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01 Introduction

- 1.1 This statement is submitted following the decision of Cherwell Council to refuse planning permission for the erection of a 4-bedroom detached dwelling with garage and access. The application was registered on the 04/04/2022 and considered under reference 22/00998/F. The application was refused under delegated powers on the 12/08/2022. A copy of the officer's report and decision notice are included with the appeal documents.

- 1.2 Key to this appeal is the planning history which provides key contextual information to assist in the determination of this appeal. Due to the importance of this information a planning history section has been provided.

- 1.3 This statement will focus upon matters raised within the decision notice for the appeal scheme.

02 Site Location & Description

2.1 The village of Fringford is situated approximately six kilometres to the north of Bicester town centre and is a rural village set adjacent to a tributary of the Little Ouse River and mature and established farmland.

2.2 Fringford is an established, mature and attractive village set within an historical and sylvan countryside. The village contains a historic church, quality village pub, cricket field, village hall, parish C of E Primary School and Nursery. Fringford village provides these facilities and is also within travel distance of Bicester where full shopping facilities, main schools, medical facilities as well as recreational and workplace facilities are located.

2.3 Within the village there is a bus stop in main street which is for all local services and access into Bicester for main bus and rail services to towns further afield. A short walk to the main A 4421 provides access to a bus stop on the junction with Stratton Audley Road giving direct access to Bicester and Buckingham.

2.4 Therefore, the facilities provided within Fringford and Bicester alongside the suitable transport links ensures that this location is suitable for residential development.

2.5 Fringford village has a mixture of architecture with no specific vernacular; although, the majority of the older historic buildings are of a cottage style constructed in local stone with either a plain clay tile roof or natural slate with white timber casement windows. Most buildings within the village are two storeys.

2.6 Rectory Lane serves a few properties including two other cul-de-sacs of Farriers Close and Little Paddocks. Farriers Close is a development of four two storey detached houses, approved under reference 95/00702/OUT, which this proposed dwelling seeks to replicate.

2.7 The site is on the corner of Rectory Lane and Farriers Close and is a small open area of land some 0.060 hectares in area. On the northern boundary with Farriers Close stand a line of mature trees covered by a Tree Preservation Order (TPO) with mature hedging under. These trees are covered by TPO 11/97.

2.8 The land is slightly raised above the level of Rectory Lane but is fairly level with a 3-metre-high mixed species hedge fronting the road behind a timber post and rail fence and curving round in front of the old property known as The Study Centre.

2.9 The site is a suitable infill site for a well-designed dwelling sighted to retain the TPO trees. Therefore, the site is eminently suitable for

sustainable development as defined in the National Planning Policy Framework and the Local Plan.

2.10 The application site is not located within the Green Belt, a Conservation Area or an Area of Outstanding Natural Beauty.

03 Planning History

3.1 The table is provided below which highlights all of the planning history on site.

Reference	Description	Decision
10/01220/F & APP/C3105/A/10/2140169	1 No. Three bedroom dwelling	Refused 23/09/2010 Appeal dismissed 14/02/2011
20/01891/F & APP/C3105/W/21/3270400 (Discussed in further detail below)	Erection of a 4-bedroom detached dwelling with garage and access	Refused 18/09/2020 Appeal dismissed 17/08/2021
22/00998/F	Erection of a 4-bedroom detached dwelling with garage and access	Refused 12/08/2022 This appeal.

20/01891/F

3.2 The application proposed the erection of a 4-bedroom detached dwelling with garage and access.

3.3 The main change to the previous dismissed scheme was a change in the location of the access, being achieved off Rectory Lane instead of Farriers Close, enabling the retention of a greater number of trees.

3.4 This proposal was refused for 3 reasons which are summarised below:

3.5 Impact on existing trees, impact on character (Design, openness, spacing), requirement for further archaeological evidence and requirement for further ecological evidence.

APP/C3105/W/21/3270400

3.6 The subsequent appeal which followed application 20/01891/F was dismissed, however only in relation to refusal reason 2 (Archaeology).

3.7 Firstly, ecological evidence was submitted to the Council and refusal reason 3 was withdrawn by the Council.

3.8 In regard to refusal reason 1, the Inspector confirmed in paragraph 5 that:

"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.

