



## Response to LPA's Statement

Appeal for 46 dwellings – Land at Tappers Farm, Oxford  
Road, Bodicote, Banbury, Oxfordshire, OX15 4AB

for Hollins Strategic Land LLP

PI Ref: APP/C3105/W/19/3222428

LPA Ref: 18/00792/OUT



Project : 18-554  
Site address : Land at Tappers Farm,  
Oxford Road, Bodicote,  
Banbury, Oxfordshire,  
OX15 4AB  
Client : Hollins Strategic Land LLP  
  
Date : August 2019  
Author : Stephen Harris

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## 1. Introduction

- 1.1 This is an Addendum to the Appellant's case with respect to an appeal by Hollins Strategic Land (The Appellant). Following receipt of the LPAs Statement and the finalising of the Statement of Common Ground, there are a number of points which the Appellant will be raising at the hearing and which they have not had the opportunity to clarify in writing due the procedure of the hearing process. The purpose of this Addendum is to provide the Inspector with a written note of some points that they intend to raise in response to the LPAs case.

## 2. The Appeal Proposal and Parameters Plan

- 2.1 Paragraphs 4.30 to 4.40 of the LPAs statement deal with the design of the proposal and the status of the documents submitted and used by the LPA for determination. The Appellant will respond to these points at the hearing but we wish to respond briefly on a number of points.
- 2.2 The first is that the proposal was subject to review and revision during the determination of the planning application. This resulted in the parameters plan that forms part of the appeal proposal. The LPA raise for the first time the scaling and north point on the plan and we have subsequently provided the LPA with a revised plan with the addition of a scale and north point and have sought their agreement for it to form part of the appeal.
- 2.3 The second point is that the illustrative layout was revised during determination and the parameters plan was a specific request from the case officer. A meeting was held with the officer on 21st August 2018 and an agenda was prepared by the officer to cover the points for discussion (Appendix 1). This covered site specific matters, capacity and layout. Following the meeting the layout was revised and the officer also sent an example of a parameters plan elsewhere and how that should be applied to the appeal proposal. Copies of the correspondence are enclosed as Appendix 2 which shows the pro-active engagement by the officer in addressing site specific matters. As a result of this process the development was reduced from 52 dwellings to 46 dwellings. The overarching point is that the proposal was revised with the officer in order to establish the key principles to follow through into the reserved matters now, but to reserve the detailed layout of each of the developable parcels. This was undertaken to take account of the site specific issues and how the site would form a logical extension to Bodicote.

The third point is the retention of the TPO trees. Both parties position is set out in the SoCG and the Appellant maintains that the distance and spacing between the development and trees has been considered and is reflected on the illustrative layout and parameters plan. The Appellant is also in agreement with the Arboricultural officer that a reserved matters application would deal

with the precise spacing between the trees and the development. Should the LPA or Inspector require it, the Appellant would agree to a condition to protect the TPO trees proposed for retention.

2.4 The fourth point is to respond to paragraph 1.1 of LPA's Statement of Case, which states, inter alia:

*"The field contains a number of mature trees, many of which are protected by TPO and the site has a 'parkland' appearance as a result of the protected trees".*

2.5 A short note has been prepared by Mr Evers for the Appellant and is enclosed at Appendix 3.

### **3. Spatial Strategy and Accessibility**

3.1 The LPA include four dismissed appeal decisions in their statement and seek to draw points from each. All pre-date the committee report and determination of this appeal. The Appellant will address these at the hearing but we wish to draw some clear distinctions between those cases and this appeal.

3.2 In the dismissed appeals, the Inspectors in each concluded that allowing that scale of development in that particular village would adversely impact on the spatial strategy in the development plan by increasing supply at unsustainable villages. The appeal site is also located directly adjacent to one of the main transport corridors into Banbury.

3.3 A number of points arise which we will expand on at the hearing, these being:

- It is agreed in the SoCG that the appeal site is locationally accessible. This was a reason against the following appeals:
  - Kirklington - para 65 states that there would be little if any real choice of transport other than the private car for residents.
  - Weston on the Green – para 18 states that given the scale of development and the non-availability of public transport the principle of development is unacceptable.
  - Finmere – para 14 concludes that the potential scale of development at a settlement with few facilities and poor public transport connectivity renders the appeal unsustainable.
  - Cropredy – para 26 states that whilst the site had easy access by foot or cycle to local facilities including the primary school, village shop and public houses, the frequency of the bus has reduced considerably and it is likely the future residents would be largely reliant on the private car to access facilities beyond the village.

This broadly cancels out any public benefits arising from the site's location to services and facilities.

- The appeal site is located immediately to the south of Banbury which is one of the two settlements where development is to be focused on in Policy BSC1 of the Local Plan. Therefore even though the appeal site is at a Category A village, it would cause no harm to the spatial strategy in the development plan. This is set out in paragraph 7.16 of the Appeal Statement which records the officer report confirming there is no harm to the spatial strategy. This was the conclusion of officers in the knowledge of the development for 99 dwellings at Cotefield Farm forming part of the commitment to deliver the 750 homes in Policy Villages 2. In addition, housing markets are fluid and are not defined by settlement boundaries, so the focus of housing on the appeal site close to Banbury would make a valid contribution to this spatial strategy. This differs from the following appeals;
  - Kirklington – paras 6 and 64 state that Bicester and Banbury is where the local plan focuses most new housing as these are the main centres for employment and shopping. Para 13 states that the appeal would not be in compliance with the overall housing strategy in the Local Plan.
  - Weston on the Green – para 17 states that unconstrained growth in the rural areas would threaten the local plan's spatial strategy of biasing housing towards the main towns of Bicester and Banbury with more limited growth elsewhere.
  - Finmere – para 13 states that the proposal would prejudice a more balanced distribution of rural housing growth and undermine the sustainable housing strategy in the CLPP1.
  - Cropredy – as the main issue was the impact on a listed building, para 31 states that that adverse impact is not outweighed by the Category A status of the village.
- Scale of development – The appeal site would result in an increase in the population of Bodicote at 2011 (2,126) by 5% (paragraph 7.31). This does not take into account the Cotefield Farm and Bankside/Longford Park development which will add some 4,293 people into the immediate area. By adding in those people to the 2,126, the appeal site would result in the population of 1.7% (this updates paragraph 7.31). Of the 89 villages in the District, Bodicote is ranked as the 7<sup>th</sup> in size. In the other appeals submitted by the LPA:
  - The appeal at Kirklington was an appeal for 95 dwellings in a village with a population of 988. The Inspector (para 24) of that decision considered that to be a significant increase (para 12). At 2.4 persons per household we calculate the increase in population to be 23%.

- o Weston on the Green has a population of 523. The appeal for up to 26 dwellings was concluded to be a disproportionate expansion to the village in population terms (para 14). The percentage increase would have been 12% in that case. Para 9 states that Weston on the Green was the second smallest of the Category A settlements.
- o Finmere has a population of 466 people and the proposal was for up to 47 dwellings. Based on 2.4 people per household, the percentage increase would be 24% if the appeal was allowed. In para 14 the Inspector states that the scale of the proposed development at a settlement with few facilities and poor public transport renders the appeal proposal unsustainable.
- o Cropredy has a population of 717 people and the proposal was for up to 37 dwellings. Based on 2.4 people per household, the percentage increase would be 12% if the appeal was allowed.

