



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY RICHBOROUGH ESTATES, LONE STAR LTD,
K & S HOLFORD, A & S DEAN, NP GILES AND ALC
BROADBERRY**

**OS PARCEL 1570, ADJOINING & WEST OF CHILGROVE DRIVE &
ADJOINING & NORTH OF CAMP ROAD, HEYFORD PARK,
OXFORDSHIRE**

LOCAL PLANNING AUTHORITY REF NO: 21/04289/OUT

PLANNING INSPECTORATE REF NO: APP/C3105/W/23/3326761

LANDSCAPE PROOF OF EVIDENCE: Andy Bateson BSc (Hons) MRTPI

ON BEHALF OF: Cherwell District Council, the Local Planning Authority

7 NOVEMBER 2023

Core Document E19

The Appeal Site



Landscape Proof of Evidence of Andy Bateson

My name is Andy Bateson, I am a Development Management Team Leader for Major Developments at Cherwell District Council, where I have been employed for the past three years.

I have a Bachelor of Science (Hons) degree in Town & Regional Planning from Dundee University, and I am a chartered member of the RTPI.

My role at Cherwell District Council includes managing a team of planning professionals who collectively with myself provide pre-application advice for major planning and regeneration projects in the district, particularly in the north of the District and around Banbury and Heyford Park and determining major planning applications.

In previous planning roles in both the public and private sectors between 1984 and 2020, I worked for the Property Services Agency, York City Council, Richmondshire District Council, Aylesbury Vale District Council, as a Director at planning consultancy RPS, I ran my own consultancy of AB Planning & Development Ltd, and latterly was a partner at West Waddy.

Whilst at Aylesbury Vale District Council I rose to the position of Plans Team Leader where I assisted in the preparation and subsequent adoption of three Local Plans, which included the allocation of several major urban extension developments, plus I undertook appraisals and designated over thirty conservation areas and helped prepare the Council's first Economic Development Strategy. During eighteen years in the private sector, I promoted and helped secure planning permission for several major and smaller residential developments across the Home Counties and Midlands, I oversaw major hospital redevelopments at Whipps Cross in London and Hexham in Northumberland and managed a team responsible for major MOD developments at Burghfield, Aldermaston and Porton Down.

In this instance, Cherwell District Council has chosen not to employ an expert Landscape Architect to present its landscape evidence and has instead instructed me to present its case.

I have jointly prepared a Landscape Statement of Common Ground with the Appellant's expert landscape witness Wendy Lancaster of Tyler Grange Group Ltd and hence this Proof concentrates on those matters where disagreement remains between the two principal parties.

I am familiar with the appeal site and the surrounding area. I consider the Council's position to be well founded, and I agree with the Council's reasons for refusal.

The evidence which I have prepared and provide for this appeal is true: it has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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1. INTRODUCTION

1.1 This Landscape Proof of Evidence sets out my evidence on behalf of Cherwell District Council (“**the Council**”) in respect of the appeal submitted by Richborough Estates, Lone Star Ltd, A & S Dean, NP Giles and ALC Broadberry (“**the Appellants**”) under Section 78(1) of the Town and Country Planning Act 1990 against the Council’s decision to refuse Planning Application Ref 21/04289/OUT pertaining to Land at OS Parcel 1570, Adjoining and West of Chilgrove Drive and Adjoining and North of Camp Road, Heyford Park, Oxfordshire (“**the Site**”).

1.2 The planning application sought planning permission for a development of the site, and was described as follows:

“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works, with all matters reserved apart from Access.”

1.3 The application was registered by the Council on 4th April 2022 under reference 21/04289/OUT.

1.4 The Council’s Landscape Officer did not raise objections to the proposals but requested either facility provision and/or payment of S106 planning obligation contributions in the event of planning permission being granted in order to mitigate the impacts of development [see **Core Docs D11, D7 & D21**].

1.5 Cherwell District Council Planning Officers (not me) reported the application to Planning Committee on 9th March 2023 [**Core Docs C6 & C7**]. Officers recommended to Members that, on balance, the application could be permitted as it was felt that whilst the land was not allocated for development as part of Policy Villages 5, Heyford Park had nevertheless been deemed a sustainable settlement location at which to accommodate some development. Notwithstanding less than substantial heritage and landscape impacts and the need for supporting transport and community infrastructure, Officers concluded that such impacts could be appropriately mitigated and controlled by conditions and through appropriate S106 planning obligations. However, Committee Members did not accept that recommendation and debated that as the land was not identified for a development allocation and the District already had sufficient land allocated and/or permitted elsewhere sufficient to satisfy local needs, hence there was no essential need for this development and full weight ought to be afforded, in such circumstances, to adopted Development Plan policy.