3.9 In addition, the Inspector confirms in paragraph 6 that:

"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."

3.10 In addition, the Inspector confirms in paragraphs 7-10 that the proposed dwelling will only result in one class C sycamore tree being removed and the retention of the other 6 trees. He confirms that the proposal, with the mitigation measures that are proposed, will have no adverse impact on the trees to be retained.

3.11 The inspector confirms in paragraph 11 that:

"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.

3.12 The Inspector then confirms in paragraphs 13 and 14 that:

*"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**" and "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."*

3.13 Therefore, the Inspector did not uphold refusal reasons 1 and 3, and found that the impact on the character of the area was not significant to constitute a refusal. The Inspector concluded that there would be no severe impact on the open, rural, character of the area. The only outstanding refusal reason thus related to archaeology.

3.14 The appeal was dismissed based on the archaeological desk-based assessment not being sufficient in evidencing that there was no highly

significant archaeology harm on site, or that suitable mitigation measures could be provide prior, during or post construction.

22/00998/F

3.15 This is the application to which this appeal relates. The proposed scheme is identical to the previous application and appeal (as listed above) with additional information provided in relation to archaeology.

3.16 The purpose of this application was to overcome the final outstanding reason for refusal related to archaeology, as the impact on trees, character and amenity had all be confirmed to be acceptable via either Cherwell or PINS. Evidence was provided to further expand on archaeological impacts and Cherwell Council Officers confirmed that the measures taken were acceptable. The application was recommended for approval to the Planning Committee by Officers, but the committee resolved to refuse the application.

3.17 As shown in appendix 1, the Council's archaeological consultant made no objection to the submission and simply suggested conditions which should be attached to an approval, these which the appellant is happy to comply with.

04 The Appellant's Case

4.1 The Council's refusal reason reads as follows:

1 Reason 1: By virtue of its scale, design, siting and loss of the dwarf wall, the proposed new dwelling would have an unacceptable impact on the character and appearance of the area and cause significant harm to the verdant setting of the site and the open, rural character of this part of the lane. The development would result in the unacceptable loss of an undeveloped gap impacting on the existing loose-knit character of the area. The proposal is therefore contrary to the provisions and aims of Policies ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4.2 The appeal proposal is assessed below against the relevant policies identified by the Council in the refusal reason, and with reference to national guidance in the form of the National Planning Policy Framework (the Framework).

4.3 Please do refer to the planning history section above as this is extremely relevant to the justification for this proposed dwelling.

4.4 Category A villages are recognised as the most sustainable rural settlement in the district which can accommodate infill development. In addition, the council projects within Policy BSC1 that most of the council’s targeted windfall provision of housing is to be located outside of Bicester and Banbury as these settlements are currently at capacity. Therefore, to meet these targets housing must be provided in Category A villages as the subsequent and most suitable locations.

Policy BSC 1: District Wide Housing Distribution

Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031. Housing will be delivered in accordance with the requirements set out below:

	Bicester	Banbury	Rest of District	Totals
Completions	365	213	528	1,106
Permissions (10+)	1,934	2,346	1,760	6,040
Allocations	7,726	4,344	2,350	14,420
Windfalls (<10)	104	416	754	1,274
Totals	10,129	7,319	5,392	22,840

4.5 To reduce the spread of Category A villages and to ensure that the openness of the countryside is retained, the council does not support development on the edge of these settlements.

4.6 The application site is suitable as it is not located on the edge of the settlement and is within a Category A village. The Officer’s Report

recommending approval of the application at paragraph 9.8 states ‘ *The land subject of this application is considered to accord with this definition of infilling, given its size and location generally between other buildings (Farriers Close development and the Old School/Fringford Study Centre). Further, Cherwell’s housing land supply position identifies that positive consideration should be given to new housing provided within sustainable locations such as Fringford.*’

4.7 Policy C.264 supports this approach whilst also stating that “*many spaces in villages’ streets are important”, “such gaps may afford views out to the landscape or help to impact a spacious rural atmosphere” (emphasis added).”. This area of land does not consist of “important” land, which is accessible, or even utilised practically. This land does not contribute to “views” or a “spacious rural atmosphere” due to its location surrounded by residential development, within a Category A village. Therefore, it is strongly argued that this proposal has no unacceptable impact on character, and this has been found to be the case in the previous appeal.*

4.8 The Inspector previously confirmed that as the verdant character of the site is retained (through retaining trees, hedging and specific orientation and design).

