



# Appeal Decision

Site Visit made on 21 June 2021

**by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2021**

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**Appeal Ref: APP/C3105/W/21/3270400**

**Land North East of Fringford Study Centre, Rectory Lane, Fringford, Oxfordshire OX27 8DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Bradbury against the decision of Cherwell District Council.
  - The application Ref 20/01891/F, dated 15 July 2020, was refused by notice dated 18 September 2020.
  - The development proposed is the erection of a four bedroom detached dwelling with garage and access.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Potential ecological impacts were a reason for refusal of the planning application, but with additional information submitted with this appeal the Council have withdrawn this reason. As such, it is not a main issue for this appeal.

## Main Issues

3. The main issues are the effect of the development on (1) the character and appearance of the area, including the impact to existing trees, and (2) potential archaeological resources at the site.

## Reasons

### *Character and Appearance*

4. The site is within a village of rural character, set on a corner plot between Rectory Lane and Farriers Close. The area has a mix of older and more modern dwellings, mostly detached in spacious plots. The area has a verdant quality to it. The site is currently undeveloped and has some mature trees, which are subject to a Tree Preservation Order (TPO 11/1997).
5. The proposed house would introduce built development into this plot. However, the plot is sufficiently spacious so that the dwelling would not overdevelop the site. Indeed, the proposed house would appear comparable with some of the other dwellings in terms of plot size and spaciousness. Furthermore, within what is a residential area of the village, the proposed house would not appear at odds with its context, with the design approach suitable for this rural village setting.

6. The Council state that the site has significant amenity value to the village and its character. However, the site would remain verdant and the development would not have a significant effect in eroding the openness and general spaciousness of the area. The dwelling would not appear incongruous in this setting as it would suitably integrate into this residential area. I would not regard this proposal as an inappropriate or unacceptable form of infilling.
7. In terms of the trees, just one tree is to be felled, which is a 'C' class sycamore. It does not hold any high amenity value and should not prevent the proposed development on this basis.
8. The other trees, including those under a TPO, are set to remain. Tree protection methods have been submitted by the appellant, including fencing through the course of construction. From the information submitted I have no substantive reason to conclude that these trees should not be able to remain through the construction process without harm, even with the slight encroachment into the root protection areas.
9. The proposed house would be in close proximity to these trees, but not so close as to assume it likely that there would be significant pressure to remove these trees. This is particularly due to the orientation of the proposed house to the trees, which should not result in any significant overshadowing of garden areas. Furthermore, some of the trees are under a TPO and so any proposed future cutting back or felling would be in the control of the Council.
10. Some of these trees would be partially screened by the proposed house, but they would still be at least partially visible from Rectory Lane and Farriers Close. As such, the visual amenity value of these trees and their positive contribution to the verdant character and appearance of the area should largely remain.
11. This is an undeveloped gap of land, but its contribution to the character of this loose-knit settlement structure is primarily its verdant appearance and the significant trees in this prominent location. The introduction of a dwelling into the gap would have some change to the site character, but with the retention of all but one of the significant trees on site and further landscaping it would remain of a positive spacious and verdant character within this setting.
12. I am aware that a dwelling for this site was dismissed at appeal in 2011 (ref: APP/C3105/A/10/2140169). The Inspector concluded that a combination of tree loss and the introduction of a new dwelling would harm the character and appearance of the street scene. In this case, I do not anticipate the same level of tree loss and so there is not the harm with regards this issue. There is still the introduction of a single dwelling, but this is not in itself harmful given the retention of most of the mature trees on site. Filling some of this gap with the proposed house would not be of detriment to the wider village character.
13. For these reasons the proposed dwelling would neither be harmful to the character and appearance of the area or the trees at the site which are set to remain. The proposal is therefore in accordance with policies ESD15 and Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, and 'Saved Policies' C28, C30 and C33 of the Cherwell Local Plan 1996. These policies require development to respect the area's context, meet high design standards, respect significant trees, amongst other things.

14. The proposed development is also in general accordance with the National Planning Policy Framework (the Framework) on issues such as design and local character, for example.

### *Archaeology*

15. The site has been identified as one which has the potential for archaeological resource. The Framework states that "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation" (Paragraph 194).
16. The appellant has submitted an 'Archaeological Desk Based Assessment' to support their appeal. This study stated that there was a varied likelihood of remains from different periods being present, but that such remains would be of medium importance at most. The study concludes that it is possible that a condition for further archaeological assessment may be necessary but does not advise any further investigative work before determination.
17. The Council has responded to this Desk Based Assessment, which does not agree with its conclusions and its assessment of the archaeological potential of the site or the likely significance of any archaeological heritage assets. One such point relates to the potential for early-medieval period archaeology, which the Council Archaeologist considers as a high potential (rather than medium to low) due to remains from this period being recorded adjacent to the site.
18. Furthermore, due to the well preserved remains of buildings of archaeological value near the site the Council suggest that such well-preserved remains of medieval buildings (such as the possible remains of a medieval house for example) would be of high significance. The Council evidence does suggest that there is considerable potential for the site to contain structural remains of medieval buildings which are likely to be well preserved.
19. As the appellant has indicated, there is essentially a difference of professional opinion. However, after considering all the evidence I am minded to agree that the site has a considerable potential to contain archaeological heritage which could be of high significance and possibly well preserved. The desk top study does not provide sufficient evidence on this issue to be able to draw informed conclusions, such as to the significance of remains at the site. In this case, an archaeological field evaluation or similar would be necessary prior to determination to ensure that sufficient evidence of the archaeological heritage existed.
20. A condition for further future assessments would not be appropriate or sufficient in this situation due to the high potential for important archaeology at the site, which could be impacted by the proposed development, in line with paragraph 194 of the Framework.
21. As such, the proposal does not accord with the Framework on this issue.

### **Planning Balance**

22. The proposed dwelling would be an infill in a residential area and would support housing growth towards the Council's housing supply requirements. It would provide some economic support through the course of construction and future

occupants could support local businesses. However, all such cumulative benefits would be limited due to the fact that the development is only for a single dwelling.

23. Even if the Council could not demonstrate a lack of sufficient housing land supply, all the benefits would be significantly and demonstrably outweighed by the potential harm to important archaeological heritage at the site.

**Conclusion**

24. For the reasons given above relating to archaeology I conclude that the appeal should be dismissed.

*Mr S Rennie*

INSPECTOR

