



Land East of Warwick Road, Banbury

Proof of Evidence of:

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BSc (Hons), PGDipLA, CMLI

In respect of:

Landscape Matters

On behalf of:

Vistry Group

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Section 1

Introduction

QUALIFICATIONS AND EXPERIENCE

- 1.1 This Proof of Evidence (PoE) on landscape matters has been prepared by Ben Connolley. My professional qualifications include a Post Graduate Degree in Landscape Architecture from the University of Gloucestershire and a Degree in Countryside Management from The University of Wales, Aberystwyth. I am a Chartered Member of the Landscape Institute.
- 1.2 I am a Director and Landscape Architect at The Environmental Dimension Partnership Ltd (EDP). EDP is an established, independent environmental consultancy providing advice to public and private sector clients in the fields of archaeology and cultural heritage, ecology and protected species, arboriculture, masterplanning and landscape matters. EDP is a Registered Practice of the Landscape Institute and represents both public and private clients with land and development interests throughout the UK.
- 1.3 I have over 15 years' experience covering landscape design, landscape assessment and landscape management. In recent years, I have specialised in the assessment, in landscape terms, of a very wide range of development proposals, including development in designated and sensitive landscapes such as National Landscapes (formerly Areas of Outstanding Natural Beauty (AONB)). I have been involved in the design and assessment of numerous mixed use and residential schemes, including many urban extensions, and addressed projects from the feasibility stage through to planning application and detailed construction phases.
- 1.4 As an experienced Landscape Architect, I have undertaken numerous Landscape and Visual Impact Assessments (LVIA), regularly provide peer review of LVIA's for colleagues and provide regular in-house training at EDP in the application of the Guidance for Landscape and Visual Impact Assessment, third edition (GLVIA3) - the nationally accepted guidance on undertaking LVIA's, published by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA).
- 1.5 The evidence that I have prepared and provide for this Inquiry is true and has been prepared, and is given, in accordance with the guidance of my Professional Institute. I confirm the opinions expressed are my true and professional opinions.

MY KNOWLEDGE OF THE APPEAL SITE AND ITS CONTEXT

- 1.6 I did not author the Landscape and Visual Appraisal (LVA) submitted as part of the application (Reference 23/00853/OUT). However, during the preparation of the submitted LVA, I provided a peer review of the draft document to consider consultation with the Local Planning Authority (LPA) and the application of the methodology that underpinned the judgements of others at EDP. As part of this process, and also as part of the promotion of the Appeal Site through the development plan, I visited the Appeal Site during August 2018, July 2021, February 2022 and April 2024.

- 1.7 Based on my own site visits and analysis, I concur with the authors general conclusions in respect of landscape and visual effects contained within the LVA, though I provide my own consideration of the sensitivity of some receptors surrounding the Appeal Site at paragraph 3.25 below. My conclusions are based on the same methodology used within the submitted LVA (**CD:1.4/TA7.1**), which I consider to be in accordance with the GLVIA3.
- 1.8 Where this review has revealed differences of opinion to those in the original LVA, I have clarified this at relevant points within my PoE. Similarly, where I have identified that a different approach to mitigation (for example) might be appropriate, I have made this clear.

SCOPE OF EVIDENCE

- 1.9 I have been instructed by Vistry Group (the Appellant) to prepare a Landscape PoE in relation to an appeal against the refusal of outline planning permission for up to 170 residential dwellings, with all matters reserved except for access, on Land East of Warwick Road, Banbury.
- 1.10 Within the Decision Notice, issued by Cherwell District Council (CDC) on 11 August 2023, there were four reasons for refusal (RfR), one of which specifically relates to landscape matters. My evidence has been prepared to address the landscape aspects of RfR 1, which states (my emphasis added):

*“1. Cherwell District Council is able to demonstrate a 5-year housing land supply meaning that the relevant development plan policies are up to date. The application site is located within open countryside and is not allocated for development. The proposed development by virtue of its **visually prominent position**, is such that it would breach Banbury’s contained environmental setting, giving rise to a direct **risk of coalescence between Banbury and Hanwell**, causing undue **visual intrusion into the open countryside, fundamentally changing the undeveloped characteristics of these parcels of open arable land, creating a prominent urban built form, inconsistent with the local character, to the detriment of the rural landscape and the identity and individuality of Hanwell village**, contrary to Policies PSD1 and BSC1 of the CLP 2031 Part 1, saved Policies C8 and H18 of the CLP 1996 and Government guidance within the National Planning Policy Framework.”*

- 1.11 Although not expressly dealing with landscape matters, RfR 2 also references the separation between Banbury and Hanwell. It states:

*“2. The proposed development is **considered to erode the open arable landscape which provides clear separation between Banbury and Hanwell** and forms part of the surroundings within which the setting of Hanwell Conservation Area, St Peter’s Church (Listed Building Grade I) and Hanwell Castle (Listed Building Grade II*) are experienced, to the detriment of and causing harm (less than substantial) to the setting of these designated heritage assets, contrary to policy ESD15 of the CLP 2031 Part 1 and Government guidance within the National Planning Policy Framework.”*

- 1.12 Both RfRs conflate a number of different landscape issues, which I have highlighted above. I am not aware of any other concerns to those raised within the RfRs and the Council’s SoC

(**CD:8.2**) and these provide the scope of the main landscape matters relevant to the determination of this appeal, which this PoE addresses.

- 1.13 In **Section 2**, I look at the character of the Appeal Site and its context, considering the value and sensitivity of the Appeal Site and question whether it exhibits some features of the published Landscape Character Type (LCT) to which it relates.
- 1.14 In **Section 3**, I consider the key landscape issues that are referenced within both RfR 1 and RfR 2. I consider these to be:
- First, is the design appropriately conceived and responsive to its context?
 - Second, would the proposed development result in a “*direct risk of coalescence between Banbury and Hanwell*”? and
 - Third, the degree to which the appeal proposals would have an adverse effect on the landscape on the character and appearance of the countryside, and whether it would be inconsistent with the local character to the detriment of the rural landscape and the identity and individuality of Hanwell village?

STRUCTURE OF EVIDENCE

- 1.15 My written evidence comprises plans, key viewpoint images and appendices containing selected material drawn from the application documents, reproduced and adapted for the Inquiry, and supplemented with some additional photographs, plans and published material of relevance to landscape matters.
- 1.16 My evidence is to be read alongside and complements that of Mr David Murray-Cox of Turley, who gives planning evidence for the Appellant, and Mr Edmund Stratford of EDP, who gives evidence with regards to Heritage Matters.

OTHER RELEVANT BACKGROUND DOCUMENTS

- 1.17 The landscape issues relevant to this case are adequately summarised in a few relevant background documents. Therefore, rather than replicate previous documentation within numerous appendices with this statement, my evidence should be read in conjunction with the following key documents:
- EDP’s 2023 LVA (Report Reference edp3253_r007c) (**CD:1.4/TA7.1**). This provides an introduction to the Appeal Site and its landscape context along with an appraisal of the appeal proposals. In the interests of brevity, I do not intend to wholly repeat either a description of the proposals, nor of the Appeal Site and its setting, in this PoE. I will, however, provide my own consideration of the Appeal Site and the proposals, and will refer to plans and appendices contained in the LVA as appropriate;
 - The Environmental Statement (ES) (Chapter 7: Landscape and Visual) (**CD:1.4/TA7.1**) which reports the outcome of the assessment of likely significant environmental effects

arising from the appeal proposals in relation to landscape character and visual amenity;

- The Design and Access Statement (**CD:1.8**);
- CDC's Delegated Officer Report (Reference 23/00853/OUT) (**CD:4.2**);
- The application drawings and documentation submitted as part of the planning application; and
- In addition to the above, I have included some new material for the purposes of this appeal, which will be cross-referenced as appropriate.

- 1.18 In showing the effects of existing screening at the Appeal Site frontage, and in order to inform my evidence further, the Appellant has produced verified view wireline imagery from six locations, contained within this document at **Appendix BC 1**. These have been produced in accordance with Landscape Institute Technical Guidance Note TGN 06/19 (**CD:13.8**) in order to illustrate a typical viewing experience within the local context.

External Reviews

- 1.19 CDC commissioned an independent review of EDP's LVA and ES (Chapter 7), undertaken by MCA Landscape Architects in July 2023 (**CD:3.12**). It concluded that the LVA and ES Chapter (paragraph 8.1) (with my emphasis):

"offers a very thorough and methodical assessment of the likely significant environmental effects arising from the proposed scheme in relation to landscape character and visual amenity. It is based, correctly, on 'Guidelines for Landscape and Visual Impact Assessment – 3rd Addition' published jointly by Landscape Institute and Institute of Environmental Management & Assessment. The LVA represents a good application of GLVIA-3; the guidelines remain the benchmark for landscape and visual assessment, but they require diligence and experience to apply correctly."

- 1.20 With regards to the evolution of the appeal proposals, the MCA review (**CD:3.12**) concluded that:

"The development proposals for the site have demonstrably been influenced by the LVA:

- *Parcel B to be developed only for timber based play and landscape uses due to its visibility in the wider landscape and its proximity to the Hanwell CSA.*
- *Parcel B to be planted with new trees and woodland to soften views of Parcel A from the east.*
- *The placing of development zones on Parcel A to maintain existing boundary screening and provide space for extensive new woodland, parkland with trees and wildflower meadow including new woodland along the southern boundary and in the north-east corner.*

- *Warwick Road and Gullicotte Lane boundaries to be reinforced to mitigate views of the site.*
- *PRoW routes through the site to be respected and reinforced with new planting”.*

Section 2

The Landscape and Visual Baseline

- 2.1 Before considering the key issues raised by the Council, I look at the value and sensitivity of the Appeal Site and question whether it exhibits some features of the published LCT to which it relates.
- 2.2 In this section, I consider the Appeal Site and its context, which I find generally to be adequately described in the LVA and elsewhere. I do not repeat detailed descriptions at length here but provide a brief ‘scene setting’ exercise which is helpful to my analysis later on.
- 2.3 My desk study was undertaken in April 2024, has been supplemented with site visits undertaken in August 2018, July 2021, February 2022 and April 2024 and the information derived from them is discussed below. The location of the Appeal Site is shown at LVA Figure 7.1 (Site Character and Local Context Plan) which, for ease, I include at **Appendix BC 2**.
- 2.4 For the purposes of my review and for ease of reference I retain the reference to ‘Parcel A’ and ‘Parcel B’ as set out throughout the LVA; the character of the site can be split into two parcels (see **Image EDP 2.1** below); Parcel A includes the western field parcel alongside Warwick Road and Parcel B covers the field parcel to the east.

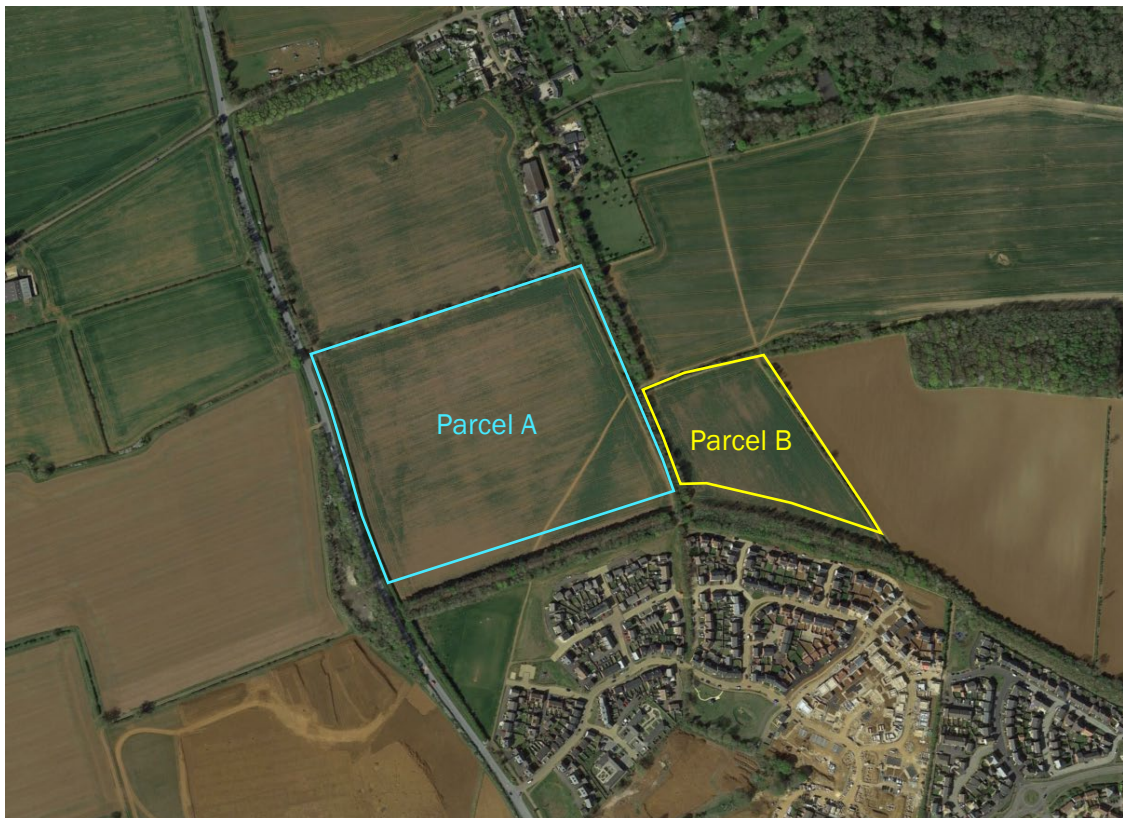


Image EDP 2.1: Character area split of Appeal Site.

ENVIRONMENTAL PLANNING CONTEXT

- 2.5 LVA Figure 7.2 (Relevant Planning Designations and Considerations) (**CD:1.4**) shows the environmental planning context of the Appeal Site with regard to landscape and visual issues, planning or landscape designations that may impose various levels of constraint on new development and contribute to an understanding of the extent to which the landscape is valued, including the following.

Landscape Matters:

- The Appeal Site does not lie within any nationally designated landscapes such as National Parks or National Landscapes;
- The Appeal Site does not lie within a locally designated landscape;
- The Appeal Site does not have strong physical or functional links with a designated landscape. Furthermore, the Appeal Site:
 - Is not located within an identified gap;
 - Is not identified as being important with regards to the setting of the village of Hanwell or Banbury; and
 - Functions only as agricultural land adjacent to the settlement boundary.
- The Appeal Site has limited recreational value due to it being privately owned agricultural land, with access only permitted across it via one Public Right of Way (PRoW).

Heritage Matters:

- The closest conservation area to the Appeal Site is located within Hanwell. Notably, in considering key views from the historic core of the village, the Hanwell Conservation Area Appraisal (**CD:5.9**) states that (paragraph 7.11) *“The undulating ground on which Hanwell is built and the winding route of the Main Street inhibit long distance views within the village”*. The Conservation Area Appraisal also considers the eastern and western ends of the village, as the ‘Village Ends Character Area’ and, with regards to views beyond the village to the western end of the village, it states that *“To the west there are vistas across the surrounding landscape from the Conservation Area boundary”*. However, as shown in Figure 11: Village Ends visual analysis, which for ease I include at **Appendix BC 3**, the Conservation Area Appraisal shows this view looking west of the Appeal Site and, in views looking south, there is only a negative view recorded;
- Further afield, the Horley Conservation Area is located 1km to the north-west and the Drayton Conservation Area is location circa 1km to the south-west, with Wroxton lying just beyond. There were no views identified from within the historic core of any Conservation Area; and

- Listed buildings within the local context are generally clustered within the centre of Hanwell, and within the surrounding Conservation Areas.

Ecology and Arboricultural Matters:

- There are no ecological designations such as Sites of Special Scientific Interest (SSSI) or Special Areas for Conservation (SAC) on, or immediately adjacent to, the Appeal Site;
- There are no Tree Preservation Order (TPO) trees on or adjacent to the Appeal Site¹; and
- There are no blocks of ancient woodland within or immediately adjacent to the Appeal Site.