4.9 The decision notice states that the proposal is detrimental to the “*sense of openness*” within the village. Surrounding dwellings along Crosslands,

Little Paddock and main street have no large open spaces between dwellings and built form. Admittedly, vegetation and trees are located between houses and woven into the fabric of the landscape. However, as the trees are now proposed to be retained within this application, we argue that the proposal is not dissimilar to the surrounding vernacular.

4.10 The decision notice also states that the proposal impacts the “*loose-knit character*” of the village. However, as the trees and the vegetation along Rectory Lane are to be retained, the rural character of the plot will be retained. Even though a gap in the streetscene will be infilled, the screening to be retained and the nature of surrounding development ensures that the character of the area is still retained.

4.11 Saved Policy C33 of the CLP (1996) states that the council “*will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view of feature of recognised amenity or historical value*”. The sub-text then states that gaps should only be retained for “*aesthetic, environmental or historical reasons*”.

4.12 The land in question has no aesthetic benefit as it is located between residential properties and provides no views as mentioned above. In addition, the proposal will retain the existing trees and vegetation

ensuring that the aesthetic of the proposed site is similar to the existing when viewed from the streetscene. There are also no historical nor environmental ecology, archology, and arboriculture reasons which should restrict this proposal.

4.13 As shown in the following paragraphs of the policy, 9.76 – 9.78, this policy seeks to retain gaps that retain the settings of historical buildings as well of views of open countryside. It is evident in this location that there is no impact on open countryside as well as any surrounding listed buildings and, thus, the retention of this gap is not required.

4.14 The surrounding development is characterised predominantly by residential development, with large, detached dwellings prominent in the locality. The development as a whole is largely reflective of this design, scale and built form. The use of similar design and materials will ensure that the proposed dwelling will have no impact on the character of the area.

4.15 In addition, this area of land currently lies between Rectory Lane and Farriers Close. The land currently lies between multiple houses, ensuring that the existing space has no benefits in regard to “views” of the countryside of landscape.

4.16 These aspects can be seen in the existing street view of the site as shown below.



4.17 Measures have been taken to ensure that the design of the building matches surrounding development whilst also proposing suitable features highlighted within the Cherwell Residential Design Guide (2018).

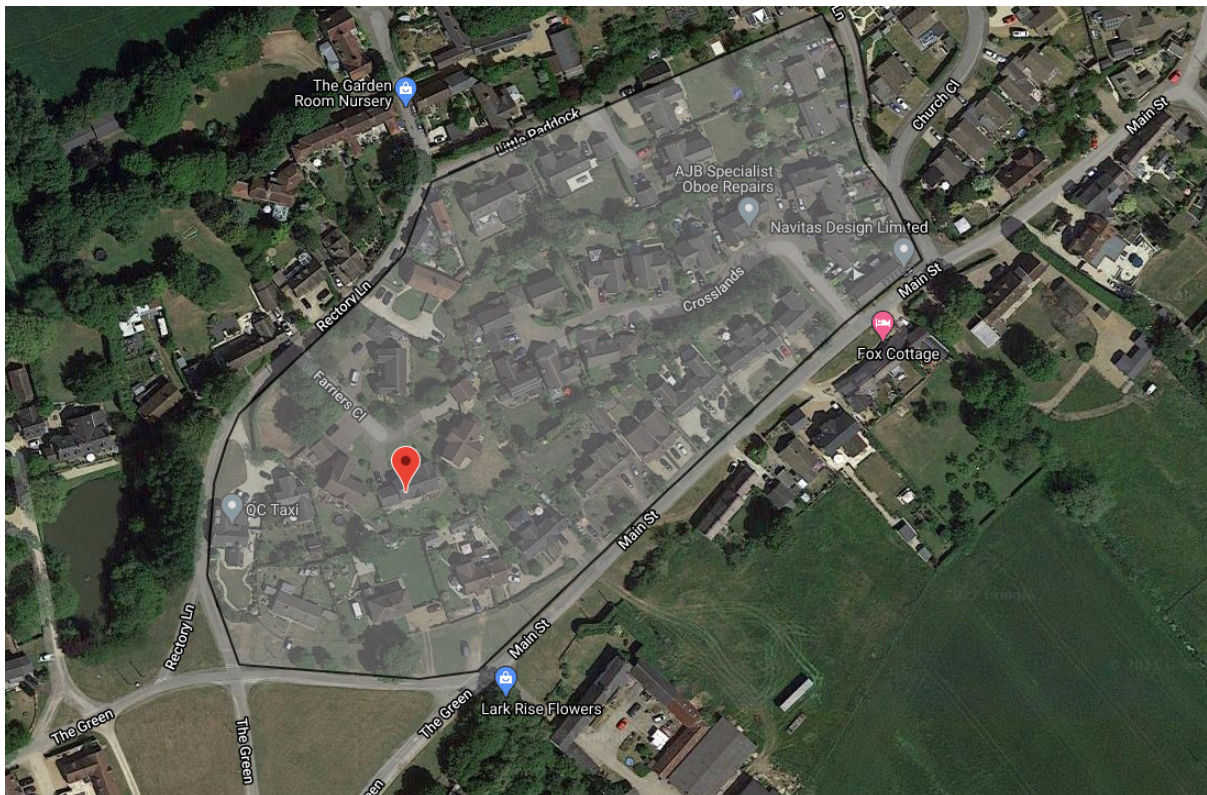
Therefore, the building is suitable in all regards in accordance with Saved Policy C28 and C30 of the CLP (1996). Additionally, these policies are out of date, and this also must be considered.