3.4 Therefore the Appellant's position is that none of the appeals are comparable in scale, sustainability and their compliance or otherwise on the spatial strategy in the Local Plan.

## 4. Delivery of the Appeal Site

4.1 The Appellant sought to agree with the LPA that the site could be developed in full within the 5 year period. The LPA excluded this from the SoCG, therefore the table below shows sites where the Appellant has obtained outline consent which are completed or under construction.

SITE	HOUSEBUILDER	STATUS	OUTLINE CONSENT	RM APP SUBMITTED	BUILD START
Oxford Road, Calne, Wiltshire (83 units)	David Wilson Homes	Under construction	04/7/16	8/7/17	JUNE '18
Hill Lane, Blackrod, Bolton (110 units)	Rowland Homes	Under construction	26/4/16	19/12/16	NOV '17
The Street, Bramley, Hampshire (65 units)	Taylor Wimpey	Under construction	25/5/16	05/02/18	SEP '18
Southwell Road, Farnsfield (48 units)	Bellway	Under construction	12/4/16	24/2/17	DEC '17
Hoyles Lane, Preston (48 units)	Jones Homes	Under construction	02/10/15	03/01/17	OCT '17
Chester Road, Whitchurch (57 units)	Hollins Homes	Under construction	17/12/14	10/12/15	APR '18
Kepple Lane, Garstang (130 units)	Barratt	Under construction	11/12/14	11/08/15	DEC '16
Hathern Road, Shepshed (270 units)	Persimmon	Under construction	07/11/14	12/04/17	OCT '17

SITE	HOUSEBUILDER	STATUS	OUTLINE CONSENT	RM APP SUBMITTED	BUILD START
Cookes Lane, Northwich (74 units)	Stewart Milne	Completed	23/10/13	03/11/14	NOV '17
Forest Grove, Barton, Preston (65 units)	Rowland Homes	Completed	13/7/13	05/12/13	OCT '14
North of Eastway, Preston (140 units)	Barratt	Completed	13/03/14	10/06/16	JUL '17
Eastway, Fulwood, Preston (22 units)	Hollins Homes	Completed	5/12/13	29/10/14	JAN '16
Lightfoot Lane, Preston (70 units)	Persimmon (Charles Church)	Completed	27/10/11	06/07/12	APR '14
Crewe Road, Alsager, Cheshire (65 units)	Miller Homes	Completed	18/01/13	28/3/13	MAY '15
Wheelock, Sandbach (41 units)	Taylor Wimpey	Completed	-	-	-
Hesketh Bank, Lancashire (35 units)	Rowland Homes	Completed	-	-	-
Grove Farm, Chorley (75 units)	Bellway	Completed	-	-	-

- 4.2 To provide some commentary on the table, it takes on average around 12 months to submit a reserved matters (RM) application from outline consent, but in some instances only 2 or 5 months. On average, more recently, building is starting within 2 years from outline consent.
- 4.3 In addition, the Appellant can contractually oblige housebuilders to submit RM much quicker than would normally be the case if the housebuilder gained the outline consent themselves. This can be for several reasons: open marketing is a much more competitive process, with various housebuilders trying to outbid each other, as well as landowner seeking a return sooner. It is in the Appellant's interest to have reserved matters submitted as quickly as possible, either through their sister company Hollins Homes or a contractual arrangement to the housebuilder. The Appellant will also oversee and input their expertise into any RM application so the process is smoother and faster. We would seek that this is an agreed matter in advance or at the hearing.
- 4.4 This concludes this short statement of the points that we will expand on at the Hearing.

## 5. Appendices

- Appendix 1. Meeting Agenda
- Appendix 2. Email correspondence
- Appendix 3. Note from Mr Evers



# Appendix 1

# MEETING AGENDA

## Land at Tapper's Farm, Bodicote

Date: 21<sup>st</sup> August 2018

Time: 11am

Venue: Bodicote House

Attendees: Christian Orr (CO) - Hollins Strategic Land; Stephen Harris (SH) – Emery Planning Partnership; Nigel Evers (NE) – Viridian Landscape Planning; Clare O’Hanlon (COH) – Cherwell District Council.

1. Background to the application
  - Pre-application advice
  - Design rationale
  - Stakeholder engagement
  - Deliverability
2. Principle of development
  - Development Plan
  - Material Considerations
  - 5 Year HLS
  - Third Party objections
3. Coalescence
4. Highways/Access
  - Off-site improvements
5. Air Quality – Parish Comments
6. Noise (impact of road)
7. Drainage
  - OCC comments and infiltration testing
  - Thames Water comments and capacity
  - On site attenuation
8. Relationship to School

9. Ecology/Biodiversity

- Ecologist comments
- Net biodiversity gains

10. Effect on protected trees

- Arboricultural Officer's comments
- Removal of protected trees
- Proximity to protected and important trees
- Overshadowing

11. Layout

12. Site Capacity

13. S106 matters

14. Ways Forward/Next Steps

15. Timescales

16. AOB

# Appendix 2

## Stephen Harris

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**From:** Clare O'Hanlon <Clare.O'Hanlon@cherwellandsouthnorthants.gov.uk>  
**Sent:** 19 September 2018 13:21  
**To:** Stephen Harris  
**Subject:** RE: Private and Confidential - Tapper's Farm , Bodicote

Hi Stephen, and many thanks for the attached plan.

I am content with the amended illustrative plan as an appropriate way forward for the purposes of re-consultation and would be happy to progress re-consultation once the full amended package is received with a view to presenting the application to the October meeting.

As you know, if approved, the application would need to be subject to a S106 Agreement. I would propose to instruct the Legal Team to start work on this Agreement sooner rather than later (without prejudice to the Council's decision). To do so I will need the following;

1. Evidence of Title
2. Your client's solicitor's details
3. A costs undertaking

If you could let me have these details I will progress.

We will also need to agree a further extension of time as currently we have only agreed up to 30<sup>th</sup> September 2018. I would recommend an initial extension until 31<sup>st</sup> October 2018 to cover Committee. If further extensions are subsequently needed we can then discuss further.

Please confirm if this is acceptable to your client.

I hope this is helpful but of course please note that my advice is given without prejudice to any determination by the planning committee.

Best regards

Clare

**Clare O'Hanlon** BA (Hons) BTP MSc MRTPI  
**Principal Planning Officer – Major Projects Planning Team**  
**Place and Growth Directorate**

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**From:** Stephen Harris [mailto:SHarris@emeryplanning.com]  
**Sent:** 19 September 2018 12:31  
**To:** Clare O'Hanlon  
**Subject:** RE: Private and Confidential - Tapper's Farm , Bodicote

Dear Clare,

Thanks for your email last week and we have now reviewed the outstanding points. The attached layout has been revised to take account of all the outstanding points you had raised and I trust that you are content that it can now be taken forward. We will also be providing you with the outstanding technical and environmental information for next Monday to keep the application progressing towards the October committee.

