

OBJECTION REPORT

PLANNING APPLICATION 23/00853/OUT

This report outlines the objection of local residents¹ to the proposal to build 170 dwellings between Banbury and Hanwell (on land to the East of Warwick Road).

Contents of objection report:

- 1. Executive Summary**
- 2. Suitability of the site for the proposed development**
 - 2.1 Site of the proposed development
 - 2.2 Suitability of the site for the proposed development
 - 2.3 Planning Inspector consideration of the site proposed for development
 - 2.4 CDC assessment of suitability of the site for housing
- 3 Planning policy context and further policies relevant to planning application**
 - 3.1 Applicant's incomplete assessment of planning framework
 - 3.2 Additional policies from current Cherwell Local Plan which must be considered
 - 3.3 Additional elements of NPPF which must be considered
 - 3.4 Planning Policy Context: Existence of an up-to-date development plan
 - 3.5 The emerging Cherwell Local Plan to 2040
- 4 Assessment of proposal against relevant planning policies**
 - 4.1 Principle of development
 - 4.2 Landscape impact/character of the area
 - 4.3 Heritage Assets impacted by the proposal
 - 4.4 Other impacts of the proposal noncompliant with planning framework
- 5 Planning Inspector decisions relevant to the proposed development**
 - 5.1 Examination of coalescence between settlements
 - 5.2 Relevance of Planning Inspector assessment of coalescence
- 6 Summary and conclusion**

Annex A: Factual inaccuracies in the Vistry Homes planning application

¹ The author of this report is Tom Sadler, resident of Hanwell village.

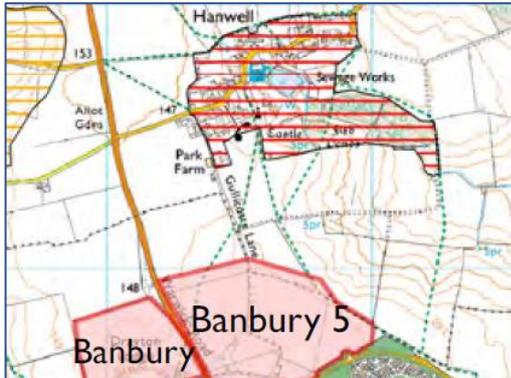
1 Executive Summary

- 1.1** This report provides my strong objection to proposed development represented by the Vistry planning application 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” (application reference **23/00853/OUT**) at Land to the East of Warwick Road, Banbury.
- 1.2** This objection to the proposed development is made with reference to the following:
- a) development of a site not allocated in the current Cherwell Local Plan, contravening the spatial strategy for the Cherwell District;
 - b) unacceptable coalescence between Banbury and Hanwell (in conflict with planning policies and previous consideration of the site and coalescence by the Planning Inspector);
 - c) inappropriate level of development adjacent to Hanwell (Category C village) resulting in significant harm to the village;
 - d) causing significant harm to the landscape and character of the area;
 - e) unacceptable impact on heritage assets, including the historic parkland of Hanwell Castle; and
 - f) numerous further areas of non-compliance with the planning framework, including: loss of high-quality agricultural land; impact on biodiversity; impact on rights of way; impact on green infrastructure; highway safety and vehicular access; disregard for existing defined boundary of Banbury; and cumulative impact of proposed development north of Banbury.
- 1.3** The proposal site is not suitable for the proposed development. This has been confirmed by the HELAA 2018 assessment by CDC, current Cherwell Local Plan evidence base documents from independent experts, and the Planning Inspector’s examination of the land between Banbury and Hanwell.
- 1.4** During examination of the current Cherwell Local Plan (inclusive of the Banbury 5 development that is now Hanwell Chase) the Planning Inspector confirmed that the land between Banbury and Hanwell warrants protection from development, to avoid material harm to Hanwell from expansion of Banbury.
- 1.5** The proposal would develop a site not allocated in the current Cherwell Local Plan. It is also not allocated in the draft emerging Local Plan to 2040. As Cherwell can now demonstrate a five-year housing land supply, based on the current Cherwell Local Plan policies, there is no reasonable justification for development not in accordance with the current Cherwell Local Plan. The proposal is counter to numerous policies in the current Cherwell Local Plan and should not be permitted. Unlike previous applicants for yet more housing north of Banbury, this applicant cannot rely on the NPPF ‘tilted balance’ to ride roughshod over the open countryside and spatial policies of the adopted Cherwell Local Plan.
- 1.6** The proposal conflicts with current planning policies and would result in material and unacceptable coalescence. This is also confirmed by comparison to precedents from Planning Inspector appeal decisions. The Inspector has dismissed other appeals against refusal on the grounds of coalescence even when they would have left a gap between settlements larger than the gap that would be left between Banbury and Hanwell if the Vistry proposal were approved. This indicates that the approval of the Vistry proposal would be open to legal challenge.
- 1.7** There are no clearly demonstrated substantial public benefits of the proposal, that can justify the level of harms to the landscape and character of this area, or harm to the setting of heritage assets. The allocation of sites for housing development in the Cherwell Local Plan provides the framework for the growth of Banbury. These do not include development of the land between Banbury and Hanwell. Considered alongside other Cherwell Local Plan policies breached by the proposal, there are clearly more appropriate sites that CDC could approve for housing developments, that would not result in the harms of this planning application from Vistry.

2 Suitability of the site for the proposed development

2.1 Site of the proposed development

- 2.1.1 The site of the proposed development is land between Banbury (the Banbury 5 development) and Hanwell village. This is open countryside and not allocated for development in the Cherwell Local Plan.



2.2 Suitability of the site for the proposed development

- 2.2.1 Whilst the site for the proposed development does not have a statutory landscape designation in the current adopted Cherwell Local Plan, it is referred to as the “strategic gap” of open countryside between the Banbury urban area and Hanwell village. The development would reduce the gap by 79% from about 400 metres to a mere 85 metres (measured from the boundary of Hanwell Conservation Area (HCA) to the edge of existing and proposed development).
- 2.2.2 Residents of Hanwell have consistently argued that insufficient consideration has been given to the fundamental effects of this on the overall rural setting and character of this small conservation village (i.e. bringing the town to our doorsteps and mitigated only by planting). Assessing this in narrow terms of purely visual impact from the village is missing the point, since the greatest impact will be on the rural character of the area. Hanwell village has stood independently of Banbury for over 800 years and, despite short term housing pressures, it is contended that this must be given due weight and not dismissed lightly.
- 2.2.3 The site of the proposed development is to all intents and purposes an area that is effectively set aside for controlling urban growth – in common parlance a ‘green belt’. Despite the lack of statutory landscape designation in the Cherwell Local Plan, it is noteworthy that comparable protection was proposed in submission of the Cherwell Local Plan (2011-2031) via the submitted draft Policy ESD 15 Green Boundaries to Growth². This submission included the concept of “green buffers” to restrict development of the land between Banbury and Hanwell village.



Map showing “Green Buffer 1: Hanwell” in ENV04 Banbury Green Buffers Report September 2013.³

² <https://www.cherwell.gov.uk/download/downloads/id/3896/cherwell-submission-local-plan-2006-2031-part-1.pdf>

³ <https://www.cherwell.gov.uk/download/downloads/id/6433/env04-banbury-green-buffers-report-september-2013.pdf>.

2.2.4 Regulation 19 draft of the current Cherwell Local Plan by CDC⁴ was submitted to the Planning Inspector in January 2014. The Regulation 19 draft included “Policy ESD 15 Green Boundaries to Growth” (p.90). This referenced “green buffers” which would be maintained to:

- Maintain Banbury and Bicester’s distinctive identity and setting
- Protect the separate identity and setting of neighbouring settlements which surround the two towns
- Prevent coalescence and protect the gaps between the existing/planned edge of the towns and surrounding settlements
- Protect the identity and setting of landscape and historic features of value that are important to the identity and setting of the two towns
- Protect important views.

2.2.5 The proposed policy was based on a comprehensive evidence base. ENV04 Banbury Green Buffers Report September 2013⁵ proposed a green buffer between the northern edge of Banbury and Hanwell with the aim of avoiding development in inappropriate locations and coalescence between neighbouring settlements. The following is an extract of the report relating to Green Buffer 1: Hanwell.

The main purposes of the Hanwell Green Buffer are to:

- Prevent coalescence between the village of Hanwell and the northern edge of Banbury;
- Provide a gap between the village of Hanwell and Banbury;
- Protect the setting of Hanwell as a historic village and designated Conservation Area;
- Protect the setting and identity of the castle and church as valuable historic features;
- Protect the approach to the village both from the east and west and the green approaches to Banbury from the north;
- Protect important views over the rural landscape between Hanwell and Banbury; and
- Protect the historic routeways between Hanwell and Banbury.

2.3 Planning Inspector consideration of the site proposed for development

2.3.1 The Planning Inspector’s review of the Regulation 19 Cherwell Local Plan was published in June 2015⁶. The Planning Inspector clearly accepted the importance of the policy objective of draft “Policy ESD 15 Green Boundaries to Growth” but judged that the draft ESD 15:

- effectively duplicates some of what is covered under policy **ESD 13** (which is sound), notably in relation to the protection of local landscape character (para 103 on p.22); and
- **Policy C15** of the adopted LP will also continue to apply to help prevent coalescence between settlements.

2.3.2 Given the extent of the proposed “green buffer” between Banbury and Hanwell, included in the Policies Map in the Regulation 19 Cherwell Local Plan (extract above), the Planning Inspector judged it overly restrictive against future development. It is possible that a more targeted “green buffer” protecting the strategic gap south of Hanwell would have been approved.

2.3.3 Although requiring the removal of draft Policy ESD 15 due to the associated level of overall restraint on development the Planning Inspector noted “policy ESD 15 is unnecessary, as all the **other relevant policies including ESD 13 which addresses some of the same matters should be suitable and sufficient in practice to protect vulnerable gaps between settlements from inappropriate development and avoid**

⁴ <https://www.cherwell.gov.uk/download/downloads/id/3896/cherwell-submission-local-plan-2006-2031-part-1.pdf>

⁵ <https://www.cherwell.gov.uk/download/downloads/id/6433/env04-banbury-green-buffers-report-september-2013.pdf>.

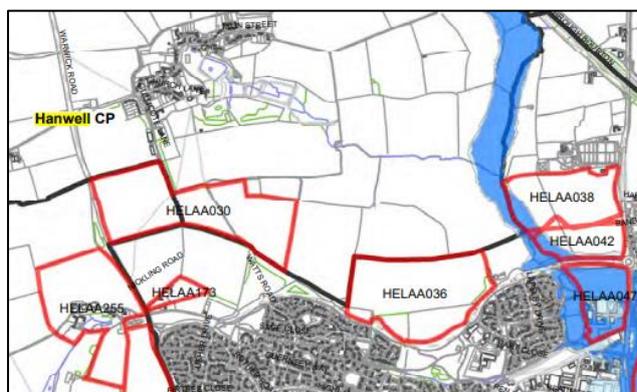
⁶ <https://www.cherwell.gov.uk/download/downloads/id/3256/1cherwell-local-plan-inspectors-report-with-main-modifications-2015.pdf>

coalescence.” Effectively, the Inspector stated that a condition of removing draft Policy ESD 15 was the retention of other policies that would afford equivalent protection of the vulnerable gap between Banbury and Hanwell which Vistry proposes to develop.

- 2.3.4 It is the adopted policies, such as ESD 13 (Local Landscape Protection and Enhancement) and C15 (PREVENT THE COALESCENCE OF SETTLEMENTS BY RESISTING DEVELOPMENT IN AREAS OF OPEN LAND, WHICH ARE IMPORTANT IN DISTINGUISHING THEM), that must protect the land north of Hanwell Chase (Banbury 5) from further development. Greater weight should be given to these material considerations of preventing coalescence between Banbury and surrounding villages.
- 2.3.5 Through the above judgement the Planning Inspector has confirmed the importance of protecting vulnerable gaps between settlements, such as the Banbury-Hanwell green buffer, from inappropriate development and the avoidance of coalescence. **This is central to this objection to the Vistry proposal.** Such previous judgements by the Planning Inspector would clearly take priority in the event of future consideration by the Planning Inspector.
- 2.3.6 In time, with the emergence of a draft Cherwell Local Plan 2040, instead of viewing the landscape designations akin to Green Belts as a limitation to building more homes, they should be seen as providing a focus on restoring and enhancing strategic gaps so they can continue to provide a space for nature and a place to relax, play and grow our food.
- 2.3.7 The Planning Inspector also considered the impact of development north of Banbury when assessing the **Policy Banbury 5** as part of examining the Regulation 19 submission for the current Cherwell Local Plan. This is considered further below (see Section 4).