4.18 The appeal proposal is for 1 no. dwellings on a site of 0.06 hectare, thus resulting in a density of 16.7 dwellings per hectare. The neighbouring development approved at appeal, under application reference 95/00702/OUT, proposed 4 dwellings within a 0.38 hectare site.

Therefore, the approved provision of 4 dwellings totalled circa 10.5 dwellings per hectare.

4.19 The density of the immediate locality to the east of Rectory Lane, where the dwelling is to be located, was calculated with circa 35 dwellings being located within 2.865 hectares of land. Therefore, this area of land, as shown below, has a density of circa 12.2 dwellings per hectare.

4.20 Therefore, the appeal site is not too small and the erection of a dwelling on this land is not uncharacteristic in relation to the density of the surrounding area.



Summary

4.21 The design of the scheme is identical to that which was considered in the previous appeal, the key points have been highlighted above to show that there is no adverse impact on character from the proposal. Full details are provided within the previous appeal statement and the previous planning application submitted.

4.22 The previous appeal for an identical scheme was deemed to be acceptable in relation to the impact on the character of the area. There has been no change in planning policy or material considerations which justify a different decision being taken in this instance. It is entirely reasonable and justified that the same conclusions as the Inspector reached in the previous appeal should be reached in regard to this appeal again. This includes the dwarf wall mentioned which was previously assessed and weighed up in the character assessment at appeal.

4.23 The Committee clearly failed to give appropriate weight to the Appeal Decision, which was a material consideration in determination of the application before them and did not identify sufficient reasons by way of material considerations that warranted a different decision being taken.

05 Conclusion

- 5.1 For reasons set out in this statement it is considered that the appeal proposal adheres to relevant development plan policies and gains further support from national guidance in the form of the Framework.
- 5.2 The proposal represents an infill development as deemed acceptable by the Council and provides an additional house in a sustainable location in the absence of a five-year housing land supply. This also weighs in favour of the proposal. The proposal has been demonstrated to accord with all other policies in respect of visual amenity, character of the area, residential amenity, highway safety, trees, ecology, and archaeology. This position was confirmed by Planning Officers in their recommendation to Planning Committee.
- 5.3 The only reason that this identical submission was refused at the previous appeal was due to archaeology. This aspect has been resolved as evidenced through external reports and the Council archaeological officer's response. Therefore, this submission has already been assessed by PINS and has been deemed to have no significant impact on character.
- 5.4 Therefore, the Council's reason for refusing the proposed development is unjustified, and it is respectfully requested that the appeal be allowed and the appeal for costs is granted.