

## **APPEAL STATEMENT BY HANWELL PARISH**



**IN RESPECT OF AN OUTLINE PLANNING APPLICATION REF 23/00853/OUT BY  
VISTRY HOMES FOR**

**UP TO 170 DWELLINGS (USE CLASS C3) WITH ASSOCIATED OPEN SPACE AND  
VEHICULAR ACCESS OFF WARWICK ROAD, BANBURY; ALL MATTERS RESERVED  
EXCEPT FOR ACCESS**

**AT  
LAND TO THE EAST OF WARWICK ROAD, BANBURY**

**APPEAL REFERENCE APP/C3105/W/24/3338211**

**LOCAL PLANNING AUTHORITY REF NO: 23/00853/OUT**

### **Background:**

Hanwell is an ancient and independent rural village with a rich farming heritage with 120 houses and 300 residents. Hanwell has a vibrant close-knit community which regularly gathers to celebrate momentous public occasions. Hanwell hosts two annual Festivals – HanFest and HanFestive which are extremely popular public events. Hanwell's separation from Banbury is both historic and integral to the identity of the village. Hanwell is the proud home of St Peter's Church (Grade I listed) which dates back as far as the 12<sup>th</sup> Century. It has the distinctive Hanwell Castle (Grade II listed) and the astronomical observatory, which sits within the Castle's extensive grounds.

Hanwell residents were made aware of a threatened development on a greenfield, agricultural site in June 2022 during a short consultation with the developer. This site forms a significant part of the setting of the conservation of Hanwell and as a direct result of this, and with the support of the Parish Council residents in the village formed the Action Group - Keep Hanwell Village Rural (KHVR). The action group has raised funds and commissioned a report from a

planning consultant, including heritage and landscape experts. This is to independently assess the assertions made by the developer and highlight the true adverse impact that this proposal would have on the village of Hanwell. We, the Parish Council, fully endorse the report which has been submitted and stress the strength of feeling within the village against this proposal. Hanwell and the action group has the support of local MP, Victoria Prentis, who has publicly resolved to support our opposition and to escalate this proposal to her parliamentary colleagues.

### **Objection:**

Hanwell Parish Council objects in the strongest possible terms to this appeal.

1. for the four reasons given by the Objection Report written by Keep Hanwell Village Rural Action Group (KHVRAG), which are:
  - 1.1 conflict with the spatial strategy, which sets limits to growth for Banbury and Hanwell; and
  - 1.2 harm to character and appearance of the area, including coalescence; and
  - 1.3 impact on heritage assets, including the conservation area, the Grade 1 listed Church of St Peter's and the Grade 2 listed Hanwell Castle; and
  - 1.4 loss of best and most versatile agricultural land.
2. for the reasons set out in the Appeal Statement filed by Keep Hanwell Village Rural Action Group (KHVRAG)

Regarding harm to the character and appearance of the area, Hanwell Parish Council make these further comments:

1. The proposed development is an incongruous outcrop jutting north from Banbury and south from Hanwell village, with open countryside surrounding its boundaries to the east, north and west. It will appear as a large, isolated housing estate, separate from the rest of Banbury, yet separated from the village of Hanwell by a mere 12m.
2. Substantial harm to the intrinsic character and beauty of the countryside south of Hanwell, which is part of the rural setting of this historic village. Here, there is a clear transition between countryside and the developed part of Banbury. This positive role in defining village setting will be greatly harmed by the proposal, which causes a substantial urbanising change to the character of the field, from an attractive rural landscape to housing, roads, streetlighting and other urban paraphernalia.
3. The proposed development will be clearly visible from public rights of way, whose users currently appreciate the application site being part of the attractive rural landscape around Banbury and Hanwell.

In addition to the reports obtained by KHVR Action Group, we would like to observe the following:

- Initial access to the site would be via Gullicote Lane (not Gulliwel Lane as labelled in Image EDP A1.15 by the applicant), which is wholly unsuitable for construction traffic and moreover emphasises our assertions as to coalescence.
- There is direct intervisibility between Hanwell conservation area and Parcel A. Photograph EDP A1.14 is taken from within the conservation area not at the boundary of it which is at the other end of the agricultural building rather than screened by it as the applicant asserts.
- In their statement of community engagement, the applicant states that all feedback has been considered in the evolution of their plans. In fact, there has been no evolution in

the plans as presented during the initial, very brief, public consultation period in June 2022 and the plans submitted to CDC in April 2023. We therefore strongly contest the applicant's assertion that the public engagement was in any way meaningful or effective.

