



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Addendum Statement of Case on behalf of the Local Planning Authority

Appeal by Wates Developments Ltd

Site Address: Land South of Green Lane, Chesterton

Appeal Ref: APP/C3105/W/23/3331122

LPA Ref: 23/00173/OUT

Date: December 2023

This addendum is provided to supplement the Local Planning Authority's Statement of Case with respect to reason for refusal number 2 relating to landscape setting and character. Further information with respect to reason 1 which relates to this topic is also addressed.

The addendum specifically addresses the points raised by the Appellant in their letter received on the 12 December 2023 which asked the Council to address the following points:

- a. Provide an addendum Statement of Case which sets out fully their case on landscape matters, in accordance with PINS Guidance;
- b. As part of that addendum, withdraw the criticism of the LVA (as it is outside the reasons for refusal).
- c. Confirm that they are no longer pursuing the case that the Appeal Scheme, together with the Bicester Sports Association Scheme, "*would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton*".

Response to a) – the LPA case on Landscape Matters

The LPA has repeated paragraphs of its statement of case and added to these as detailed in *italics* to more fully explain its case relating to landscape setting and character.

Reason 1 – Sustainability of Settlement

4.3 The Local Planning Authority will set out, and supplement how the effects upon landscape and visual receptors and settlement character cannot be avoided or mitigated by the Appeal Scheme due to its scale.

It is the opinion of the Local Planning Authority that the appeal scheme represents a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth. As a result of which the proposals would cause significant adverse landscape and visual impacts¹ to the settlement character which could not be avoided or mitigated by the proposed development contrary to the conclusions of the Appellants submitted LVA.

¹ NB. There was a typographical error in second sentence of reason for refusal 1: after "landscape and" the word "visual" should have been included.

Reason 2 – Landscape Setting and Character

- 4.7 Drawing on the evidence of Landscape professionals and consultee responses, the Local Planning Authority will set out, and supplement, the case in respect of the Landscape harm to the countryside, through the appeal proposals which would extend beyond natural boundaries of the village.
- 4.8 The Local Planning Authority will set out that the Appeal Scheme would cause harm to the landscape and visual receptors, landscape character and settlement character of Chesterton. It will set out how such harm extends to the open countryside surrounding Chesterton and associated landscape and visual receptors. It will set out how the Appeal Scheme, due to its scale would contribute to such harm and as such would be considered inappropriate development in open countryside in this location. It will set out how the LVA assessment understates the effects of the development and does not comply with best practice guidance contained within GLVIA 3 and therefore cannot be relied upon to accurately assess the effects of the Appeal Scheme.

It is the opinion of the Local Planning Authority that, contrary to the conclusions of the Appellants submitted LVA, the appeal scheme would cause harm to landscape and visual receptors, landscape character and the settlement character of Chesterton.

Through its scale, visual prominence and extension beyond existing settlement boundaries the Appeal Scheme would form a notable extension to the existing settlement of Chesterton extending built form into the open countryside to the south and west of the existing village. Through doing so the Appeal Scheme would adversely impact upon the overall character of the area and result in adverse effects upon visual receptors and visual amenity.

The Appeal Scheme results in a significant urban extension into and harm to the open countryside in particular to the south and west of the existing village, negatively impacting on the individual identity of Chesterton and Little Chesterton and as such is considered inappropriate development in open countryside in this location.

The LVA fails to provide detailed narrative or suitable description of the application of the methodology throughout its assessment of effects and as such, it is impossible to understand how the conclusions of the LVA have been reached, particularly in the case of High Sensitivity receptors in close proximity to the Appeal Scheme, such as Residents at Vespasian Way, Residents at the Green, users of FP 161-5-10 and Walkers using FP 161-3-10 and FP 161-4-10. In the example of Residents at Vespasian Way (VR1) the Appellants LVIA concludes that at Year 15, development of 147 homes in the open countryside to the rear of these properties would lead to substantial beneficial effects, but there is no narrative or explanation setting out how this conclusion has been reached. The Appellants LVA concludes that development of the Appeal Scheme would lead to no Adverse Residual Effects on either Landscape or Visual Receptors. It is the opinion of the Local Planning Authority that the Appellants LVA assessment has underestimated the adverse effects of the development and through its lack of narrative and overreliance on tables does not comply with best practice guidance contained within GLVIA 3, which states that tables, and any matrices related to judgements of significance, should be used to support and to summarise narrative descriptive text rather than to replace it, and therefore cannot be relied upon to accurately assess the effects of the Appeal Scheme.

It is the opinion of the Local Planning Authority that areas of the Illustrative Landscape Strategy would neither mitigate the effects nor give rise to beneficial or neutral effects and that such residual effects would remain after year 15 contrary to the conclusions of the LVA.

- 4.9 It will also set out that the Appeal Scheme assessed alongside cumulative sites including recent approved developments in the vicinity further erode the landscape character causing harm.

It is the opinion of the Local Planning Authority that the cumulative effects of the Appeal Scheme alongside cumulative sites locally including (but not limited to) development of the Bicester Sports Association would result in harm to the character of the settlement of Chesterton and its relationship to the surrounding countryside resulting in significant urban extension into and harm to the open countryside in particular to the south and west of the existing village negatively impacting on the individual identity of Chesterton and Little Chesterton.

4.10 Being an extension beyond existing boundaries, the development will alter the interpretation and approach from the rural landscape and into the village which will have a detrimental impact on the settlement and landscape character.

It is the opinion of the Local Planning Authority that the Appeal Scheme would lead to harm to the existing character of the approaches along Green Lane and the unnamed lane to Little Chesterton. Through its scale, visual prominence and extension beyond existing boundaries the Appeal Scheme would form a notable extension to the existing settlement of Chesterton extending the settlement into the open countryside to the south and west of the existing village adversely impacting upon the overall landscape character of the area and diminishing the existing rural quality of these approaches.

Response to b) – withdrawal of its criticism of the LVA

In reviewing its case to this appeal, the Council's Landscape witness has identified deficiencies in the LVA which it considers relate directly to the conclusions the LPA has reached with respect to reason for refusal number 2. Whilst the reason for refusal itself does not refer to this deficiency, the LPA intends to refer to its criticisms of the LVA to support its case and the harm identified as set out within reason for refusal number 2.

Response to c) – confirm the LPA is no longer pursuing its position with regard to whether the development “would result in a potential negative impact on the individual identity of Chesterton and Little Chesterton”

As set out under a), the Council will provide evidence to demonstrate its view that this part of reason for refusal 2 remains relevant and that it continues to consider this impact of the scheme to remain unduly harmful.