

The Planning Inspectorate  
Bristol

February 11<sup>th</sup> 2021

**Ref : APP/C3105/W/20/3261087 The Beeches, Heyford Road, Steeple Aston (CDC 20/00964/OUT)**

Dear Sir/Madam,

The Oxfordshire Branch of the Campaign to Protect Rural England (CPRE) promotes the beauty, tranquility and diversity of rural Oxfordshire. The Cherwell Local Plan adopted 2015 (CLP 2015) seeks to protect Cherwell's rural areas and has specific policies designed to prevent inappropriate development in and around its attractive villages.

Steeple Aston is a beautiful village set by the valley of the River Cherwell with extensive views across the countryside and to historic Rousham House. The appeal site is on the edge of the village and is surrounded on three sides by large fields and on the fourth by trees, thus it juts out into the countryside. It falls outside the settlement area of the village as defined in the Mid-Cherwell Neighbourhood Plan (MCNP).

Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Steeple Aston is recognised as a Category A village where new residential development will be restricted to conversions, infilling and minor development within the built-up area of the settlement. Since the appeal site is surrounded on three sides by open fields and by trees on the fourth, and is on the extreme edge of the village, it cannot be considered as being *within the built-up area of the settlement*.

CPRE is also concerned at the dramatic loss of biodiversity in recent times which can be attributed to many factors but one is the increase in development. Cherwell Council are also concerned and recently published their Community Nature Plan 2020-2022 which asks for developments to achieve a 10% net gain over the existing level of biodiversity. Biodiversity net gain calculations are made to demonstrate the increase in biodiversity units delivered or not by a development, and a standard calculation method, the Biodiversity Metric 2.0., has been published by DEFRA.

CPRE is aware that CDC did not cite ecology as one of the reasons for refusal, indeed the ecology officer did not comment on application 20/00964/OUT. This does not indicate that the ecology officer accepted that the proposals would give a net gain. Indeed, there is concern because an e-mail from the ecology officer to the planning officer listed under application 20/00964/OUT (e-mail sent June 3<sup>rd</sup> 2020 at 10.28am) asks for more information as the extent of biodiversity gain from the figures given seemed unlikely. The Appellant's Statement of Case lists the biodiversity metric calculation as one of its appeal documents (CD G1). However, this was not available on the Council's webpage for the appeal but the document was obtained later on request from the planning officer. As CPRE did not have sufficient time to consult an ecology expert, we are unable to confirm that the biodiversity calculation was correct and that the plans will give a net gain.

Thus, CPRE are concerned because we consider that the plan for 8 houses in this situation is contrary to the MCNP and Policy Villages 1 of CLP2015 and ask the inspector to dismiss this appeal.

Yours Faithfully,

Pamela Roberts

Vice Chair Cherwell District CPRE

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21st January 2021

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#### References

- A. Cherwell District Council North Oxfordshire Planning application 20/0227/OUT Mr Adrian Shooter dated 04<sup>th</sup> September 2020.
- B. Mid Cherwell Neighbourhood Planning 2018-2031 Dated May 2019.
- C. Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1,
- D. Brimacombe 2002227 Dated 22<sup>nd</sup> August 2020
- E. Planning Inspectorate Your Ref: APP/C3105/W/20/3261087 dated 07<sup>th</sup> January 2021

Dear Mr Vetitch

#### **Application for planning number 20/0227/OUT Mr Adrian Shooter dated 04th September 2020.**

Many thanks to you and to the department to allow us to respond to the above application.

This latest application is the latest instalment in the applicant trying to seek and gain permission to erect, this time, 10(Ten) private dwellings. Once again with the "all matters reserved except the means of access onto Heyford Road" caveat on the application. (Reference A)

The area to be developed sits on the Southern outskirts of our village and is bordered by the River Cherwell, woodland, green field sites and to the North the main road to Banbury A4260. The actual development site sits at the extreme southern edge of the village on the steep hill leading into & out of the village.

As in the past we would like to raise our objections to the application for several reasons outlined below:

1. The area to be developed is bordered by green field sites, these sites as well as the property garden area to be developed, they are rich and very established by our Oxfordshire Wildlife, Badgers, Bats, Hedgehogs, Fallow, Row & Muntjac Deer, Grey Squirrels, Kites, Buzzards, Owls, Harvest, Field mice, numerous birdlife as well as our seasonal visiting and migrating bird life Swallows, Swifts, House Martyn's, Yellow Hammers, Goldfinches. Some of these animals and habitats are protected by law.

Plants and animals have life events that seemingly occur like clockwork every year. Birds can migrate, mammals may hibernate, flowers bloom, and trees and leaves change colours. Wildlife conservation and its preservation and the protection of animals, plants, and their habitats in the area is especially important to the local community and its neighbouring properties to the proposed development.

By conserving the wildlife, we're ensuring that future generations can enjoy our natural world and the incredible species that live alongside in North Oxfordshire, by helping to protect wildlife, it's important to understand how species interact within their ecosystems, and how they're affected by changes to the environmental area and its human influences.