1.6 Committee Members resolved to refuse planning permission, on the basis that landscape and heritage harms would be caused and without appropriate mitigation and accompanying S106 facility provision and financial contributions to enhance transport and community infrastructure needed by such development, then permission ought to be refused for the following two reasons [**Core Docs C10**]:

1. *The site is located on greenfield land outside the Policy Village 5 allocation, therefore within an area of open countryside separate from the built-up area of Heyford Park. As a result, the development would have a poor and incongruous relationship with the form and character of Heyford Park, by reason of the site's general openness. The site's relationship to the RAF Upper Heyford Conservation Area and the views into and out of the Conservation Area would cause harm to the setting of designated heritage assets. Such environmental harm is considered to be less than substantial, but the harm caused is not outweighed by the public social and economic benefits. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1, ESD13, ESD15, and Policy Villages 5 of the Cherwell Local Plan 2011-2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan, Saved Policies C8, C30, C33 and H18 of the Cherwell Local Plan 1996 and Government Guidance in the National Planning Policy Framework.*
2. *In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions or transport mitigation required as a result of the development and necessary to ensure modal shift to sustainable transport modes and make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.*
- 1.7 My evidence in this Proof covers just Landscape matters. It focuses on the areas of difference between the Council and Appellant as referenced in the Landscape Statement of Common Ground, which has been agreed with the Appellant's expert landscape witness Wendy Lancaster of Tyler Grange Group Ltd and summarises the policies and guidance relevant to this appeal.
- 1.8 Other evidence in respect to Planning, Housing Land Supply and Heritage matters are addressed in separate Proofs [**Core Docs E21, E18 and E20**, respectively].

2. APPEAL PROPOSAL

- 2.1 The proposal seeks outline planning consent for the development of the site up to 230 new dwellings, vehicular access off Camp Road and all associated works. All matters are reserved for subsequent approval other than access.
- 2.2 Vehicle access to the proposed development would be provided via a new priority T-junction off Camp Road, located approximately 125m east of the existing Larsen Road junction and 160m west of Chilgrove Drive.
- 2.3 A large part of the western portion of the site and in approximate 10-15m-wide strips all around the site would be indicatively reserved for public open space, including locally equipped areas of play, landscape planting and attenuation for the proposed drainage strategy [**Core Docs A4, A8, A9 & A10**].
- 2.4 Subsequent to the Council's refusal decision on 31 March 2023 and as part of the Appellant's duplicate application submission (Ref: 23/01503/OUT), which the Council declined to determine [**Core Docs C11**], a draft revised indicative Land Use Parameters Plan (Ref: 374 P01 Rev A) was submitted to the Council on 24 August 2023 for comment. It suggested a potential greater separation area between the northern edges of the proposed development and the adjoining southern boundary to the RAF Upper Heyford Conservation Area, immediately to the north. That revised illustrative draft plan suggested a widened 32m-38m landscape buffer could be maintained between the Conservation Area boundary and the proposed development. The claimed intention was "*to provide a different character and lower density to the NW field parcel than the other parcels*". No other detail was provided at the time or since.
- 2.5 A Landscape and Visual Impact Assessment (LVIA) [**Core Docs A15**] was submitted alongside an Environmental Statement [**Core Docs B5-B7**] and a Landscape & Open Space Parameters Plan [**Core Docs A8**]. The LVIA confirmed that the Appeal Site is not subject to any statutory landscape designation.

3. SITE AND SURROUNDINGS

- 3.1 The appeal site comprises 11.68ha of agricultural farmland beyond the built-up limits of Heyford Park (to the west and north), in the open countryside and is shown in the aerial image below. It has never previously been developed.