2.4 CDC assessment of suitability of the site for housing

- 2.4.1 CDC's assessment of the site for the Housing & Economic Land Availability Assessment 2018⁷ assesses HELAA030 as clearly “not suitable” for housing. The current proposal site represents the majority of HELAA030 (which extends further east).
- 2.4.2 The HELAA conclusion for HELAA030 was: “Greenfield site outside the built-up limits. The site is considered to be unsuitable for development as the land rises from Hanwell Village towards the site and the gradient is steep. Similarly, the land falls steeply away from the site towards the cricket ground off Dukes Meadow Drive. 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.”⁸



⁷ <https://www.cherwell.gov.uk/info/84/evidence-for-adopted-local-plan-part-1/318/housing-evidence/18>

⁸ <https://www.cherwell.gov.uk/download/downloads/id/3139/helaa-appendix-4---summary-of-assessments-draft-2017.pdf>

3 Planning policy context and further policies relevant to planning application

3.1 Applicant's incomplete assessment of planning framework

3.1.1 The applicant has been selective in both: (a) identifying the planning framework relevant to assessing the proposal; and (b) the degree to which the proposal complies with the planning framework. Section 3 considers further policies that are relevant to the application and the planning policy context. Section 4 considers whether the application complies with relevant planning policies.

3.2 Additional policies from Cherwell Local Plan which must be considered

3.2.1 The applicant's Planning Statement (at paragraph 4.6) lists Cherwell Local Plan adopted policies that the applicant considers to be of relevance to this planning application. This list is incomplete. Omissions include, but are not limited to, the following policies:

3.2.2 Adopted Cherwell Local Plan 2011 - 2031 Part 1 (July 2015)

- **Policy Villages 1:** Village Categorisation
- **ESD 13:** Local Landscape Protection and Enhancement
- **Banbury 5:** North of Hanwell Fields

3.2.3 Cherwell Local Plan 1996 Saved Policies (CLP 1996)

- **Retained Policy C15** THE COUNCIL WILL PREVENT THE COALESCENCE OF SETTLEMENTS BY RESISTING DEVELOPMENT IN AREAS OF OPEN LAND, WHICH ARE IMPORTANT IN DISTINGUISHING THEM
- **Retained Policy C33** 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 OR FEATURE OF RECOGNISED AMENITY OR HISTORICAL VALUE.

3.3 Additional elements of NPPF which must be considered

3.3.1 The applicant's Planning Statement (at paragraph 4.14) lists sections of the National Planning Policy Framework⁹ that the applicant considers are relevant to this application. This list is incomplete. Omissions include, but are not limited to, the following parts of NPPF:

- *Paragraph 12 "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."*

The existence of an up-to-date development plan is considered below (Section 3.4).

- *Paragraph 194. "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*

This is relevant as the applicant has not fully assessed the significance of the historic Hanwell Castle Parkland. This is a heritage asset and provides the setting to the Hanwell Conservation Area.

⁹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

- *NPPF Glossary (at Annex 2, p.67): “Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It **includes designated heritage assets and assets identified by the local planning authority** (including local listing).”*

This definition confirms that the historic Hanwell Castle Parkland (adjacent to the proposal site, on the other side of Gullicote Lane), which is identified by Cherwell District Council, represents a heritage asset within the scope of NPPF and so meriting consideration in determining this planning application.

- *Paragraph 196. “Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.”*

The owner of the proposal site also owns the majority of the historic Hanwell Castle Parkland. The destruction of the parkland wall when the parkland was first turned to arable agriculture in the 1980s amounts to deliberate damage to the heritage asset.

- *Paragraph 199. “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Even with “less than substantial harm” to the heritage assets impacted by the proposal, great weight should be given to asset’s conservation.

- *Paragraph 203. “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly effect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

This is relevant given the historic Hanwell Castle Parkland, which is non-designated.

3.4 Planning Policy Context: Existence of an up-to-date development plan

3.4.1 The applicants Planning Statement refers to NPPF paragraph 11 which states that policies can be considered out-of-date when the LPA cannot demonstrate a five-year supply of housing. The statement says at paragraph 7.3 “As the Applicant considers that the recent supply position adopted by Cherwell in February 2023 is being overstated, this Planning Statement proceeds on the basis that the Council cannot demonstrate a 5YHLS.” There is no justification for this statement. There is no alternative calculation of the current 5YHLS. This statement by the applicant is at best churlish and at worst misrepresenting the legally enforceable planning framework.

3.4.2 Cherwell District Council Executive met on 6 February 2023 and considered the 'Regulation 10A' Planning Policy Review of Local Plan Policies¹⁰ and Housing Land Supply as the Cherwell Local Plan 2011-2031 is over five years old. **This review concluded that nearly all policies are generally consistent with government policy and/or local circumstances do not indicate that the policy needs updating at this time with the exception of Policy BSC1 District-wide Housing Distribution.**

3.4.3 The CDC Executive approval of the Land Supply Statement¹¹ was based on the following reason: “In accordance with the National Planning Policy Framework and planning guidance a Housing Land Supply Statement has been produced which applies the national defined ‘Standard Method’ of calculating local housing need for the purposes of land supply monitoring for Cherwell’s needs. A comprehensive review of

¹⁰ <https://www.cherwell.gov.uk/download/downloads/id/11103/2022-regulation-10a-review-of-the-cherwell-local-plan-2011-2031-part-1.pdf>

¹¹ <https://modgov.cherwell.gov.uk/documents/s52347/Annex%20to%20Minutes%20-%20Housing%20Land%20Supply%20Statement.pdf>

expected housing delivery has also been undertaken. It is shown that **the district now has a 5.4 year housing land supply (for 2022-2027) which will need to be taken into account in decision making.**"

- 3.4.4 The minutes¹² of the 6 February 2023 meeting confirm that the Executive approved that the Housing Land Supply Statement be approved for publication. These minutes were agreed at the subsequent meeting of the Executive (on 6 March 2023) and endorsed at the subsequent meeting of the full Council on Monday 27 February 2023. As a result, the published Housing Land Supply Statement is legally binding and must be taken into account in decision making. This has already been reflected in decisions by the CDC Planning Committee, which have assessed the Local Plan as up-to-date due to the Council's ability to demonstrate a 5.4 year housing land supply.
- 3.4.5 As CDC can demonstrate a five-year supply of housing, there is no presumption in favour of development. In the event of housing land supply reducing to below 5 years in future, the NPPF (paragraph 12) confirms that such a presumption does not change the statutory status of the development plan as the starting point for decision-making. **As the Vistry proposal conflicts with the Cherwell Local Plan, which is an up-to-date development plan, permission should not be granted.** There are no material considerations in this case that indicate that the Cherwell Local Plan should not be followed. This objection to the proposal is based on non-compliance with the current Local Plan. Specific reasons for objection are provided in Section 4.

3.5 The emerging Cherwell Local Plan to 2040

- 3.5.1 CDC Overview and Scrutiny Committee considered the draft of the emerging Cherwell Local Plan to 2040 on 11 January 2023¹³. Subsequently, at the 19 January 2023 Extraordinary meeting, the Executive deferred consideration of the Draft Local Plan 2040 (Regulation 18) to allow officers to consider comments made by the Overview and Scrutiny Committee at the 11 January 2023 meeting. This has delayed the timetable regarding the Local Plan Regulation 18 consultation.
- 3.5.2 A copy of the emerging draft Cherwell Local Plan 2040 as presented to the Overview and Scrutiny Committee, reflecting consultation with residents and consultees of Cherwell, is in the public domain. Although limited, this emerging draft carries some weight.
- 3.5.3 Weight attributed to the emerging draft Cherwell Local Plan to 2040 is evidenced by the CDC Planning Committee referring to it in determination of planning application 22/02101/OUT (Outline planning application for a residential development comprising up to 250 dwellings, at land adjoining Withycombe Farmhouse) on 9th Feb 2023. Despite the site not being allocated in the current Cherwell Local Plan to 2031, the Committee approved the application following debate which referenced the site being allocated for housing in the emerging Cherwell Local Plan to 2040 - effectively giving weight to the emerging Cherwell Local Plan 2040. Separately, it is noteworthy that the Planning Officers report referenced that the Council would have a 5.4-year housing land supply for the period commencing 1 April 2022, which was approved on 6th Feb by the Executive (even though the application was submitted when Cherwell District has a published housing land supply of 3.5 years). Approval to develop a site allocated in the emerging Cherwell Local Plan, when the site was not allocated in the current Cherwell Local Plan and housing supply was in excess of 5 years, is indicative of not insignificant weight being attributed to the emerging Cherwell Local Plan.
- 3.5.4 The emerging draft Cherwell Local Plan to 2040 does not allocate site submission LPR-A-214 by Vistry Homes¹⁴. This is the site of the current proposal being considered for 170 homes (ref. 23/00853/OUT). This emerging plan reflects strategic consideration of the future development of the Cherwell District. It is premature to consider the current proposal, which reflects piecemeal development of the countryside. Strategic housing sites for Banbury should only be approved after a proper, informed and democratic assessment through the Cherwell Local Plan process.

¹² <https://modgov.cherwell.gov.uk/documents/s52339/Minutes%20of%20Previous%20Meeting.pdf>

¹³

<https://modgov.cherwell.gov.uk/documents/s52523/Minutes%2011012023%20Extraordinary%20Overview%20and%20Scrutiny%20Committee.pdf>

¹⁴ <https://www.cherwell.gov.uk/download/downloads/id/10497/lpr-a-214-turley-for-vistry-homes.pdf>

4 Assessment of proposal against relevant planning policies

This objection to the proposed development is based on non-compliance with the planning framework, including the current Cherwell Local Plan (2011 to 2031). The following consideration sets out areas of non-compliance.

4.1 Principle of development

4.1.1 Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. There are no material considerations that indicate otherwise. Specifically, the 'titled balance' in paragraph 11 of NPPF does not apply as CDC can demonstrate a 5-year housing land supply. The Development Plan is the starting point for decision making. The following policies in the Cherwell Local Plan, which are not considered in the applicant's Planning Statement, are directly relevant to the site and adjacent land.

4.1.2 Policy Villages 1: Village Categorisation

4.1.2.1 The proximity of the proposal to Hanwell village means that the **Policy Villages 1: Village Categorisation** is a material consideration to determining the application. The development site is 15m from the residential garden of Park Farm within Hanwell village and 85m from the Hanwell Conservation Area.

4.1.2.2 The proposal to build 170 dwellings is effectively an extension of both Hanwell village as well as an extension of Banbury. Hanwell is a Category C village (per Cherwell Local Plan paragraph C.267).

4.1.2.3 The proposal to build 170 dwellings on the edge of Hanwell village does not constitute an appropriate form of development. Relative to the 120 dwellings in the village of Hanwell, the proposal would result in disproportionate strain on the level of service provision in Hanwell village. The development is not in keeping with the character and form of the village or its local landscape setting.

Policy Villages 1: Village Categorisation		
Proposals for residential development within the built-up limits of villages (including Kidlington) will be considered having regard to the categorisation below. Only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions.		
Category	Villages by Category	Type of Development
A	Service Villages Adderbury, Ambrosden, Arncott, Begbroke, Bletchingdon (*), Bloxham, Bodicote, Chesterton, Cropredy, Deddington, Finmere, Fringford, Fritwell, Hook Norton, Kidlington, Kirtlington, Launton, Milcombe, Sibford Ferris/Sibford Gower, Steeple Aston, Weston-on-the-Green(*), Wroxton, Yarnton	Minor Development Infilling Conversions
B	Satellite Villages Blackthorn, Claydon, Clifton, Great Bourton, Hempton, Lower Heyford, Middle Aston, Milton, Mollington, South Newington, and Wardington.	Minor Development Infilling Conversions
C	Infilling All other villages	Infilling Conversions
(*) Denotes villages partly within and partly outside the Green Belt. In those parts that lie within the Green Belt, only infilling and conversions will be permitted.		