2.6 The Appeal Site is therefore substantially unconstrained in an environmental sense, and particularly so in a landscape sense. There is nothing that would indicate to me any particularly elevated value in landscape terms. I discuss sensitivity below.

LANDSCAPE CHARACTER BASELINE

National Character Assessment

2.7 At the broadest scale, the Appeal Site lies within the Northamptonshire Uplands National Character Area (NCA 95). I support the assessment set out in the LVA that while the description is broadly representative of the wider landscape, for the scale of development proposed, the description of landscape character undertaken at the sub-regional level is more relevant in establishing the landscape resource baseline. I defer, therefore, to the more local landscape character assessments detailed below.

Local Landscape Character Assessment

2.8 At the local level, an assessment of the local landscape context is provided within the Oxfordshire Wildlife and Landscape Study (OWLS), undertaken in 2004, and also within the Cherwell District Landscape Assessment, which was undertaken in 1995.

2.9 The Cherwell District Landscape Assessment, undertaken in 1995, is not considered to provide an up-to-date assessment of local landscape character. Furthermore, the more recent assessment undertaken in 2004, within the OWLS, covers a similar area to the 1995 assessment. As such, the most recent assessment of local landscape character is considered most relevant, being contained within the OWLS, which defines the Appeal Site as being within the Farmland Plateau Landscape Type (LT). The LT is accurately described within the LVA, however, for ease, I summarise the key characteristics below, with my own commentary.

¹ Cherwell Planning Conservation Map. Accessed 03.04.24
(<https://www.cherwell.gov.uk/info/7/environment/280/tree-preservation-orders>)

2.10 The key characteristics of the Farmland Plateau LT include (with my comments):

- *“Level or gently rolling open ridges dissected by narrow valleys and broader vales”* – As set out within the LVA (**CD:1.4/TA7.1**) (paragraph 4.15), I agree that *“the landscape atop the local ridgeline and its upper slopes is less open than described, with a semi-enclosed nature, in part due to the “Rectilinear plantations and shelterbelts” which are evident”*. However, Parcel A is more enclosed by the landscape features, with Parcel B being more open due to local topography and, as such, would provide a greater contribution to this characteristic;
- *“Large, regular arable fields enclosed by low thorn hedges and limestone walls”* – The Appeal Site comprises medium-sized arable fields, bounded by hedgerows and mature trees;
- *“Rectilinear plantations and shelterbelts”* – There are few rectilinear plantations within the Appeal Site context, and none within the site itself. The linear tree cover on the southern boundary of the site and also on Gullicotte Lane would be perceived to contribute to the shelterbelt characteristic;
- *“Sparsely settled landscape with a few nucleated settlements”* – While the Appeal Site itself is rural in character, the influence of the settlement edge of Banbury, and the busy Warwick Road, is such that this is not a landscape that is ‘sparsely settled’. As such, I do not consider the Appeal Site to contribute greatly to this characteristic; and
- *“Long, straight roads running along the ridge summits”* – Warwick Road, which forms the western boundary to the Appeal Site, extends north from Banbury on higher ground.

2.11 The definition of the cultural patterns within the LCT is also useful, though largely reflecting the key characteristics set out above:

“This is a characteristic, planned, late Parliamentary enclosure landscape. There is a large-scale geometric field pattern surrounded by low hawthorn hedges and stone walls. Hedgerow trees, which are mainly ash, sycamore, field maple and sometimes oak, are sparsely scattered throughout and do not detract from the openness of the landscape. Occasionally, in places like Glympton where there is a strong estate character, hedges support species such as privet, dogwood, wayfaring tree, hazel and field maple. The hedgerow trees are also much denser in this area. Another characteristic feature is the straight roads which reinforce the geometric pattern of this planned landscape.

The exposed high plateau has not favoured settlement, and it is characterised by sparsely scattered farmsteads and a few nucleated villages. Farmhouses are generally located in the open countryside as a result of parliamentary enclosure...”

2.12 Overall, I consider that there are few features within the main body of the Appeal Site itself which contribute to the wider landscape structure, largely due to the Appeal Site being an open arable field parcel. The effects of tree cover at the boundaries of the Appeal Site, including those on Gullicotte Lane, are such that I do not consider the Appeal Site, particularly Parcel A, to contribute to the *“exposed high plateau”* being *“characterised by sparsely scattered farmsteads and a few nucleated villages”*.

- 2.13 The LVA goes on to consider a number of management guidelines for the LT. I review these points later in **Section 3** when considering whether the appeal proposals are appropriately conceived and responsive to the local context.

Cherwell Landscape Sensitivity Assessment (2022)

- 2.14 A recent assessment of landscape character was undertaken by The Environment Partnership in September 2022 (**CD:6.3**) as part of the evidence base for the Council's Local Plan Review.

LS BAN13: Land East of Warwick Road

- 2.15 The Cherwell Landscape Sensitivity Assessment (CLSA) identified Parcel A of the Appeal Site within 'LS BAN13: Land East of Warwick Road, stating that *"This assessment unit is within the Farmland Plateau LCT and is characterised by flat, open arable land. The assessment unit, which extends to 66.82 hectares, lies to the west of Warwick Road, south of Main Street (Hanwell), west of Gullicotte Lane and north of the emerging Hanwell Chase development. The Hanwell Conservation Area lies beyond the assessment unit to the north-east."*
- 2.16 Unlike previous studies, including the CDC Housing and Economic Land Availability Assessment (HELAA030 – Land of Warwick Road, Banbury) (**CD:6.4**), the Banbury Landscape Sensitivity and Capacity Assessment (**CD:6.1**) and the Banbury Green Buffer Report (**CD:6.2**), all of which assessed a much larger swathe of land to that of the Appeal Site, the CLSA provides the most recent and more detailed review of land adjacent to Warwick Road.
- 2.17 For ease, I include the conclusions of landscape value and visual value below, with my own emphasis added:
- Landscape Value (Low Value): *"The assessment **unit does not have a particularly strong sense of character**. There is some semi-natural habitat present along the assessment unit boundaries, but otherwise **this is an extensively farmed landscape** with no ecological designations present. The assessment unit provides some recreational value in the form of the public footpath which runs through it. The landscape is likely to be valued by residents and workers within the community, but **there is no particular indication of a higher value**";* and
 - Visual Value (Low Value): *"There are no known viewpoints looking across the assessment unit identified in the Local Plan, OS maps, tourist maps or within guidebooks. **The Public Right of Way within the assessment unit does not appear to be publicised as part of any circular or long distance route but is likely to be valued at the community level**".*
- 2.18 The CLSA went on to consider the sensitivity of this land parcel to a particular development scenario. Importantly, the CLSA defined the development scenario (paragraph 2.14) as *"**dwelling of up to 3 storeys** with associated access and infrastructure, including lighting and public open space, at a density of no less than 30 dwellings per hectare (dph)".* With this in mind, LS BAN13 was deemed to have a low-moderate sensitivity to 3-storey residential development which, according to the CLSA's five-point landscape sensitivity

scale (Table 1), states that “Few of the key characteristics and qualities of the landscape are sensitive to change. **There is potential to accommodate the development scenario**”.

LS BAN14: Land North of Dukes Meadow Drive

- 2.19 The CLSA then considered Parcel B of the Appeal Site as falling within LS BAN14: Land North of Dukes Meadow Drive, summarising that:

“This assessment unit is located north of Banbury, between Dukes Meadow Drive and Hanwell village. This parcel is in the Farmland Slopes and Valley Sides and Farmland Plateau LCTs and comprises approximately 105ha of arable land occupying the crest of a ridgeline with north and east facing slopes. To the south of the parcel is the recently developed Hanwell Fields Estate. The northern boundary follows a small tributary of the Hanwell Brook and forms an edge with the Hanwell Conservation Area at its northernmost extremity. To the north and east there are far-reaching views across the Hanwell Brook”.

- 2.20 Landscape value and visual value are both recorded as being higher than that of Parcel A. The CLSA states that:

- Landscape Value (Low-Medium Value): *“A landscape which is valued by local residents. The assessment unit is crossed by a number of public footpaths with some permissive paths. A very small part of the assessment unit is within the Hanwell Conservation Area. Fishponds Wood Local Wildlife Site to the north is clearly visible from within the Site and contributes to the wooded character of the landscape around Hanwell”;* and
- Visual Value (Low-Medium Value): *“There are no known viewpoints looking across the assessment unit identified in the Local Plan, OS maps, tourist maps or within guidebooks. However, views are far-reaching and are likely to be valued at the local level, including panoramic views across the wider landscape”.*

- 2.21 As above, the CLSA went on to consider the sensitivity of this land parcel to a particular development scenario of up to 3 storeys. LS BAN14 is considered to have a moderate-high sensitivity to residential development which, according to the CLSA’s five-point landscape sensitivity scale (Table 1), states that *“The key characteristics and qualities of the landscape are sensitive to change. There may be very limited situations/locations where the development scenario can be accommodated.”*

Section 3

The Appeal Site and its Context

THE APPEAL SITE AND ITS CONTEXT

- 3.1 The Appeal Site's location and site boundaries are illustrated variously in the application material (location also shown on **Proof Plan BC 1**). The Appeal Site is described at paragraphs 2.3 to 2.17 of the LVA, which considers in detail the context, topography and vegetation of the site, along with its key landscape features. I concur with the description provided.
- 3.2 I consider the main components of the Appeal Site and its context in relation to my evidence to be as follows:
- The Appeal Site comprises two privately owned arable field parcels;
 - The Appeal Site comprises two distinct parcels of land; Parcel A which is separated from the wider open landscape to the east by a mature tree belt on Gullicotte Lane, with the busy Warwick Road serving to reduce tranquillity. Parcel B however, largely owing to topography as land slopes to the east, is more open with longer-distance views possible;
 - Gullicotte Lane separates the two distinct parcels of the Appeal Site, providing a well-treed pedestrian connection between Banbury and Hanwell. This tree cover is present throughout the route, such that there is a good visual screen to Parcel A in most views from the north-east;
 - In the wider context, the Appeal Site is located on a plateau that extends north of Banbury towards Shotswell, though the open character of Parcel A is limited by the enclosure created by tree cover on Gullicotte Lane. Parcel B is more open as land falls eastwards to the more open landscape context;
 - There are a number of PRoWs within the local context of the Appeal Site, providing access between Banbury and Hanwell and to the wider landscape to the north-east;
 - Warwick Road forms the western boundary of the Appeal Site and is a busy road corridor that extends north from Banbury. In views from this road, the Appeal Site is only visible in views south of the junction with Main Street which provides access into Hanwell. Adjacent to the Appeal Site boundary, views are open due to the roadside hedgerow being well-maintained, though these views are terminated by tree cover on Gullicotte Lane such that the wider landscape cannot be seen;
 - Open views looking east over the wider landscape are only available from within Parcel B. Parcel A is generally well contained in views from the wider context; and
 - Residential development is a common characteristic of the local context, particularly for PRoW users moving through the landscape. However, during summer months, a tree belt on the southern boundary of the Appeal Site would provide a visual screen to

properties within Hanwell Fields (during winter months, built form is more apparent in local views).

- 3.3 For completeness, I consider the Appeal Site context, being the area in which the Appeal Site may be perceived, or where landscape and visual effects may be experienced, is aligned with the Zone of Primary Visibility (ZPV) shown on **Proof Plan BC 1**. Notably, I consider the context of Parcels A and B in isolation given the screening effects of mature tree cover on Gullicotte Lane.

PLANNING POLICY MATTERS

- 3.4 The latest National Planning Policy Framework (NPPF) was published by the Government in December 2023 (**CD:7.1**). Like its predecessor, the new NPPF continues to identify a hierarchy of landscapes - albeit not in express terms - with differing values in the planning balance:

- Paragraph 180 (b) reminds us that all landscapes have some intrinsic value that should be 'recognised' in decision-taking and when establishing planning policies;
- Greater weight is attached to 'valued landscapes'. Paragraph 180 (a) states that such landscapes should be protected and enhanced. valued landscapes are not defined in the NPPF, but case law and recent Landscape Institute guidance has provided some clarification that valued landscapes are not the same as designated landscapes; and
- Greater weight again is attached to nationally designated landscapes. The NPPF's paragraph 182 directs that: *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."*

- 3.5 The status of landscapes in this hierarchy affects the weight to be afforded in the planning balance to land use change, such that (at the top end) there is a presumption against permission for major development in nationally designated landscapes, except in exceptional circumstances (paragraph 183). By the same token, change to undesignated landscapes, or landscapes with limited demonstrable value, should weigh least in the planning balance.

Local Policy Context

- 3.6 The relevant policies for landscape matters mentioned within the decision notice are reviewed below.

Adopted Local Plan (Published)

- 3.7 The adopted Cherwell Local Plan 2011–2031 Part 1 (adopted July 2015) (**CD:5.1**) includes overarching general development policies. There are no policies that are specifically related to the Appeal Site; however, the following relevant policies are referred to within the decision notice:
- Policy PSD1: Presumption in Favour of Sustainable Development and Policy BSC1: District Wide Housing Distribution are general policies and do not refer to landscape character;
 - Policy ESD 13 is not referenced within the RfRs, but deals with ‘Local Landscape Protection and Enhancement’, which with particular reference to urban fringe locations, notes that *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.”*; and
 - Policy ESD 15: ‘The Character of the Built and Historic Environment’ is referred to within RfR 2 and states that *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the district’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential”*. Further, the policy text continues to provide a number of more detailed considerations, including that new development should *“Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features...”*.

Saved Policies

- 3.8 Policies H18 and C8 are sited within RfR 1, both dealing with development beyond the built limits of settlements and within open countryside. In this case, supporting text to Policy H18 states that *“Its intention is to ensure that the countryside is protected from sporadic development whilst, at the same time, recognising the legitimate needs of agriculture and forestry”*. Notably, this policy text pre-dates the NPPF and does not incorporate scope for ‘balance’ (this being at odds with the core principle of the NPPF).
- 3.9 In summary, the Appeal Site has no designatory status within the adopted development plan. As such, I consider next whether the Appeal Site has any identified value, exhibiting attributes that take it beyond mere countryside.

Cherwell Local Plan 2011–2031 Part 1: Deleted Policy ESD 15

- 3.10 It is noteworthy that, as part of the examination to the adopted Local Plan, the Council had included ‘Policy ESD 15’, which related to the definition of ‘green buffers’ on the Policies Maps, whereby the Council sought to retain the identity and settings of towns and villages, protect the landscape, gaps and views, prevent coalescence and help define limits to settlements (refer to **Appendix BC 4** for deleted policy text).

3.11 However, commentary within the Inspector's report to the examination of the local plan stated that:

"...this policy has been the subject of major criticisms from others. This is partly on the basis that it seeks to introduce an unnecessary and unjustified level of overall restraint on development in the defined areas, when other plan policies, such as ESD 13, are entirely suitable to protect those areas from inappropriate and/or harmful proposals in the countryside".

3.12 The Inspector continued to state that *"whilst the Council says that it is not intended to preclude development, **the true purpose of the policy is questionable at best** if that is not the case, given the duplication with other plan policies in relation to aspects such as the protection of important landscape features and heritage assets", and that "[Policy ESD 15] is **unsound as submitted and as modified and should be deleted**".*

3.13 The final conclusions of the Inspector stated that *"A reworded policy applying only to specific locations meeting the narrower definition of "valued landscapes" ...and/or areas of environmental or historic significance ...as defined in the NPPF, particularly around Banbury and Bicester, could be considered by the Council once the local needs of villages have been assessed to identify where development would be inappropriate, for inclusion in the Local Plan Part 2".* For the Local Plan to be sound, deleting Policy ESD 15: Green Boundaries to Growth was required. The policy was removed, and the Local Plan was adopted on that basis.