If you can review and advise that would be appreciated.

Thanks

Stephen

**Stephen Harris BSc (Hons) MRTPI**  
Director

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**From:** Clare O'Hanlon [mailto:Clare.O'Hanlon@cherwellandsouthnorthants.gov.uk]

**Sent:** 12 September 2018 15:59

**To:** Stephen Harris

**Subject:** RE: Private and Confidential - Tapper's Farm , Bodicote

Dear Stephen,

Many thanks for sending these draft plans through to me prior to a formal submission. Firstly; thank you for responding so positively to the feedback given on the original scheme. I can see that you have taken many of the

points on board and sought to address them, for which I'm grateful. In particular I very much welcome the efforts to properly accommodate the trees within the site and around its edges. The re-siting of the plots closest the school grounds, the changes to plot 6 and plots 37-39 (as re-numbered in the amended plan) are much improved; as is the widening of the green corridor.

Where I think there is still some ground between us is in the re-siting of plots 43 – 46 (amended plan plot nos); the treatment of the protected tree between the rear of plots 41-48 and the treatment of the tree next to plots 37-38.

Whilst I do acknowledge that plot 46 on the amended plan has been re-sited to provide an increased area of open space, this is less than I would have liked and plots 46 – 48 (original plan) appear not to have moved. Whilst the change is welcomed I would ask that you give further consideration to increasing the open space yet more.

Plots 41 and 48 (amended plan) - Whilst I recognise that there are instances elsewhere where protected mature trees remain private rear gardens, this is not ideal in terms of either residential amenity, long-term protection and management of the trees, and public amenity value of the trees. As expressed when we met my strong preference would be for all protected trees to be in the public domain and publicly managed and maintained. To this end, I would like to see the removal of plots 41 and 48 to accommodate this and for the tree to become a feature of another area of informal open space akin to the treatment of all the other protected trees. This would then link with the other areas of POS/GI on site nicely. The adjoining plots would need to be redesigned to provide an attractive grouping around this POS and to offer surveillance. If this is something that could be achieved, I would consider this to be a significant improvement, the benefit of which I would balance again my request above for the frontage open space to be increased.

My other comments/questions are as follows;

- Plot 6 (amended plan) – the re-siting is welcomed but I would like to see a separation between the front boundary of the private garden to this property and the area which will be provided as POS. Please could you show this on the plan (this might necessitate the removal of the small front gable projection).
- Plots 37 and 38 (amended plan) – These look awkward and the setting of the open space around the tree is not enhanced by their positioning. My preference would be for the removal of these two plots and for the land to form the open space setting for the tree.
- Some of the house types are such that they would be unlikely to comply with the Council's Design Guide (largely in respect of depth to width ratio) in particular plots 7-8, 9, 24-26 and 10-11. I raise this not because such matters are for consideration now, but to be satisfied that they will not affect capacity. It seems to me that an alternative layout at reserved matters could address these concerns with the majority of plots but plot 7-9 inc concern me more. If you could look at these at least I'd be grateful.
- Is the attenuation pond sized accurately? I know you'll be updating the drainage strategy (including evidence from Thames Water re capacity) but this may also need brief mention in an updated Arboricultural Assessment. I would also like cross sections of the feature.
- The proposed LAP appears to be undersized on plan? The adopted Local Plan standard is a 100sqm activity zone; 400sqm including buffer. If you could indicate these areas on plan for clarity I'd be grateful. There appears to be ample room for this to be provided.
- Has the amended plan been revised to address the comments of the county council re refuse vehicles and turning provision, width of shared space streets etc?
- It looks like you are now proposing a single footpath link to Oxford Road ? I am not averse to this if so.
- Will you be submitting any technical reports re noise/air quality?
- Will you be providing a biodiversity impact calculator to assess net gain?

In summary, I welcome the changes that have been made and the associated reduction by 4 plots. I do however still have concerns about key elements as detailed above. The suggestions I have made would result in the loss of at least 4 more plots within the current layout (37 and 38; 41 and 48) bringing the development overall to 44 units from the original 52.

In order to secure the tree protection, GI and POS as part of the outline consent and to ensure this follows through into reserved matters submission I would like to secure a 'masterplan' which shows developable parcels but removes the site layout. This plan would clearly identify all the areas of GI and POS and the indicative location of the spine road and the position of the access. I would then be in a position to condition the submission of reserved matters to comply with the Masterplan in the event that planning permission were granted. Please could you include such a plan with your revised submission?

I hope this is helpful feedback. If you were able to address my remaining concerns I would be happy to undertake further consultation with a view to presenting the application to the October meeting (25<sup>th</sup> October). In order to allow re-consultation and sufficient lead-in time I would need to receive the amendments ideally by 24<sup>th</sup> September.

I am happy to discuss in more detail but will be on annual leave tomorrow and Friday, returning Monday morning.

I look forward to hearing from you.

Many regards

Clare

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**From:** Stephen Harris [<mailto:SHarris@emeryplanning.com>]  
**Sent:** 11 September 2018 17:17  
**To:** Clare O'Hanlon  
**Cc:** Christian Orr ([christian.orr@hsland.co.uk](mailto:christian.orr@hsland.co.uk))  
**Subject:** Private and Confidential - Tapper's Farm , Bodicote

Dear Clare,

Please see attached draft revised masterplan. As discussed on the phone earlier, we are submitting this as a final draft for your approval before it is coloured up and the other supporting documents are finalised for example, the landscape strategy and drainage reports. We would be grateful that this is treated confidentially and not made public as we wish to get an agreed layout with you which can then be consulted upon. To assist you, the key changes are:

- Plots 43 - 48 have been rearranged and set back further to increase extent of open space and width of green corridor. This also provides a wider open view from White Post Road roundabout.
- An increase in open space, now 30% of the overall site area.



- The gross density across the site is now 21dph with a net density of 30dph.
- A link into the school has been added between plots 20 and 21. Discussions with school agreed this would be more appropriate than providing a new entrance into school which would need to be manned.
- Properties along the school boundary have been moved away to allow for potential overshadowing from existing trees.
- A wider green corridor along Oxford Road.
- All existing trees have been sized accurately accordingly to tree survey and topographical work. RPAs have been checked and no units encroach into the RPA zones.
- Plot 6 has been altered to provide more relief to existing tree.
- Added shared drive for plots 05 & 06 to increase open space around existing tree.
- Plots 28 - 32 have been substituted with larger units to better utilise space.
- Plots 37 - 40 have been rearranged to accommodate new open space around existing tree providing more relief within public open space.
- Bay windows have been added to plots 36 and 39 to provide natural surveillance onto the open space around existing tree.
- Tree survey plan has been overlaid and trees have been amended on plan to reflect survey,
- The required attenuation pond added to plan.
- Larger native proposed trees have been added to key open spaces. A landscape strategy will be provided separately once layout is agreed.

My client has also contacted the school headmistress, Mrs. Jane Ridley, who has no objection to the principle of development and was quite supportive of the proposals in helping to maintain the viability of the school in light of new schools opening in the wider area. Some year groups are also undersubscribed. She suggested no new entrances into the school should be created to avoid the additional responsibility of manning this (the current gate entrances are manned and closed each day). She noted that the existing vacant use of the site for most weekdays had caused some known issues with theft.