- The plans include a footpath connection between the proposed development and the village of Hanwell which again contradicts the assertion that there would be no coalescence.
- With reference to the loss of Best Most Versatile farmland and the stated biodiversity net gain put forward by Vistry we would like to highlight the evidence submitted the Parliament by Professor Mike Alder in 2022<sup>i</sup>. The cumulative loss of farmland in the UK critically endangers our food security and the biodiversity metric used to calculate a net gain is fundamentally flawed. The established habitats on this site include native hedgerow birds, bats and badgers (whose setts are protected by law). This loss cannot be compensated artificially, and we therefore believe that a 'biodiversity net gain' is of limited benefit.

Furthermore, there would be direct impacts on the village of Hanwell which would include but not be limited to:

- a) Increased traffic through the village. The junction on to the B4100 is already treacherous and the road through the village, which is single track in places, is poorly maintained.
- b) Light pollution – please see the report from Christopher Taylor of Hanwell Observatory. Mr Taylor believes that contrary to the claims made by Vistry, any lighting within this development would have a catastrophic impact on the views from the observatory.
- c) Noise pollution – Both due to building works and latterly, the occupation of dwellings. For example – the use of fireworks, within the proposed development, would be in close proximity to thatched dwellings and livestock and could endanger both. Noise is already audible within Hanwell from the current development taking place at Roman Fields (another Vistry development) and was throughout the building of Hanwell Chase.
- d) Potential for increased footfall and petty crime including littering that may be associated with this.
- e) Setting a very negative precedent for further speculative development and infill between Hanwell and Banbury if this 'permanent buffer' is allowed to be breached.

### **Contraventions to Local Adopted Planning Policy:**

- Policy ESD 13 – Local Landscape and enhancement, which specifically names Hanwell in B.252
- Policy ESD 1 – Distributing growth to the most sustainable locations as defined by the Local Plan. The local plan is valid until 2031 and in the presence (and even absence) of a five-year housing land supply, this site is not identified as a sustainable location, being geographically separated from sites of education, employment, public transport and healthcare (to correct Vistry's submission the surgery in Hardwick is no longer open). The emerging plan has also not identified this site as suitable for development.
- Policy BSC2 – Hanwell Parish council firmly believe in the use of brownfield sites in preference to greenfield sites. We draw reference to Canalside in Banbury where the recent development of The Light is providing much needed renewal of the area. Development within this locality would have a far greater impact on local business prosperity than an isolated enclave on precious farmland.
- Policy ESD 10 – This proposal clearly does not protect and enhance biodiversity and the natural environment. It is currently farmed by a farmer who adheres to ELMS –

Environmental Land Management Scheme which encourages large wildflower borders for our pollinator species, not to mention the well-established hedgerow, 95m of which would be wantonly destroyed by this proposal. We assert that any artificial net gain would be hugely offset and outweighed by that which would be lost in the process.

- Retained policy C8 – this would represent sporadic development in the open countryside.
- **RETAINED POLICY C15 – Prevention of coalescence of settlements.** Illustrative plans show that existing landscape features such as field boundaries will be retained, and additional soft landscaping is proposed. However, the existing and proposed landscaping has only limited mitigating effect on the very harmful aspects of the development. New landscaping will take many years to mature and will only partially filter views of the built development. Additional landscaping will not adequately compensate the overall large-scale urbanising effect of the proposed development.

### **Local views:**

Hanwell Parish Council feel that the planning inspectorate should not underestimate the strength of local feeling on this issue and the importance of supporting the local democratic process. At every stage and in every possible way residents both in Hanwell, the Hanwell Chase Estate which is part of Banbury, and neighbouring parishes have made clear their opposition to this development and the precedent it would set for the annihilation of the countryside and the villages that are characteristic of this area. More than 480 made written representation to the council at the application stage. Not only that but the elected bodies and other local and national organisations have put forward their views – 5 local parish councils have objected, Keep Hanwell Village Rural object, Banbury Town Council object, Banbury Civic Society object, CPRE object, Historic England have corresponded with the applicant and state 'such a development would affect the appreciation and understanding for the rural origins of the village and the close connection it has with the landscape'. Not only this but as the application progressed Cherwell itself made its views clear. The officer recommended refusal and the decision at planning committee was unanimous against the development. There is no support for this application, except from the appellant. Everyone else would be bitterly disappointed if the planning inspectorate chose to override this democratic process. It would make a mockery of the local plan process. We note the NPPF states that in the absence of a 5 year housing supply (or 4 years if local plan is up to date and delivery record is sufficient, then there is a presumption in favour of development. While the actual land supply is up to date we note that this is a presumption and not an absolute and where there are clear and demonstrable harms, as there are should this development be allowed, then it is within the power of the inspectorate to use their judgement to find in favour of the local community and it is this decision that the planning inspector should make.