3.14 As noted by the Local Plan Inspector, the Council's adopted 1996 local plan policy C15 continues to apply, to provide protection where necessary to *"prevent coalescence between settlements"*. Notably, the Council does continue to rely on this policy in circumstances where it considers that there are substantive reasons for concluding that open land provides a separation role in the landscape. However, here, C15 is not identified within the Council's SoC, nor within the RfRs.

LANDSCAPE VALUE AND SENSITIVITY

3.15 'Having value' and 'being valued' (in the context of paragraph 180 (a)) are not one and the same. The NPPF does not provide a methodology for the assessment of landscape value; however, in *Stroud DC v SSCLG* (2015) EWHC 488 (Admin) (CD4/7), Mr Justice Ouseley observed at (18) that to be 'valued', a piece of land should exhibit *"demonstrable physical attributes"*, taking it beyond mere countryside².

3.16 It is clear then, that simply by virtue of being a rural land parcel outside of the existing settlement boundaries, and having some features of value, is not the same as possessing

² Following the *Stroud* case, it is commonly accepted that a landscape should exhibit demonstrable physical attributes taking it beyond mere countryside. Within paragraph 180 of the NPPF (2023), there is requirement to protect and enhance valued landscapes in a manner commensurate with their identified quality in a development plan. Notably, the Appeal Site is not identified within the development plan, or any published document, as a valued landscape.

landscape value worthy of the 'protect and enhance' status afforded to landscapes under paragraph 180(a) of the NPPF.

- 3.17 The matter was considered by the PINS Inspector, Neil Pope, in the St Austell decision (Appeal Reference: APP/D0840/A/14/2222789) (CD4/14):

"26. While some residents consider the Appeal Site to be an attractive area of countryside, all landscapes have some value. (...) There is greater force in the appellant's argument that unless some objective landscape assessment is undertaken, arguments concerning valued landscapes could be applied to all sites where development is proposed. This in turn would be likely to frustrate the Government's objective to boost significantly the supply of housing." (my emphasis)

- 3.18 The LVA considers value and susceptibility in accordance with GLVIA3, concluding that (paragraph 4.23) *"Overall, when balanced, Parcel A is assessed to be of medium-high sensitivity to development, whereas Parcel B is considered to be marginally elevated to a sensitivity of high."* In assisting the conclusions made, an assessment against the criteria set out within the Landscape Institute's TGN 02-21 'Assessing landscape value outside national designations' (**CD:13.9**) would perhaps assist in informing any conclusions made.
- 3.19 GLVIA3 (**CD:13.13**) and the 2021 Landscape Institute TGN 02-21 (**CD:13.9**) assist in delivering a framework for an objective landscape assessment of value – this is a useful exercise for my evidence.
- 3.20 In undertaking this appraisal, Box 5.1 on page 84 of GLVIA3 and Table 1 of TGN 02-21 identify criteria relevant to the judgements about landscape value – for my appraisal I have used the criteria from the Technical Note (02-21), including the examples of indicators of landscape value, this being an evolution of the GLVIA criteria. These criteria are reproduced in **Table EDP 3.1**, with my observations alongside, based on published material and from my own field assessment. For each of the nine criteria, based on the indicators of landscape value included within TGN 02-21, I judge the Appeal Site and local area on the basis of a range from 'poor', through 'ordinary', to 'good' in terms of the performance against these criteria and consider whether the Appeal Site exhibits 'demonstrable physical attributes' that takes it beyond mere countryside.

Table EDP 3.1: Consideration of Landscape Value

GLVIA/TGN Factor	Author's Observations
	The Appeal Site and it's Context
<p>Natural Heritage: Landscape with clear evidence of ecological, geological, geomorphological or physiographic interest, which contribute positively to the landscape.</p>	<p>Ordinary. Both Parcels A and B are arable land parcels with limited ecological interest. EDP's Ecological Appraisal (CD:1.10) found that (paragraph S4) <i>"The habitats on-site are predominantly habitats of only limited (less than Local level) intrinsic nature conservation value, comprising mainly of large, intensively managed arable fields. However, locally valuable hedgerows, mature trees and woodland bound the fields, thereby providing a network of habitats across the Site that connects with the wider landscape"</i>. Tree cover aligning Gullicotte Lane and those at the boundaries of Parcel B provide a contribution to the wider landscape to the east.</p> <p>While I would agree that the landscape character of Parcel A and its immediate context exhibits some features of the wider LCT, though largely at its boundaries, there are few features within the main body of the Appeal Site itself, which contribute to the wider landscape structure.</p>
<p>Cultural Heritage: Landscape with clear evidence of archaeological, historical or cultural interest, which contribute positively to the landscape.</p>	<p>Ordinary. As set out within EDP's Archaeological and Heritage Assessment (CD:1.4/TA6.1), (paragraph S4) (with my emphasis) <i>"in regards to the Hanwell Conservation Area (HCA), the site makes a small positive contribution to its significance, by being a small part of its historic agricultural setting. However, the experience of the HCA from the site, and vice-versa is very limited, comprising at most glimpses or very long-distance views heavily screened by vegetation"</i>. With regards to archaeology, the Archaeological and Heritage Assessment states that (paragraph S6), <i>"A geophysical survey of the site was undertaken to inform this assessment, which revealed a presence of a number of magnetic anomalies of possible archaeological origin. These have tentatively been interpreted as a possible Iron Age to Roman settlement site, two possible banjo enclosures, medieval to post-medieval ridge and furrow as well as number of undetermined features, in discrete areas of the site. Based on these results as well as the analysis of the resource for the area this assessment has identified that the site has potential for prehistoric, Roman, medieval, and post-medieval deposits to survive within the site. Such remains would be of varying degrees of archaeological and historical interest, but it is unlikely that they would be of such significance that they would preclude development of the site, subject to the implementation of appropriate mitigation"</i>.</p>

GLVIA/TGN Factor	Author's Observations
	The Appeal Site and its Context
Landscape Condition: Landscape which is in a good physical state both with regard to individual elements and overall landscape structure.	Ordinary. The Appeal Site itself is ordinary, being arable land that is poor in ecological terms and contributes little to the overall landscape structure. However, trees and hedgerows which bound the Appeal Site provide a greater contribution to the overall landscape structure of the site and its context, with the exception of the hedgerow aligning Warwick Road which appears to be well-managed. According to EDP's Arboricultural Impact Assessment (CD:1.4/TA7.2), the majority of trees across the Appeal Site are of moderate quality (Category B), and that (paragraph 4.4 of Appendix EDP 1) <i>"The category A and B items are located either outside of the Study Area or around the periphery of it, and therefore do not adversely constrain the main body of the Study Area; however, the boundary between the field parcels may be constrained by trees, dependent on forthcoming proposals"</i> .
Associations: Landscape which is connected with notable people, events and the arts.	Poor. There are no known associations relating to the Appeal Site or its context.
Distinctiveness: Landscape that has a strong sense of identity.	Ordinary. Parcel A is relatively unremarkable, in a perceptual or physical sense. Parcel B is more open and, visually, has more of a connection to the wider landscape context to the east. Mature trees aligning Gullicotte Lane contribute to the vegetated appearance of the landscape and provide a sense of containment to Parcel A. The Appeal Site boundaries exhibit some features of the wider LCT, though there are few features within the main body of the Appeal Site itself that contribute to the wider landscape structure. From PRoWs and local road corridors, while Parcel B affords views of the wider landscape, the Appeal Site itself is of limited interest within its context, and where views are possible, it is perceived as open agricultural land in close proximity to the settlement edge.
Recreational: Landscape offering recreational opportunities where experience of landscape is important.	Ordinary. While there are PRoWs within the immediate context of the Appeal Site, including PRoW No. 191//6/30 which runs through Parcel A, the Appeal Site is privately owned agricultural land and there is no access within it. Gullicotte Lane also provides access, though not a formal PRoW, between Banbury and Hanwell. The immediate context is not exceptional in this regard.

GLVIA/TGN Factor	Author's Observations
	The Appeal Site and it's Context
Perceptual (Scenic): Landscape that appeals to the senses, primarily the visual sense.	<p>Ordinary to Good.</p> <p>Parcel A (Ordinary) is an enclosed arable field parcel, which is influenced by neighbouring urban uses, including vehicle movements on Warwick Road. However, mature tree cover at the boundaries of this field parcel do contribute to a rural character, though limiting any visual connection to the wider landscape context. Notably, perceptual and scenic qualities of Parcel A are stated within the CLSA, the Council's own study, as "<i>a rural landscape with limited scenic quality. The assessment unit maintains a rural character although it is influenced by the existing settlement edge to the south and passing traffic on Warwick Road to the west.</i>" Furthermore, there are few locations where Parcel A can be experienced in open views.</p> <p>Parcel B (Good) is more open and, owing to topography with ground levels sloping to the east, views are afforded over the wider landscape to the east. Gullicotte Lane forms a backdrop to this land parcel, with the southern and northern boundaries also being well-treed, such that views are focussed eastwards over a low, poor quality boundary hedgerow. In these views, while there are views to commercial uses adjacent to the M40, the immediate context is rural.</p>
Perceptual (Wildness and tranquillity): Landscape with a strong perceptual value notably wildness, tranquillity and/or dark skies.	<p>Ordinary to Good.</p> <p>Parcel A (Ordinary) is open agricultural land and, while there are some mature features at the northern, eastern and southern boundaries, the local landscape context is adversely affected by vehicle movements on Warwick Road and, in winter months, by its proximity to the settlement edge of Banbury. The Appeal Site is barely perceptible in views from the surrounding context due to the enclosure created by tree and hedgerow cover, with any views being limited to very short sections of Warwick Road and also from local PRowS.</p> <p>Parcel B (Good) has fewer associations with the settlement, though there are likely to be some views during winter months of units at the northern edge of Banbury. Gullicotte Lane serves to screen the effects of vehicle movements on Warwick Road from this land parcel, such that there is a greater tranquillity. Footpaths here are well-used, such that there is a greater association with the neighbouring settlements. However, the character of this land parcel is more rural than that of Parcel A.</p>
Functional: Landscape which performs a clearly identifiable and valuable function, particularly in the healthy functioning of the landscape.	<p>Ordinary. The Appeal Site does not form part of a designated landscape, nor does it have strong physical or functional links with a designated landscape. Furthermore, while there is mention of retaining a 'sense of separation' with the Council's own landscape study (the CLSA), the Appeal Site is not located within an identified gap and functions only as agricultural land adjacent to the settlement boundary.</p>

- 3.21 To date, and as agreed within the Statement of Common Ground (SoCG) (**CD:8.5**), no party has suggested that the Appeal Site is a 'valued landscape' in the context of paragraph 180 (a) of the NPPF. Following my own review above, I conclude that the Appeal Site should not receive any elevated status beyond that intrinsic to all open countryside in accordance with paragraph 180 (b) of the NPPF (i.e. that it should be 'recognised') and that its intrinsic value in a landscape sense does not preclude development.
- 3.22 GLVIA3 sets out the requirements for considering sensitivity of landscape resources at paragraphs 5.39 to 5.47, and states here that "*Landscape receptors need to be assessed firstly in terms of their sensitivity, combining judgements of their susceptibility to the type of change or development proposed and the value attached to the landscape*". The 'susceptibility' and 'value' of those receptors identified above are therefore considered below.

Scenic Quality, Tranquillity and Visual Prominence

- 3.23 As I discuss further below, overall, I do not consider this a prominent site, helped by rolling topography within the wider setting, which prevents many views of it from the surrounding context. In fact, particularly for Parcel A, I consider the Appeal Site to have limited interest and it is barely perceptible in views from within the surrounding context. Views of the Appeal Site are extremely localised, generally only perceived by receptors passing along a relatively busy road (Warwick Road), which passes the western boundary of the Appeal Site, and also from PRoWs within the immediate context.
- 3.24 Tranquillity within the Appeal Site is reduced in part due to its proximity to the settlement edge of Banbury, and by the busy Warwick Road which forms the western boundary. However, moving away from the settlement edge of Banbury, and to the east of Gullicotte Lane within Parcel B, tranquillity increases.

Value of the Appeal Site and its Context in Landscape Terms

- 3.25 Having assessed the Appeal Site in accordance with GLVIA3 Box 5.1 and Table 1 of TGN 02-21 above, I conclude that the Appeal Site overall is no more than ordinary and does not have any elevated landscape value or importance above the rest of the local or wider context. Furthermore, beyond the Appeal Site's location between Banbury and Hanwell, and the need identified within the CLSA to maintain a 'sense of separation', there is no evidence to suggest that the local community places special weight on the Appeal Site itself, meaning overall the site is considered to be of no more than local landscape value. Other than the mature landscape features at its boundaries, and access being provided by a single PRoW within it (PRoW No. 191/6/30), I do not consider that the Parcel A makes a notable contribution to the key characteristics of the local context. Parcel B however is more open, and I concur with the LVA the (paragraph 4.22) that "*Parcel B experiences expansive views east and a greater relationship to the rolling agricultural landscape which extends in this direction. With this in mind, in order to retain this relationship with the wider landscape Parcel B would not be expected to be able to accommodate as much change to its interior as Parcel A.*"
- 3.26 My appraisal also highlights some of the factors that make Parcel A more acceptable in landscape terms for the type of development proposed - i.e. lack of wildness/tranquillity

and a limited visual relationship with the wider landscape context. As such, I agree with the LVA that the value of each parcel is different, with Parcel A being medium and Parcel B being high (for ease, I include the LVA methodology at **Appendix BC 5**, which provides the definition of medium and high values).

- 3.27 It is also noteworthy that the Council's own landscape study, the CLSA (**CD:6.3**), considered Parcel A as part of a piece of land between Banbury and Hanwell, concluding it as having a low landscape value and a low visual value. This is stated within the CLSA Value Indicators (its Table 3) as being *"Landscapes which are valued by residents and workers within the community, but for which there is no particular indication of a higher value"*, and *"Views from within the community, but for which there is no particular indication of a higher value"*.

Susceptibility of the Landscape

- 3.28 The susceptibility of the landscape resource is defined as the ability of the receptor (whether the overall character, individual fabric elements or perceptual aspects) to accommodate the proposed development without undue consequences for the maintenance of the baseline situation. Whilst there are some higher quality elements within the Appeal Site, namely the mature landscape features running along Gullicotte Lane, Parcel A's proximity to the settlement edge of Banbury, in combination with the visual and audible effects of Warwick Road, means that the Appeal Site is partly impacted by neighbouring urban uses. Parcel B is less influenced by such uses and would be considered to be more susceptible to residential development.
- 3.29 I consider that Parcel A is of medium susceptibility to the change proposed, and Parcel B is of high susceptibility to the change proposed (thresholds are provided in **Appendix BC 5**).

Overall Landscape Sensitivity

- 3.30 Using EDP's methodology, the same methodology that formed the basis of the LVA (**CD:1.4/TA7.1**), my own analysis of the sensitivity of the landscape resource, based upon the above description of the local context and my site field work is as follows:
- Sensitivity of Parcel A and its context: Medium; and
 - Sensitivity of Parcel B and its context: High.
- 3.31 For Parcel A, my conclusion of the Appeal Site's overall medium sensitivity is slightly lower than that assessed within the LVA, which was medium-high. This is because I consider the susceptibility to change to be slightly lower (noting that a medium susceptibility to change is noted within EDP's methodology as there being *"Some distinctive landscape elements/aesthetic/perceptual aspects; few landscape detractors; landscape receptors in fair condition. Landscape is able to accommodate some change as a result"*). It is noteworthy that the Council's own study, the CLSA (**CD:6.3**), judged the sensitivity of Parcel A to be low-moderate.
- 3.32 For Parcel B, I concur with the LVA that the overall sensitivity would be high.