I trust this addresses the points raised and I look forward to hearing from you.

Thanks

Stephen

**Stephen Harris BSc (Hons) MRTPI**  
Director

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## Stephen Harris

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**From:** Stephen Harris  
**Sent:** 11 October 2018 17:25  
**To:** 'Clare O'Hanlon'  
**Cc:** 'Christian Orr (christian.orr@hsland.co.uk)'  
**Subject:** RE: Bodicote - Parameters Plan  
**Attachments:** Parameters Plan Final.pdf

Clare,

Please find attached the final parameters plan removing the link to Park End Close and adding a second link onto Oxford Road.

Also the revised biodiversity calculator will be sent tomorrow on the 46 dwelling scheme. I can confirm that the net benefit set out in the REC email earlier today for the 52 scheme is correct which supersedes the previously submitted report. The report on the 46 scheme that will be sent tomorrow should show an even greater benefit due to the reduction in developable area.

Thanks

Stephen

**Stephen Harris BSc (Hons) MRTPI**  
Director

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**From:** Stephen Harris  
**Sent:** 11 October 2018 16:17  
**To:** 'Clare O'Hanlon'  
**Cc:** Christian Orr (christian.orr@hsland.co.uk)  
**Subject:** RE: Bodicote - Parameters Plan

Hi Clare,

Further to your email yesterday please find attached a draft parameters plan for your consideration.

Thanks

Stephen

**Stephen Harris BSc (Hons) MRTPI**  
Director

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---

**From:** Clare O'Hanlon [<mailto:Clare.O'Hanlon@cherwellandsouthnorthants.gov.uk>]  
**Sent:** 10 October 2018 16:10

**To:** Stephen Harris

**Subject:** RE: Bodicote - Parameters Plan

Hi Stephen, thanks for this. I have attached an extract from another site below to give an indication of the sort of thing I'm looking for. It's essentially to establish the key principles we want to follow through into the reserved matters now, but to reserve the detailed layout of each of the developable parcels.

For Bodicote I suggest it just needs to include;

Application site boundary

Existing trees and hedges to be retained

Areas of public open space

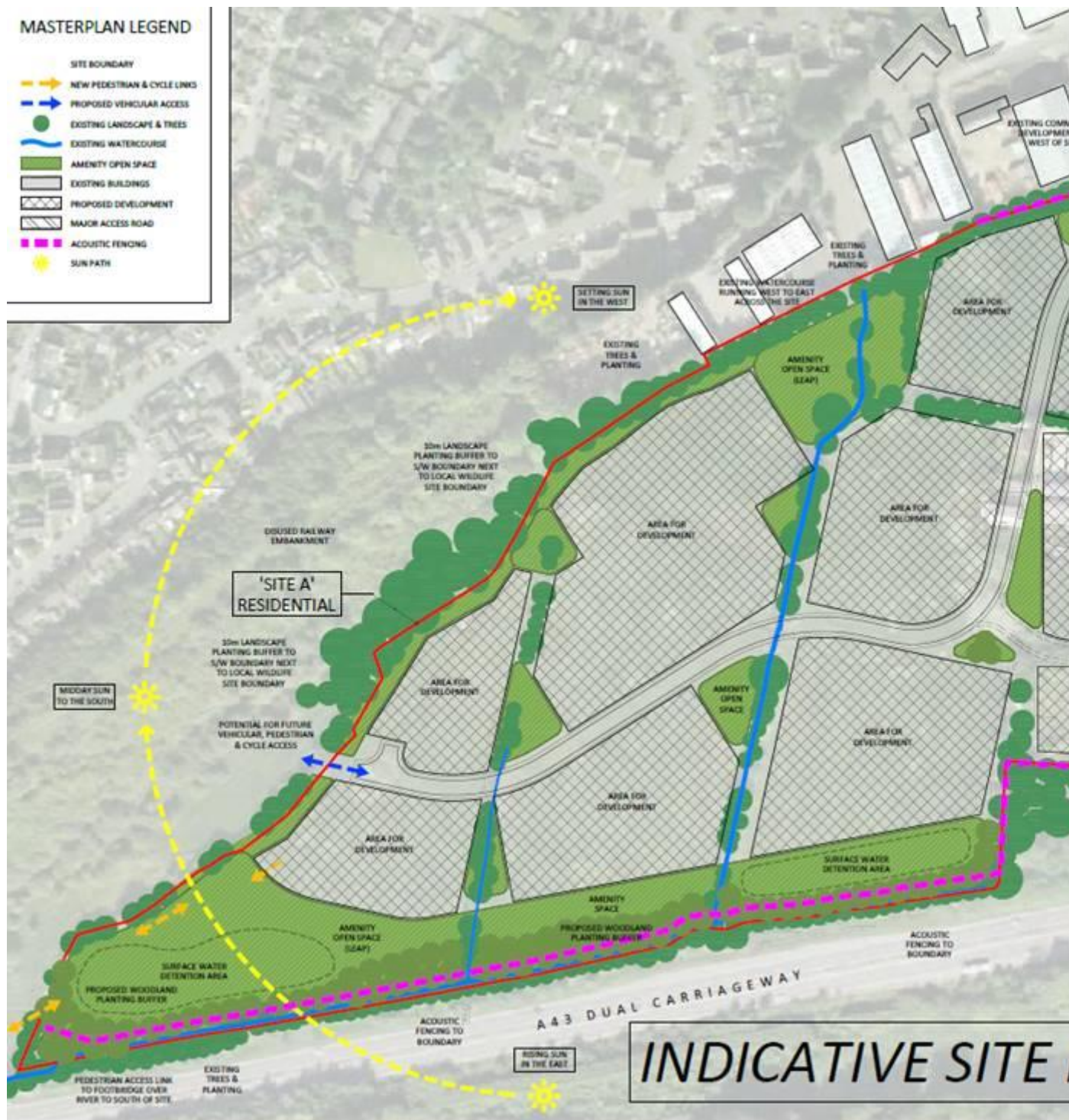
Point of vehicular access and pedestrian accesses

Attenuation basin

I hope this is helpful.

Clare





**Clare O'Hanlon BA (Hons) BTP MSc MRTPI**

**Principal Planning Officer – Major Projects Planning Team**

**Place and Growth Directorate**

Cherwell District Council & South Northamptonshire District Council

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[www.southnorthants.gov.uk](http://www.southnorthants.gov.uk)

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil) or [www.facebook.com/southnorthantscouncil](https://www.facebook.com/southnorthantscouncil)

Follow us on Twitter @Cherwellcouncil or @SNorthantsCouncil

**Clare O'Hanlon** BA (Hons) BTP MSc MRTPI  
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[www.southnorthants.gov.uk](http://www.southnorthants.gov.uk)

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Follow us on Twitter @Cherwellcouncil or @SNorthantsCouncil

---

**From:** Stephen Harris [mailto:SHarris@emeryplanning.com]  
**Sent:** 10 October 2018 14:56  
**To:** Clare O'Hanlon  
**Subject:** Bodicote - Parameters Plan

Hi Clare,

Further to our conversation yesterday, attached is a draft parameters plan. As you will see there is other detail to be added but we thought if we send you this you could print off and scribble over any other ideas so we can get it to how you want.