4.1.3 **Banbury 5: North of Hanwell Fields**

4.1.3.1 The proposal is adjacent to the site of Banbury 5, which has been developed into the housing of Hanwell Chase. It will be separated by the ransom strip along the north of Banbury 5, meaning that the site does not adjoin the existing planted treeline.

4.1.3.2 An extract of the **Policy Banbury 5** is provided below:

<p>Policy Banbury 5: North of Hanwell Fields</p> <p>Development Area: 26 hectares</p> <p>Development Description: Located at the northern edge of Banbury, this residential-led strategic development site will provide approximately 544 dwellings with associated facilities and infrastructure in a scheme that demonstrates a sensitive response to this urban fringe location.</p> <p>Key site specific design and place shaping principles</p> <ul style="list-style-type: none"> • A high quality residential District for the north of Banbury that is designed with consideration to the landscape setting and well integrated with the adjacent residential area. • Retention and enhancement of the semi-mature band of trees on northern and western boundaries and establishment of a green buffer between the site and Hanwell village • Provision of Green Infrastructure links beyond the development site to the wider town and open countryside. • Careful design of the height and extent of built development to minimise adverse visual impact on the setting of Hanwell village and Hanwell Conservation Area • Provision of appropriate lighting and the minimisation of light pollution in order to avoid interference with Hanwell Community Observatory
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4.1.3.3 The following table assesses the Vistry proposal against Policy Banbury 5 **requirements for the level of protection to the land north of the Banbury 5 site:**

Policy Banbury 5 requirement	Assessment of Vistry proposal
<i>“the setting of Hanwell village and Hanwell Conservation Area must be protected from adverse visual impact.”</i>	The proposal by Vistry does not do this as it changes open countryside to urban land-use, significantly reducing the extent of the rural setting of Hanwell and resulting in adverse visual impact on the setting of the village.
<i>“Hanwell Community Observatory should be protected from light pollution arising from development.”</i>	The proposal by Vistry does not do this as it increases light pollution in the close proximity to the observatory.

4.1.3.4 The following table assesses the Vistry proposal against Policy Banbury 5 **requirements for appropriate development at the northern edge of Banbury:**

Policy Banbury 5 requirement	Assessment of proposal
<i>“Development must be well integrated with the adjacent residential area.”</i>	The proposal by Vistry does not do this as it is separate to the Banbury 5 residential area. It is separated by the existing treeline boundary north of Banbury 5. It is a separate parcel of land, separated by a ransom strip to the south meaning that it results in vehicle access via the Warwick Road. Addressing the Warwick Road to the West, beyond the boundary of Banbury, reinforces the separation from existing urban area.

Policy Banbury 5 requirement	Assessment of proposal
<i>“Development must respect the established green buffer between the site [Banbury 5] and Hanwell village.”</i>	The proposal by Vistry does not do this. Rather than respect the existing treeline boundary north of Banbury 5 it overlooks the existing green buffer which is an established edge of Banbury.
<i>“Development must not damage the Green Infrastructure links provided by the Banbury 5 development site to open countryside.”</i>	The proposal by Vistry does not do this as it harms the Public Rights of Way and effectively breaches the existing treeline boundary of Banbury reinforced by the Banbury 5 development.

4.1.4 The proposal represents a significant urban extension of Banbury which is not allocated in the adopted Cherwell Local Plan to 2031. The following additional planning policies must be considered in assessing the proposal:

- **Policy BSC 1:** District Wide Housing Distribution

The proposal conflicts with the planned overall distribution of development across the district.

- **Policy BSC2:** The Effective and Efficient Use of Land – Brownfield Land and Housing Density.

The proposal conflicts the principle of bringing forward development on brownfield sites in preference to greenfield sites. The Council should resist such pressures and will where practicable direct development to suitable sites in Banbury.

- **Policy ESD 1:** Mitigating and Adapting to Climate Change.

The proposal conflicts planned development for the most sustainable locations.

- **Retained Policy C8** – Sporadic Development in the Open Countryside.

The proposal represents piecemeal housing development in the open countryside, inconsistent with strategic planning and outside the built-up area of Banbury.

- **Retained Policy H18** – New Dwellings in the Countryside.

The proposal represents new dwellings beyond the built-up limits of Banbury and against the policy to ensure that the countryside is protected from sporadic development.

4.1.5 **Consideration by the Planning Inspector of land adjacent and the proposed development site**

4.1.5.1 The Planning Inspector’s assessment of the Regulation 19 Cherwell Local Plan (May 2015) assessed the soundness of policies to provide new housing to 2031. This included an assessment of the **Policy Banbury 5**, which is relevant to assessing the impact of the proposal by Vistry. The Inspectors Report sets the conditions for the Planning Inspector assessing the Banbury 5 policy as sound.

4.1.5.2 The Planning Inspector concluded that Banbury 5 could only be adopted as an allocated site for housing development on the basis that it was **“retaining a sufficient distance of about 500m from the village of Hanwell to the north (and about 400m from the southern boundary of its CA) to ensure that the setting of its CA is preserved, coalescence does not occur and that Hanwell would retain its separate identity.”**

4.1.5.3 The Planning Inspector clearly confirms what represents sufficient distance to ensure preservation of the setting of Hanwell Conservation Area, prevention of coalescence and retention of the separate identify of Hanwell.

4.1.5.4 The current Cherwell Local Plan, inclusive of Banbury 5 site, represents what is acceptable to the Planning Inspector in relation to the extent of northward growth of Banbury. The plan was approved on the basis that the Banbury 5 site represented the full extent of the acceptable northward growth of Banbury. As such, **the**

Vistry proposal clearly contravenes the legally enforceable policies within the current Cherwell Local Plan.

4.1.5.5 Extract is from the Inspector's Report on the Cherwell District Council Local Plan (May 2015)¹⁵.

Banbury Housing Sites

Policy Banbury 5 – North of Hanwell Fields

172. 26 ha of land on the north western edge of the town is identified for new housing, with 544 new units currently expected to be provided following a Council resolution to approve part, together with necessary infrastructure, that in this case includes green links beyond the site. The location involves extending the town into presently open countryside to the north of Dukes Meadow Drive, a recently built development spine road running east/west, albeit **retaining a sufficient distance of about 500m from the village of Hanwell to the north (and about 400m from the southern boundary of its CA) to ensure that the setting of its CA is preserved, coalescence does not occur and that Hanwell would retain its separate identity.**

173. Nevertheless, this relationship means that particular care is needed in the design and layout of the scheme, as well as in respect of peripheral landscaping and new planting, including regarding the heights of new buildings and outdoor lighting, as required in policy Ban 5. With the addition of references to flood risks, landscape/visual and heritage impact assessments, as well as the clarification of numbers (MMs 102/103), the proposals are reasonable and realistic and the policy sound.

4.2 Landscape impact/character of the area

The proposal represents a significant landscape impact, with the urbanisation of a significant swathe of open countryside. This does not comply with the following policies:

Retained Policy C7: DEVELOPMENT WILL NOT NORMALLY BE PERMITTED IF IT WOULD CAUSE DEMONSTRABLE HARM TO THE TOPOGRAPHY AND CHARACTER OF THE LANDSCAPE.

- 4.2.1 This policy acknowledges that the character and appearance of the countryside has evolved over many hundreds of years, which is greatly valued. The countryside should be protected for its own sake.
- 4.2.2 The proposal is non-compliant with this policy as it protrudes above prominent ridges and skylines parallel to the Warwick Road. In addition, the prominence of the proposed housing site means that it would be visible, even if in part, from the Hanwell Conservation Area. Policy C7 requires that "The Council will therefore require development to ... not protrude above prominent ridges or skylines, not detract from important views."

Retained Policy C13: THE IRONSTONE DOWNS, THE CHERWELL VALLEY, THE THAMES VALLEY, NORTH PLOUGHLEY, MUSWELL HILL AND OTMOOR ARE DESIGNATED AREAS OF HIGH LANDSCAPE VALUE WITHIN WHICH THE COUNCIL WILL SEEK TO CONSERVE AND ENHANCE THE ENVIRONMENT.

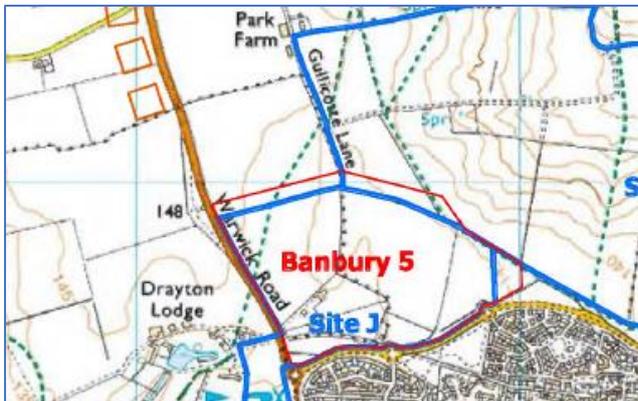
- 4.2.3 The proposal site is within the distinct character area of "Ironstone Downs" (as defined in the Cherwell a Landscape Assessment undertaken in 1995). This is an Area of High Landscape Value which this Cherwell Local Plan policy will seek to conserve. As such, development of the area containing the proposal site should be resisted. Further landscape assessment, including the Oxfordshire Wildlife and Landscape Study (OWLS)¹⁶ has been undertaken to inform the Cherwell Local Plan to 2031. This identifies the proposal site as part of the farmland plateau landscape, which is a prominent landscape feature that would be harmed through urbanisation.

¹⁵ <https://www.cherwell.gov.uk/download/downloads/id/3278/cherwell-local-plan-inspectors-report-with-main-modifications-2015.pdf>

¹⁶ <https://owls.oxfordshire.gov.uk/wps/wcm/connect/occ/OWLS/Home/>

Retained Policy C15: THE COUNCIL WILL PREVENT THE COALESCENCE OF SETTLEMENTS BY RESISTING DEVELOPMENT IN AREAS OF OPEN LAND, WHICH ARE IMPORTANT IN DISTINGUISHING THEM

- 4.2.4 Adopted planning policies seek specifically to resist coalescence of settlements. The strategic gap between Banbury and Hanwell represents land important to separating these settlements. This must remain open land to prevent coalescence.
- 4.2.5 The proposal represents inappropriate development that would result in unacceptable level of coalescence. The applicant's own Landscape & Visual Impact Appraisal states "It is evident that **the site as a whole contributes towards the prevention of coalescence between Banbury and Hanwell**". The appraisal addresses this by saying that consideration should be given to enhancing the northern boundary of the site which is visible in some views from Hanwell and pulling development back from this edge to continue to prevent coalescence (ref. paragraph 4.18).
- 4.2.6 The appraisal confirms that Hanwell residents will see the settlement edge of Banbury extend northwards towards Hanwell but suggests that the proposal "would continue to provide an undeveloped buffer between the two settlements albeit narrower in extent than that presently and no longer of arable character and prevent their coalescence" (paragraph 7.18). This conclusion is very subjective. The extent of the "undeveloped buffer" is very small. From the perspective of Hanwell residents this is not sufficient to prevent coalescence. This viewpoint is supported by previous Planning Inspectorate determinations (referenced in Section 5).
- 4.2.7 The applicant's appraisal states that the "Existing vegetation along the northern edge of Hanwell Fields provides heavily filtered screening of the site's current interior from these properties and would have a similar influence in relation to new built form within Parcel A and POS of Parcel B. Further mixed woodland planting is proposed (outside of this application) within the ransom strip along the southern boundary of the site which would widen and further strengthen the screening influence of the existing tree belt." (Paragraph 7.32). The suggestion that further planting would occur **outside** of the proposal site (along the ransom strip to the south) is not directly relevant to determining this planning application since it is not part of the application. It is unclear that the applicant is either the legal owner of the Banbury 5 site or would be able to secure additional planting along this ransom strip.



Maps showing the ransom strip of land (part of the Banbury 5 site) that extends beyond the existing established belt of trees that forms the boundary of Banbury. The southern edge of the proposal site does not meet the existing treeline.

- 4.2.8 The conclusion of the Landscape & Visual Impact Appraisal that "a well vegetated gap will continue to be viewed between the northern edge of Banbury and Hanwell" (paragraph 8.6) is disputed by residents of Hanwell. The visual screening of the site through additional planting is a narrow consideration of the coalescence impact from building houses on open countryside that is both adjacent to the current edge of Banbury (the Banbury 5 site) and very close to the edge of Hanwell village.