### **Banbury Town**

Banbury town centre is in a deplorable condition. There are 1(one) million square feet of brown field land available for residential development within Banbury town. The present government's requirement for housing the fundamental principles of the planning legislation and the good of the local community together require that that land within Banbury be developed. The appellants proposal has no merit in comparison to that requirement and in fact is a distraction from the achievement of that requirement. What is more, it involves expanding Banbury town (ironically) past the "Welcome to Banbury sign", in a form of opportunistic ribbon development which is precisely what the town and country planning legislation was intended to prevent.

It is a fact that while Banbury has been identified as one of the more sustainable locations for development within Cherwell that significant new building has taken place in almost every direction out of town, at the expense of the town centre. Vast developments such as

Longford Park towards Bodicote, Banbury Chase towards Drayton and Hanwell Fields as well as more recently the Mill, Castle Grange, Hanwell Chase, Hanwell View AND the current developments of Roman Fields and Bournleigh have sprung up in the direction of Hanwell. Despite this increase in housing numbering into the thousands this has not been backed up by any improvement in services. In fact it has caused untold disruption to the roads system as new infrastructure is installed and has left healthcare facilities drained. It is *impossible* to register with an NHS dentist in Banbury, the town GP practices all struggle to accommodate new patients and services provided by the Horton Hospital are continually under threat of being downgraded. Not to mention that schools, in particular at secondary level are oversubscribed and that most veterinary practices are refusing to register new pets.

## Conclusion:

It is clear and unequivocal to Hanwell Parish Council and to the residents of the village that this application **MUST BE DECLINED**. It was equally clear to the planning officers who assessed Vistry's pre-application whose response was:

*I will not be able to support the proposal in its current form because of the following deficiencies/issues: 1. The potential landscape impacts of the proposal are significant and demonstrable; therefore, they do not outweigh the benefits of providing additional residential development to address the Council's 5-year housing land supply position. 2. The proposal would reduce the existing gap between the settlements of Banbury and Hanwell, creating a perception of coalescence between the two settlements and having a detrimental impact on the setting of the Hanwell Conservation Area. 3. The submitted documents have inadequately assessed issues relating to landscape impact, heritage impacts and ecology. 4. The development would likely be detrimental to the rural character and landscape appearance of the countryside on the northern edge of Banbury and would threaten coalescence with nearby Hanwell village*

It is demonstrated by the volume of written objections received by the council to this proposal – totalling over 500 when individual representations and consultee responses are combined.

It was clear to those who created the 2018 HELAA – site HELAA030 who concluded:

*'Greenfield site outside the built-up limits. There would be a direct risk of coalescence of Banbury and Hanwell village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site. The site is in a prominent position therefore unsuitable for development.'*

It is clear to those working on the emerging plan, presented at the recent planning committee meeting, whereby this site was rejected from the local plan and the emerging plan has already been used in the decision-making process where other proposals have been considered.

This site is and **always will be** unsuitable for development due to the permanent detrimental and destructive effect it would have on the character of the local area, the native wildlife and the food supply chain, regardless of whatever 5-year housing land supply exists at the time of evaluation.

We draw reference to the statement of case submitted by KHVRAG and prepared by Stansgate Planning. It is for the inspector to judge regarding the housing land supply but it is out strong assertion that the impact of coalescence coupled with the effect on Heritage assets, the landscape and the loss of best most versatile agricultural land outweighs even a tilted balance. The appellant has made no attempt to

ascertain if more suitable sites are available, as have clearly been identified through the local plan process. They have also failed to have the courtesy to submit the correct documents relating to this appeal as many of their supporting documents relate to Tadmarten rather than Hanwell. We hope that the inspector take this into consideration when balanced against the importance of this issue to the residents of Hanwell and Banbury tow, as well as for neighbouring parishes whose future identities rely upon a positive outcome to this case

It is the firm intention of representatives from the Parish Council and the Action Group to speak on the opening day of the appeal to present our personal case to the inspector. We expect that this evidence will include a demonstration video.

We respectfully look to the inspector to dismiss this appeal.

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<sup>i</sup> <https://committees.parliament.uk/writtenevidence/107786/pdf/>