VISUAL BASELINE

- 3.33 Paragraphs 5.8 to 5.31 of the LVA provide an appraisal of the visual receptors likely to be affected by the Appeal Proposals, including PRoW users, road users including pedestrians, and residents. I have reviewed this appraisal, in particular the ZPV, drawings and the 15 representative viewpoints. I provide my own consideration of the ZPV, being the zone where views of the Appeal Proposals would be close-ranging and open, whether in the public or private domain, on foot, cycling or in a vehicle, at **Proof Plan BC 1**.
- 3.34 A summary of the visual context of the Appeal Site from all angles is provided at paragraph 5.6 of the LVA and based on my own site visits, I find that the description of views and key receptors is broadly accurate.
- 3.35 A total of 15 representative viewpoints are provided by the LVA; although the locations of these viewpoints were presented to the LPA, as stated at paragraph 1.8 of the LVA, I am not aware that a response was ever received.
- 3.36 I have not identified any additional photoviewpoint locations to those set out within the LVA (**CD:1.4/TA7.1**). As illustrated at **Proof Plan BC 1**, I concur that the visual envelope of the Appeal Site is extremely localised – the ZPV, being an area where views of the Appeal Proposals would be close-ranging and open, whether in the public or private domain, on foot, cycling or in a vehicle.
- 3.37 In addition to this photography, I provide a number of wirelines of the Appeal Proposals, showing the massing of the development parameters in typical views from the local context (refer to **Appendix BC 1**). These have been provided to illustrate the typical viewing experience from within the local and wider landscape context, to consider whether the Appeal Proposals “*would cause undue visual intrusion into the open countryside, fundamentally changing these parcels of open arable land, creating a prominent urban built form, inconsistent with local character, which would be readily visible from within the surrounding public domain*” as set out within the Council’s SoC (paragraph 3.15) (**CD:8.2**).
- 3.38 Following my own appraisal of the Appeal Site and its context, I consider the key viewing experiences within the local context to be those from Warwick Road and those from PRoWs for receptors moving between Banbury and Hanwell. I do however also provide commentary on wider views, including those from PRoWs within the landscape to the south-east, and also those further north-east towards Little Bourton.

From Warwick Road

- 3.39 For the most part, views from Warwick Road are generally contained to the immediate context by mature tree cover. For receptors travelling north, views across the Appeal Site are only possible at the south-western corner of the site. Beyond this point, views are more open, though generally curtailed by mature tree cover to medium distance views only, including trees on Gullicotte Lane which prevent views further east. In summer months, there is limited appreciation of Hanwell in these views as mature tree cover prevents any clear views of existing built form. However, during winter, there may be some glimpses of existing properties such that the separation between Banbury and Hanwell would be seen in transient views, and for receptors travelling at the national speed limit.

- 3.40 The experience is similar for receptors travelling south, though during winter months, as illustrated within the photography included within the LVA generally, there may be some increased visibility of the northern edge of Banbury such that the proximity to the urban edge would be apparent and the receptor susceptibility would be reduced.

From PRowS within the Local Context

- 3.41 A number of PRowS either cross the Appeal Site or run along its boundary. As such, it is inevitable that views of it, and any change within it, would be seen.
- 3.42 For receptors travelling south from Hanwell, open views are experienced from the edge of Hanwell; I have not identified any views from within the core of the village that experience the landscape between Hanwell and Banbury. From the southern edge of the village, the character of views is largely rural, though the edge of Banbury can be seen in winter months, such that the character of these views is not absent of built form. Trees along Gullicotte Lane provide some visual screening to Banbury, more so during summer months, curtailing views to medium distance views only. Local topography slopes down to the east and draws the eye to a longer view which is framed by blocks of woodland.
- 3.43 For receptors travelling north along PRow 239/7/20, there is also a limited sense of buildings within Hanwell during summer months, though views are possible during winter. In these views, Gullicotte Lane also provides a relatively dense visual screen to Parcel A.
- 3.44 For receptors travelling along Gullicotte Lane itself, views are generally contained to the immediate setting by dense vegetation, though views are possible where breaks in vegetation occur.
- 3.45 In consideration of the viewing experiences within the local context, noting that I do not consider the Appeal Site itself to exhibit demonstrable physical attributes taking it beyond mere countryside, I have not found any views in which the Appeal Site would be considered to be visually prominent, as set out within the Council's SoC (paragraph 3.16) (**CD:8.2**).

SUMMARY IN RESPECT OF THE LANDSCAPE AND VISUAL BASELINE

- 3.46 With regards to the landscape and visual context of the Appeal Site, the key points on which I draw later in my evidence in relation to the Appeal Site are:
- The Appeal Site is undesignated in landscape, ecological and heritage terms;
 - The Appeal Site does not form a prominent or important part of the appreciation of the wider landscape. In fact, the Appeal Site is seen as having limited interest and is barely perceptible in views from within the surrounding context;
 - I do not consider the Appeal Site to be visually prominent in any views beyond its immediate context;
 - Views of the Appeal Site are generally only perceived by receptors passing along a relatively busy road (Warwick Road), which passes the western boundary of the Appeal Site, and also from a PRow within the immediate context;

- It is agreed that the Appeal Site is not a valued landscape under the provisions of the NPPF; paragraph 180;
- I consider Parcel A of the Appeal Site and its context to exhibit a medium overall sensitivity to development, and Parcel B to exhibit a high sensitivity to development; and
- I consider Parcel A to exhibit few features of the wider LCT, though land to the east of Gullicotte Lane in Parcel B is more open and has a greater relationship with the wider landscape context.

Section 4

Analysis of the Issues

ASSESSING LANDSCAPE CHANGE - SOME FUNDAMENTALS

- 4.1 All residential development on ‘greenfield’ land, such as the Appeal Site, involves a change to the Appeal Site itself. All too often this change is assessed predominantly (or even exclusively) in terms of ‘what we see’, focusing on loss of openness and change to visual character, which is presumed harmful where development replaces open space. I accept that there will be both loss of open character and some change to visual character (and correspondingly, harm to those dimensions of landscape).
- 4.2 The concept of ‘landscape’, however, embraces much more than its open character and appearance. The European Landscape Convention (ELC), to which the UK is a signatory, defines landscape thus:
- *“Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors”.*
- 4.3 The GLVIA3 (**CD:13.13**), paragraph 2.4, reminds us that the importance of the ELC definition is that it:
- “...moves beyond the idea that landscape is only a matter of aesthetics and visual amenity”.*
- 4.4 Landscape assessment requires that proposed changes are assessed holistically in two important respects:
- First, in terms of all dimensions of the landscape resource. Those other dimensions include whether the site has historical or cultural relevance, its habitats, its landscape fabric and its long-term management. Frequently we find that loss of openness and change to visual character are counterbalanced by neutral or even positive impacts on other dimensions of the landscape resource (such as enhancements to biodiversity, or mitigation of existing built form); and
 - Second, by recognising that the landscape is not just the open land beyond the settlement boundary (on which published landscape character assessments usually focus) but includes the settlements themselves. This affects the assessment of whether the ‘change’ brought about by a development proposal is appropriate with regards to the landscape and/or settlement edge context.

ISSUE 1: IS THE DESIGN OF THE APPEAL PROPOSALS APPROPRIATELY CONCEIVED AND RESPONSIVE TO ITS CONTEXT?

- 4.5 In order to consider the effects arising from the Appeal Proposals, with reference to my review of the landscape and visual baseline of the Appeal Site and its context, I consider below the design of the proposals and whether it is appropriately conceived and responsive to its context.

The Appeal Proposals: Design and Effects on Landscape Fabric

- 4.6 Related to the appropriateness of the Appeal Site in a spatial sense is the matter of whether, having identified the Appeal Site, the proposals for it have been handled sensitively and appropriately.
- 4.7 A key to the consideration of the Appeal Proposals being ‘sustainable’ (NPPF; paragraph 8), is whether the proposed masterplan is well-conceived and appropriate to its context. In this regard, I discuss below the reasons why I find the scheme responsive to its context.
- 4.8 In line with acknowledged best practice, the masterplan employs the natural infrastructure of the Appeal Site as a framework for the proposals; the masterplan option seeks to retain the best of the existing natural features in line with adopted policy and enables the provision of a large area of Green Infrastructure within the northern areas, which would assist in mitigating the transition from built form to open countryside, and also the transition from the perceived edge of Banbury to Hanwell.
- 4.9 A useful starting point are the landscape strategy guidelines for both the Farmland Plateau LT. Section 6 of the LVA (**CD:1.4/TA7.1**) provided the overall landscape strategy for the Appeal Proposals and identified landscape mitigation and landscape enhancement measures. I consider these below against the guidelines for the Farmland Plateau LT.

Farmland Plateau LT

- “Conserve the open, spacious character of the landscape by limiting woodland planting on the more exposed ridge tops. Locate new planting in the dips and folds of the landscape and establish tree belts around airfields, quarries and other large structures to reduce their visual impact using locally characteristic native tree and shrub species such as ash, oak and beech” – I do not consider Parcel A to contribute to the ‘more exposed ridgetops’, owing to the enclosure created by mature tree cover at the site boundaries. The Appeal Proposals correctly propose built form on land with a limited relationship with the wider landscape context;
- “Strengthen the field pattern by planting up gappy hedges using locally characteristic species such as hawthorn and blackthorn” – As set out within the LVA (paragraph 6.3) any hedgerow loss “would be aptly compensated for across the development proposal through the addition of new tree and shrub planting within areas of POS and reinforcement of other boundary vegetation around the site’s extents”;
- “Promote environmentally sensitive maintenance of hedgerows, including coppicing and layering, when necessary, to maintain a height and width appropriate to the landscape type” - As above, I consider the landscape proposals to be in accordance with this guidance;
- “Protect stone walls from deterioration” – The Appeal Proposals do not require the removal of any stone walls;
- “Conserve all remaining areas of semi-improved and unimproved grassland and encourage conversion of arable to pasture” - The Appeal Site is currently arable and does not contribute to areas of semi-improved and unimproved grassland;

- *“Maintain the sparsely settled rural character of the landscape by concentrating new development in and around existing settlements. The exposed character of the plateau is particularly sensitive to visually intrusive development, large buildings and communication masts”* – As above, I do not consider Parcel A to contribute to the ‘exposed’ character of the plateau;
- *“Promote the use of local building materials, such as limestone and ironstone, and a scale of development appropriate to landscape type”* – The Appeal Proposals have clearly been informed by a landscape-led approach, and I consider that the scale of the proposals have rightly been reduced, with limited built form to the southern half of Parcel A, and generous public open space to the north and in Parcel B; and
- *“Encourage appropriate restoration and after use of quarries to strengthen and enhance landscape character”* - The Appeal Proposals would have no effect on this key characteristic.

4.10 In respect of local constraints and opportunities, the LVA set out the overall landscape strategy at paragraph 6.3, setting out the strategy, mitigation measures and proposed landscape enhancements within the Appeal Site. Importantly, the built elements of the Appeal Proposals are contained within Parcel A, with only public open space, timber-based play equipment and new landscape features proposed within Parcel B. Notably, the Council’s independent review of the LVA stated that the change within Parcel B would result in the (paragraph 4.6) *“introduction of the elements described above will tend to visually merge Parcel B with the surrounding woodland and hedgerows and render it all but indiscernible”*. With regards to Parcel A, the MCA review stated that (paragraph 4.7) *“The development proposals also include an outline landscape strategy for the built-up area in Parcel A which will serve to create an attractive and sustainable residential development...”*.

The Landscape Strategy

4.11 It is clear from the Illustrative Landscape Strategy and Design and Access Statement (DAS) (**CD:1.8**) accompanying the application that, overall, with consideration of the mitigation measures proposed, this is a well-designed proposal that is responsive to its context. The Appellant has put forward an illustrative masterplan option to consider how development could come forward within the Appeal Site, reducing the effects of the proposals on the landscape resource and positively contributing to the character of the local context.

4.12 Section 6 of the LVA (**CD:1.4/TA7.1**) sets out the overall landscape strategy for the Appeal Proposals, though I provide my own commentary below:

- The retention of the existing landscape fabric: Save for site access, existing boundary hedgerows and trees will be conserved, reinforced and brought into regular management. Access across Gullicotte Lane will be limited to the existing PRoW routes, such that tree cover along the lane can be retained and enhanced – and is in line with the guidelines for the CLSA. This would protect the visual amenity and landscape character along Gullicotte Lane, would respect the transition to the more open landscape context to the north-east, and would also retain commuting and foraging opportunities for protected species. At the western boundary, a short section of well-maintained low-quality hedgerow would be removed to facilitate access from

Warwick Road (namely H2 (**CD:1.4/TA7.2**)), though further planting opportunities within the Appeal Site would compensate for this loss;

- New built form has been proposed only within Parcel A, in response to the more open character of Parcel B and its greater relationship with the wider landscape context;
- Within Parcel A, the Appeal Proposals have been pulled south in order to maintain a sense of separation - this strategy accords with the guidelines and recommendations of the CLSA. Furthermore, the development frontage on Warwick Road has been reduced, maintaining a line of sight towards Hanwell and increasing the perceived separation from Banbury;
- Within Parcel B, the Appeal Proposals are limited to the delivery of new public open space, with (LVA, paragraph 6.3) *“informal development features (attenuation basin and natural play facilities (NEAP/LEAP)) to retain the open, green rolling character of the landscape to the east of Gullicotte Lane and limit the appearance of development encroachment beyond the Lane’s course when viewed from the east”*;
- All PRoWs have been incorporated within the Appeal Proposals. Furthermore, new routes are provided to the north of proposed built form within Parcel A and particularly within Parcel B where new public open space would enable the appreciation of the open, rolling character within the wider landscape context; and
- New landscape features within Parcel B would provide a beneficial contribution to the landscape context of the Farmland Plateau LT and would give rise to significant ecological benefits. This is acknowledged within the Council’s own independent review of the LVA (**CD:1.4/TA7.1**) which stated that (paragraph 4.6) *“The retention of Parcel B in its entirety and the introduction of new trees and woodland planting, wild-flower meadows and attenuation basins will have a very significant positive impact on biodiversity over the baseline arable field condition. Parcel B is currently visible in distant views from vantage points to the east such as Hardwick Hill Cemetery, but the introduction of the elements described above will tend to visually merge Parcel B with the surrounding woodland and hedgerows and render it all but indiscernible”*.

4.13 I concur with the final conclusions of the MCA review (**CD:3.12**) in that (paragraph 8.4) *“The development proposals for the site have demonstrably been influenced by the LVA”*.

Cherwell Landscape Sensitivity Assessment

4.14 For completeness, I provide further comment on the more recent guidance for development within this context below, that being provided within the CLSA (**CD:6.3**). The CLSA provided a number of ‘guidance and recommendations’ for new development which, although untested at this stage, provides some guidance on development in this location. This included that development should (with my commentary):

- *“Retain the pattern of hedgerows and hedgerow trees”*. I concur with the LVA (paragraph 6.3) that, as the focus of residential built form has rightly been contained within the western field parcel (Parcel A), this *“ensures that minimal loss of boundary vegetation would occur, with only a small section of boundary hedgerow alongside*

Warwick Road required for removal in order to facilitate access into the site. This loss of hedgerow would be aptly compensated for across the development proposal through the addition of new tree and shrub planting within areas of POS and reinforcement of other boundary vegetation around the site's extents"; and

- *"Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials and landscape mitigation to enhance sense of place". I consider that the Appeal Proposals have been designed appropriately and in response to the local context. Notably, the delivery of new tree planting at the northern edge of proposed built form serves to both protect and enhance local landscape character, maintaining a 'sense of settlement separation between Banbury and Hanwell' in response to the identified key sensitivities of this land parcel. This is confirmed at paragraph 6.3 of the LVA, which states that the "Proposed development has been 'pulled' south within Parcel A, as far away from the northern boundary as possible, in order to retain a separation between new development edge and the settlement of Hanwell (and its associated CA). This separation is reinforced through the addition of woodland copses and strengthened northern boundary vegetation which reflects the well treed character of this ridgeline between the two settlements, and limits visual and physical connectivity between new properties and the historic core of Hanwell".*

- 4.15 Importantly, through the removal of Policy ESD 15: Green Boundaries to Growth, the separation between Banbury and Hanwell is not defined anywhere. As set out within the findings of the CLSA, the sensitivity of the host landscape parcel to 3-storey development is low-moderate and which is defined by the CLSA that *"Few of the key characteristics and qualities of the landscape are sensitive to change. There is potential to accommodate the development scenario"*. The question is not whether there would be any physical reduction in the separation between the settlements but, as set out within the guidance within the CLSA, whether there would be harm to the sense of separation between them.
- 4.16 Through the provision of new public open space, new tree planting would serve to reinforce the landscape structure immediately to the north and maintain a physical and perceptual separation with Hanwell. Importantly, whilst the development would evidently impact openness at the site level, when the proposals are viewed in the context of the wider landscape, there remains an open character to the north of Banbury with built development (including the Appeal Proposals) appearing spatially appropriate in scale and form given current development patterns and the existing character of the settlement.
- 4.17 Though it is acknowledged that the landscape proposals are illustrative and not for determination, I consider that the Appeal Proposals would accord with the thrust of paragraph 180b of the NPPF in landscape and visual terms and would be sympathetic to local character.