- 3.2 The site is irregularly shaped and comprises two fields separated by a hedgerow and post and wire fencing. The boundary of the site to the south with Camp Road and to the east with Chilgrove Drive comprises a mixture of hedgerows and trees. The land to the west is currently undeveloped but is allocated for development and has the benefit of planning permission for the construction of 120 dwellings (Refs: 15/01357/F & 21/03523/OUT). That land to the west is separated from the appeal site by a small brook with mature hedgerow and occasional trees alongside.
- 3.3 The ground undulates within the site, and has several green features, including ponds and a watercourse (Leys Farm Ditch) towards its western edge. The former RAF/USAF Upper Heyford airfield, which is a designated Conservation Area, is located immediately to the north. The land slopes downward gently from the eastern boundary at circa. 77-78m AOD to the western boundary, at circa. 65m AOD.
- 3.4 The eastern boundary of the site runs parallel with Chilgrove Drive. Extensive open farmland lies to the east beyond Chilgrove Drive and to the south beyond Camp Road. The appeal site, and the surrounding fields, are characterised by open grassland, mature hedgerows, and several mature trees. It is in this context, that the site appears not to be connected to the existing urban area and reads as being an attractive pastoral landscape that contributes to the rural setting of Heyford Park and the general openness and setting to the RAF Upper Heyford Conservation Area.
- 3.5 The site is currently accessed via a field gate from Camp Road, a road which runs east-west through the village of Heyford Park and connects with the B430 to the east (with the M40 beyond) and to Station Road in Upper Heyford to the west, which then connects with the B4030 to the south in Lower Heyford.

- 3.6 As referenced in Section 2 of the Landscape SoCG [**Core Docs E10**], the appeal site is not situated within a valued landscape as described within Footnote 7 of the NPPF.
- 3.7 It is also agreed that no significant effects would occur from development on the wider landscape.
- 3.8 There is disagreement between the Council/myself and the Appellant as to the degree of landscape effect that would occur on the contribution that the appeal site makes to the openness of the setting (referred to by the Council as 'openness setting') of Upper Heyford and on views from parts of Chilgrove Drive to the east and on Camp Road to the south (either side of viewpoint 8 and close to viewpoint 7). I/the Council maintain that there would be medium landscape effect, whilst Wendy Lancaster for the Appellant maintains it would be low landscape effect.
- 3.9 Camp Road, as it approaches the eastern part of Heyford Park, is framed by mature hedging and trees on either side. The hedge has gaps to the north, providing significant views into the open countryside (including the appeal site) and across towards the former airbase.

Views across appeal site north from Camp Road and northwest from Chilgrove Drive



View across appeal site northwest from Chilgrove Drive



- 3.10 In my opinion, there is a distinct character change along this part of Camp Road when the visitor leaves the countryside behind and enters the village. In fact, the character change along this part of Camp Road is three-fold: it changes from the pastoral nature of the open countryside to a rural hinterland area where views are afforded across open fields towards the built edge of the village and some of the built heritage features on the former airbase before moving into the built up, urban area of the village. In short, this part of the countryside serves as a visually significant landscape buffer.

View southeast across the open farmland to the east of Chilgrove Drive from the north end of Chilgrove Drive



View north from Camp Road towards Appeal Site and Chilgrove Drive junction



View west along Camp Road in front of Appeal Site towards Heyford Park



View west towards the developed edge of Heyford Park from Camp Road



View west along Camp Road from junctions with Larsen Road and the Duvall Caravan Park



4. PRE-APPLICATION GUIDANCE IN RESPECT TO LANDSCAPE MATTERS

- 4.1 The appeal proposals were the subject of Pre-Application discussions (Ref: 21/01745/PREAPP) [**Core Docs C5**].
- 4.2 Whilst no formal advice was issued by Officers in response to the Pre-Application submission because the subsequent formal application that is now the subject of this appeal was submitted, Officers did meet with the landowners, their agents and masterplanners and had provided the following informal advice in respect to landscaping matters:

The proposals would need to be assessed against adopted Development Plan policies to determine likely impacts upon the landscape;

The Council's Landscape Architect commented in respect to 'Wet Corridor' referenced in the applicant's DAS that: *"this characterful area is a sensitive landscape receptor which must be methodically tested in relation to its level of sensitivity, and its level of capacity to accept the type development. The residual effects also to be assessed subject the landscape mitigation proposals, which have been influenced by the analysis and judgement. Cumulative landscape and visual impacts and effects are to be considered: the combination of this development and other similar developments in the locality. A full LVIA is required to be implemented in accordance with GVLIA3. Evidence of the masterplan development through the LVIA process is required."* [**Core Docs C5**]

The same Officer also commented that: *"Is it the intention for the opens space/play areas to be transferred to a ManCo? The play areas to be located outside the flood risk areas to ensure the surfaces are not subject to differential settlement due to wet and dry ground conditions. A high water table will result in timber footings of play equipment and seats to deteriorate and rot. Play areas near standing water must be risk assessed by the landscape designer. The play area near the water body will be suffer from a lack of surveillance. The periphery of the play areas will need to be fenced."* [**Core Docs C5**]