4.2.9 Development of the proposal would extend the built area of Banbury such that it effectively results in coalescence between the Banbury urban area and Hanwell village. This would set a damaging precedent and conflict with previous Planning Inspector determinations on the proximity of urban expansion that is representative of coalescence with neighbouring settlements (this is considered further in Section 5).

Retained Policy C33: 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 OR FEATURE OF RECOGNISED AMENITY OR HISTORICAL VALUE.

4.2.10 The undeveloped gap between Banbury and Hanwell is important in preserving the character and rural setting of Hanwell village, and the important historic buildings on the southern boundary of the village. The proposal is not compliant with this policy, as it would close and interrupt the important views of Hanwell Conservation Area and St Peters Church (Grade I listed). In addition, the proposal closes and interrupts views across the open countryside, most noticeably for users of the Public Rights of Way south of Hanwell village.

4.2.11 This policy states that:

- “Proposals that would close or interrupt an important view of a historic building e.g. a church or other structure of historical significance, will be resisted under this policy. The Council will also have regard to the importance of maintaining the setting of a listed building and will resist infill development that would diminish its relative importance or reduce its immediate open environs to the extent that an appreciation of its architectural or historical importance is impaired.”
- “Proposals that would close or interrupt an important vista across open countryside will also be discouraged”.

ESD 13: Local Landscape Protection and Enhancement

4.2.12 **Policy ESD 13** confirms circumstances, particularly in urban fringes, where proposals that damage local landscape character will not be permitted. It states “Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations”.

4.2.13 The policy confirms that “Development will be expected to respect and enhance local landscape character”. It also provides criteria where proposals will not be permitted, which are assessed below:

ESD13: Proposals will not be permitted if they would:	Assessment of Vistry proposals:
Cause undue visual intrusion into the open countryside	The proposal represents significant urban development. It is proposed in the open countryside. The change in land use contributes to causing undue visual intrusion.
Cause undue harm to important natural landscape features and topography	The proposal develops and harms a site with prominent topography atop an ironstone ridge north of Banbury.
Be inconsistent with local character	The proposal is inconsistent with the local character. The site has open farmland to the east and west. The development is not consistent with the Conservation Area village to the north.
Impact on areas judged to have a high level of tranquillity	The proposal further reduces the tranquillity of the open countryside, which has previously been impacted by the extensive prior northward expansion of Banbury.
Harm the setting of settlements, buildings, structures or other landmark features	The proposal harms the setting of Hanwell village, the Hanwell Conservation Area and associated buildings of historic significance to the south of the village.

ESD13: Proposals will not be permitted if they would:	Assessment of Vistry proposals:
Harm the historic value of the landscape.	The proposal harms the surrounding rural landscape of open farmland which has provided the setting of Hanwell village which has stood independently of Banbury for over 800 years.

4.2.14 The following extract of the Cherwell Local Plan to 2031 confirms the direct relevance of Policy ESD 13 to the Vistry proposal. The **Vistry proposal would harm key landform and landscape features specifically mentioned in the Cherwell Local Plan.**

<p>Extract of Cherwell Local Plan:</p> <p>B.252 One of the most important elements of the landscape which can add to the character and identity of an area are natural landscape features. Such features include Muswell Hill, Crouch Hill, Madmarston Hill, the River Cherwell and Otmoor, which all make those areas as distinct and create a sense of place. Many form local landmarks valued by the local communities. The Council's Landscape Evidence Base documents identify the key landform and landscape features of value which include the following features around Banbury and Bicester:</p> <ul style="list-style-type: none"> • the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester, many with locally distinctive historic cores; • ironstone ridges and valleys; • the historic villages and parkland of Hanwell and Wroxton
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4.2.15 The policy **ESD 13** mentions the historic parkland of Hanwell Castle alongside that of Wroxton Abbey. This clearly conveys the significance of this heritage asset. The Vistry proposal abuts the historic Hanwell Castle parkland and as such harms the setting of a key landscape feature of value.

4.2.16 The loss of landscape features through permanent change of land-use from open countryside to urban housing, combined with the already limited extent of the vulnerable gap between Banbury and Hanwell, must dictate that the Vistry proposal is refused. There can be no justifiable mitigation or compensatory measures that could support approval of the Vistry proposal.

4.2.17 It is significant that Policy **ESD 13** is the key policy in the current Cherwell Local Plan that the Planning Inspector (during examination of the Regulation 19 draft of the current Cherwell Local Plan) stated would address the potential harms of coalescence (following the removal from the Regulation 19 Cherwell Local Plan of draft "Policy ESD 15 Green Boundaries to Growth"). Policy **ESD 13** affords protection to the vulnerable gap between Banbury and Hanwell. This clearly indicates the weight that the Planning Inspector attaches to this policy – and the material consideration that contravening this policy must have in determining this planning application.

4.3 Heritage Assets impacted by the proposal

4.3.1 Impact on setting of Hanwell Conservation Area

4.3.2 The proposal site is part of the setting of the Hanwell Conservation Area heritage asset.

4.3.3 The CDC Hanwell Conservation Area appraisal (August 2007)¹⁷ provides evidence of the setting of heritage assets that must be protected from harm through future development. This is a material consideration in the determination of planning applications within the conservation area and its setting.

¹⁷ <https://www.cherwell.gov.uk/directory-record/1803/hanwell>

- 4.3.4 The Hanwell Conservation Area Appraisal states that the pressure on the village from the urban extension of Banbury is a threat to the integrity and independence of Hanwell. It also states that it is important that the setting of the Conservation Area as well as that of the Castle and the Grade I listed Church is protected.
- 4.3.5 The northern edge of the proposal is just 85m from the southern boundary of the Hanwell Conservation Area on Gullicote Lane. Further details on the proximity of heritage assets in Hanwell village are provided in Annex A (which notes that the applicant has exaggerated the distance between the proposal site and these assets).
- 4.3.6 **Impact on views from the Hanwell Conservation Area**
- 4.3.7 In addition to protecting the Conservation Area from inappropriate development, CDC must protect the setting of the Conservation Area. Aspects of the setting that should be protected include views from the Conservation Area, which provide its rural setting.
- 4.3.8 The applicant's Archaeological and Heritage Assessment states that "The current setting of the HCA which makes a positive contribution to its significance is considered to be limited to the extents of the village itself and immediately adjacent agricultural land, which provide historically (and currently) associated areas from which the significance of the HCA can chiefly be appreciated. The site is considered to be a part of the of this setting by being historically connected to Park Farm, located on the southern Village Ends character area." (Paragraph 5.17). As part of the Hanwell Conservation Area setting the proposal will harm the Hanwell Conservation Area.
- 4.3.9 The following photographs confirm that the proposal site is visible from Hanwell Conservation Area.



PHOTO: View south from the edge of the Conservation Area (photo taken looking along Gullicote Lane). This shows that 'Parcel A' of the proposed site (ploughed field) in the centre of the above photograph, is visible from the edge of Hanwell Conservation Area (approx. 85m away).





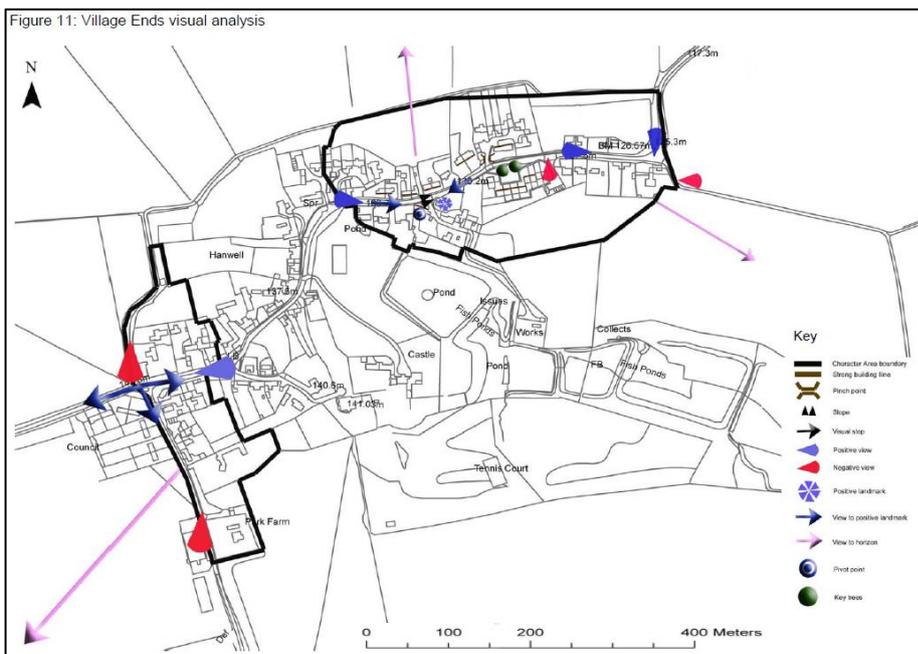
PHOTO: View south from the edge of the Conservation Area (photo taken next southwest corner of the grounds of Hanwell Castle). This shows that ‘Parcel B’ of the proposed site (ploughed field) is visible from the edge of Hanwell Conservation Area. Beyond the ploughed field is the establish green buffer at the edge of the Banbury 5 housing development. *Note: blue arrow indicates where photo was taken (not the direction of the view).*

4.3.10 The Hanwell Conservation Area appraisal (extract below) includes the village ends visual analysis, which specifies views to the horizon. To the west there are vistas across the surrounding landscape from the Conservation Area boundary. This includes the view to the horizon in a south-west direction from Gullicote Lane. This view will be significantly harmed through the Vistry proposal as the view of the ironstone ridge (where Warwick Road is located) will be obstructed by the proposed housing.

8.11 Key Views

The views down the Main Street out of the village to the east and in the area of the Moon and Sixpence are picturesque with well tended gardens and vegetation on house façades creating aesthetically pleasing views. The bend in the road creates a series of key views characteristic of the area. This is also true in the west end where the land is highest and the road curves down towards the village core. **To the west there are vistas across the surrounding landscape from the Conservation Area boundary.**

Figure 11: Village Ends visual analysis



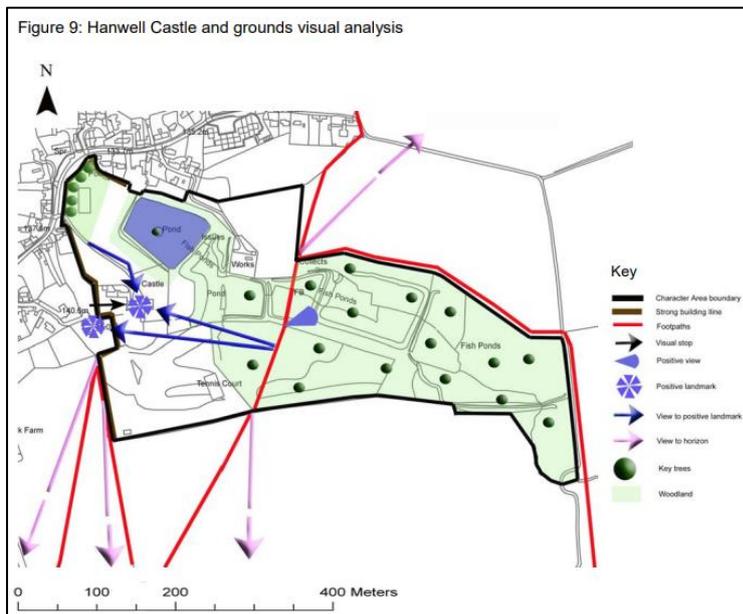
Extract of Hanwell Conservation Area appraisal: showing south-west “view to horizon” from Gullicote Lane, which forms the setting of the Conservation Area.



PHOTO: view from the western boundary of the Conservation Area in a south-west direction showing current view to horizon (the trees in foreground to left are in front of grain store farm building, which is outside the edge of the Hanwell Conservation Area boundary). The ploughed field in the distance is Parcel A of the proposal site (where houses of up to 11.5m height are proposed – per applicant’s Environmental Statement).

4.3.11 The applicant asserts that this view is now obstructed by vegetation. However, assessing the setting of Hanwell Conservation Area in narrow terms of purely visual impact from the village misses the point that the setting is the rural backdrop provided by the proposal site. There is no statutory protection of the vegetation alongside Gullicote Lane. If the vegetation were removed, the proposal site would be very clearly visible and harm to the “view to horizon” from Gullicote Lane.