Policy Banbury 5: North of Hanwell Fields

- 4.18 Policy Banbury 5 allocates land to the south of the Appeal Site for development within the adopted Local Plan (Part 1). Within it, policy text sets out a number of ‘specific design and place shaping principles’ that have some relevance here. With regards to the landscape context, this includes that development should (Inter alia):
- Be designed “*with consideration to the landscape setting and well-integrated with the adjacent residential area*”;
 - Provide “*A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities*”;
 - Provide a “*well designed, ‘soft’ approach to the urban edge, which integrates with the design and layout of the Hanwell Fields development and which respects the rural, gateway setting*”;
 - Include the “*a green buffer between the site and Hanwell village*”;
 - Be “*Development that retains and enhances significant landscape features (e.g. hedgerows) which are or may be of ecological value; and where possible introduces new features*”; and
 - Include the “*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*”.
- 4.19 Having reviewed the Appeal Site and the Appeal Proposals, I consider that each of the above policy requirements have been addressed, and that the key landscape sensitivities have been addressed.

Conclusions in Respect of Issue 1: Is the Design of the Appeal Proposals Appropriately Conceived and Responsive to its Context?

- 4.20 Any development on greenfield land results in a change to land that is currently open. This is not a reason in and of itself to refuse permission, with the character of the land, and the type of development proposed, critical to determining the acceptability of the suggested change. I find the Appeal Proposals have been designed to retain the existing mature landscape fabric which, alongside the provision of over 50% of the Appeal Site as new public open space, would serve to maintain a sense of separation between Banbury and Hanwell.
- 4.21 With regards to Parcel A, it is noteworthy that the Council’s own study, the CLSA, identifies that “*Few of the key characteristics and qualities of the landscape are sensitive to change*” and that “*There is potential to accommodate the development scenario*”. Importantly, the development scenario considered by the CLSA was one of 3 storeys, not 2 storeys as proposed by the Appeal Proposals, which I consider to be more appropriate here.
- 4.22 In containing built form within Parcel A, I consider that the Appeal Proposals have been designed appropriately and in response to the local context. Notably, the delivery of new

tree planting at the northern edge of proposed built form serves to both protect and enhance local landscape character. Accordingly, I consider that the Appeal Proposals would accord with the thrust of the NPPF in landscape and visual terms and would be sympathetic to local character.

ISSUE 2: WOULD THE PROPOSED DEVELOPMENT RESULT IN A 'DIRECT RISK OF COALESCENCE BETWEEN BANBURY AND HANWELL'?

Views from the PRoW Network

Views from Banbury

- 4.23 In views from PRoW No. 191/6/30 which crosses the Appeal Site, while the immediate context is agricultural, there are filtered views of Hanwell, such that the separation between the two settlements can be appreciated. **Image EDP 4.1** below represents a view from the southern edge of Parcel A, with **Image EDP 4.2** illustrating a view from the south-western corner of Parcel B. In both views, built form within Hanwell can be seen, though not necessarily being a prominent element in the view.
- 4.24 Within Parcel A, views of Hanwell are lost as receptors move close to, and along, Gullicotte Lane, almost until reaching the immediate edge of the village. However, for PRoW users on PRoW Nos. 239/6/10 and 239/7/10 which lie within the open land to the north of Parcel B, views again become more open with a greater appreciation of the landscape to the east and with some glimpsed views of buildings within Hanwell, including the core of the village and St Peter's Church.
- 4.25 The change proposed within Parcel A would not give rise to any new viewing opportunities of Hanwell, though the introduction of new public open space within Parcel B would result in a positive change through new viewing opportunities of Hanwell from what is currently privately owned agricultural land, remaining separated by an arable field parcel.



Image EDP 4.1: There are some glimpses of buildings within Hanwell from the southern boundary of Parcel A.



Image EDP 4.2: From the south-western corner of Parcel B, the core of Hanwell can be seen, including St Peter's Church (this is recorded from currently private land).

Views from Hanwell

- 4.26 The LVA considered the visual amenity of receptors travelling along Gullicotte Lane (Photoviewpoints EDP 3 and 4), which is not a formal PRoW, and also for PRoW users (Photoviewpoints EDP 5 and 6).
- 4.27 With regards to Gullicotte Lane, the LVA describes that there are (paragraph 5.11) “*clear views across Parcel A once beyond the buildings of Park farm*”. For the most part, views

from the northern end of Gullicotte Lane are enclosed by existing residential dwellings, with mature tree cover then lining the track which prevents any wider views for receptors as they move towards Park Farm. I would agree with the LVA that the view of the site, and any appreciation of built form within it, would only be experienced from the south of Park Farm. At this point, with the more open views being illustrated by **Image EDP 4.3** below, receptors are within approximately 50m of the Appeal Site boundary. In these views, the Appeal Proposals (which for ease I include at **Appendix BC 6**), have not only set the north edge of any built form well back from the boundary, but also proposed new woodland planting which would, in the long term, maintain the well-enclosed character of Gullicotte Lane. New tree or woodland planting would not restrict any longer views or the appreciation of the wider landscape context to the north-west of Banbury.



Image EDP 4.3: Open views from Gullicotte Lane are only experienced from the south of Park Farm (This view is recorded from a private trackway).

- 4.28 For receptors walking towards Banbury from PRowS in the vicinity of St Peter's Church, the LVA describes that (paragraph 5.13):

"receptors travelling along this route pass through a large-scale arable landscape with fields subdivided by outgrown hedgerow with trees which cumulate to provide a feeling of containment when looking to the south-west and west in particular. Views from this route to the east, as a result of the easterly sloping topography, are more open in character with more extensive views to the opposite valley side in this direction. Despite the proximity of this route to the site, Parcel A and the large agricultural buildings associated with Park Farm are heavily filtered from view by the presence of tree belts alongside Gullicotte Lane".

- 4.29 In views from PRow Nos. 239/6/10, 239/7/10 and 239/8/20, the outline of properties within the northern edge of Banbury are already visible and, as such, the introduction of new built form beyond Gullicotte Lane would not necessarily be seen as an entirely new characteristic. Furthermore, it was identified within the MCA review (**CD:6.3**, page 40) that *"the existing screen on the southern boundary of Parcel A should not be a model for the proposed parkland/woodland/meadow character of the site"*. I would agree that linear

visual screens such as the southern boundary of the Appeal Site are not necessarily a positive attribute of local landscape character.

- 4.30 Currently, in views from these PRoWs, there is no perception of the physical distance between Banbury and Hanwell to the north of Gullicotte Lane. The introduction of built form within Parcel A would not introduce a new characteristic here, in that Banbury can already be seen (refer to **Images EDP 4.4** and **4.5**), and there may be some heavily filtered views of built form. It is noteworthy that the MCA review (**CD:6.3**) states that (page 35) “...users of PRoW 239/7/10 will be protected from the perception that the gap between Banbury and Hanwell has been compromised...”. As such, it is therefore the case that any appreciation of the reduction in the physical separation between Banbury and Hanwell would only be experienced from Gullicotte Lane, by receptors using a private trackway. While there may be some very minor glimpsed views of newly built form here, I do not consider this to be a detractor to the enjoyment of the more open countryside within this location; that being an appreciation of the open land further east towards Southam Road and the M40.
- 4.31 It is noteworthy that as receptors move along PRoW Nos. 239/6/10, 239/7/10 and 239/8/20, there would be a greater appreciation of the change proposed within Parcel B. However, I consider that the change from private agricultural land to new public open space would give rise to some positive change, in that the provision of large areas of public open space and new landscape features as part of the proposed development would result in there being many more new views towards the wider landscape context.



Image EDP 4.4: In winter months, the outline of properties within Banbury can already be seen. There is no perception of the distance between Banbury and Hanwell to the west of Gullicotte Lane in these views.



Image EDP 4.5: Mature tree cover on Gullicotte Lane prevents any clear appreciation of Parcel A. Parcel B can be seen through more open vegetation, with the outline of properties at the northern edge of Banbury also being seen.

Views from Warwick Road

- 4.32 For receptors travelling north, the hedgerow on the western boundary of Parcel A is now quite tall (see **Image EDP 4.6** below), such that there is no perception of Hanwell until you get beyond the Appeal Site. At the north-western corner of the Appeal Site, views from Warwick Road are possible, though Hanwell is seen to be set within a well-treed context, with Park Farm contributing to the agricultural character of the land between Banbury and Hanwell.
- 4.33 For receptors travelling south (refer to **Image EDP 4.7**), views from Warwick Road are more open due to the eastern roadside hedgerow being well-maintained and quite low. The LVA (**CD:1.4/TA7.1**) describes that (paragraph 5.20) there is a “...clarity of views available across Parcel A towards the tree belted northern edge of Hanwell Fields. The view also demonstrates the close proximity between the settlement of Hanwell (the southern extent of which is defined by the residential farm buildings of Park Farm), the site and the existing northern boundary of Banbury. Views of Parcel B are screened by the presence of vegetation associated with Gullicotte Lane”. The Appeal Proposals do not extend built form to the northern boundary of Parcel A, purposefully setting back any built form and proposing new public open space with new tree and woodland planting to address the transition to open countryside, and ultimately to prevent any perception that Banbury and Hanwell have merged.



Image EDP 4.6: The western boundary of the Appeal Site is such that there are no views of Hanwell from Warwick Road where it runs alongside the Appeal Site boundary.



Image EDP 4.7: For receptors travelling south, views are more open due to a well-maintained roadside hedgerow. In this view, Park Farm is seen to contribute to the agricultural character of land between Hanwell and the Appeal Site.

Conclusions in Respect of Issue 2: Would the Proposed Development Result in a ‘Direct Risk of Coalescence Between Banbury and Hanwell’?

- 4.34 I have examined the viewing experiences for receptors within the Appeal Site’s local context and I have found that there would remain a sense of separation between the two

settlements, as required by the guidelines set out within the CLSA. I concur with the conclusions of the LVA (**CD:1.4/TA7.1**) (paragraph 8.5) in that:

“it is considered that the Concept Masterplan for the site has been sensitively designed through a landscape led approach to address concerns of the site in relation to landscape and visual amenity matters, the presence of the nearby Conservation Area and coalescence concerns between Banbury and Hanwell to ensure that the scale, form and appearance of the development would reflect and enhance the positive characteristics of the site’s local context”.

4.35 In summary:

- There are no views from the wider context where Banbury and Hanwell would be seen to merge. This is as a result of mature tree cover on Gullicotte Lane serving to prevent material views of any change from the landscape to the east, including from PRow Nos. 239/6/10 and 239/7/10, as confirmed by the MCA review;
- A notable change to the sense of separation between settlements would be limited to Gullicotte Lane, which is not a formal PRow, and specifically for receptors to the south of Park Farm, which itself contributes to the character of the remaining land as being rural. In responding to this constraint, the Appeal Proposals set the north edge of any built form well back from the boundary, and also proposed new woodland planting which would, in the long term, maintain the generally well-enclosed character of Gullicotte Lane;
- In views from Parcel B, due to the Appeal Proposals incorporating new public open space, the Appeal Proposals would result in there being many more new viewing opportunities of the core of Hanwell, with an arable field parcel between;
- Mature tree cover on Main Street results in there being very limited, if any, viewing opportunities of the Appeal Site; and
- The introduction of built form within the Appeal Site would be apparent in views from Warwick Road. Importantly, though there would be a perceptible change, I consider that there would remain a sense of separation between Banbury and Hanwell through the delivery of a large portion of Parcel A as public open space. The Appeal Proposals would, rightly so, be perceived as an addition to Banbury rather than Hanwell and there would remain a sense of separation, physically and visually, between the two settlements.

ISSUE 3: THE DEGREE TO WHICH THE APPEAL PROPOSALS WOULD HAVE AN ADVERSE EFFECT ON THE LANDSCAPE ON THE CHARACTER AND APPEARANCE OF THE COUNTRYSIDE, AND WHETHER IT WOULD BE BEING INCONSISTENT WITH THE LOCAL CHARACTER, TO THE DETRIMENT OF THE RURAL LANDSCAPE AND THE IDENTITY AND INDIVIDUALITY OF HANWELL VILLAGE??

4.36 Based upon the assertions made within the RfRs and the Council’s SoC, it is necessary for me to consider the extent to which the Appeal Proposals affect the existing landscape

character of the Appeal Site and its context (including its features, topography, open character of the area) and also landscape character more widely to consider how development on the Appeal Site might encroach into the countryside. I consider these are all aspects which contribute to the intrinsic character referenced within the RfRs and, in particular, the sense of separation between Banbury and Hanwell.

- 4.37 In this section, I will assess the predicted effects on landscape character and visual amenity, using the same thresholds for magnitude, sensitivity and significance as the LVA (refer to **Appendix BC 5**). Professional judgement is an important part of the assessment process; it is neither 'pro' nor 'anti' development but acknowledges that development may result in beneficial change as well as landscape harm. The assessment also takes account of the likely effectiveness of any proposed mitigation.
- 4.38 With regards to the predicted effects, I summarise these below in line with the different temporal stages of construction, Year 1 and Year 15. In broad terms, these are consistent with the long-term effects (those at year 15) set out in the LVA (**CD:1.4/TA7.1**) in Section 7, paragraphs 7.2 to 7.43.

The Effects of the Appeal Proposals on the Character and Appearance of the Countryside

- 4.39 I examined the character of the Appeal Site and its context earlier in my evidence and ascribed it a medium to high sensitivity in landscape terms, with the sensitivity different for Parcels A and B.
- 4.40 Effects upon landscape features are set out in the LVA (**CD:1.4/TA7.1**) at Section 7. The LVA concludes adverse effects on all of these receptors (at all temporal stages), with effects of a high magnitude of change applying across the Appeal Site as a whole. Notably, given that proposed built form is limited to Parcel A only, I do not consider that this high magnitude of change applies for Parcel B.
- 4.41 Overall, whilst I would concur with the effects in broad terms, the extensive planting and retention of most valuable trees would more than offset the small loss arising from the creation of the new site access, and in the longer term there would be a beneficial impact, likely at a moderate level upon the landscape fabric of Parcel B.
- 4.42 As set out within EDP's Ecological Appraisal (**CD:1.10**) the Appeal Proposals are able to demonstrate a significant Biodiversity Net Gain (BNG), achieving a gain of 10.04 Habitat Units (+39.90%) and 1.10 for Hedgerow Units (+10.83%).
- 4.43 With regards to the predicted effects, I summarise these in **Table EDP 4.1** below in line with the different temporal stages of construction, Year 1 and Year 15. Where there is the ability to compare the effects, with the exception of a reduction in the effects arising from the Appeal Proposals within Parcel B, these are broadly consistent with the effects set out in the LVA.