This potential large-scale development on the land that the wildlife inhabit would be disrupted and destroyed and damaged for many years to come and cannot be supported by us.

2. Although excluded currently from this application "means of access" the plan has to consider the with the potential of the increase in traffic on the outer limits of the village. This part of the village is on the brow of the hill and is on a bend in the road offering a future opportunity for accidents to happen. We regularly witness vehicles speeding out of and into the village. Sometimes our CCTV on the outside of the property doesn't even record the actions of vehicles due to the speeds the vehicles travel at, they don't activate the motion sensor. The increased movement of traffic turning into/out of the driveway would be a recipe for disaster for both vehicular access, pedestrians who are walking and would further development of the area would damage the environment and landscape.

3. In the latest instalment the new application is proposed to develop 10 new dwellings this would significantly intrude on to the outer limits of the village of Steeple Aston and to the countryside beyond the borders of the village, contrary to the area Development Plan, The proposed development for the new dwellings also clashes with the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework (Reference B) & with the Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1,(reference C)

Further development of new buildings in the vicinity of the "Beeches" would be adding to the existing building and would only add a large un-required development for the unaffordable in the village. contrary to the Mid Cherwell Neighbourhood Planning 2018-2031 Dated May 2019. (Reference B)

Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right type of development for their community, (Reference B) Mid Cherwell Neighbourhood Planning 2018-2031 page 3 1.1.3 184. Dated May 2019. The latest development we feel isn't in the best interest of the village or the immediate local neighbourhood for this application.

Further analysis of (Reference B) Mid Cherwell Neighbourhood Planning 2018-2031 Swot analysis Page 20 2.1. Dated May 2019. States that

Strengths

- Attractive rural community: - Sadly Steeple Aston is an attractable rural area to live in further development would only take away the attractiveness of the area
- Conservation area in most of the villages:- Once again and sadly Steeple Aston is lucky enough to be bordered by lush green farm land, established woodlands, the River Cherwell which all add to the attractive location element, more large scale development will damage the conservation in this area

#### Weakness

- Inadequate public transport: - Public transport to Bicester Non-existent, while Oxford and Banbury are poor adding more housing and development will only add to a problem
- Lack of suitable recreational facilities in some of the villages, Steeple Aston has very poor recreational facilities for future occupants adding to the facilities issue

#### Opportunities

- To provide residents with the opportunity to meet their housing needs within the neighbourhood: - The cost of affordable housing beyond the affordable pocket of most villagers

#### Threats

- Traffic volumes are increasing and may be exacerbated by new development:- Further development to area will only increase the flow of vehicular movement in the area onto the local road networks and to the dangers of Heyford Road which we observe on a daily basis
- Large scale developments may significantly damage the character and sustainability of the neighbourhood: - Further development to the area will only add unwanted and unrequired housing development for the residents

Policy PD1 Steeple Aston residential development in the form of infilling, conversion's and minor developments will be supported in principle within the settlement areas established and defined in Policy Maps. Fig9,10 & 11 respectively:

c. The development should conserve where possible: enhance the landscape:- any further development of the area will not conserve, or will not enhance the landscape, the area and or the environment, it will add to the removal of landscape, add to the environmental decline with more household waste, more waste water, more surface water into drainage, more damage to the countryside and its habitats

d. The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of the other heritage assets:- Further development of the area will not add anything to the area only add more traffic, more waste, more environmental damage, more damage to wildlife, its habitats, more damage and alterations to local ecosystems

e. The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston & Middle Aston:- Adding on mass as these large development applications do, which are on the outskirts of the village is not bonding to this statement

4. As we are only tenants to the property, the landlord has given us permission to act on their behalf and fully endorse or objections as they have in the past. They have also been included on the distribution of this letter for their information.

5. Conclusion

We do strongly and whole heartedly refuse to support the application once again. We cannot support this or any further development of the area for the reasons and the objections raised in this letter once again. Over many, many months now these applications are submitted, each time they get rejected for remarkably similar reasons. The changes to the local community, development of the area, the changes to the environment and the local ecosystems, the destruction of local wildlife habitats, the possible increase to traffic in the immediate area are all unacceptable to us and the immediate neighbours to any development.

Furthermore, we feel that the documents submitted are “pie in the sky documentations” in support of these applications. These applications and supporting documentation are all just a sugar coating measure to try and give the applications weight and provenance, the applicant has no inclination or intention at all to carry out any of the building works for which the application are being submitted. If these applications ever get through, the applicant is only feathering one’s own nest before they fledging, sell and move on without any construction work actually taking place, leaving the building to any future owner of the property and the village and local community to deal with further heartache and dealings with the planning department.

We would ask that this application once again be refused.

Your cooperation and assistance in the matter is very much appreciated.

