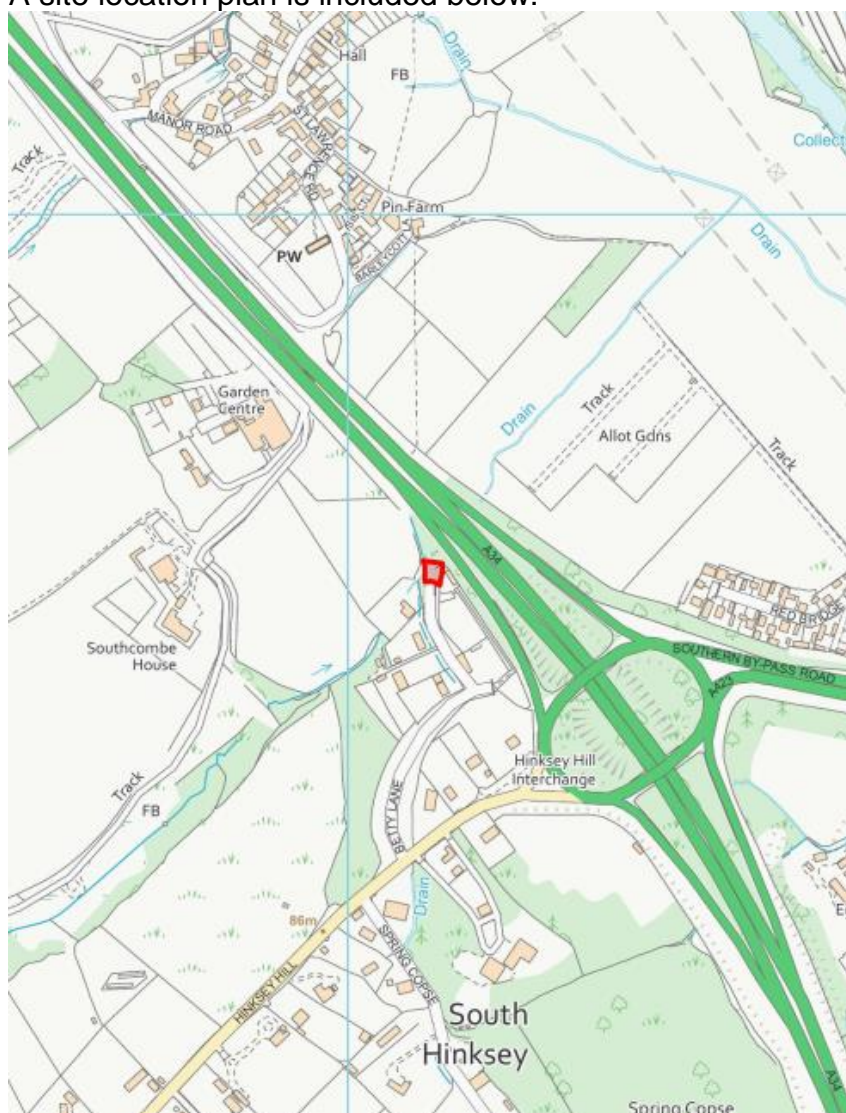
1.1 This application is being considered at Planning Committee at the discretion of the Planning Manager.

1.2 The site is a parcel of land that lies at the end of Betty Lane, off Hinksey Hill, and immediately to the west of a dwelling, Wrens Hobbit. The application has been submitted by the owners of Wrens Hobbit. The site is currently designated highway land, although Oxfordshire County Council Highways does not have the title to the land. Immediately to the north-west of the site is a triangular shaped area of land whose ownership is also unknown. The A34 runs to the north-west of the site beyond a post and rail fence, a ditch and a line of trees. A drainage channel runs alongside part of the eastern edge of the site and is subsequently culverted beneath the A34, after which it continues to the north. The application site lies within an area at increased risk of surface water flooding. There are a cluster of other dwellings along either side of Betty

Lane. The nearest designated public rights of way are a public footpath which heads from the northern side of the A34 towards South Hinksey village at a distance of over 100m from the site, and a public footpath which runs to the south of Wyevale garden centre to the west of the site in the direction of Boars Hill at a distance in excess of 175m from the site.

1.3 It is proposed to change the use of the land from highways land to private garden, associated with Wrens Hobbit. It is proposed to enclose the land with a timber post and rail fence. The application is accompanied by a letter dated 12 July 2022 from Oxfordshire County Council Highways Records Team confirming the County Council had no objection to the proposed stopping up of the public highway. The letter advises an application to formally stop-up the highway cannot be submitted to the Department for Transport prior to gaining planning permission for change of use of the land and ensuring that all public utility companies have been consulted on the proposal.

1.4 A site location plan is included below:



1.5 Extracts from the plans are **attached** at Appendix 1.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1	South Hinksey Parish Council	<p>Objection</p> <ul style="list-style-type: none"> • Inappropriate development in the Green Belt • Gives rise to difficulties creating a formal footpath/cycle track to allow for re-connection between Hinksey Hill and South Hinksey village and towards the Wyevale Garden centre. • Could give rise to erection of outbuildings under permitted development rights. • Concerns regarding access to drainage gully. • Loss of public green space. • Concerns regarding works that have been undertaken to clear the site.
	Highways Liaison Officer	<p>No objection. Any gates should be inward opening only. The highway boundary should be marked to OCC standards.</p>
	Drainage Officer	<p>No objection. The applicant should be aware of riparian responsibilities under s25 of the Land Drainage Act. Any activities on or within the watercourse may require x23 Land Drainage consent.</p>
	Neighbours	<p>No responses received</p>

3.0 **RELEVANT PLANNING HISTORY**

3.1 None.

3.2 **Pre-application History**

None.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The proposed development is neither of a sufficient scale, nor within a location of sufficient environmental sensitivity, to require an EIA.