Also I got your email re ecology and have passed that on for a response.

Thanks

Stephen

**Stephen Harris BSc (Hons) MRTPI**  
Director

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# Appendix 3



# Land at Tappers Farm, Oxford Road, Bodicote, Oxfordshire

**Note on Parkland Character**

**Nigel Evers**

**Viridian Landscape Planning**

August 2019

LPA reference 18/00792/OUT

On behalf of Hollins Strategic Land





Land at Tappers Farm, Oxford Road, Bodicote

Note on Parkland Character

Project no. 2719

Final

August 2019

	Name	Position	Signature	Date
Prepared by:	Nigel Evers	Director		28/08/19
Reviewed by:	Lindsey Evers	Director		28/08/19

Revision	Description	Prepared	Reviewed	Date



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## APPENDICES

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Appendix A: Opinion Note by Kathryn Sather

Appendix B: Extracts from Environmental Stewardship & Historic Parklands



# 1 INTRODUCTION

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## 1.1 SCOPE

---

1.1.1 This Note has been prepared on behalf of Hollins Strategic Land in support of their appeal against the decision of Cherwell District Council to refuse outline planning permission for the demolition of existing buildings and erection of up to 46 dwellings, with associated works and provision of open space.

1.1.2 The Note responds to paragraph 1.1 of Cherwell District Council's Statement of Case, which states, inter alia:

*The field contains a number of mature trees, many of which are protected by TPO and the site has a 'parkland' appearance as a result of the protected trees..*

1.1.3 I will address the Landscape Character of the site in relation to the assertion that it has a parkland character. I have included in my Appendix A, a note prepared by Kathryn Sather, Heritage Conservation Consultant, that sets out her view of the heritage interest of the site as parkland.

1.1.4 According to Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3),

The relationship between landscape and historic landscape matters is close. The first is concerned with the landscape as it is today. The second is concerned with how the landscape came to be as it is, dealing with historic dimensions such as 'time depth' and historical layering — the idea of landscape as a 'palimpsest', a much written-over manuscript.



## 2 PARKLAND CHARACTER

---

### 2.1 DEFINITION OF PARKLAND

---

- 2.1.1 There are few definitions of parkland character available. One of the most comprehensive is from Environmental Stewardship & Historic Parklands, September 2013, written by Cookson and Tickner Landscape Architecture and published by Natural England. Under the heading of Key Features that Define Historic Parklands, paragraph 3.1 states that parkland:

*is made up of a series of features which contribute to its character, including the pattern of woodlands and trees, avenues, main drives, water features, buildings and structures. The presence and relationship between these features combine to form parkland; they all contribute to the unique character of individual sites, whilst also forming a landscape that is instantly recognizable as a park.*

- 2.1.2 It is clear from the description that to be parkland, a site needs to have more than just mature trees and hedges. The Natural England document is specific that parkland consists of a series of features, not just one.
- 2.1.3 At 3.2, the report sets out seven feature categories arising from the key parkland features. Considering each in turn in relation to the appeal site:

#### OPEN PARKLAND

- 2.1.4 This consists of *parkland trees, tree clump, avenue, sward*. According to the tree survey, there are eight large trees on the site, including those within the hedges. There are no clumps, avenues or swards (grassland, later described as *the green foil for parkland planting*, p 14). Therefore, the trees are only part of one characteristic.

#### WOODLAND

- 2.1.5 There are no designed woodlands or woodland perimeter belts.

#### ACCESS AND VIEWS

- 2.1.6 There are no *approaches, wider circulation, designed views & vistas*, merely an unadopted track leading to the current farm shop.

#### WATERBODIES

- 2.1.7 There are no canals, lakes, streams, fishponds, duck decoys, water management structures.



## BOUNDARIES

- 2.1.8 There are no *walls, timber park pale, ha-ha, iron railings*, which form boundaries, although there are hedges, which are described as a parkland boundary feature.

## PARK-RELATED ARCHAEOLOGY

- 2.1.9 There is no park-related archaeology.

## PARKLAND ARCHITECTURE

- 2.1.10 There are no:

lodges and entrance lodges, stables & kennels, bridges, ornamental parkland buildings, obelisks/columns, farm buildings, cottage orneé, ice houses, churches, boat houses, ruins/follies/grottos, dovecotes, walled kitchen gardens.

- 2.1.11 The only buildings on the site are those comprising and associated with the functional farm shop.

## 2.2 CHARACTER OF THE SITE

---

- 2.2.1 My description of the landscape character of the site is set out in paragraphs 3.5.29 to 3.5.35 of my Statement, and I have not suggested that the site has a parkland character, nor do I believe that it has that character, especially in the light of the features set out above. In addition, the site or its context do not appear as parkland in the landscape character assessment for the area (Oxfordshire Wildlife and Landscape Study, Type 16 and Character Area C).

- 2.2.2 One of the most important characteristics of a park, in my view, is that it is a designed landscape with an intention to delight the user of the park. That is why the definition above describes many features, most of which have no primarily practical function. There is no evidence on the site of drives designed for the pleasure of riding through a carefully contrived landscape, buildings to catch the eye across an undulating sward, or carefully placed tree clumps to compose a view. There is merely a scatter of trees, some hedges, grass, a farm shop and caravans within a largely developed context.



## 3 HERITAGE

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### 3.1 HISTORIC LANDSCAPE

---

- 3.1.1 In paragraph 9 of the Cultural Heritage Opinion Note produced by Kathryn Sather, and contained in Appendix A of this Note, she writes:

*The character of the appeal site is not intact. The historic size of the plot has been reduced twice compared with the 1833 plan. By 1855 the southeastern boundary was moved northwards, a new boundary inserted and a line of trees planted along this boundary. More recently a large section of land along the southwestern boundary has been given over to the school. The existing access road is a new access road created to the former farm buildings following the loss of the land to the school. The earlier parcel of land called North Ground in 1833 was enclosed with hedges and the earlier lodge has been demolished and the access road from the east through Tappers Farm has been removed. Additionally, the boundaries have been further altered with the loss of the tree lined boundary to the southeast along the boundary with the housing and garages. The appeal site has lost its historic integrity with the many alterations and loss of land.*

- 3.1.2 In paragraph 10:

*Cultural heritage features of the appeal site do not make a particular contribution to the landscape. The 1833 plan documents that by 1833 the appeal site was used for arable farming and was ploughed, so could not be considered part of the parkland. Later alterations, including removing the access from the eastern Lodge by 1885, and its demolition by 1900 also document that the existing remnant of the earlier North Ground was not considered or used as parkland. It is therefore wrong to identify the eight trees remaining within the site as parkland features. There are only two boundaries which retain historic hedging interspersed with trees. The existing buildings are of low quality. The surrounding landscape includes a school site, residential development, council offices and roadways. The development of the Council's own offices, with its associated parking, the development of the school, near to the listed remaining lodge, and bordering the appeal site, and the residential development to the southeast have all separated the appeal site from its historic context and there is not a strong group value with these heritage assets. These few remaining features of several trees and some hedging do not make a particular contribution to the landscape as the historic landscape has been radically altered.*





## 4 CONCLUSIONS

---

- 4.1.1 The site should not be regarded as being of parkland character according to the definitions set out above. I do not believe that the grass on the site can be described as a 'sward' in the way the report suggests. Although one would not expect parkland to comprise all the features, the site has only two of at least 38 listed, being trees and hedges, which are grouped to form seven feature categories.
- 4.1.2 In my view as a practising and experienced landscape architect, the site does not have the character of parkland. In Kathryn Sather's view, as a practising heritage consultant, the remaining features do not make a particular contribution to the landscape as the historic landscape has been radically altered.
- 4.1.3 The characterisation of the site as having a parkland character cannot be justified.