4.3.12 The following extract of the Hanwell Conservation Area appraisal also details the visual analysis of the Hanwell Castle and grounds. This shows key views from the edge of the conservation area that will be harmed through the Vistry proposal as the view south would include the site of the proposal.



Extract of Hanwell Conservation Area appraisal: showing southward views to horizon

4.3.13 The proposal would have potential non-physical effects upon the significance of the Hanwell Conservation Area. Non-physical effects are those that derive from changes to the setting of heritage assets as a result of new development. It is not just sightlines between the proposal site and heritage assets that should be taken into account. Urbanisation in close proximity of the setting of Hanwell Conservation Area results in harm to that heritage asset.

4.3.14 Update of Hanwell Conservation Area appraisal

4.3.15 The CDC Conservation Officer has advised residents of Hanwell that the Hanwell Conservation Area appraisal, now over 15 years old, is due for re-appraisal within the next year, and re-appraisal could be prioritised in light of pressures for development south of Hanwell. Since the last appraisal, further work highlighting the historic significance of the village has been completed.

4.3.16 An example of further historic research within Hanwell Conservation Area is the archaeological work within the grounds of Hanwell Castle gardens and parkland by Stephen Wass MCIFA¹⁸. Discussions with Stephen Wass indicate that Hanwell Castle's gardens and attached park have been central to the understanding of the Cope family fortunes in the seventeenth century. This provides further evidence that heritage assets in the Hanwell Conservation Area have national significance.

4.3.17 The national significance arises from the role of Hanwell Castle, and gardens created by the Cope family, being linked to the development of scientific thinking in Oxford in the late seventeenth century. Archaeological excavations have uncovered a unique collection of seventeenth-century terracotta garden urns, an assemblage that is unparalleled in post-medieval archaeology. Their analysis and reconstruction is opening new insights into the decorative schemes of seventeenth-century gardens.¹⁹

4.3.18 Impact on St Peters Church

4.3.19 The applicant contests that the proposal does not form part of the setting of the Grade I Listed Church of St Peter (based on the Archaeological and Heritage Assessment Appendix 6.1). This is inconsistent with the evidence below.

4.3.20 **St Peters Church can be clearly seen from the proposal site:** Views of the church from the south include those looking through the proposal site (and not just from the edge of the proposal site). Development of the proposal site would obstruct views of St Peters Church and would harm appreciation of the significance of the church in its rural setting.



PHOTO: View of St Peters Church from Gullicote Lane looking northwards.

4.3.21 **The proposal site can be seen within the surrounding landscape from St Peters Church:** Views south from the church include vegetation along the border of the proposal site. The applicant asserts that the site is not visible. However, as the applicant also states that dwellings will be up to 11.5m in height (equivalent to a maximum of 2.5 storeys) there is potential for new houses to be visible from the church. Such an impact of the development represents a harm to appreciation of the setting of the church.

¹⁸ <http://www.polyvbion.org.uk/Hanwell/Project.html>

¹⁹ "Seventeenth-century Water Gardens and the Birth of Modern Scientific thought in Oxford: The Case of Hanwell Castle" by Stephen Wass (published Nov. 2022).



PHOTO: View south from St Peter's churchyard (with wall on foreground being the edge of Hanwell Conservation Area), showing surrounding landscape including hedgerow of proposal site boundary on the horizon.

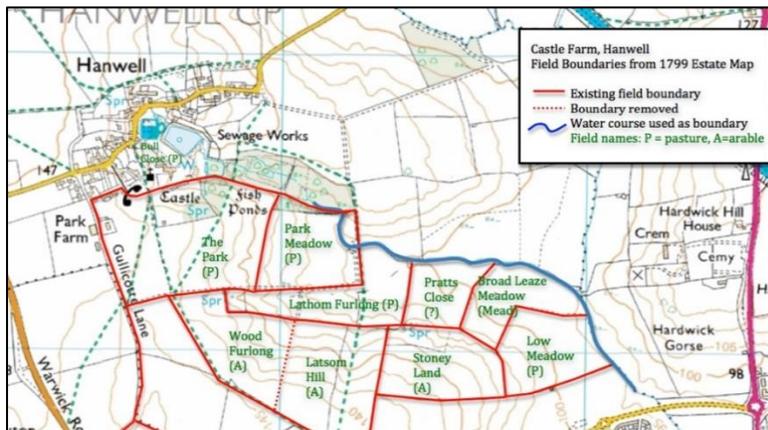
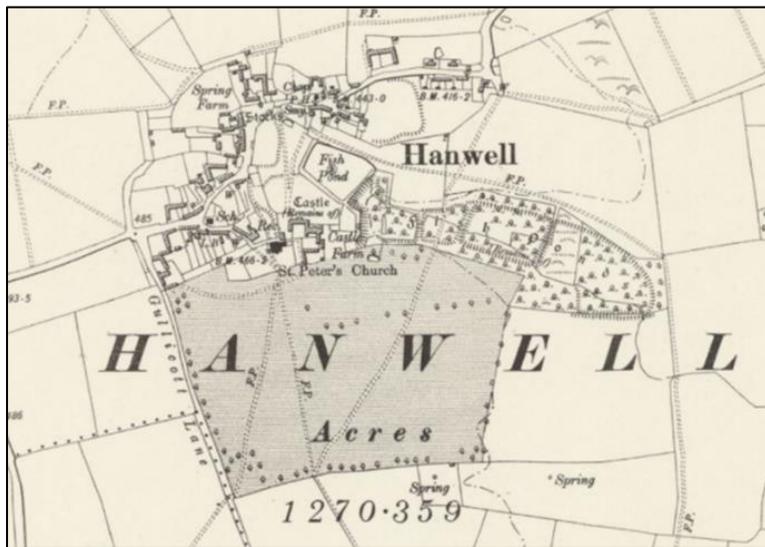


PHOTO: View south from western end of St Peter's churchyard (with wall on foreground being the edge of Hanwell Conservation Area), showing greater prominence of the proposal site boundary.

4.3.22 **Impact on Hanwell Castle (including gardens and parkland)**

- 4.3.23 The applicant contests that the proposal does not form part of the setting of the Grade II* Listed Hanwell Castle (ref. Archaeological and Heritage Assessment Appendix 6.1).
- 4.3.24 Whilst the view of the Hanwell Castle is blocked/screened by vegetation there is a discernible (non-visual) historical landscape associations between Hanwell Castle and the site of the proposal. The applicant has not fully complied with Historic England's 2017 Good Practice Advice in Planning: Note 3 (GPA3) when identifying which heritage assets and their settings are affected. The applicant omits to assess the impact of development on the historic Hanwell Castle Gardens and Parkland.
- 4.3.25 The Hanwell Castle estate included the historic late-medieval park (including the whole of the big 50-acre field running along the southern boundary of the village). This is noted in the shaded area on the 1799 estate map and the mapping of Hanwell estate field boundaries²⁰.

²⁰ Source: <http://www.polyvbion.org.uk/Hanwell/Project.html>. Credit: Stephen Wass.



- 4.3.26 The Hanwell estate was disemparked circa 1800 when the castle was partially demolished, and the park turned over to farming. Residents remember remains of a once-large park wall in situ in the 1980s, although the landowner subsequently sold this to a local builder. Whilst the historic parkland is not part of the site currently proposed for housing, such a heritage asset being adjacent to the proposed site should be a material consideration in decision making.
- 4.3.27 The significance of findings from archaeological work within the grounds of Hanwell Castle gardens and parkland by Stephen Wass MCIfA (referenced above) indicates that there is evidence to support of an application for this land to be added to listings in the Register for Historic Parks and Gardens (by Historic England under the National Heritage Act) or listing on the schedule of archaeological sites (by the Secretary of State under the Ancient Monuments and Archaeological Areas Act).
- 4.3.28 Hanwell historic parkland has been recognised in multiple CDC publications and policy documents confirming its status as a local heritage asset. The NPPF confirms that heritage assets include “assets identified by the local planning authority” (NPPF, 2021 p.60). The Historic Parkland of Hanwell is recognised in the current Cherwell Local Plan. As such, NPPF policies provide for protection of the historic Hanwell Castle Parkland.
- 4.3.29 Further protection of the historic parkland of Hanwell is provided by retained **Policy C25** (In considering proposals for development which would affect the site or setting of archaeological sites of importance, the Council will have regard to the desirability of maintaining its overall historic character, including its protection, enhancements and preservation where appropriate). **Policy C25** applies to the character and setting of includes historic landscapes, parks and gardens which may be damaged or even destroyed by certain forms of development.

4.3.30 The applicant's Archaeological and Heritage Assessment states "The setting of the HCA includes not only the residential part of the village but also the former grounds of Hanwell park, in which remains of the medieval extent of the village are thought to be located." (Paragraph 5.13).

4.3.31 As well as the setting of the Hanwell Conservation Area, the proposal site also the setting of the historic parkland. The applicant omits to assess the impact of development on the historic Hanwell Castle Gardens and Parkland. As a result, the applicant is not able to fully assesses the harm to, or loss of, the significance of all heritage assets from development within their setting, as required by NPPF. The applicant's assertion that there is "less than substantial harm" to heritage assets is based on incomplete assessment.

Policy ESD 15: The Character of the Built and Historic Environment

4.3.32 The proposal contravenes **Policy ESD 15** as it:

- does not contribute positively to the character and identity of north Banbury or Hanwell village;
- does not respect local topography or views within conservation areas and their setting; and
- does not conserve, sustain and enhance heritage assets such as Hanwell Conservation Area.

4.3.33 Extract of **Policy ESD 15**:

"New development proposals should:

Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting.

Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG."

4.3.34 The evidence base for the current Cherwell Local Plan to 2031 included HER02 Wroxton and Drayton Heritage Assessment (September 2013)²¹. In respect of heritage constraints to development this report noted "*The expansion of Banbury on its northern edge has reached its near maximum. However, development could be accommodated in this area provided suitable mitigation measures are adopted to mitigate the potential effects to the village of Hanwell to the north*" (paragraph 5.4.1). This assessment was made prior to the approval of Banbury 5 allocation. As such, Banbury 5 effectively represented the final allowable development and is effectively the "maximum expansion of Banbury" due to the heritage constraints arising from the requirement to protect Hanwell from coalescence. This evidence base supports refusal of the current proposal due to the harm it would have on heritage assets north of Banbury.

4.4 Other impacts of the proposal noncompliant with planning framework

4.4.1 Loss of high-quality agricultural land

4.4.2 The current Cherwell Local Plan recognises the need to protect the District's high quality agricultural land (Grades 1 and 2). This is referenced in **Policy Banbury 5: North of Hanwell Fields**, which required an assessment of whether the site contains best and most versatile agricultural land.