5. PLANNING POLICIES RELEVANT TO LANDSCAPE MATTERS

5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 Insofar as landscape matters are concerned and the Council's first Reason for Refusal (RfR), the relevant Development Plan policies are:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- ESD13: Local Landscape Protection and Enhancement

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic Development in the Open Countryside
- C33: Retaining Important Undeveloped Gaps

MID CHERWELL NEIGHBOURHOOD PLAN 2019 POLICY (MCNP 2019)

- PD4: Protection of Important Views & Vistas

Consistency of these policies with the NPPF

5.3 I have set out below the policies listed in respect to landscape matters referenced in the RfR to demonstrate compliance with the NPPF.

| Development Plan Policy | Conclusions of the Regulation 10A Review: Consistency with the NPPF | My View: Consistency with the NPPF |
|--|---|---|
| ESD 13 Local Landscape Protection and Enhancement | <p>The 2015 Plan policy remains effective in supporting the protection and enhancement of the landscape in the decision-making process.</p> <p>The policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to local landscape protection to 2040.</p> | <p>Policy ESD13 is in compliance with the NPPF because it requires development to:</p> <ul style="list-style-type: none"> - respect and enhance local landscape character (reflective of paras 8.c, 20, 112, 130.c, and 174 of the NPPF), -protect the landscape by making clear that development would not be permitted if it would, inter alia cause undue visual intrusion into open countryside, cause undue harm to important natural landscape features and topography, or be inconsistent with local |

| | | |
|--|---|---|
| | | character (in compliance with the purpose of paragraphs 20, 112, 130.c, and 174 of the NPPF). |
| C8 Sporadic Development in the Open Countryside | <p>The saved 1996 Plan policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time.</p> <p>The emerging Local Plan Review will consider the approach to protecting countryside for its own sake from unsustainable development to 2040.</p> | There is compliance and consistency with the NPPF, in particular Chapters 2 ad 12 and paragraph 80 in Chapter 5. |
| C33 Important Undeveloped Gaps | <p>The saved 1996 Plan policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time.</p> <p>The emerging Local Plan Review will consider the approach to</p> | There is compliance and consistency with the NPPF, in particular paragraphs 8c) and 174. |
| PD4 Protection of Important Views & Vistas | The 2019 Neighbourhood Plan policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. | There is compliance and consistency with the 2015 Local Plan and with the NPPF, in particular paragraphs 8c) and 174. |

The National Planning Policy Framework (NPPF)

5.4 The NPPF defines “sustainable development” in paragraphs 7 to 10 and is clear that achieving such development has three overarching objectives: economic, social, and environmental. These objectives are:

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

5.5 Paragraph 174 confirms planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

6. EVALUATION

6.1 As referenced in my Planning Proof, in my opinion, the main planning issues relevant to this appeal (arising from the reasons for refusal and case management conference) are:

- 1) The effect of the proposal on the character and appearance of the area;
- 2) The effect of the proposal on the setting of protected heritage assets;
- 3) The Council's five-year housing land supply position;
- 4) The provision of infrastructure contributions required as a result of development and whether they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development; and
- 5) The overall planning balances.

6.2 This Proof of evidence deals only with respect to the first issue.

The effect of the proposal on the character and appearance of the area

The principle

6.3 Policy Villages 5 provides a detailed list of place-shaping criteria against which all development proposals will be assessed.

6.4 Of particular relevance to this proposal is the fact that the appeal site is excluded from the allocation area. Although not a Villages 5 allocation, the fourth place-shaping criterion is of relevance insofar as it states that greenfield land releases will not be allowed to compromise necessary environmental improvements and conservation of heritage interests. The sixteenth criterion references environmental improvements within the site and of views to it.

6.5 For completeness, I have set out the list of criteria referenced above in the table below with supporting commentary explaining whether each of those relevant criteria have been met.

| Policy Village 5 | Breach or Compliance |
|--|--|
| <i>Fourth design criterion - Whether development of the greenfield land would compromise necessary environmental improvements and conservation of heritage interest.</i> | <p>The appeal proposal is not within the Policy Villages 5 allocation but as greenfield land on a sensitive eastern edge to development and immediately south of the Conservation Area it would compromise the conservation of heritage interest through less than substantial harm caused to the openness setting of the nearby heritage assets.</p> <p>Fails to comply.</p> |

| | |
|---|--|
| <p><i>Sixteenth criterion - Whether environmental improvements within the site and views into it could be achieved.</i></p> | <p>Views into what is currently a greenfield site in open countryside with views afforded across to the former airbase would inevitably be harmfully impacted, which would affect both the rural setting of the settlement and the openness setting of the RAF Upper Heyford Conservation Area.</p> <p>Fails to comply in respect to views.</p> |
|---|--|

Impact on Landscape and Character

6.6 Whilst the appeal site is not a designated landscape area it does, as open countryside, have value as visual amenity from the public realm. Unsurprisingly, given that open countryside once built upon is lost forever, this amenity value is protected by both national and local planning policies, including, but not limited to, Policy Villages 5 and ESD13.