# APPENDIX A:

---

# **Town and Country Planning Act 1990**

**Land At Tappers Farm, Oxford Road, Bodicote, Banbury OX15 4BN**

## **Hollins Strategic Land**

Appeal against refusal by Cherwell District Council of planning permission  
for development of land at Tappers Farm, Oxford Road,  
Bodicote, Banbury OX15 4BN

**PLANNING INSPECTORATE REFERENCE: APP/C3105/W/19/3222428**  
**LOCAL PLANNING AUTHORITY REFERENCE: 18/00792/OUT**

### **Cultural Heritage Opinion Note: Heritage Interest at Tappers Farm, Bodicote**

**Kathryn Sather, BA MSc MCIfA**

**On Behalf of  
Hollins Strategic Land**

**August 2019**



**Kathryn Sather & Associates  
Heritage Conservation Consultants  
87 Oldfield Road  
Altrincham  
WA14 4BL**

**Tel: 0161 941 1414  
E-mail: [ksa@ksaconservation.co.uk](mailto:ksa@ksaconservation.co.uk)**

# **Cultural Heritage Opinion Note: Heritage Interest Contribution to Landscape Value at Tappers Farm, Bodicote**

## **Purpose and Objectives**

1. The appeal concerns an application for outline planning permission (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space at Tappers Farm, Bodicote.
2. The objectives of this opinion note are to set out my professional opinions, and the reasoning for the opinions, based upon the factual evidence and national and local guidance.

## **Evidence**

3. There are two listed buildings in the vicinity of the proposal site, the Lodge and Bodicote Hall, both Grade II. These buildings are sited to the south of the appeal site. The Bodicote Conservation Area is sited further to the south beyond the Hall. The proposal site is not listed in the Historic Parks and Gardens Register.

### **Features of Historical or Cultural Interest**

4. Historic maps, reproduced in Appendix 1 give evidence of the changes to the landscape of the appeal site. Plan 1, a parish map from 1833 reproduced from the newsletter of the Banbury Historical Society of Spring 1967 identifies the appeal site as North Ground. The (A) after the name signifies that the field was arable- ploughed land used for growing crops and not pastureland (P) as Home Ground and South Ground were labelled. Therefore, at least by 1833, the appeal site was not part of the parkland of Bodicote House. There are structures denoted on the plan in the area of some of the existing structures on the appeal site. A Lodge, now demolished is located on the northeast boundary with a path crossing the field and connecting the Lodge with Bodicote House. The southwestern boundary is located farther to the right on this plan (towards the southeast) of the Lodge and not at right angles to the road or the boundary to the southwest of the site.
5. Comparison of the 1833 plan with Plan 2, dated 1885, highlights numerous changes. Although the Lodge is still present, the pathway across the appeal site is no longer evident. However a new road giving access to the farm buildings is present along the northwest boundary. The southeastern boundary has been moved to sit at a right angle with the road, just below the Lodge, and connects to the rear of the farm buildings. A line of trees appears alongside the new southeastern boundary. The previous southeastern boundary documented on the 1833 plan is marked by a broken line of several trees.
6. Plan 3 from 1900 documents that the Lodge along the northeastern boundary has been demolished. The boundaries remain consistent on the plans from 1922 and 1944 as well, but all three of these plans do not show the access road to the farm

buildings. Instead a road from the lodge to the southwest appears to service the farm buildings. Plan 6, dated 1955 again shows the access road from the northwest.

7. Plan 7, the existing plan, documents that a section of the earlier site along the northwestern boundary has been given over to the Bishop Loveday Church of England Primary School. A new access road to the farm buildings had been created parallel with the new boundary.
8. This existing plan also documents the series of alterations to the landscape surrounding the appeal site. From the mid to late 20<sup>th</sup> C the primary school was built to the southwest and extended, the council offices were constructed to the east and north of Bodicote House, with the grounds altered to include large areas of parking, and a housing estate was built to the southeast of the appeal site, which was later extended up to Oxford Road. An area of garages is also sited to the southeast of the farm buildings on the appeal site.

## Opinion

9. The character of the appeal site is not intact. The historic size of the plot has been reduced twice compared with the 1833 plan. By 1855 the southeastern boundary was moved northwards, a new boundary inserted and a line of trees planted along this boundary. More recently a large section of land along the southwestern boundary has been given over to the school. The existing access road is a new access road created to the former farm buildings following the loss of the land to the school. The earlier parcel of land called North Ground in 1833 was enclosed with hedges and the earlier lodge has been demolished and the access road from the east through Tappers Farm has been removed. Additionally the boundaries have been further altered with the loss of the tree lined boundary to the southeast along the boundary with the housing and garages. The appeal site has lost its historic integrity with the many alterations and loss of land.
10. Cultural heritage features of the appeal site do not make a particular contribution to the landscape. The 1833 plan documents that by 1833 the appeal site was used for arable farming and was ploughed, so could not be considered part of the parkland. Later alterations, including removing the access from the eastern Lodge by 1885, and its demolition by 1900 also document that the existing remnant of the earlier North Ground was not considered or used as parkland. It is therefore wrong to identify the eight trees remaining within the site as parkland features. There are only two boundaries which retain historic hedging interspersed with trees. The existing buildings are of low quality. The surrounding landscape includes a school site, residential development, council offices and roadways. The development of the Council's own offices, with its associated parking, the development of the school, near to the listed remaining lodge, and bordering the appeal site, and the residential development to the southeast have all separated the appeal site from its historic context and there is not a strong group value with these heritage assets. These few remaining features of several trees and some hedging do not make a particular contribution to the landscape as the historic landscape has been radically altered.

## Sources

### Published and Unpublished Works

Banbury History Society. *Cake and Cockhorse*. Spring 1967.

Cherwell District Council North Oxfordshire. *Bodicote Conservational Area Appraisal*. April 2008.

English Heritage. *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*. London: English Heritage, 2008..

Historic England. *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets*. Historic England, 2015.

### Maps & Plans

Oxfordshire V.5 (Chalcombe; King Sutton; Middleton Cheney; Thenford; Warkworth).

