

Planning and Development

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Cherwell

DISTRICT COUNCIL
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Your Ref:

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Dear Mr Northey

Pre-Application Enquiry - Erection of 14 two storey dwellings, including affordable housing at OS Parcel 1424 Adjoining And Rear Of Jersey Cottage Heyford Road Kirtlington – 21/03786/PREAPP

Thank you for your pre-application enquiry received 9th November 2021 regarding the above. We discussed the proposal in detail at our meeting on 14th December 2021 and the following is a summary of the Council's position in response to the enquiry.

I would refer you to the previous planning applications on the site and in particular application 17/01688/OUT which was refused. It is appreciated that the current scheme has been reduced in scope and differs in some respects to previous schemes, but there are still objections to the principle of development here.

Kirtlington is designated as a Category A settlement in the Cherwell Local Plan 2011-2031 ('CLP 2015') and in 2015 was one of the more sustainable villages in the district, benefiting at that time from a food shop, post office, primary school and public house. Unfortunately, the food shop and post office have since closed, which has reduced the sustainability credentials of the village.

At Category A villages, minor development, infilling and conversions will be permitted within the built-up limits of the village. However, the site is not within the built-up limits and the proposal does not therefore qualify for consideration under Policy Villages 1.

Policy Villages 2 allocates a total of 750 homes to be delivered at Category A villages during the Plan period, and such schemes, comprising of developments of 10 or more dwellings, may be permissible outside of the built up limits of the settlements under Policy Villages 2, subject to certain criteria. One of those criteria is whether the site is well located to services and facilities. Notwithstanding its 2015 Category A designation, given the settlement's lack of sustainability the proposal conflicts with this criterion.

In addition, since 1 April 2014 permissions have been given for c. 1,062 dwellings at Cat A villages, c.412 more than 750. A significant proportion of that 412 excess was granted at appeal in 2018/19. As of 31 March 2021 there were 749 dwellings either completed or under construction;

the 750 figure has since been exceeded, meaning the PV2 allocation has been met and the policy might reasonably be considered spent.

Saved Policy H18 of the Cherwell Local Plan 1996 ('CLP 1996') restricts new dwellings beyond the built-up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specific housing need that cannot be met elsewhere. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Saved Policy C8 which seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.

The Council cannot currently demonstrate a 5-year supply of deliverable housing sites. However, Paragraph 11 d(i) of the NPPF states that:

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Footnote 7 of the NPPF states that:

*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; **designated heritage assets** (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.*

Therefore, the tilted balance for allowing housing development in this location does not apply.

Notwithstanding all of the above, under the Mid Cherwell Neighbourhood Plan ('MCNP') Kirtlington is capable of taking a total of approximately 17 dwellings during the Plan period (2018-2031) either within or adjacent to the settlement. There do not appear to have been any new dwellings permitted at Kirtlington so far during the Plan period (five dwellings were first permitted at Akeman Spinney in 2017), other than an agricultural worker's dwelling at Lince Lane Kirtlington.

However, whilst the proposed development lies immediately adjacent to the settlement area it would clearly have a significant adverse impact on both the landscape and visual amenities of the area as well as to the setting of the Conservation Area, as considered later in this letter. It is not previously developed land and is adjacent to priority habitat. Therefore, it is considered that the proposed development does not comply with either Policy PD1 or PD4 of the MCNP.

Whilst the development would have a limited effect on the wider landscape it would be visible from the north when entering the village along Heyford Road as well as from Akeman Street and from within the village itself. It is considered that a new housing development in this location would have a detrimental impact on the setting of the village introducing an urban feature into this very rural edge to the village. The required upgrading of the access relating to Option 3 of your proposal, or the creation of new accesses into the site (options 1 & 2), proposed traffic calming would increase this urbanisation of this part of Kirtlington to the further detriment of the rural character and visual amenities of the area. In our view, therefore, the proposed development is contrary to saved Policy C8 of the CLP 1996 and Policies ESD13 and ESD15 of the CLP 2015.

Specifically relating to Option 1, the access would be located off Akeman Street, through a section of land which is not within the conservation area or registered parkland but would nevertheless impact on their setting. The proposed access would make the proposed development more prominent from the northern gateway into the village. Whilst this option would allow an unbroken line of wall along the main road into Kirtlington it is considered that on balance this option would cause additional harm to the visual amenities and rural setting of the village.

The proposal would also represent an extension of the village contrary to the established linear settlement pattern of Kirtlington. The Council's Countryside Design Summary SPD suggests that "new development should reinforce the existing street pattern, which creates the basic village form. In linear villages, development should strengthen the dominant street scene and limit backland development." The proposed development does not respect the street pattern as it is primarily a cul-de-sac development to the east of Heyford Road with limited frontage onto Heyford Road, and so is not well integrated with the village and is considered to harm the character of the settlement and visual amenities of the area. Further the Countryside Design Summary SPD states that "development in historic parklands or within their setting must maintain or enhance the specific character, which defines this part of the District." The proposed development does not maintain or enhance the parkland character as it introduces a sizeable new residential cul-de-sac on land that is currently open.

The development would have a very limited connection with the village and would appear as a separate housing estate on the edge of the village. It would not be well integrated into the fabric of the built environment of Kirtlington and this would be emphasised by the siting behind the park wall and a mature tree belt. It would therefore fail to comply with the NPPF and would not amount to sustainable development. You have indicated a pedestrian gate in the wall giving access into the site. The breaching of the wall, albeit limited, is considered to have an adverse impact on the character and appearance of the Conservation Area and the setting of the Park.

There are significant concerns, in principle, with the development of a key area of (previously undeveloped) green space in the registered parkland and at the entrance to the conservation area. It is considered that the proposed development would be harmful to the Registered Park and Garden, listed buildings adjacent to the site and the Kirtlington Conservation Area as set out above and in the previous application, 17/01688/OUT.

You have suggested that there would be a number of public benefits of the development including affordable housing, deliverability of the development and the benefit of providing additional housing to help meet the local housing need, along with ecological gain, and enhancements to local community infrastructure. However, no evidence has been provided as part of the submission that the benefits of meeting local housing need could not be provided elsewhere in the District in a more suitable location. In addition, there is no link between the proposed development and the long-term viability of the heritage assets, other than the proposal to repair the stone boundary wall which is considered insufficient justification for the level of harm proposed.

The proposed development is therefore considered to cause significant harm, to the heritage assets and their settings. This harm is considered *less than substantial* but may be considered a high degree of harm. In our view, and whether not of a high degree, this harm would significantly and demonstrably outweigh the proposal's public benefits.

Therefore, the refusal reasons of 17/01688/OUT remain relevant to this proposal:

- 1. By virtue of its siting, scale, size and form the proposal fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and into Kirtlington Park, resulting in an incongruous and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. Therefore the proposal is contrary to saved Policies H18, C8, C27, C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.*
- 2. The proposed development would by reason of its location, scale, and form cause considerable harm to the character and significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings in particular Home Farm and the wider setting of Kirtlington Park House. Whilst, on balance, this harm is less than substantial the public benefits do not outweigh this harm. Therefore the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and the National Planning Policy Framework in particular paragraph 17 'Core planning principles' and*

section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.

In summary, any future planning application for these proposals is very unlikely to be considered favourably due to its impact on the visual amenities and rural character of the village and its setting. It would also be harmful to the traditional settlement pattern and would have a significant adverse impact on Kirtlington Park and would neither preserve nor enhance the character and appearance of the Conservation nor the setting of Home Farm.

Yours sincerely

Shona King