²¹ <https://www.cherwell.gov.uk/download/downloads/id/4278/her02-wroxton-and-drayton-heritage-impact-assessment.pdf>

- 4.4.3 **Policy Villages 2:** Distributing Growth across the Rural Areas, specifies that “In identifying and considering sites, particular regard will be given to the following criteria: Whether best and most versatile agricultural land could be avoided”. There is a clear emphasis on avoiding the loss of good quality agricultural land.
- 4.4.4 The applicant’s Agricultural Land Quality report confirms that the western half of the site is Grade 2 (very good quality agricultural land), and the eastern half is grade 3a (good quality land).
- 4.4.5 The proposal will result in the loss of this best and most versatile land. This can be avoided through promotion of other more appropriate housing sites in the Cherwell District.
- 4.4.6 **Impact on biodiversity**
- 4.4.7 The applicant claims that the proposal will result in a biodiversity net gain of 38% for habitats and 10% for hedgerows. Although an alternative appraisal has not been completed, relevant local knowledge indicates that the biodiversity net gain is being overstated. In determining this application, the weighting attributed to ecological impact and claimed conservation of the natural environment should be reduced accordingly. For example, it is debatable that building 170 houses would not displace badgers living in on the site, as claimed by the applicant. Likely displacement of badgers would reduce the claimed level of biodiversity gain. The applicant’s claim that badgers would be retained on the site is noted in the ecological appraisal which states “Badger setts, within and adjacent to the Site, will be retained and protected”.
- 4.4.8 **Badgers on the proposal site:** The Council’s response to the Pre-Application submission to develop the proposal site (ref. 21/02776/PREAPP), which concluded the proposed development should be refused, identified the constraint of the potential for protected species (Eurasian badger) within the vicinity of the site. This was confirmed through the Environmental Impact Assessment required for the proposal. The applicant recognises that the site contains habitats which support small populations of a number of protected/priority species: breed bird assemblages, foraging/commuting bat assemblages and badgers.
- 4.4.9 **Badgers and their setts are legally protected from intentional cruelty and disturbance by The Protection of Badgers Act 1992.** The applicant’s ecological appraisal confirms that badgers live on the site. However, this appraisal document on the Cherwell Planning Register, is redacted and so members of the public cannot fully evaluate the impact of the proposal on this species.
- 4.4.10 The applicant’s Planning Statement claims that NPPF paragraph 180 is relevant, when stating “Development whose primary objective is to conserve or enhance biodiversity should be supported”. This is not directly relevant since building 170 houses in the open countryside clearly does NOT have the primary objective to conserve or enhance biodiversity. If there was a proposal to plant a new woodland on the site, there would undoubtedly be more public support.
- 4.4.11 The assessment of current ecological interest is with reference to a baseline from desk and field-based investigations. This notes that the site comprises mainly of large, intensively managed arable fields. The implication that farming and ecological value are mutually exclusive is misplaced. The existing farmer of the proposal site would contest the applicant’s claim that most of the site is “considered of negligible intrinsic ecological importance”. It is wholly ironic that the ecological appraisal recommends that design measures should incorporate soft landscaping for “enhancement and management of green open space habitat to provide opportunities for farmland birds, specifically skylark”. The irony is that **the existing habitat is farmland, which is already the habitat of farmland birds.**
- 4.4.12 The current tenant farmer participates in the Countryside Stewardship scheme. This scheme gives farmers the opportunity to be paid for environmental work alongside sustainable food production, from restoring wildlife habitats and creating woodlands to managing flood risks. The applicant has not considered this in their appraisal.
- 4.4.13 Cherwell Local Plan **Policy ESD10** (Protection and Enhancement of Biodiversity and the Natural Environment) is a material consideration. This provides criteria for proposals to achieve the protection of biodiversity. Development which would result in damage of a site of biodiversity value of local importance

including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm. Clearly, the planning officer must consider all sources of evidence in assessing harms to the natural environment and whether these are outweighed by benefits – and not just the appraisal by consultants paid by Vistry Homes.

4.4.14 **Impact on Rights of Way**

4.4.15 The applicant assesses the impact of the proposal on the designated Public Rights of Way, which are formally offered protection under planning law. However, proposal also develops land either side of another right of way recognised in the evidence base for the current Cherwell Local Plan 2031²². The Environmental Baseline Report analysis of the Banbury 5 development site recognises that environmental constraints to development include “Historic Gullicotte Lane from Hanwell to the north of the site.”

4.4.16 The Protection of this historic route of Gullicotte Lane must form a material consideration in assessing the application. Evidence in this objection confirms that views from Gullicotte Lane, including the view north to St Peters church, will be harmed by the proposal. Gullicotte Lane is an historic route through farmland and development alongside the remaining open rural section of this route represents a material change to the nature of this historic route. Whilst the appraisal recognises that Gullicotte Lane is used informally as part of the footpath network, the impact for users of this path is not fully considered.



4.4.17 Users of Gullicotte Lane have views across the proposal site towards the heritage assets of Hanwell Conservation Area. The development of Parcel B will result in obstruction of these views of St Peters Church and the historic Castle Parkland.

4.4.18 The applicant’s Landscape and Visual Appraisal reports in that the interior of Parcel B is more visible directly the right of way to the north, albeit with some filtering provided by intervening field boundary vegetation. The proposal will harm the views of what is currently open countryside for users of these footpaths.

4.4.19 **Impact on Green Infrastructure**

4.4.20 **Policy ESD 17:** Green Infrastructure requires that sufficient green infrastructure is included in major new developments. Green infrastructure comprises the network of green spaces and features in both urban and rural areas. This includes historic parks and gardens (such as those associated with Hanwell Castle), natural and semi-natural green space, green corridors (including cycleways and rights of way), and accessible countryside in urban fringe areas.

4.4.21 The proposal represents urbanisation of the strategic gap between Hanwell and Banbury, which will reduce the accessible countryside in the Banbury urban fringe. Such development is also detrimental to the Hanwell Castle historic parkland (as considered elsewhere in this report).

²² <https://www.cherwell.gov.uk/download/downloads/id/4177/env03-banbury-environmental-baseline-report.pdf>

- 4.4.22 The proposal does not include sufficient landscape provision to mitigate the visual impact of the proposal to users of the Warwick Road (B4100). The Vistry proposal provides limited screening on the Warwick Road, including retention of the existing low-level hedgerow. Indeed, the proposal includes removal of hedgerow on the Warwick Road. As such, the proposal will greatly increase the sense of urban development on the Warwick Road approach to Banbury from the north.
- 4.4.23 This is contrary to design advice in the Environmental Baseline Report assessment of Banbury 5 development (part of the evidence base for the current Cherwell Local Plan to 2031). This is relevant as Banbury 5 is the site immediately south of the proposal site. This identified the significance of the “green gateway to Banbury”, which should be protected through landscaping of the frontage onto Warwick Road in order to shield the impact of new housing development.
- 4.4.24 **Highway safety and vehicular access**
- 4.4.25 Retained **Policy TR7** confirms that development that would regularly attract large numbers of cars onto unsuitable minor roads will not normally be permitted. Although site has access to B4100 Warwick Road, **Policy TR7** is relevant due to increasing traffic on minor roads north of Banbury. There is precedent of development north of Dukes Meadow Drive (seen at the Banbury 5 site) directly causing increase in traffic through Hanwell village, towards a level not suitable for a minor residential road.
- 4.4.26 The applicant’s Transport Assessment contains a Preliminary Review of Highways Safety, which concludes “there are no existing highway safety concerns to mitigate”. This was based on assessment of data for January 2016 to December 2020, and a study area of 1km from the proposal site.
- 4.4.27 However, this analysis is incomplete, and conclusion that “that there are no existing highway safety concerns” does not match the real-life experience of local residents. The lived experience of residents of Hanwell village is that increase in traffic along the B4100 and through the village as a result of housing developments north of Banbury has contributed to highway safety concerns. Accidents and near-misses not considered in the Transport Assessment indicate that mitigation would be required. The assessment does not fully appreciate the hazard of high-speed collisions north of the proposal site at the junction between the B4100 and the Hanwell to Horley road. The assessment has not considered the hazard of RTCs such as that shown below, which took place in conditions of good weather and visibility. This hazard would be increased through the proposal.



PHOTO: View north along B4100 Warwick Road following high-speed collision at the junction north of proposal site between the B4100 and Main Street into Hanwell village (date 26 April 2022).

- 4.4.28 **Disregard for existing defined boundary of Banbury**
- 4.4.29 Retained **Policy C17** confirms that “THE COUNCIL WILL SEEK OPPORTUNITIES TO SECURE THE ENHANCEMENT OF THE URBAN FRINGE THROUGH TREE AND WOODLAND PLANTING ON LAND

WITHIN ITS OWNERSHIP AND ON OTHER LAND BY NEGOTIATION OR IN CONNECTION WITH NEW DEVELOPMENT).”

- 4.4.30 The proposal does not enhance the edge of Banbury. It detracts from the existing clearly defined boundary of Banbury created by the established woodland buffer on the northern edge of the Banbury 5 development (Hanwell Chase). The proposal site is beyond the fringe of Banbury. It is suitable for woodland planting but not conversion to urban land use.
- 4.4.31 **Cumulative impact of proposed development north of Banbury**
- 4.4.32 As confirmed when CDC scoped requirements for the applicant's Environmental Statement, the proposal must be considered in the context of cumulative impact of existing development proposals.
- 4.4.33 The following nearby planning applications are relevant:
- Application Reference: **21/03426/OUT** (Outline planning application for 78 dwellings on Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury).
 - Application Reference: **22/03064/OUT** – Outline planning application for 176 dwellings on Land Opposite Hanwell Fields Recreation Adj To Dukes Meadow Drive Banbury.
- 4.4.34 Both of these applications are particularly relevant as they also seek to develop open countryside northwards beyond the existing boundary of Banbury toward the village of Hanwell. As such, the cumulative effect is harm to the setting of Hanwell Conservation Area that is greater than those for the proposal in isolation. Both these applications are for sites not allocated in the current Cherwell Local Plan.
- 4.4.35 The first application (**21/03426/OUT** for 78 dwellings) has been considered by CDC Planning Committee. The planning officer's report noted the relevance of considering coalescence and potential impact on Hanwell Conservation Area. The report noted CDC Conservation Officer concerns that development “could lead to coalescence between two distinct settlements and have a detrimental impact on the character of Hanwell Conservation Area.”²³
- 4.4.36 The second application (**22/03064/OUT** for 176 dwellings) has a far greater landscape impact. It is on a much more prominent part of the HELAA036 site which CDC assessed as not suitable for housing in 2018. As it is directly north of the 21/03426/OUT site, it is further into the open countryside. As such, although it has not yet been considered by CDC Planning Committee, it is logical that the potential contribution to coalescence will again be a concern.
- 4.4.37 There is a further development north of Dukes Meadow Drive as part of Banbury 2 site within the current Cherwell Local Plan, for which construction has recently commenced. This relates to a development (application reference **18/00273/OUT** – Outline planning application for 90 dwellings) which is visible across Cherwell Valley from the edge of Hanwell Conservation Area – further contributing to the encroachment of Banbury into the open countryside.
- 4.4.38 The cumulative impact of these developments, and the extension of Banbury towards Hanwell, clearly contributes to harm that is greater than the Vistry proposal in isolation.
- 4.4.39 In addition to the above planning applications, the approved development around Drayton Lodge (Application Reference: **12/01789/OUT** – Outline planning application for 320 dwellings), contributes to the in-combination effect. This is south-west of the proposal site, NOT west of the site as referenced in the applicant's Environmental Assessment. In fact, other housing developments are south of the proposal site. The proposal site is the most northern proposed development, protruding into the open countryside, and would clearly result in unbalanced development of Banbury. It does not accord with previous development of the town.

4.4.40 Cumulatively, the effect of proposed development in the locale of the Vistry proposal is significant further urbanisation of the countryside north of Banbury, often through development of sites not allocated in the current Cherwell Local Plan. This change in landscape character, including the relationship between Banbury and Hanwell, is a material consideration. The proposal by Vistry would contribute significant additional provision of housing near to the site, for which there is no necessity for development (based on latest 5-year housing land supply).

5 Planning Inspector decisions relevant to the proposed development

5.1 Examination of coalescence between settlements

- 5.1.1 The Planning Inspector has examined at appeal what constitutes coalescence on many previous occasions. Reference to past Planning Inquiries informs what constitutes coalescence, which is directly relevant to the proposal to develop open countryside between Banbury and Hanwell.
- 5.1.2 The Planning Inspector considered two appeals²⁴ against refusal by Stratford on Avon District Council, relating to planning applications 14/02766/OUT (outline application for up to 100 dwellings on land at Knights Lane, Tiddington) and 15/00920/OUT (outline application for up to 60 dwellings on land east of Knights Lane, Tiddington).
- 5.1.3 **Applications considered at appeal:** The application refusals that were appealed related to development of a site that would have extended Tiddington village south towards the outskirts of Stratford on Avon. These followed a previously approved development that extended the urban edge of Stratford-on-Avon eastwards on both sides of Loxley Road to the junction with Knights Lane and northwards towards Tiddington. The Inspector confirmed that the earlier development, whilst diminishing the physical gap between Stratford-on-Avon and Tiddington, retained a clear appreciation of the two settlements. This was with a retained gap of approximately 230 metres between the settlements (being the length of open fields being retained either side of Knight's Lane). This previously approved development did not represent coalescence. However, the applications (for which refusals were appealed) were judged to have represented unacceptable coalescence.
- 5.1.4 **Outcome of appeal:** Both appeals against refusal were dismissed. The applications where refusal was upheld related to extension of Tiddington village south towards the outskirts of Stratford on Avon. Whilst the proposal covered the fields alongside Knight's Lane between the two settlements, the positioning of houses only extended the built limits of Tiddington by approx. 130 metres. This would have left landscaping of "Natural Open Space" with a width of some 170m between the settlements. The Planning Inspector considered this distance when concluding that the original applications would lead to the unacceptable coalescence of Tiddington and Stratford-on-Avon.
- 5.1.5 It is significant that the Inspector noted that "physical separation is only part of the equation in assessing the impact on coalescence" and considered what represented a 'sense' of coalescence. The Inspector reported "I conclude that through a significant loss of openness that either of the proposed housing schemes would result in the material and unacceptable coalescence of Stratford-on-Avon and Tiddington."
- 5.1.6 It is also significant that the appeals were dismissed despite the Inspector concluding that the Local Planning Authority could not demonstrate a 5-year HLS as required by NPPF. This indicates the significant weighting attributed to the harms arising from coalescence.