5.0 **MAIN ISSUES**

5.1 **Principle of the development: public rights of way and sustainable transport considerations**

Concerns have been raised by the Parish Council in regarding the longer term implication of the proposal on public rights of way and sustainable transport aspirations. The Parish Council considers the change of use could give rise to difficulties creating a future footpath and/or cycleway to connect residential dwellings on Hinksey Hill and Betty Lane with South Hinksey village. The Parish Council maintains there is a long-established route from Betty Lane towards Wyevale Garden Centre. They also hope that the future bridge replacement by Network Rail of the South Hinksey/ South Oxford railway

bridge, would be a bridge with ramps, which would complete a safe accessible route into Oxford.

- 5.2 Policy DP31 recognises the importance of public rights of way. National policy at paragraph 100 of the NPPF recognises public rights of way should be protected or enhanced, including by taking opportunities to provide better facilities for users. Policy CP33 sets out the Council's commitment to continued working with Oxfordshire County Council to promote sustainable transport and accessibility, including by supporting measures identified in the Local Transport Plan. Policy CP35 seeks to support the provision of sustainable transport measures and promoting the use of public transport, cycling and walking.
- 5.3 Officers appreciate the aspirations of South Hinksey Parish Council to provide an improved and accessible route to South Hinksey village and on into South Oxford. However, there are no formally recognised public footpaths or bridleways which link Betty Lane with Wyevale Garden centre alongside the A34. Whilst there is some evidence of an informal route alongside the A34, which has been created by cutting through the boundary fence at the end of Betty Lane, officers do not consider this represents a safe or accessible route for pedestrians or cyclists. Officers have seen no evidence of a route across the agricultural land to the west of the A34, the field being securely fenced to deter access. There are currently no proposed strategic improvements to create a new route, as envisaged by the Parish Council, and therefore officers do not consider there are reasonable public right of way or sustainable transport reasons for objecting to the proposal.
- 5.4 Whilst the site itself is currently public highway and therefore accessible to the public, there is no objection to the proposal from County Council Highways who do not consider the retention of the highway designation of the land to serve any continued useful function. Officers therefore consider the proposal does not conflict with policies in respect of public rights of way or sustainable transport.
- 5.5 **Green Belt**
The site is within the Oxford Green. Policy is addressed at section 13 of the NPPF and policy CP13 of the Local Plan Part 1 2031. The proposal seeks a change of use of the land and there is no proposal to erect additional buildings. Paragraph 150 of the NPPF advises that material changes of use of land are not inappropriate development within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 5.6 The site has historically been an area of highway land which had become subject to tree, shrub and grass cover due to its location at the end of a cul de sac. The site is proposed to be enclosed by timber post and rail fence, seeded to grass, and used as garden.
- 5.7 With regard to the impact of the proposal on the openness of the Green Belt, as no buildings are proposed to be erected, and as boundary treatments with limited visual impact are proposed, officers do not consider the proposal would give rise to harm to openness. A planning condition is recommended to remove permitted development rights in respect of boundary treatments and

outbuildings so any future planning application for them can be assessed. A planning condition is also recommended to control any external lighting of the site in the interests of the visual amenity of the site and to protect the character of the area.

5.8 Flood Risk and drainage

The site occupies low lying ground in relation to Hinksey Hill and is within an area at increased risk of surface water flooding. A drainage channel runs alongside the site. Policy CP42 seeks to ensure development provides an appropriate, sustainable drainage strategy. Concerns have been raised regarding future access to the drainage gully including implications for utility companies.

5.9 Officers are aware the formal stopping up process, which is a separate process from the current application, requires the applicant to consult the utility companies and this would allow for Thames Water to address any concerns. The change of use of the land does not give rise to direct impacts with regard flood risk and drainage and the Council's drainage engineer had no objection to the proposal. An informative is recommended to ensure the applicant is aware of their riparian responsibilities with regards the watercourse (drainage gully).

5.10 Landscape

The Parish Council has expressed concern about clearance of the site which was undertaken prior to the submission of the application. Officers understand some trees on site, the responsibility of Oxfordshire County Council Highways, were damaged during a storm and have subsequently been removed. The area still benefits from the presence of many mature trees and planting and officers do not consider that harm has been caused to the character of the area.

6.0 CONCLUSION

6.1 The principle of the development is acceptable and does not conflict with public rights of way, sustainable transport policy or Green Belt policy. The proposed use of the land as private garden and its with boundary fence would not be out-of-keeping with the character of the area and does not give rise to any highway safety or drainage concerns. On balance, the proposal accords with the aims of the development plan and the National Planning Policy Framework.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 (LPP1)

(A Regulation 10A review for Local Plan Part 1 (LPP1) was completed in December 2021, evaluating LPP1's policies for their consistency with national policy, considering current evidence and any relevant changes in local circumstances. The review shows that five years on, LPP1 (together with LPP2) continues to provide a suitable framework for development in the Vale of White Horse that is in overall conformity with government policy.)

CP01 - Presumption in Favour of Sustainable Development

CP08 - Spatial Strategy for Abingdon-on-Thames and Oxford Fringe Sub-Area

CP13 - The Oxford Green Belt

CP33 - Promoting Sustainable Transport and Accessibility

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

CP42 - Flood Risk

CP44 - Landscape

CP46 - Biodiversity

Vale of White Horse Local Plan 2031 Part 2 (LPP2)

DP16 - Access

DP21 - External Lighting

DP23 - Impact of Development on Amenity

DP29 - Settlement Character and Gaps

DP30 – Watercourses

DP31 – Public rights of Way

NEIGHBOURHOOD PLAN

The site is not within a neighbourhood plan area.

JOINT SOUTH AND VALE DESIGN GUIDE 2022

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