Table EDP 4.1: Landscape Effects

Receptor	LVA	BC Review
Parcel A: The Appeal Site and its Context LVA: Medium-High Sensitivity BC: Medium Sensitivity	Year 1	
	Magnitude: High	Magnitude: High
	Effect: Major/Moderate to Moderate	Effect: Moderate
	Year 15	
	Magnitude: Medium	Magnitude: Medium
	Effect: Major/Moderate to Moderate	Effect: Moderate
Parcel B: The Appeal Site and its Context LVA: High Sensitivity BC: High Sensitivity	Year 1	
	Magnitude: High	Magnitude: Low
	Effect: Major/Moderate	Effect: Moderate/Minor
	Year 15	
	Magnitude: Medium	Magnitude: Low
	Effect: Moderate	Effect: Moderate/Minor
Farmland Plateau Landscape Type LVA: Medium Sensitivity BC: Medium Sensitivity	Year 1	
	Magnitude: Low	Magnitude: Low
	Effect: Minor	Effect: Minor
	Year 15	
	Magnitude: Low	Magnitude: Low
	Effect: Minor	Effect: Minor

4.44 Within the Appeal Site itself there will be an alteration to some characteristics (e.g. land use) and some limited alteration to landscape features (e.g. at the site entrance). The proposed development will introduce residential development into an agricultural field, changing the principal character of the Appeal Site. However, those landscape features considered to have the highest value, such as the boundary trees and hedgerows, will be substantially retained and enhanced where possible and as appropriate within the proposed landscaping enhancements.

4.45 The proposals will impact some facets of landscape character more than others. The impact on local open character will be more strongly experienced than factors relating to either hydrology or topography, for example. Whilst it is an inevitable consequence of development that visual character at the site level is changed, particularly within Parcel A, I consider the changes to visual openness as a result of the Appeal Proposals, to be acceptable for the following reasons:

- The Appeal Site does not form part of any important catalogued views from, or within, the local area. The Appeal Site is proximate and relates to the adjacent settlement edge, is largely typical of the wider landscape character, and relatively unremarkable as a result;
- The Appeal Site is of course visible as an ‘open’ parcel of agricultural land by those using PRoWs within the immediate context of the Appeal Site, but I do not consider for these receptors that this reflects anything more than a typical (albeit pleasant) view

across the open agricultural land to the north-east of Banbury. Views from Parcel B are certainly more open, and would remain so, with the introduction of new viewing opportunities as private agricultural land is converted to publicly accessible open space;

- The Appeal Site does not form a prominent part of the appreciation of the wider landscape for any receptors, as detailed above. The photoviewpoints provided as part of the original application and the appeal confirm that there are geographically limited views of the site from adjacent areas, which helps contain landscape effects;
- Once developed, the openness of the Appeal Site will of course be partially lost, but it does not to my mind perform an important role in a landscape character sense by simply being open and at the current settlement edge - it is not a demonstrable physical attribute identified as valuable, otherwise such elevated status would apply to the majority of the open agricultural landscapes of the UK at the edge of settlements; and
- The other factor of importance is the proposed mitigation, as illustrated at **Appendix BC 6**. I consider that the proposals (including embedded factors) provide an excellent response to the site characteristics and context. By helping to integrate the development through additional planting along boundaries, and through the creation of publicly accessible routes, the resulting impacts on site character are moderated to some degree.

4.46 It is an inevitable consequence of greenfield development that the change from (in this case) an open agricultural field, to residential development and associated features, will result in a conflict with the prevailing characteristics of the Appeal Site and a loss of some open character at the site level. The critical point to note is that this does not necessarily mean there will be a significantly adverse change to the prevailing characteristics of the Appeal Site's immediate surroundings or wider context, or that these changes are unacceptable.

4.47 When defining a level of effect over a 15-year timeframe (and indeed longer), it is a case of attempting to define an effect at a period in the future when the baseline (i.e. the status quo) will be some time in the past. On this basis, the effect will evidently be less stark (but there will still be a change), and the development will have been further integrated into its context.

4.48 On this basis, the precise level of effect is really only a guide to quantify effects, acknowledging the limited wider change to the landscape resource. I would expect the development within Parcel A to continue to reflect a "*noticeable alteration to a few of the key characteristics of the baseline landscape resource*" and, within Parcel B, an effect that would result in the "*slight alteration to some of the key characteristics of the landscape resource*".

4.49 The effect does not represent harm to all dimensions of the landscape resource:

- This harm needs to be considered to be offset to a degree by gains in other dimensions of landscape, i.e. significant gains to the fabric of the landscape (a net gain in tree numbers and hedgerows), public access, play provision, etc.; and

- Regard also needs to be given to the fact that landscape is more than ‘what we see’ - in this respect, the harm caused by the change of character of the Appeal Site is reduced when weighed against other dimensions of the landscape resource. Any residual harm needs also to be weighed against the benefits of the scheme in other respects and that balance is undertaken in the evidence of Mr David Murray-Cox.

4.50 In summarising, I acknowledge that the proposed change from open agricultural land to residential development will inevitably (and unavoidably) alter the character of the Appeal Site, with the highest adverse effects being contained within Parcel A, and would result in harm at the local level to a limited number of facets of the landscape resource. This is the case for all greenfield development sites and proposals thereon.

4.51 The Appeal Site, and the scale, character and appearance of the proposals are not unique in this respect, and I find that the proposals have taken account of the underlying landscape context, and key constraints facing the Appeal Site, in an effective and logical manner.

Effects Upon the Site's Immediate Surroundings

4.52 The area immediately surrounding the Appeal Site will be subject to the greatest indirect change to the published LT. However, given the screening effects of mature trees on Gullicotte Lane, the geographical extent of these effects would be extremely localised.

The Effects of the Appeal Proposals on the Visual Amenity

4.53 In the wider context, I would agree with the LVA (**CD:1.4/TA7.1**) that the effects arising from the Appeal Proposals (paragraph 8.7) *“are found to be localised, generally limited to receptors within 350m of the site’s boundary, as a result of the landscape led approach to scheme design and the focusing of residential built form within Parcel A”*.

4.54 Aside from some differences in professional judgement, I generally concur with the conclusions made in respect of effects upon these receptors in the LVA. On this basis, I do not repeat full assessments here, but make a number of more general observations, which align with the opinions expressed in the LVA and from my own review of the threshold of visual effects in **Table EDP 4.2**.

4.55 Elevated visual effects arising from the proposed development would be limited in both extent and the number of receptors affected. This is largely as presented on the visual appraisal plan which accompanied the application (LVA Figure 7.4), though I consider the ZPV to be more enclosed than that presented by the LVA (refer to my **Proof Plan BC 1**) owing to the enclosure created by mature tree cover within the local context which limits any material effects in the wider context.

4.56 The design and form of the development and its associated mitigation has been a primary focus from the outset and helps considerably in limiting local change and visual impact. By focusing development only within Parcel A, and through the provision of focused mitigation as follows (and illustrated on the Illustrative Landscape Strategy appended at **Appendix BC 6**), the Appeal Proposals have clearly been guided by the landscape context:

1. The placement of built form only within Parcel A, and with a generous offset at the northern edge to maintain a sense of separation with Hanwell;

2. Retention and enhancement of existing hedgerow and trees within enhanced green corridors effectively containing the development parcel;
 3. Outward facing development provides natural surveillance of public open space areas and a sensitive rounding off to the new settlement edge;
 4. Reducing the development frontage with Warwick Road, creating a viewing corridor through new public open space within the proposals to further maintain the sense of separation with Hanwell;
 5. The creation of new public open space within Parcel B, creating new views of the wider landscape and enhancing the landscape fabric of the Appeal Site; and
 6. Particularly on the northern edge, incorporating tree planting within the development streetscape to provide a green aesthetic to new built form.
- 4.57 As shown on **Proof Plan BC 1**, the ZPV is limited, and I conclude elevated effects to be limited to the following receptors:
- For PRoW users or routes 191/6/30, Gullicotte Lane, and 239/6/10 where it runs in very close proximity to Parcel A. Here, while there is an appreciation of the more open land between Banbury and Hanwell, these routes provide onward connections through Banbury and Hanwell such that receptors are generally familiar with the urban context. Short term affects above moderate are predicted for these receptors, including PRoW users in closer proximity to Hanwell, though I consider this to arise primarily from taller construction activity and would not be present on completion of the proposals. In the longer term, effects of moderate or above are essentially limited to the Appeal Site boundary and, though the Appeal Proposals would bring development further north, there would only be an appreciation of this change from the south of Park Farm; and
 - For road users on Warwick Road, given the proximity of the receptor to the Appeal Site, it is somewhat inevitable that there would be elevated effects on these medium sensitivity receptors. I agree with the LVA (paragraph 7.26) that the magnitude of change for receptors in close proximity to the Appeal Site would be high, in that *“Additions are clearly noticeable, and part of the view would be fundamentally altered”*. This effect would be present for approximately a 600m stretch of Warwick Road, with effects reducing from the junction with Main Street which provides access to Hanwell. Here, the layering of the new landscape scheme is such that the proposed development would only be partly visible from this location, with new landscape features at the northern edge of the Appeal Site contributing to the sense of separation between Hanwell and Banbury.
- 4.58 Overall, the strong visual containment of the Appeal Site from the wider context is created by mature tree cover on Gullicotte Lane, aided by local topography, resulting in limited intervisibility with the surrounding landscape. I do not, therefore, consider the Appeal Site to be ‘prominent’ in the wider context and I do not consider that any specific views valued highly by the general public or essential to the appreciation of the area (in terms of openness or otherwise), would be unduly harmed by the Appeal Proposals.

- 4.59 In visual terms, as a consequence of intervening vegetation, mature woodland cover and local topography, I agree with the LVA which overall identified that only very limited intervisibility between the Appeal Site and publicly accessible areas (visual receptors) was available. To support this, I have provided wirelines to illustrate the parameters of the Appeal Proposals, as seen in typical views from the surrounding context (refer to **Appendix BC 1**).
- 4.60 Private views of the Appeal Proposals are likely to be limited to views from properties within the Appeal Site's immediate context, this being limited to a few properties at the western edge of Hanwell and by properties at the northern edge of Banbury, both with views most likely during winter months. Given the context of the Appeal Site, being enclosed by mature tree cover, I have not identified any locations where the Appeal Proposals would form an obvious or prominent element of a designed view from a property. As such, I do not consider that the Appeal Proposals would materially harm the residential visual amenity of properties within the local context.
- 4.61 To provide clarity on my own opinions, in respect of the level of effect at each viewpoint at Years 1 and 15, I have tabulated these below in **Table EDP 4.2**. My own assessment is based upon the Illustrative Landscape Strategy appended at **Appendix BC 6**. It can be seen that any long-term effects that are moderate or above are only experienced from Photoviewpoints 2, 3 and 8 – notably, as illustrated at LVA Figure 7.4 and **Proof Plan BC 1**, these locations are either immediately adjacent to, or in very close proximity to the Appeal Site boundary.

Table EDP 4.2: BC Summary of the Visual Effects of the Appeal Proposals

Photoviewpoint	Sensitivity (Representative Receptor Groups with Highest Sensitivity)	Magnitude of Change	BC Effect
Photoviewpoint 1: Year 1	Medium (PRoW Users)	Low	Minor Adverse
Photoviewpoint 1: Year 15	Medium (PRoW Users)	Low	Minor Adverse
Photoviewpoint 2: Year 1	High (PRoW Users)	Very High	Major Adverse
Photoviewpoint 2: Year 15	High (PRoW Users)	High	Major/Moderate Adverse
Photoviewpoint 3: Year 1	High (PRoW Users)	Very High	Major Adverse
Photoviewpoint 3: Year 15	High (PRoW Users)	High	Major/Moderate Adverse
Photoviewpoint 4: Year 1	Medium (Pedestrians)	Very Low	Minor/Negligible Adverse
Photoviewpoint 4: Year 15	Medium (Pedestrians)	Very Low	Minor/Negligible Adverse

Photoviewpoint	Sensitivity (Representative Receptor Groups with Highest Sensitivity)	Magnitude of Change	BC Effect
Photoviewpoint 5: Year 1	High (PRoW Users)	Medium	Moderate Adverse
Photoviewpoint 5: Year 15	High (PRoW Users)	Low	Moderate/Minor Adverse
Photoviewpoint 6: Year 1	High (PRoW Users)	Medium	Moderate Adverse
Photoviewpoint 6: Year 15	High (PRoW Users)	Low	Moderate/Minor Adverse
Photoviewpoint 7: Year 1	High (PRoW Users)	Low	Moderate/Minor Adverse
Photoviewpoint 7: Year 15	High (PRoW Users)	Low	Moderate/Minor Adverse
Photoviewpoint 8: Year 1	Medium (Road Users)	High	Moderate Adverse
Photoviewpoint 8: Year 15	Medium (Road Users)	High	Moderate Adverse
Photoviewpoint 9: Year 1	Medium (Road Users)	Medium	Moderate/Minor Adverse
Photoviewpoint 9: Year 15	Medium (Road Users)	Low	Minor Adverse
Photoviewpoint 10: Year 1	High (PRoW Users)	Very Low	Minor Adverse
Photoviewpoint 10: Year 15	High (PRoW Users)	Very Low	Minor Adverse
Photoviewpoint 11: Year 1	High (PRoW Users)	Very Low	Minor Adverse
Photoviewpoint 11: Year 15	High (PRoW Users)	Very Low	Minor Adverse
Photoviewpoint 12: Year 1	Medium (Visitors to local facilities)	Very Low	Minor/Negligible Adverse
Photoviewpoint 12: Year 15	Medium (Visitors to local facilities)	Very Low	Minor/Negligible Adverse
Photoviewpoint 13: Year 1	Low (Road Users)	Very Low	Negligible Adverse
Photoviewpoint 13: Year 15	Low (Road Users)	Very Low	Negligible Adverse
Photoviewpoint 14: Year 1	High (PRoW Users)	Very Low	Minor Adverse
Photoviewpoint 14: Year 15	High (PRoW Users)	Very Low	Minor Adverse

Photoviewpoint	Sensitivity (Representative Receptor Groups with Highest Sensitivity)	Magnitude of Change	BC Effect
Photoviewpoint 15: Year 1	High (PRoW Users)	Very Low	Minor Adverse
Photoviewpoint 15: Year 15	High (PRoW Users)	Very Low	Minor Adverse

Conclusions in Respect of Issue 3: Would the Appeal Proposals have an Adverse Effect on the Landscape on the Character and Appearance of the Countryside, Being Inconsistent with the Local Character, to the Detriment of the Rural Landscape and the Identity and Individuality of Hanwell Village?

- 4.62 In summary, I accept that the Appeal Proposals would be visible. However, I find that for any views in which the Appeal Proposals would be considered an identifiable component, this would be limited to a short section of a relatively busy road corridor, namely Warwick Road, and for receptors using PRoWs within the immediate context, in particular PRoW No. 191/6/30 which crosses Parcel A.
- 4.63 Ultimately, the Appeal Proposals would result in some adverse effects upon visual amenity and landscape character when experienced at a limited geographic scale – this is not unusual, or unexpected, for development at the settlement edge and should not be a reason for the development to be found to be unacceptable. The limited extent of receptors affected, the consistency with landscape development guidance detailed within the evidence base, and the very tight visual envelope of the proposals, results in only limited harm when considered as a whole.
- 4.64 I do not consider that any specific views valued highly by the general public or essential to the appreciation of the area (in terms of openness or otherwise), would be unduly harmed by the Appeal Proposals.
- 4.65 I do not consider that the Appeal Proposals are inappropriate in a spatial sense. Landscape and visual effects arising from the Appeal Proposals are limited, while the northward extension of Banbury, owing to the delivery of a suitable Green Infrastructure provision and mitigation measures within the northern areas of the Appeal Site, seems to me appropriate in scale while retaining the sense of separation between Banbury and Hanwell.