Yours

Mr Martin Brimacombe

Mrs Angela Brimacombe

Mr Carl Brimacombe

Distribution:

Copy to

1. Landlord Sanctuary Housing

Planning Inspectorate  
Bristol

15<sup>th</sup> January 2021

Dear Sir/Madam

**APP/C3105/W/20/3261087: UP TO 8 DWELLINGS AT THE BEECHES,  
HEYFORD ROAD, STEEPLE ASTON (CDC 20/00964/OUT)**

We note that in the appellants' Statement of Case (October 2020) very little regard is had to the policies of Mid-Cherwell Neighbourhood Plan (MCNP). The purpose of this submission is therefore to draw to the attention of the Inspector the relevant points made by MCNP Forum in its submitted objections to 20/00964/OUT and to the earlier almost identical application 19/01601/OUT.

**CDC Policy Villages 2 and MCNP policy PD1**

The Statement of Case (on p. 20) quotes a report by Cherwell DC (para.2.60) regarding a planning application in Kidlington and the applicability or otherwise of CDC policy Villages 2. It includes the sentence:

- *There is no spatial strategy to the distribution of the 750 houses allocated in the rural areas under Policy Villages 2 beyond distribution to the Category A villages.*

This statement is incorrect. The MCNP contains a policy (PD1) that is specific to three Category A villages within the MCNP designated area, one of which is Steeple Aston. The policy gives indicative numbers of additional dwellings that may be approved for these villages.

The appellants had previously argued (Counsel's opinion) that MCNP policy PD1 was of no effect because it was not a strategic policy. As we stated in our objection to 20/00964/OUT:

"We have, however, looked at the report of the Independent Examiner of the MCNP, dated December 2018, from which the following quote is taken (para.43):

*"In several instances, CDC has identified differences between the policies of the CLP and the MCNP and I have had to consider whether these mean that these policies do not meet the "basic conformity" test. In some cases, it has been necessary to recommend modifications. In others, notably the approach in Policy PD1 to the definition of the settlement area in Category A villages and to development outside it, I have been satisfied that the distinct approach here does not undermine the intentions of the strategic policy. Taking the Plan as a whole, and subject to the modifications I have recommended, I am satisfied that it is in general conformity with the policies of the CLP."*

CDC did not disagree with that finding of the Examiner, and the MCNP was subsequently "made" and became a formal part of the Cherwell Development Plan in May 2019. As a result, the MCNP is the most recent part of the development plan and, as there is no conflict (para. 30 of the NPPF), **MCNP policy PD1 therefore takes precedence over Policies Villages 1 and Villages 2.**

continued

### **Settlement area**

When the settlement area map for Steeple Aston (Fig.11 of the MCNP) was drawn up by MCNP Forum, The Beeches, its entire garden and its paddock were excluded from the settlement area. It was a prime example of the type of large site on the edge of the village on which the MCNP did not wish to encourage development - an intent that is the whole purpose of having a settlement area policy. This discouragement of development on the site in question was effectively endorsed by both the Examiner and by CDC in their agreement to the outline of the settlement area for Steeple Aston, and it is therefore an important and material planning policy reason for refusal of the application, subject to criteria, and to dismissal of the subsequent appeal.

Policy PD1 allows for the possibility of housing development outside the defined Steeple Aston settlement area (as this would be) if various criteria can be met. One of these is that the development should be "immediately adjacent to the settlement area". While it can be reasonably argued that the house and its garden are immediately adjacent to the settlement area, it is stretching a point to say that the paddock (where the bulk of the proposed development is sited) behind the house and garden is also adjacent. It is clearly not, as Fig.11 shows. The application therefore fails to meet the first of the policy criteria.

### **Previously-developed land**

In our objection to 19/01601/OUT we also made the following point, which is equally applicable to 20/00964/OUT:

The site is a former paddock attached to the garden of a small country house. The application documents refer to a planning permission granted in 2003 for a narrow-gauge railway and its associated structures on the paddock, which was stated to be part of the domestic curtilage; in other words it was regarded as an extension of the garden.

The applicants now argue that the land is classed as "previously developed" (which is one of the criteria under CDC's policy Villages 2). They quote from Annex 2 to the revised NPPF (February 2019) in support of this argument. However, the NPPF definition states clearly that the definition of previously developed land does not include "*land in built-up areas such as residential gardens....*". The applicants cannot have it both ways. An email from Framptons to CDC dated 2<sup>nd</sup> May 2019 states "*the former paddock is residential curtilage and is previously developed land. This is not a matter for debate.*" We beg to differ. The argument that this is previously-developed land cannot in our view be used to justify a substantial development in a residential garden, especially where to do so would infringe policy PD1 which takes precedence.

### **SUMMARY OF COMMENTS**

MCNP Forum's view is as follows. The proposed development of up to 8 new dwellings:

a) is not immediately adjacent to the Steeple Aston settlement area, which deliberately excluded the application site to discourage garden development, and therefore does not meet the criteria of MCNP policy PD1; this policy takes precedence over CDC Local Plan policy for Steeple Aston.

b) does not meet the criteria of CDC Policy Villages 2 in respect of previously-developed land;

As a result, in the opinion of MCNP Forum, the appeal should be dismissed.

Martin Lipson,  
Chairman, MCNP Forum  
January 2021