Revised: 1881. Published: 1885

Northamptonshire LVIII.13 (Banbury; Bodicote; Warkworth). Revised: 1898. Published: 1900


Northamptonshire LVIII.13 (Banbury; Bodicote; Warkworth). Revised: 1920. Published: 1922

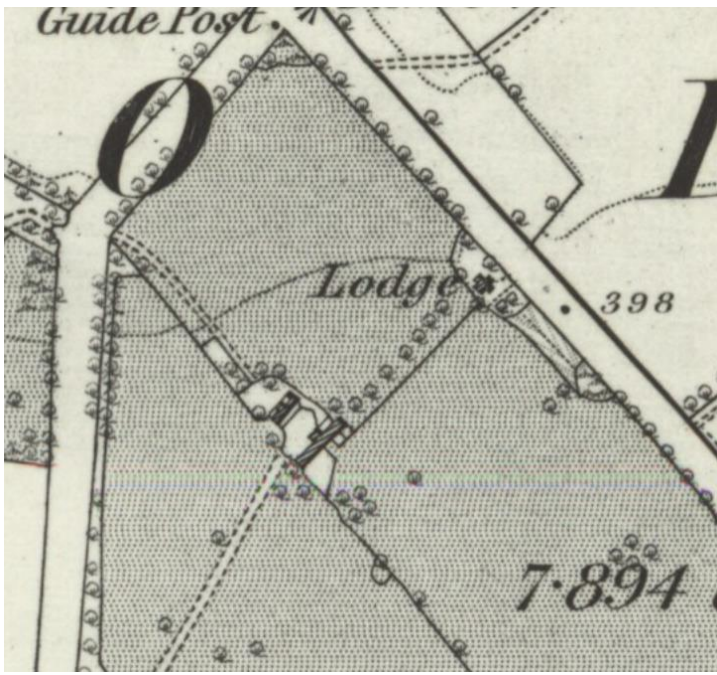
Northamptonshire LVIII.SW (Banbury; Bodicote; Kings Sutton; Middleton Cheney; Warkworth). Revised: 1938. Published: ca 1944

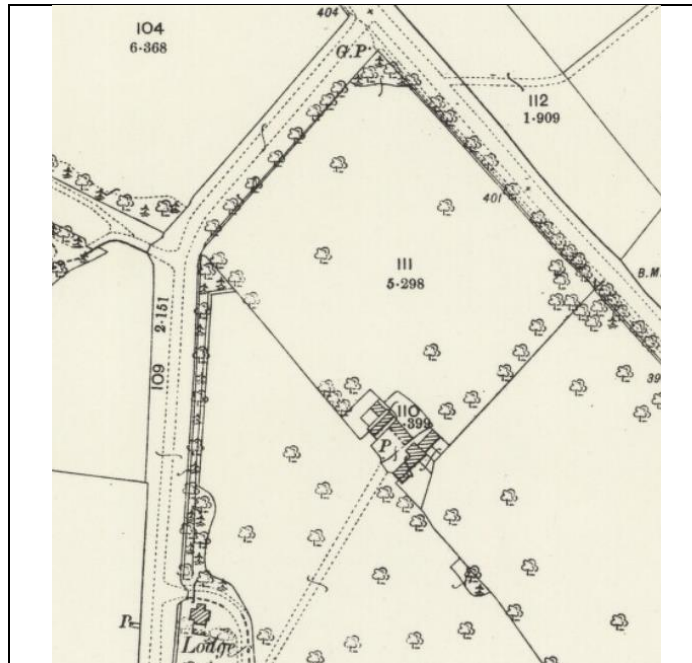
SP43NE-A (Banbury; Bixham; Bodicote; East Adderbury; Kings Sutton; Middleton Cheney; Warkworth; West Adderbury). Survey/Revised: Pre-1930 to 1954. Published: 1955.

## Appendix 1

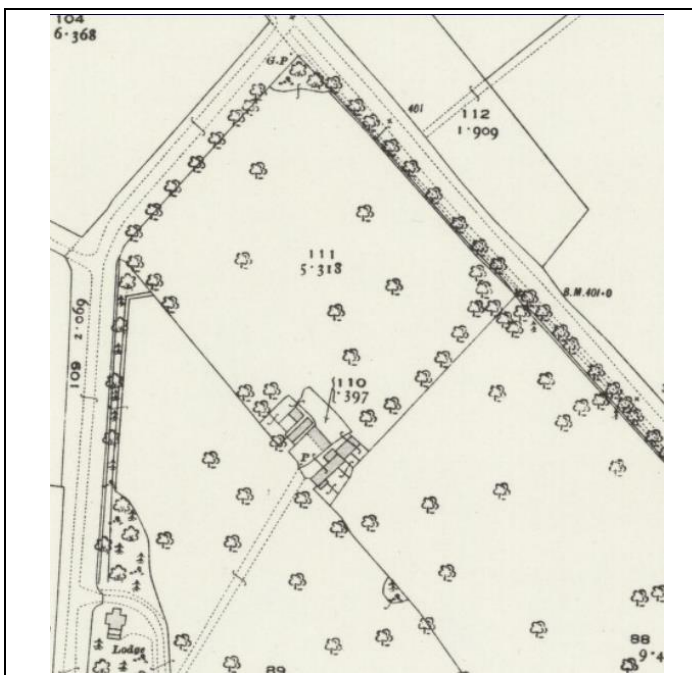
### Historic Maps

	<div>William Hitchcock</div> <div>197      Home Ground (P)</div> <div>198      South Ground (P)</div> <div>199      North Ground (A)</div>
<i>Plan 1: 1833 Map from the Cake and Cockhorse Spring 1967 - Banbury Historical Society</i>	