Section 5

Policy Compliance and Conclusions

- 5.1 This PoE addresses the matters raised in RfR 1 and RfR 2 of the Decision Notice together with CDC's SoC (**CD:8.2**).
- 5.2 It is clear from the Illustrative Landscape Strategy and Design and Access Statement (DAS) (**CD:1.8**) accompanying the application that, overall, with consideration of the mitigation measures proposed on land that is under the Appellant's control, this is a well-designed proposal that is commensurate with its size and location in this part of Banbury. The Appellant has put forward an illustrative masterplan option to consider how development could come forward within this Appeal Site, reducing the effects of the proposals on the landscape resource and positively contributing to the character of the local context through new woodland planting.

SUMMARY OF EFFECTS

- 5.3 I consider that the Appeal Site is technically unconstrained and undesignated in landscape terms and is not special enough to preclude development in principle.
- 5.4 Some harm to openness and rural character is unavoidable wherever a settlement extends onto open (agricultural) land. This harm needs to be weighed against benefits of the proposals in other respects. With respect to the impacts on visual openness and landscape harm, I do not consider that any specific views valued highly by the general public or essential to the appreciation of the area (in terms of openness or otherwise), would be unduly harmed by the Appeal Proposals. Whilst the development would evidently impact openness at the site level, when the proposals are viewed in the context of the wider landscape, there remains an open character to the north of Banbury and a sense of separation between Banbury and Hanwell. The Appeal Proposals would appear spatially appropriate in scale and form given current development patterns and the existing character of the settlement.
- 5.5 Given that such harm is unavoidable and accrues wherever new development replaces open fields, it is imperative to understand the extent of any wider landscape effects. In this regard my evidence demonstrates - as does the LVA - that the Appeal Site does not affect the landscape setting of Banbury or Hanwell, or the ability to understand and appreciate the form and fabric of the wider settlement pattern.

INTERESTED PARTY REPRESENTATIONS

'The Green Buffer Policy' (Saved Policy C15)

- 5.6 As I set out above, a previously worded Policy ESD 15 dealt with 'green buffers', which sought to retain the identity and settings of towns and villages, protect the landscape, gaps and views, prevent coalescence and help define limits to settlements. Within the Inspector's report to the local plan, the policy was removed (refer to **Appendix BC 4** for deleted policy

text), with the Inspector concluding that (with my emphasis) “*whilst the Council says that it is not intended to preclude development, **the true purpose of the policy is questionable at best** if that is not the case, given the duplication with other plan policies in relation to aspects such as the protection of important landscape features and heritage assets*”, and that “[Policy ESD 15] is **unsound as submitted and as modified and should be deleted**”.

- 5.7 The final conclusions of the Inspector stated that “A reworded policy applying only to specific locations meeting the narrower definition of “valued landscapes” ...and/or areas of environmental or historic significance ...as defined in the NPPF, particularly around Banbury and Bicester, could be considered by the Council once the local needs of villages have been assessed to identify where development would be inappropriate, for inclusion in the Local Plan Part 2”. Again, importantly, I do not consider this a valued landscape in the context of NPPF paragraph 180.
- 5.8 As noted by the Local Plan Inspector at the time, the Council’s adopted 1996 local plan policy C15 continues to apply, to provide protection where necessary to “*prevent coalescence between settlements*”. Notably, the Council does continue to rely on this policy in circumstances where it considers that there are substantive reasons for concluding that open land provides a separation role in the landscape. However, here, importantly, C15 is not identified within the Council’s SoC (**CD:8.2**), nor within the RfRs.
- 5.9 With the above in mind, also noting that the Council do not rely on Saved Policy C15 in this case, I do not consider that the Appeal Proposals would conflict with local policy with regard to coalescence and that there would remain a sense of separation, both physically and visually, between Banbury and Hanwell.
- 5.10 With regard to the physical effects of the Appeal Proposals, I have demonstrated that:
- There are no views from the wider context where Banbury and Hanwell would be seen to merge;
 - A notable change to the sense of separation between settlements would be limited to Gullicotte Lane, which is not a formal PRow, and specifically for receptors to the south of Park Farm which itself contributes to the character of the remaining land as being rural;
 - The Appeal Proposals set the north edge of any built form well back from the boundary, and also proposed new woodland planting which would, in the long term, maintain the generally well-enclosed character of Gullicotte Lane;
 - Mature tree cover on Main Street results in there being very limited, if any, viewing opportunities of the Appeal Site; and
 - The introduction of built form within the with Appeal Site would be apparent in views from Warwick Road. Importantly, though there would be a perceptible change, I consider that there would remain a sense of separation between Banbury and Hanwell through the delivery of a large portion of Parcel A as public open space.

The ‘Rural Setting of Hanwell’ (including Policy C33)

- 5.11 As I set out in **Section 4**, I accept that the Appeal Proposals would be visible, though the extent of this visibility would be extremely localised. Overall, I do not consider that the Appeal Proposals are inappropriate in the broader context. Landscape and visual effects arising from the Appeal Proposals are limited, while the northward extension of Banbury, owing to the delivery of suitable Green Infrastructure provision and mitigation measures within the northern areas of the Appeal Site, seems to me appropriate in scale while the green infrastructure strategy is capable of retaining the sense of separation between Banbury and Hanwell.
- 5.12 The Appeal Site is of course visible as an ‘open’ parcel of agricultural land by those using PRoWs within the immediate context of the Appeal Site, but I do not consider for these receptors that this reflects anything more than a typical (albeit pleasant) view across the open agricultural land to the north-east of Banbury. Views from Parcel B are certainly more open, and would remain so, with the introduction of new viewing opportunities as private agricultural land is converted to publicly accessible open space.
- 5.13 Parcel B of the Appeal Site is assessed as LS BAN14: Land North of Dukes Meadow Drive within the CLSA (**CD:6.3**) and is assessed as being markedly different to the character of Parcel A, largely due to a more open character and a greater relationship with the wider landscape to the east. With this in mind, the Appeal Proposals have rightly limited any new dwellings to Parcel A, with new public open space being included within Parcel B. New landscape proposals throughout the Appeal Site would contribute to the overall structure of the landscape, contributing to the well-treed skyline in longer distance, albeit glimpsed, views.
- 5.14 Through embedded mitigation within the Appeal Proposals, within the consideration of sensitive design and siting of any new built form, with primary mitigation contributing to the structure of the landscape, I do not consider that the Appeal Proposals would harm the rural setting of Hanwell.
- 5.15 In this regard, I do not consider that the Appeal Proposals would be in conflict with Saved Policy C33, as I do not consider the Appeal Site to comprise land that is (with my emphasis) *“important in preserving the character of a loose-knit settlement structure”*.

The ‘Loss of Important Public Views from the Boundary Hedge in Hanwell and be Prominent from most Angles within the Area of the Fields South of Hanwell’

- 5.16 ‘Existing important views’ is a term that is also referenced within the deleted policy text for Policy ESD 15, stating that *“Existing important views of designated or attractive landscape features will need to be taken into account”*. However, as I have shown in **Section 3**, I do not consider the Appeal Site to be visually prominent in any views beyond its immediate context. Furthermore, views of the Appeal Site are generally only perceived by receptors passing along a relatively busy road (Warwick Road), which passes the western boundary of the Appeal Site, and also from a PRoW within the immediate context.
- 5.17 With regards to Parcel A, I concur with the Council’s own evidence base document (the CLSA, **CD:6.3**), that *“This is a rural landscape with limited scenic quality. The assessment unit*

maintains a rural character although it is influenced by the existing settlement edge to the south and passing traffic on Warwick Road to the west". More specifically with regard to views, the CLSA states that "Hedgerows and roadside trees create a semi-enclosed character. The skyline is generally treed. There are some glimpsed views across the parcel from Warwick Road to the immediate west above the existing hedgerow". I also concur with this statement.

- 5.18 This boundary tree cover, which contributes to the semi-enclosed character of Parcel A, is also useful in limiting the geographical extent of any adverse effects. This is reiterated within a series of wirelines, which I include at **Appendix BC 1**, which demonstrate that the Appeal Proposals would be barely perceptible in views from the edge of Hanwell (namely Photoviewpoint locations 5 and 6 where receptors would experience a long-term moderate/minor adverse effect).
- 5.19 In summary, I do not consider that any specific views valued highly by the general public or essential to the appreciation of the area (in terms of openness or otherwise), would be unduly harmed by the Appeal Proposals.

The 'Crucial Need to Maintain Open Green Spaces for the Wellbeing and Mental Health Needs of the Existing Population'

- 5.20 I have demonstrated that the Appeal Proposals give rise to limited geographical landscape and visual harm and would not harm the setting of Hanwell. Furthermore, the Appeal Proposals give rise to a number of benefits through key elements of the green infrastructure strategy, namely:
- The retention of all PRow within the Appeal Site; and
 - The creation of new public open space within Parcel B, creating new views of the wider landscape and enhancing the landscape fabric of the Appeal Site. This is important, noting that the current private agricultural use does not allow for access within the field parcel itself, only narrow corridors which follow definitive PRow routes. Aided by this provision of new public open space, there would be many more new views created for people to experience the wider landscape, and the landscape setting to both Banbury and Hanwell.
- 5.21 Overall, I consider that the Appeal Proposals give rise to a beneficial contribution in maintaining open green spaces for 'the wellbeing and mental health needs of the existing population'.

POLICY MATTERS

- 5.22 Neither the Appeal Site or the surrounding area is a 'designated landscape' or even a 'valued landscape' for the purposes of paragraph 180(a) of the NPPF. Therefore, as above, the intrinsic character and beauty of the countryside within which the Appeal Site is located should be 'recognised' rather than 'protected and enhanced'.

- 5.23 Some harm to openness and rural character is unavoidable wherever a settlement extends onto more open land. The weight attached to this harm to open character on the Appeal Site is directly linked to its status in planning terms – there is no imperative to ‘protect and enhance’ the landscape in this location, only to ‘recognise’ it. All the work done leading up to the application, and the design itself, demonstrates that the landscape qualities have been fully recognised (e.g. the creation of new public open space/views, etc.), and the retention of landscape features has been considered from the outset with built form being contained within the western areas of the Appeal Site only. The proposals have been designed to accord, where possible, with the published LT guidelines.
- 5.24 The predicted harm to existing visual character and openness needs also to be weighed against the positive changes to other dimensions of the landscape resource on-site, it's not about only ‘what we see’, but also about what is created within the ‘new landscape’ created. This harm needs to be weighed against benefits of the proposals in other respects, and that balance is undertaken in the evidence of Mr David Murray-Cox.
- 5.25 The development of the Appeal Site brings opportunities to deliver new Green Infrastructure within the existing site for ecological and landscape character enhancement. During the course of maturation, this would bring a beneficial effect in terms of their function in the broader, coherent vegetation framework. In that regard, the proposed development with a coordinated landscape strategy embedded into the wider design proposals would remain compliant with the relevant sections of the NPPF, in particular paragraphs 8, 130, 136 and 180b. The Appeal Proposals would be appropriate in landscape terms, would include effective landscaping and would be sympathetic to local character.

Local Landscape Policy

- 5.26 Having undertaken a full and detailed review of the baseline landscape and visual resource and made my own assessment of the potential levels of effect, I accept that there is a level of inevitable harm to the landscape character and visual amenity of the Appeal Site.

Cherwell Local Plan 2031 Part 1

- 5.27 There are no landscape specific policies sited within RfR 1 from the Cherwell Local Plan 2031 Part 1. Instead, Policies PSD1 and BSC1 are referred to, both being general policies with regards to sustainable development and district-wide housing distribution.

Cherwell Local Plan 1996

- 5.28 Similarly, there are no landscape specific policies within RfR 1 from the Cherwell Local Plan 1996. Instead, Policies H18 and C8 are sited, both dealing with development beyond the built limits of settlements and within open countryside. In this case, supporting text to Policy H18 states that *“Its intention is to ensure that the countryside is protected from sporadic development whilst, at the same time, recognising the legitimate needs of agriculture and forestry”*. Notably, this policy text pre-dates the NPPF and does not incorporate scope for ‘balance’ (this being at odds with the core principle of the NPPF).

Policy ESD 13

- 5.29 Policy ESD 13 deals with local landscape protection and enhancement, requiring new development to respect and enhance local landscape character. I do not consider there to

be a conflict with the aspirations of the policy. As I have demonstrated above, and in response to policy text:

- The Appeal Proposals cause limited visual intrusion into the wider open countryside, with any landscape and visual harm being localised to the Appeal Site and its immediate context;
- The Appeal Proposals retain and enhance the landscape fabric of the Appeal Site, providing a contribution to the fabric of the open landscape to the north-east. Furthermore, the Appeal Proposals deliver a significant proportion of the site as new Green Infrastructure, providing a positive contribution to the ecological framework, and would also create new views within the landscape, from a site that is currently privately owned agricultural land;
- I do not consider that the Appeal Proposals are inappropriate in a spatial sense. The delivery of suitable Green Infrastructure provision and mitigation measures within the northern areas of the Appeal Site serve to retain the sense of separation between Banbury and Hanwell, maintaining an organic settlement edge to the north of Banbury. By focusing development only within Parcel A, and through the provision of focused mitigation as follows (and illustrated on the Illustrative Landscape Strategy appended at **Appendix BC 6**), the Appeal Proposals have clearly been guided by the landscape context;
- I do not consider the Appeal Site to be located in an area of high tranquillity as noise from road corridors and viewing experiences of the existing settlement edge currently adversely affect tranquillity. This is also reflected in the Council's own landscape study (the CLSA) which states that Parcel A has "*limited scenic quality*" and "*is influenced by the existing settlement edge to the south and passing traffic on Warwick Road to the west*". The Appeal Site is not entirely devoid of urban influence;
- I do not consider the evolution of Banbury in this location to be inappropriate, on a site that is afforded a low sensitivity in landscape and visual terms within the Council's own evidence base (the CLSA). I consider that the scale, form and appearance of the development as designed, which includes the delivery of suitable Green Infrastructure provision and mitigation measures within the northern areas of the Appeal Site, would be appropriate in this context; and
- I do not consider the appeal scheme to harm the historic value of the Appeal Site in landscape terms.

Policy ESD 15

- 5.30 Policy ESD15 is included within RfR 2, which principally deals with effects upon designated heritage assets. However, as there is a reference to coalescence within this RfR, I include consideration of the policy here.
- 5.31 The proposed development principles are also considered to respond to the aspirations of Policy ESD 15, which requires development to "*Contribute positively to an area's character*

and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features”.

- 5.32 As above, while I accept that there is a level of inevitable harm to the landscape character and visual amenity of the Appeal Site, through the addition of landscape fabric enhancement and the provision of new tree planting, being aligned with the guidelines for the host LT, the Appeal Proposals provide mitigation that is appropriate within this context. The enhancement of the existing landscape fabric, provision of new tree and shrub planting and the maintenance and improvement of the PRow network in this area through development of the site also contribute towards the maximisation of Green Infrastructure opportunities and links and, as such, the requirements of Policy ESD 15.

Policy Villages 2

- 5.33 I find that for any views in which the Appeal Proposals would be considered an identifiable component of the view, this would be limited to a short section of a busy road corridor, the character of which is already informed by a number of urban elements in local views. Furthermore, I do not consider that any specific views valued highly by the general public or essential to the appreciation of the area (in terms of openness or otherwise), would be unduly harmed by the Appeal Proposals. In summary, landscape and visual effects arising from the Appeal Proposals are limited.
- 5.34 Overall, I consider that the Appeal Proposals represent a small-scale and visually discrete feature which, although representing a change in character to the Appeal Site itself, is in keeping with local landscape character, including the character of the settlement edge of Banbury, and would not therefore result in any significant wider landscape impacts (as is required by Policy Villages 2).