5.2 Relevance of Planning Inspector assessment of coalescence

- 5.2.1 The above precedent of Planning Inspector decisions at appeal must inform consideration of the Vistry Homes application between Hanwell and Banbury. It is highly likely that the Planning Inspector would conclude that the open land and sense of separation between Banbury and Hanwell are features that contribute to the distinctiveness of the local area. The current strategic gap is physically and visually significant. There is a clear sense that Hanwell and Banbury are two distinct settlements. The sense of separation experienced by those entering or leaving Hanwell/Banbury on foot is just as important as the degree of physical separation.
- 5.2.2 The proposal would reduce the gap between Hanwell and Banbury to 85 metres (between the proposed development site and Hanwell Conservation Area), which is less than the 170m gap in the Tiddington applications which was deemed to have been insufficient to prevent coalescence. It follows that the proposed housing scheme between Banbury and Hanwell would result in the material and unacceptable coalescence.

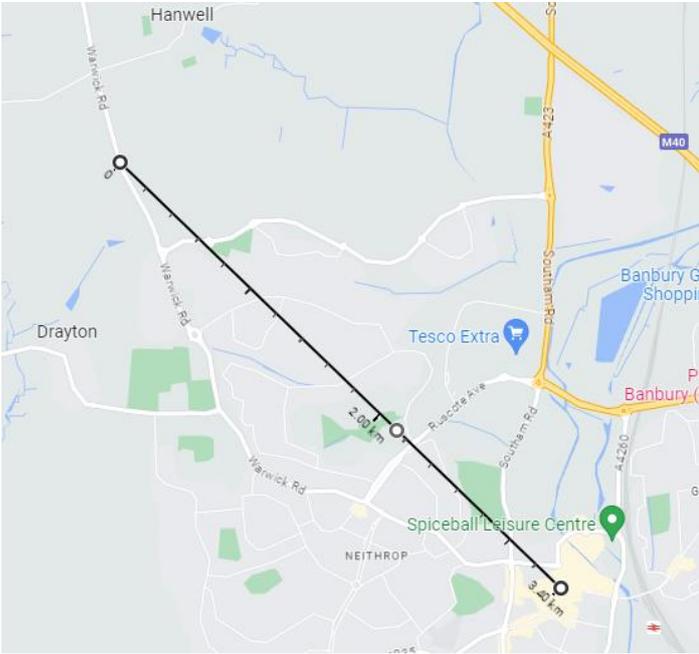
²⁴ <https://www.richboroughstates.co.uk/wp-content/uploads/2019/07/1025a.pdf>

6 Summary and conclusion

- 6.1.1 The majority of Banbury's new housing since 2011 has been to the north. Housing developments which are marketed as Hanwell Fields, Hanwell Rise, Hanwell View and Hanwell Chase show the direction of travel. Hanwell Chase on the Warwick Road has already brought the edge of Banbury to under 400m from Hanwell Conservation Area. The proposal site is just 85m from the southern edge of Hanwell Conservation Area.
- 6.1.2 The maximum extent to which Banbury can expand northwards has already been reached. The remaining strategic gap between Banbury and Hanwell must be protected. This has been confirmed by previous judgements of Cherwell District Council and the Planning Inspector in preparation of the Cherwell Local Plan.
- 6.1.3 Relevant material planning considerations have been outlined in this objection report. CDC must consider the numerous policies within the Cherwell Local Plan, and wider planning framework, which the proposal does not comply with. CDC has demonstrated a 5-year housing land supply and the proposal must be determined in accordance with the current Cherwell Local Plan.
- 6.1.4 The proposal by Vistry to build 170 houses would result in significant harms and would result in material and unacceptable coalescence of Banbury and Hanwell. It does not respect constraints of the site and surrounding countryside. Furthermore, the site is specifically protected from development through previous assessments and precedents by the Planning Inspector.
- 6.1.5 This protection is also provided by the increasing weight that must be attributed to the emerging draft Cherwell Local Plan to 2040 (through **Core Policy 50: Protection and Enhancement of the Landscape**, which would not permit proposals that cause coalescence; and **Core Policy 51: Settlement Gaps**, which requires that physical and visual separation is maintained between settlements). The proposal is premature at this time and undermines strategic land-use planning through the Local Plan process. Progress of the emerging Local Plan (Regulation 18), and emerging policies consulted upon during the course of determining the application, should carry increasing weight in the determination of this application.
- 6.1.6 This objection report assesses that the proposal results in adverse impact that significantly and demonstrably outweigh the benefits. As such **CDC is respectfully requested to refuse planning permission.**

Annex A: Factual inaccuracies in the Vistry Homes planning application

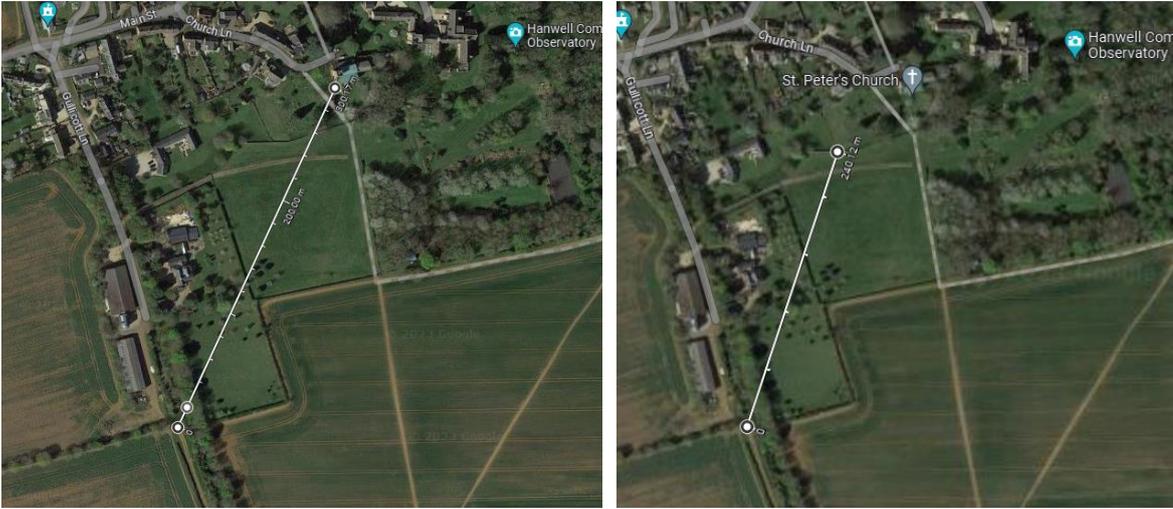
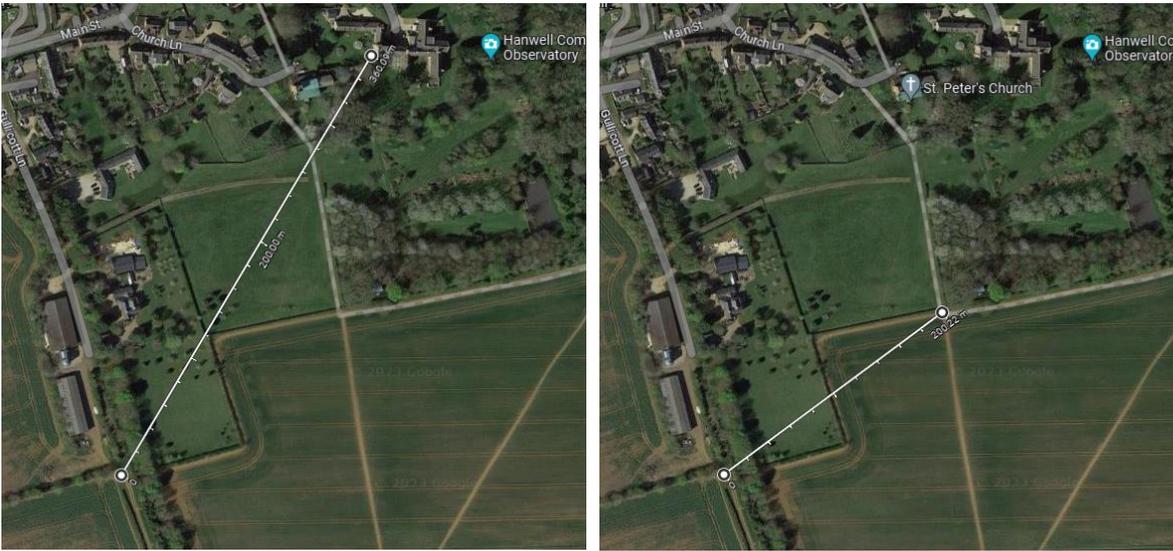
This annex provides a list of factual inaccuracies in the applicant’s Planning Statement²⁵. Corrections must be noted to avoid planning decisions being made based on erroneous representations.

Paragraph 2.1	“The site is located along the eastern side of Warwick Road (A4100)”
Correction 1:	The site is located next to the B4100.
Paragraph 2.1	“The Site is approximately 2.3km north-west of Banbury town centre”
Correction 2:	<p>This contrasts with the applicant’s own Transport Assessment, which states the following: “The site is located within 4kms from the Banbury town centre.” (Paragraph 4.8.3).</p> <p>The site (from the proposed vehicular entrance on Warwick Road) to the Banbury town centre (the Market Place) is 3.4km. This is in a straight line. A straight line of 2.3km from the proposed site would only reach Banbury Cross Retail Park next to Tesco Extra superstore.</p>  <p>The shortest driving route via Warwick Road from the site (vehicular entrance) to the centre of Banbury (the Market Place) is 5km.</p>
Paragraph 2.3	“Beyond the site boundary to the north and east of the site there is further agricultural land.”
Correction 3:	Land beyond the north of the site boundary includes Gullicote Lane and the private garden of Park Farm. This is within the village of Hanwell and not agricultural land. The edge of the proposal site is 15m from the garden of a private residence.