6.7 At national level, the NPPF, in paragraph 174 b) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

6.8 Paragraph 130 c) of the NPPF requires policies and decisions to be sympathetic to local character and history, including the surrounding built environment and landscape setting.

6.9 Paragraph 20 d) of the NPPF makes clear that as part of a Local Plan, the Councils' strategic policies should set out an overall strategy for the pattern, scale and design quality of places which includes the:

“conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”.

6.10 Policy ESD13 of the Local Plan recognises the importance of protecting local landscape. This policy seeks *“opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.”*

6.11 This policy also expects development to respect and enhance local landscape character and secure appropriate mitigation where damage to local landscape character cannot be avoided.

6.12 The final part of this policy is also clear that: *“Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Impact on areas judged to have a high level of tranquillity;*

- *Harm the setting of settlements, buildings, structures or other landmark features; or*
- *Harm the historic value of the landscape.*

- 6.13 In short, the purpose of Local Plan policy ESD13 is to ensure that planning decisions respect the local landscape and that the key landscape qualities are, as a minimum, safeguarded. Any development that would result in material harm to the local landscape, particularly harm that is avoidable, cannot be considered to recognise or be sympathetic to the intrinsic beauty of the countryside and the local landscape setting, and would be in direct conflict with this policy and the NPPF.
- 6.14 ESD13 is supplemented by saved policies C8, C28 and C30 in the 1996 Cherwell Local Plan. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 states that control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 6.15 The site has a much stronger visual relationship with the surrounding open countryside than the built form of the village of Heyford Park. Once leaving the settlement along this eastern part of Camp Road, it is very clear to the walker/cyclist/driver that they have left an urban settlement and reached open countryside. The person does not have to go very far from the village to experience uninterrupted, attractive views of an open, gently undulating landscape.
- 6.16 The existing entrance to the appeal site, from Camp Road and from two other broad gaps in the hedges either side in Camp Road and Chilgrove Drive, afford deep views into the site and across towards the former RAF Upper Heyford Conservation Area beyond. The quality of openness washes all over the appeal site and these are views of particular importance to an appreciation of the village and its rural setting and also to the setting of the Conservation Area, whose character is integrally based upon its openness. Additionally, the rural nature of this part of Camp Road and the lanes as they extend east and south from the junction with Chilgrove Drive, which are all bounded by mature hedging and trees on either side, reinforces the feeling of being in the open countryside outside an urban settlement.
- 6.17 Building housing on this site, particularly on this scale would reduce the effectiveness of its role as an attractive landscape in an important position and remove its permanence. It would result in the urbanisation of open countryside and irrevocably alter the rural character of the area. In my humble opinion, it would be an incongruous addition. By contrast to the NPPF and the Local Plan policies, instead of protecting and recognising the intrinsic character and beauty of the countryside, it would significantly harm it.
- 6.18 Whilst the Council does not criticise the layout proposed on the indicative parameter and masterplans, save for its proposed proximity to the southern edge of the Conservation Area, the consequence of inserting it into the current landscape would not only remove more than half of the existing landscape character and beauty, but would also leave the open space provision (proposed as part of the layout) fulfilling a role, not as an expansive landscape, as at present, but as no more than a narrow adjunct to the built development of the large-scale housing estate.

- 6.19 Although the final layout is a Reserved Matter, in this context I cannot see how the appeal scheme would not appear as an obvious and distinct urban estate layout that would fail to relate positively to the landscape and the eastern entrance to Heyford Park. It would breach the Ley Farm Ditch (the planned eastern extent of the 520ha Policy Villages 5 allocation) and impose a new urban pattern. Moreover, any surrounding of the appeal site with new planting could have the effect of reinforcing the degree of visual distinction that it would have from the existing settlement and thus add to the material harm.
- 6.20 It is also noteworthy that, although Heyford Park has secured permission for numerous new dwellings in the past 8 years (with many more in the pipeline), this proposal for up to 230 houses is of significant size. Paragraph xviii, on page 13 of the Local Plan, clarifies that development sites with 100 houses or more are considered to be strategic sites. Therefore, at up to 230 houses, this appeal scheme is of a strategic scale, which, according to the Local Plan policies, are normally directed to Bicester and Banbury, and would be expected to come through the plan led process.
- 6.21 Approaching the appeal site from the west through Heyford Park, development on the appeal site, especially on this scale, would be less read against urban features in the backdrop sense, and more as a protrusion from the settlement. In short, it would appear as an awkward, incongruous bolt on, at odds with the local context and local and national policies, including policy ESD 15 which opens with: *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design”*. The expanse of the development makes this material harm inevitable.