<i>Plan 2: OS Map 1885</i>

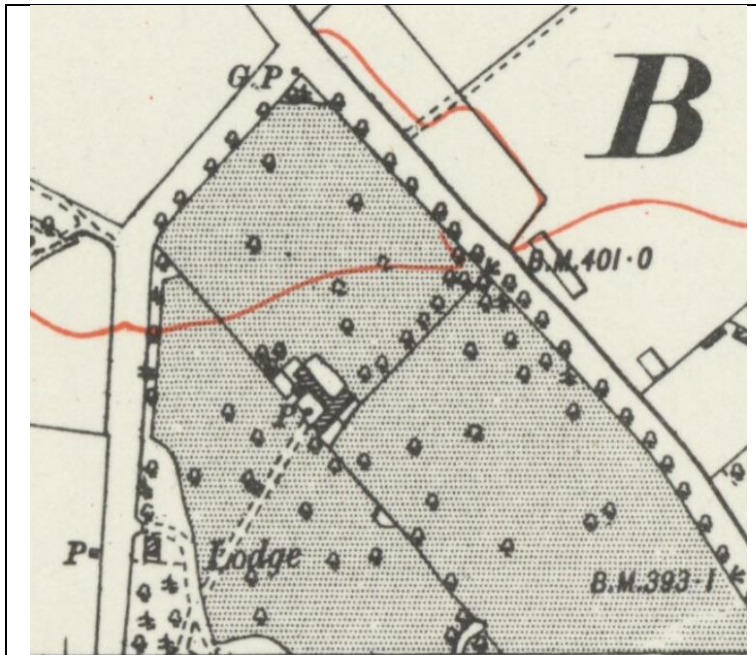


**Plan 3: OS Map 1900**

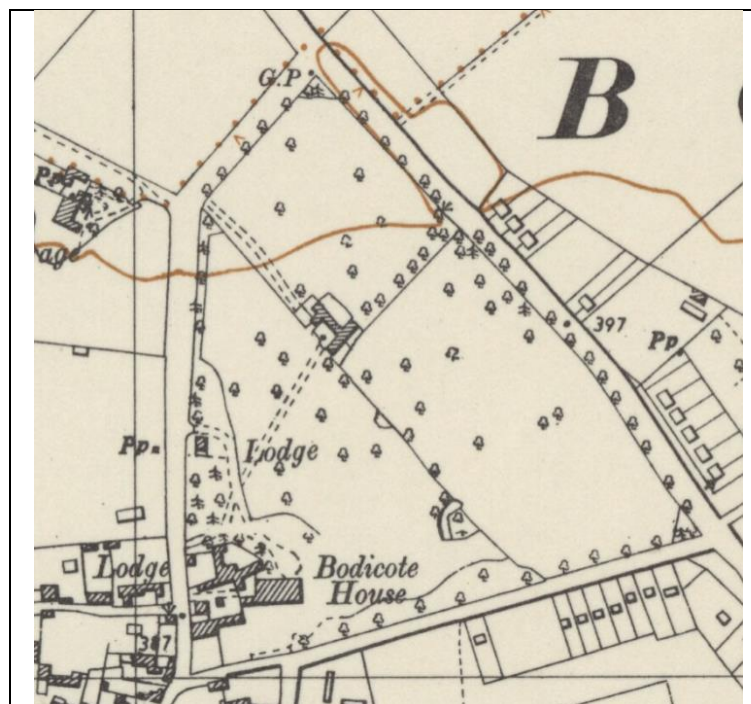


**Plan 4: OS Map 1922**





*Plan 5: OS Map 1944*



*Plan 6: OS Map 1955*



**Plan 7: Existing Appeal Site Location Map**

## Appendix 2

### Professional Qualifications and Relevant Experience

1. My name is Kathryn Sather. I am a Heritage Conservation Consultant and the Principal Consultant of Kathryn Sather & Associates (KS&A). Kathryn Sather & Associates, Heritage Conservation Consultants, has been in business for over 25 years.
2. I hold an MSc in Historic Preservation with a Concentration in Architectural Conservation from the Graduate School of Fine Arts, University of Pennsylvania. I have also completed specialist training at the International Centre for the Study of Preservation and Restoration of Cultural Property (ICCROM), Rome, Italy. I have accrued over 29 years of experience in the field of Heritage Conservation, 25 of these as Principal Consultant of Kathryn Sather & Associates. I advise clients on a wide range of heritage matters including preparing Listed Building Consent applications, preparing applications to have a building listed or the listing upgraded, and advising on grant applications. I have been involved in preparing over 29 Conservation Area Appraisals and Management Plans, over 35 Conservation Plans and Statements including many Grade I and II\* buildings, and a great number of Heritage Statements. Prior to private practice, I previously worked at the Preservation Assistance Division, in the United States National Park Service; on the Zanzibar Stone Town Planning Project, for the Aga Khan Trust for Culture; on the International Architectural Conservation Course, part of the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), Rome, Italy and at the Architectural Conservation Laboratory, within the University of Pennsylvania Graduate School of Fine Arts.
3. KS&A's practice works solely in the field of Heritage Conservation. Our work primarily involves producing Conservation Plans, Conservation Area Appraisals and Management Plans, Archaeological Desk-based Assessments, Archaeological Building Recordings and Heritage Statements. In addition, our practice also assists clients advising on fundraising and preparing grant applications.
4. I am a member of the Victorian Society Northern and Welsh Buildings Committee. I represent the Commercial built environment sub-sector on the Heritage Information Access Strategy Advisory Board, convened by Historic England. I also undertake work on a voluntary basis for other national and local conservation organisations and attend specialist conferences. I lecture in Conservation Management Planning to Masters Degree students at Birmingham City University. I am a Member of the Chartered Institute for Archaeologists (MCIfA). I also undertake continuing professional development training as required of members of IHBC and the CIFA. In addition, I am a member of the Society of Architectural Historians of Great Britain.
5. I confirm that the opinion which I have prepared and provide for this appeal in this opinion note is true. It has been prepared and is given in accordance with the codes of conduct and guidance of the IHBC and CIFA. I also confirm that the opinions expressed are my true and complete professional opinions.

# APPENDIX B:

---



# Environmental Stewardship & Historic Parklands

Evaluating the effectiveness of Environmental Stewardship agreements for the conservation and enhancement of historic parklands and developing a method of prioritisation for funding



*September 2013*

COOKSON  
&  
TICKNER  
LANDSCAPE ARCHITECTURE

NATURAL  
ENGLAND



### 3. Key Features that Define Historic Parklands

- 3.1 Parkland is made up of a series of features which contribute to its character, including the pattern of woodlands and trees, avenues, main drives, water features, buildings and structures. The presence and relationship between these features combine to form parkland; they all contribute to the unique character of individual sites, whilst also forming a landscape that is instantly recognizable as a park.
- 3.2 For the purposes of this study, key parkland features have been organised into seven feature categories as follows:

Feature category	Parkland features
<b>1. Open Parkland</b>	Parkland trees, tree clump, avenue, sward
<b>2. Woodland</b>	Designed woodland, woodland perimeter belt
<b>3. Access &amp; views</b>	Approaches, wider circulation, designed views & vistas
<b>4. Waterbodies</b>	Canals, lakes, streams, fish ponds, duck decoys, water management structures
<b>5. Boundaries</b>	Wall, timber park pale, ha-ha, iron railing, hedge
<b>6. Park-related archaeology</b>	Former park boundaries & features, false antiquities, land use archaeology, pre-park funerary & settlement features, 20 <sup>th</sup> century archaeology
<b>7. Parkland architecture</b>	Lodges & entrance lodges, stables & kennels, bridges, ornamental parkland buildings, obelisks/columns, farm buildings, cottage orneé, ice houses, churches, boat houses, ruins/follies/grottos, dovecotes, walled kitchen gardens

- 3.4 This chapter starts by defining individual parkland features, explaining their importance to the historic designed landscape and the ecology of parklands whilst also identifying how they might be vulnerable. Contemporary values of historic parklands are considered in chapter 4. The chapter ends by outlining which features might be expected to be present in each of the key developmental phases described in chapter 2.
- 3.5 The definitions provided here draw directly on existing published sources including:
- *The Glossary of Garden History* by Michael Symes (2000)
  - *Historic Designed Landscapes Planning and Conservation Guidance* by Anthea Taigel (2003) for the Essex Gardens Trust
  - *How to read a English Garden* Andrew Eburne & Richard Taylor (2006)
  - *Designation Listing Selection Guide: Agricultural Buildings* English Heritage (April 2011)
  - *Designation Listing Selection Guide: Garden and Park Structures* English Heritage (April 2011)
  - Training notes prepared as part of the Historic Landscape Project - Southeast *Understanding more about historic parkland* by Matthew Tickner (2012) for the Association of Gardens Trust and Natural England.