²⁵<https://planningregister.cherwell.gov.uk/Document/Download?module=PLA&recordNumber=155248&planId=1995398&imageId=23&isPlan=False&fileName=Land%20east%20of%20Warwick%20Road%20Banbury%20-%20Planning%20Statement%20%28March%202023%29.pdf>

	
Paragraph 2.3	<p>“The west of the site is bound by Warwick Road, beyond which is agricultural field land and existing residential development.”</p>
Correction 4:	<p>The proposal site is open countryside. There is no existing residential development to the west of the site. The existing residential development westward of the site, across extensive open countryside, is the village of Shennington (6km away) but this is not relevant to the proposal.</p> <p>The future residential development around Drayton Lodge is south-west of the site.</p> 
Paragraph 2.4	<p>“There are two public footpaths and one bridleway crossing the site at various points that lead from Banbury to Hanwell village”</p>
Correction 5:	<p>There is only 1 public footpath crossing the site (PRoW 191/6/30 extends to PRoW 239/6/10 <i>beyond</i> the site boundary, but this is the same pathway).</p> <p>There is 1 public footpath (239/7/20) <i>outside</i> of the eastern boundary of the site.</p> <p>Paragraph 2.4 is inconsistent with the applicants own EIA submission which states “5.12: Intersecting PRoWs – The PRoW 191/6/30 crosses Parcel A, connecting Hanwell Fields to Gullicotte Lane, and the PRoW 239/7/20 is located parallel to the eastern boundary of Parcel B.”</p>
Paragraph 2.4	<p>“The application site is currently private. However, public right of way 191/6/30 passes diagonally through Parcel A, connecting between Hanwell Fields immediately to the south and Gullicotte Lane to the north.”</p>
Correction 6:	<p>Hanwell Fields is not immediately to the south. Since Hanwell Fields was developed further housing known as Hanwell Chase has been developed south of the site (to which the right of way connects).</p>

Paragraph 2.7	<p>“There is bus stop located approximately 0.4miles from the site (circa 7-minute walk) and provides links into Banbury town centre. There is a second bus stop close to the site (approximately 0.2 miles).”</p>																																																																																															
Correction 7:	<p>The nearest bus stop serves the 77A bus from Leamington Spa to Banbury. This bus-stop is served by 1 northbound bus per day (departing 12:10 from Banbury Bus Station) and 1 southbound bus per day (departing the bus stop 10:08). Reference to this bus stop, without clarification on frequency, could be seen as overstating accessibility of the railway station.</p> <p>Extract of Bus 77A timetable showing 1 bus per day serving bus stop near to proposal site.</p> <table border="1" data-bbox="284 403 810 880"> <thead> <tr> <th colspan="5">Banbury - Kineton - Leamington</th> </tr> <tr> <td colspan="5"><input checked="" type="checkbox"/> Show all stops</td> </tr> </thead> <tbody> <tr> <td>Avon Dassett, opp Memorial</td> <td>06:47</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Banbury Bus Station (Bay 8)</td> <td></td> <td>10:20</td> <td>12:10</td> <td>14:10 16:00</td> </tr> <tr> <td>Banbury, adj Retail Park</td> <td></td> <td>10:24</td> <td></td> <td>14:14 16:04</td> </tr> <tr> <td>Banbury, opp Canal Bridge</td> <td></td> <td>10:25</td> <td></td> <td>14:15 16:05</td> </tr> <tr> <td>Hanwell View, adj Banbury Crematorium</td> <td></td> <td>10:27</td> <td></td> <td>14:17 16:06</td> </tr> <tr> <td>Little Bourton, opp Chapel Lane</td> <td></td> <td>10:28</td> <td></td> <td>14:18 16:08</td> </tr> <tr> <td>Mollington Turn (adj)</td> <td></td> <td>10:32</td> <td></td> <td>14:22 16:12</td> </tr> <tr> <td>Banbury, adj Bolton Road</td> <td></td> <td></td> <td>12:11</td> <td></td> </tr> <tr> <td>Banbury, opp Police Station</td> <td></td> <td></td> <td>12:12</td> <td></td> </tr> <tr> <td>Banbury, adj Boxhedge Road</td> <td></td> <td></td> <td>12:12</td> <td></td> </tr> <tr> <td>Neithrop, adj Union Street</td> <td></td> <td></td> <td>12:12</td> <td></td> </tr> <tr> <td>Ruscote, adj Cromwell Road East</td> <td></td> <td></td> <td>12:13</td> <td></td> </tr> <tr> <td>Ruscote, adj Cromwell Road West</td> <td></td> <td></td> <td>12:13</td> <td></td> </tr> <tr> <td>Ruscote, adj Ferndale Road</td> <td></td> <td></td> <td>12:14</td> <td></td> </tr> <tr> <td>Hardwick, opp Barley Mow</td> <td></td> <td></td> <td>12:14</td> <td></td> </tr> <tr> <td>Hardwick, adj Greville Road</td> <td></td> <td></td> <td>12:15</td> <td></td> </tr> <tr> <td>Hanwell Turn (opp)</td> <td></td> <td></td> <td>12:17</td> <td></td> </tr> </tbody> </table>	Banbury - Kineton - Leamington					<input checked="" type="checkbox"/> Show all stops					Avon Dassett, opp Memorial	06:47				Banbury Bus Station (Bay 8)		10:20	12:10	14:10 16:00	Banbury, adj Retail Park		10:24		14:14 16:04	Banbury, opp Canal Bridge		10:25		14:15 16:05	Hanwell View, adj Banbury Crematorium		10:27		14:17 16:06	Little Bourton, opp Chapel Lane		10:28		14:18 16:08	Mollington Turn (adj)		10:32		14:22 16:12	Banbury, adj Bolton Road			12:11		Banbury, opp Police Station			12:12		Banbury, adj Boxhedge Road			12:12		Neithrop, adj Union Street			12:12		Ruscote, adj Cromwell Road East			12:13		Ruscote, adj Cromwell Road West			12:13		Ruscote, adj Ferndale Road			12:14		Hardwick, opp Barley Mow			12:14		Hardwick, adj Greville Road			12:15		Hanwell Turn (opp)			12:17	
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Paragraph 2.16	<p>“The site is not located within a Conservation Area, Hanwell Conservation Area is located c.100m to the north of the site and Drayton Conservation Area is located c.860m to the south of the site.”</p>																																																																																															
Correction 9:	<p>The distance to the Conservation area is 85m.</p> 																																																																																															

Paragraph 2.18	“Hanwell village to the north of the site contains several listed buildings, the details of these are as follows: Grade I Listed Church of St Peter (NHLE ref. 1216364) c.320m to the north-east of the site”
Correction 10:	<p>The distance to the building of St Peter’s church is 300m. The distance to the church yard of St Peter’s church is 240m.</p> 
Paragraph 2.18	“Hanwell village to the north of the site contains several listed buildings, the details of these are as follows: Grade II* Listed Hanwell Castle (NHLE ref. 1287674) c.380m to the north-east of the site”
Correction 11:	<p>The distance to the building of Hanwell Castle is 360m. The distance to the grounds of Hanwell Castle is 200m.</p> 
Paragraph 2.19	“Hanwell village to the north of the site contains several listed buildings, the details of these are as follows: Grade II Listed Group of 4 17th century headstones approximately 10m southeast of the site”
Correction 12:	This is inconsistent with the applicant’s Archaeological and Heritage assessment which states that these listed buildings are “approximately 10m south-east of south aisle of Church of St Peter (NHLE ref. 1287672)”

Paragraph 2.19	“There are no other types of designated heritage assets within the site or the study areas such as registered parks and gardens, battlefields or scheduled monuments.”
Correction 13:	The historic parkland of Hanwell Castle, recognised as a local heritage asset by Cherwell District Council, is adjacent to proposal site. This is recognised in the applicant’s “Archaeological and Heritage Assessment” which contains historic mapping showing with hatched area showing the parkland. Paragraph 2.19 is inconsistent with the applicant’s Archaeological and Heritage Assessment which refers the OS Map 1887 showing the “extent of Hanwell Park, a 19th century pleasure ground”.
Paragraph 3.17	“The supporting Design and Access statement (‘DAS’) submitted in support of this application sets out further details of the proposed development. In summary the following elements are proposed: • 5ha (53%) of the site retained as open space creating new habitats for Nature”
Correction 14:	The proposal site is 12.63ha. 5ha represents only 39.6% of the site.
Paragraph 3.18	“Whilst the details of the scheme are reserved for later approval, there would be a maximum building height of 2.5 storeys, coming down to 1.5 storeys in sensitive parts of the site.”
Correction 15:	Since this relates to reserved matters the applicant’s statement in the outline application cannot be relied upon.
Paragraph 4.26	“Noting the current status of the emerging Local Plan (Regulation 18), it is considered that should emerging policies being consulted upon during the course of the application, these should not carry weight in the determination of this application.”
Correction 16:	It is inaccurate to say the planning framework at the time of submitting the planning application should take complete precedence over the planning framework as at the time the application is determined.
Paragraph 5.4	“In stark contrast, those policies which serve to restrict development outside of built-up areas, are contained in the CLP 1996 which was intended to cover the period to 2001”
Correction 17:	The applicant is factually inaccurate to infer that the Cherwell Local Plan 1996 retained policies should be given less consideration in relation to housing supply because they are out of date. CDC retained these policies for valid reasons and they remain a material consideration as part of the current Cherwell Local Plan.
Paragraph 5.12	“The site comprises over 5ha of open space. This results in a net density of 35 dph.”
Correction 18:	This is inconsistent with the applicant’s statement at Paragraph 3.18 “A development of 170 dwellings (noting the description of development is for ‘up to’ 170) would result in a net density of 32 dwellings per hectare (dph).” The proposal cannot deliver a net density of both 35dph and 32dph.

Paragraph 5.57 Paragraph 5.58	“The calculated trip generation arising from the development and its impact on the local highway network would be below levels which could be described as ‘severe’ .” “The development would therefore have a minimal impact on the local highway network.”
Correction 19:	It is inaccurate to state that an impact level below severe equates to minimal impact on the local highway network.
Paragraph 5.99	“The proposals will result in the loss of best and most versatile land, however this amounts to only 12.63ha and if therefore not significant.”
Correction 20:	This loss of very good quality and good quality agricultural land is significant in the context of assessing the site against others more suitable for development in the Cherwell District. Housing land supply can be achieved through alternative sites, as demonstrated in the emerging draft of the Cherwell Local Plan to 2040 (which does not put the proposal site forward as an allocated housing site).
Paragraph 7.3	“As the Applicant considers that the recent supply position adopted by Cherwell in February 2023 is being overstated, this Planning Statement proceeds on the basis that the Council cannot demonstrate a 5YHLS, and the site/proposal is not subject to the policies set out in Footnote 7 of paragraph 11d, the policies which are most important for determining the application are out-of-date.”
Correction 21:	This is inconsistent with the CDC Executive 'Regulation 10A' Planning Policy Review of Cherwell Local Plan Policies ²⁶
Paragraph 7.12	“To reiterate the above, the proposal will provide up to 170 much needed houses at a time when the Council are unable to demonstrate a 5 year supply of housing.”
Correction 22:	This is inconsistent with the CDC Executive approval of the Land Supply Statement ²⁷ (for which meeting minutes have been endorsed at the subsequent meeting of the full Council).

²⁶ <https://www.cherwell.gov.uk/download/downloads/id/11103/2022-regulation-10a-review-of-the-cherwell-local-plan-2011-2031-part-1.pdf>

²⁷ <https://modgov.cherwell.gov.uk/documents/s52347/Annex%20to%20Minutes%20-%20Housing%20Land%20Supply%20Statement.pdf>

Inaccuracies in the supporting documentation

The Archaeological and Heritage Assessment contains the first photograph below (A1.14) described as a view from the edge of the Hanwell Conservation Area, near Park Farm, facing south towards the site. This is provided as evidence that the site is not visible.

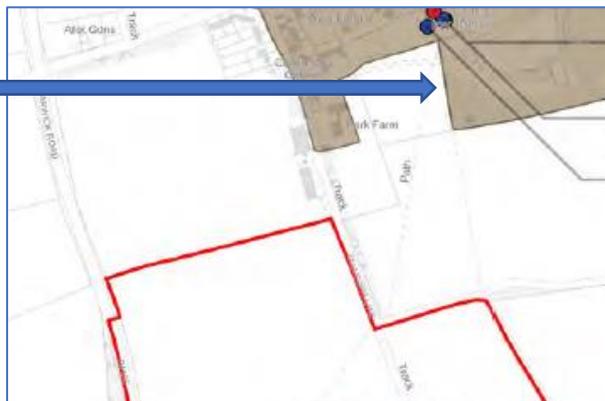
However, this is incorrect as the photograph (with entrance to Park Farm on left, looking at the grain store building on the right) is not on the edge of the HCA. The edge of HCA is beyond the grain store (so the first photo below, in front of the grain store, cannot be from the edge of the Hanwell Conservation Area).



The second photo above shows the view along Gullicote Lane from the edge of HCA. This is beyond the grain store farm building, just north of one farm building and hedgerow along Gullicote Lane. Although partially obstructed, Parcel A of the proposal site is visible (ploughed field) in the centre of this photograph.

The Landscape and Visual Impact Assessment within the Environmental Statement contains the first photograph below (A1.9) described as a view from the southern edge of the HCA towards the south, supporting an assertion that the site is not visible from the HCA.

However, this is incorrect as the photograph is taken from beyond the edge of the HCA. It is taken from a dip within the inlet along the HCA southern boundary at lower altitude. This does not show any vegetation on the horizon and misleadingly understates the visibility of the proposal site from the HCA.



The second photo above shows the view from wall alongside the churchyard which is the edge of the HCA. This is at a higher altitude from which the site can be seen on the horizon. The same tree is in view on the left side of the photo.



The third photo above shows the view from the wall alongside the churchyard which is the edge of the Hanwell Conservation Area. This is at a higher altitude showing greater prominence of the proposal site boundary.