View east along the Appeal Site’s Camp Road frontage from the Site’s SW corner



View east roughly midway along the Appeal Site’s Camp Road frontage



6.22 For all the reasons referred to above, my personal, and I accept non-expert opinion, is that the sensitivity and value of landscape receptors is different in certain respects from those described by the Appellant’s landscape witness. My conclusions are as follows:

Sensitivity and Value of Visual Receptors (CDA15 Appendix 8)

| Receptor (Representative Photoviewpoint Number) | Susceptibility of the Receptor | | Value of the Receptor | | Sensitivity of the Receptor | |
|---|-----------------------------------|-------------------------------|--------------------------|-------------------------------|--------------------------------|-------------------------------|
| | | CDC | | CDC | | CDC |
| People using the local road network of Camp Road, Chilgrove Drive and the routes which connect to the B4030 and B430 (Viewpoint 7, 8 and 9) | | Medium 7, 8/ Low 9 | | Medium 7, 8/ Low 9 | | Medium 7, 8/ Low 9 |

In each instance, the Appellant’s conclusion is that in all Viewpoints, the value ought to be ‘Low’, which I believe should be ‘Medium’ in respect to Viewpoints 7 and 8.

Magnitude and Level of Landscape Effects (CDA15 Appendix 9)

| Receptor | Sensitivity | Permanent Development - Year 1 | | Permanent Development - Year 15 | |
|---|-----------------|-----------------------------------|-----------------------------|------------------------------------|--------------------------|
| | | Magnitude of Change | Level of Effect | Magnitude of Change | Level of Effect |
| | | | CDC | | CDC |
| Published Landscape Character (Farmland Plateau, Upper Heyford Plateau and Ploughley Limestone Plateau) | Medium / Low | Medium / Low | Moderate Adverse | Low | Minor Adverse |
| Site-Specific Landscape Character | Medium/Lo w | Medium | Moderate Adverse | Low | Minor Adverse |

In each instance, the Appellant’s conclusion is that in both cases, the level of effect at Year 1 ought to be ‘Minor Adverse’ whilst I believe it should more appropriately be ‘Moderate Adverse’ and, in respect to Year 15 the Appellant suggests ‘Minor Beneficial’, whilst I conclude the level of effect should more appropriately be recorded as ‘Minor Adverse’.

Magnitude and Level of Visual Effects (CDA15 Appendix 10)

| | | Permanent Development - Year 1 | | Permanent Development - Year 15 | |
|---|-------------|--------------------------------|-------------------------|---------------------------------|---|
| Receptor (Representative Photoviewpoint Number) | Sensitivity | Magnitude of Change | Level of Effect | Magnitude of Change | Level of Effect |
| | CDC | | CDC | | CDC |
| People using the local road network of Camp Road, Chilgrove Drive and the routes which connect to the B4030 and B430 (Viewpoint 7, 8 and 9) | Medium | Medium | Moderate adverse | Low | Minor Adverse 7/8 Negligible 9 |

In respect to Viewpoints 7, 8 and 9, the Appellant's conclusion is that the level of Sensitivity ought to be 'Low', whilst I believe it should more appropriately be 'Medium'. In respect to the level of effect at Year 1, the Appellant suggest 'Minor Adverse' whereas I believe it should more appropriately be recorded as 'Moderate Adverse'. Finally in respect to the level of effect at Year 15, the Appellant suggests 'Negligible', whereas I conclude 'Minor Adverse' in respect to Viewpoints 7 and 8.

- 6.23 Overall, the site is not considered to be suitable for new housing development and the proposal would be contrary to national and local planning policy. This level of conflict weighs heavily in the determination of the case.

7. DECLARATION

- 7.1 The evidence which I have prepared and provided for this appeal is true to the best of my knowledge. I confirm that the points and arguments expressed in this proof of evidence are my true and professional opinion.