OVERALL CONCLUSIONS

- 5.35 The application has been accompanied by a suite of environmental reports and a landscape strategy. Read as a whole, this work demonstrates convincingly that the Appeal Proposals will result in limited harm to the wider natural environment. There is no objection to the proposals on either ecological or arboricultural grounds.
- 5.36 My PoE has addressed the effects of the proposal on the landscape resource, with consideration of the parameters of the Appeal Proposals and the landscape strategy. I have also examined the effects of the proposal on local landscape character and visual amenity. My overall conclusion is that there is no breach of any landscape-related policy, of landscape justification for the refusal of planning permission at this outline stage.
- 5.37 The proposed change from open agricultural land to residential uses will inevitably (and unavoidably) alter the character of the Appeal Site. Both the LVA and my evidence concur that such change is inevitable, and importantly, acceptable in landscape and visual terms. This is the case for all greenfield development sites and is an inevitable consequence of provision of new housing beyond settlement boundaries.
- 5.38 The LVA concludes that the appeal scheme would result in some material adverse effects in relation to both visual amenity and landscape character. However, these were only

identified within a localised context, and I agree. GLVIA3 (**CD:13.13**) reminds us that landscape is not 'unchanging', so the benefits and appropriateness of the 'new landscape' created by the Appeal Proposals must also be factored into the overall judgement. The proposal is not inappropriate in this context.

- 5.39 Successful development proposals are those which look to retain the most sensitive parts of the landscape and enhance others where it is possible to do so. If that can be done in line with the published landscape character assessments and the development guidelines therein - as is the case for the Appeal Site and proposals - then this in many ways brings benefits to overall landscape character.
- 5.40 It is further clear from my evidence that I do not accept that the change of open land to built form in this location is, by definition, harmful to the landscape resource as a whole (as opposed to the Appeal Site in isolation). 'Harm' to landscape arises from either: (a) being in an inappropriate place; or (b) through inappropriate design and appearance. I consider that neither of these criteria apply to the Appeal Proposals, which sit within a landscape which is physically and perceptually well-related to Banbury. There will be change, but this change will be acceptable contextually, and not result in extensive wider landscape or visual change that would make it otherwise unacceptable.
- 5.41 Overall, I do not consider that the Appeal Proposals are inappropriate in a spatial sense. Landscape and visual effects arising from the Appeal Proposals are extremely limited, while the northward extension of Banbury, owing to the delivery of suitable Green Infrastructure provision and mitigation measures within the northern areas of the Appeal Site, seems to me appropriate in scale in terms of the evolution of the settlement. The scale, form and appearance of the development would reflect and enhance the positive characteristics of the surrounding area and would raise the overall standard of development expected. Being well-integrated with the surrounding areas, the development would appear as a natural and logical addition to Banbury.
- 5.42 For all the reasons above, my overall conclusion is that the matters raised in the RfR are unfounded; there is no basis on which to refuse planning permission on landscape-related grounds at this stage.

Appendix BC 1
Wirelines
(edp3253_d052 01 May 2024 GYo/BCo)





Photomontage HVP1: Proposed (Ghosed)
Appeal proposals ghosted onto existing view

To be viewed at comfortable arm's length







Photomontage HVP2: Proposed (Ghosted)
Appeal proposals ghosted onto existing view

To be viewed at comfortable arm's length





Photomontage HVP3: Existing

To be viewed at comfortable arm's length



Photomontage HVP3: Proposed (Ghosted)
Appeal proposals ghosted onto existing view

To be viewed at comfortable arm's length







Photomontage VP4: Proposed (Ghosted)
Appeal proposals ghosted onto existing view

To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



To be viewed at comfortable arm's length







the environmental
dimension partnership

Registered office: 01285 740427
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Grid Coordinates: 443798, 243452
Date and Time: 18/04/2024 @ 08:24
Projection: Cylindrical
Visualisation Type: 1

Horizontal Field of View: 90°
Height of Camera: 1.6m
Make, Model, Sensor: Canon 5D MK4, FFS
Enlargement Factor: 96% @ A1 width

Direction of View: SW
Distance: 315m
aOD: 133m
Focal Length: 50mm

date
drawing number
drawn by
checked
QA
01 MAY 2024
edp3253_0052
Gyo
BCo
JFr

client
project title
drawing title
Vistry Group
Land East of Warwick Road, Banbury
Photomontage VP6: Existing



Photomontage VP6: Proposed (Ghosted)
Appeal proposals ghosted onto existing view

To be viewed at comfortable arm's length



The Appeal Proposals would be barely noticeable in this view, been seen as similar to the existing baseline, where views of properties within Banbury are possible beyond mature tree cover

To be viewed at comfortable arm's length



To be viewed at comfortable arm's length





The Appeal Proposals would be barely noticeable in this view, been seen as similar to the existing baseline, where views of properties within Banbury are possible beyond mature tree cover

To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



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Grid Coordinates: 445490, 244165
Date and Time: 18/04/2024 @ 09:33
Projection: Cylindrical
Visualisation Type: 2

Horizontal Field of View: 90°
Height of Camera: 1.6m
Make, Model, Sensor: Canon 5D MK4, FFS
Enlargement Factor: 96% @ A1 width

Direction of View: W
Distance: 2.1km
aOD: 127m
Focal Length: 50mm

date
drawing number
drawn by
checked
QA
01 MAY 2024
edp3253_d052
Gyo
BCo
JFr

client
project title
drawing title
Vistry Group
Land East of Warwick Road, Banbury
Photomontage VP11: Proposed (Ghosed)





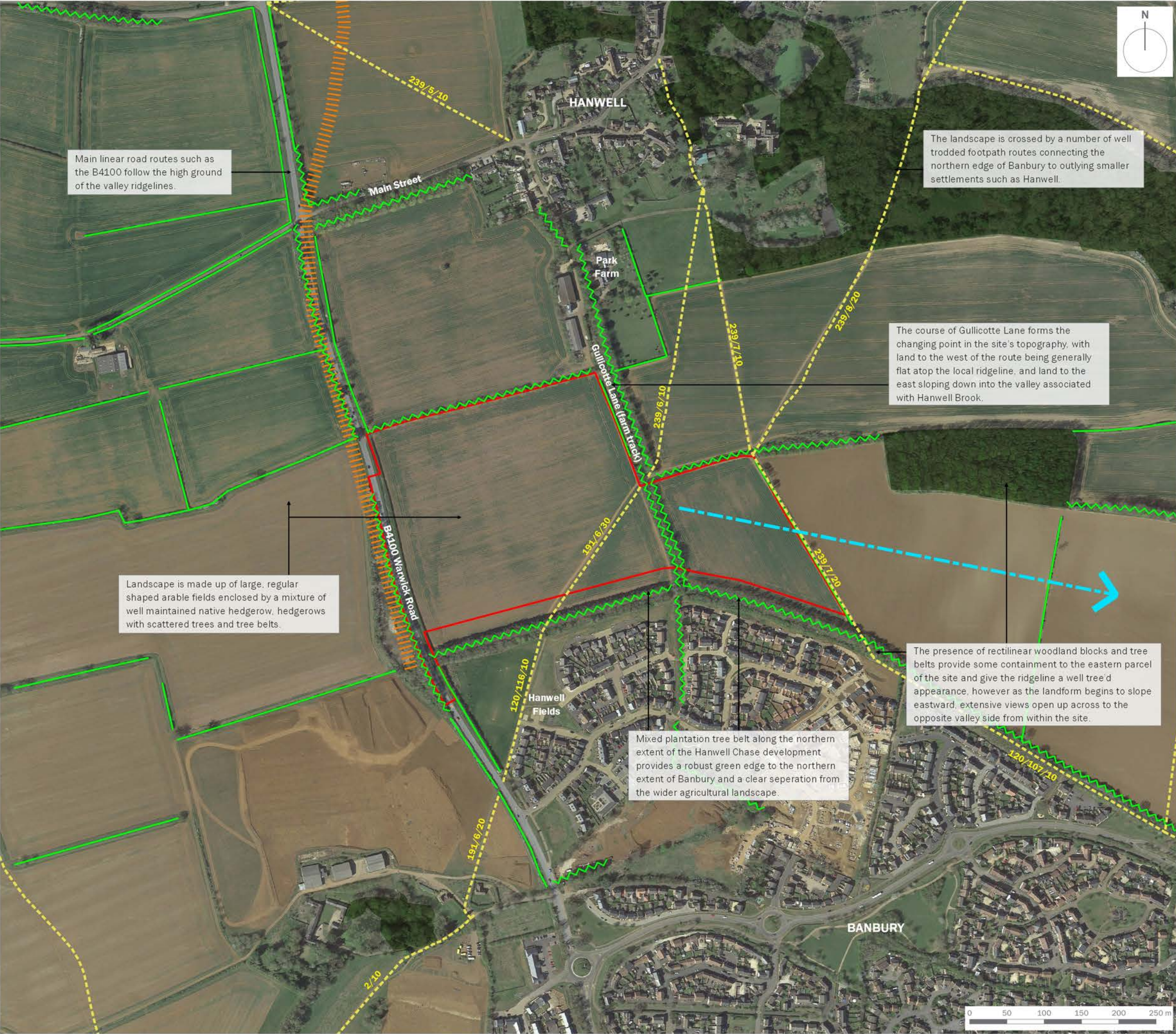
To be viewed at comfortable arm's length



To be viewed at comfortable arm's length



Appendix BC 2
LVA Figure 7.1 (Site Character and Local Context Plan)
(edp3253_d033c 10 January 2023 EBa/BCo)



- Site Boundary
- Public Right of Way (PRoW)
- Tree Belt
- Hedgerow
- Available Extended View
- Local Ridgeline of High Ground
- Woodland Blocks

client	Vistry Homes Limited			
project title	Land East of Warwick Road, Banbury			
drawing title	Figure 7.1: Site Character and Local Context			
date	10 JANUARY 2023	drawn by	EBa	
drawing number	edp3253_d033c	checked	BCo	
scale	1:5,000 @ A3	QA	GYo	

Appendix BC 3
Hanwell Conservation Area Appraisal, 2007:
Figure 11: Village Ends Visual Analysis

HANWELL



Conservation Area Appraisal
August 2007

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1 Introduction

1.1 This document is an appraisal of the character and appearance of Hanwell Conservation Area. This village was designated as a Conservation Area in 1985 and revised with a brief written appraisal in 1995. Since its designation the proximity of Banbury has affected the village character leading to the need for an updated appraisal. This second appraisal follows the guidance that has been published in the intervening years by English Heritage and includes a section on management of the Conservation Area. It is important to establish the key qualities of Hanwell's character and appearance as well as the village's setting. No changes are proposed to the existing Conservation Area boundary in this appraisal.

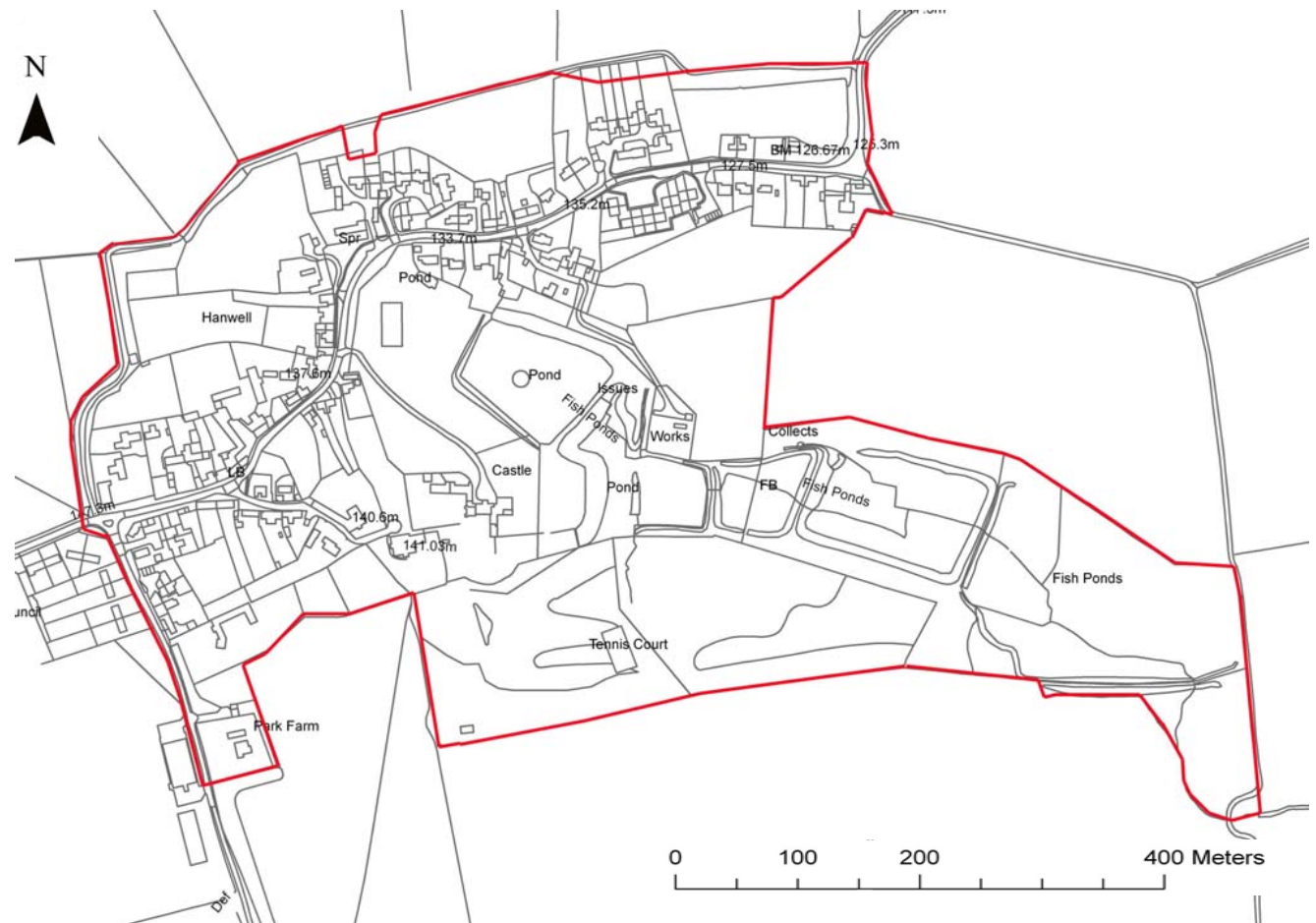
1.2 Originally an Anglo-Saxon Village based around a spring, Hanwell is recorded in the medieval period as a medium sized settlement. From the 14th century the village has been dominated by Hanwell Castle which has dictated the form of development in the village. The grounds of the castle were extensive and contained many attractions.

1.3 Towards the end of the 16th century a few small farmers in the village began to prosper and the Hanwell Yeomen were considered wealthy for the area. As a result there are a number of impressive vernacular farmhouses within the village.

1.4 The Church of St Peter's is 14th century with earlier foundations. The interior boasts some fine carving by local masons dating from 1340.

1.5 During the 17th century the rectors of Hanwell were outspoken Puritans and the rectory became the centre for Puritanism throughout Oxfordshire.

Figure 1: Conservation Area boundary



2 Planning Policy context

2.1 Conservation area designation

2.1.1 The planning (Listed Buildings and Conservation Areas) Act 1990 provides legislation for the protection of the nation's heritage of buildings and places of architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance.

2.1.2 Conservation Areas were introduced by the Civic Amenities Act of 1967. However, it is the 1990 Act (Section 69) which places a duty upon local planning authorities to identify areas of special architectural or historic interest through an appraisal process and to designate them as Conservation Areas. Since 1967 some 8,000 conservation areas have been designated in England, including 54 in Cherwell District.

2.1.3 Local planning authorities have a duty under the Act to consider boundary revisions to their Conservation Areas 'from time to time'.

2.1.4 This document is based on a standard recording format derived from advice contained in documents published by English Heritage (2005a). By updating and expanding the Conservation Area appraisal for Hanwell, the special character and appearance of the area can continue to be identified and protected by ensuring that any future development preserves or enhances that identified special character.

2.1.5 This appraisal was the subject of public consultation. A public exhibition and meeting were held on 20th June in Hanwell Village Hall. These events were attended by over 25 people and the appraisal amended as a result. It was approved by the Council's Executive on 6th August 2007 and will be a material consideration in the determination of planning applications within the conservation area and its setting.

Figure 2: Area Designations

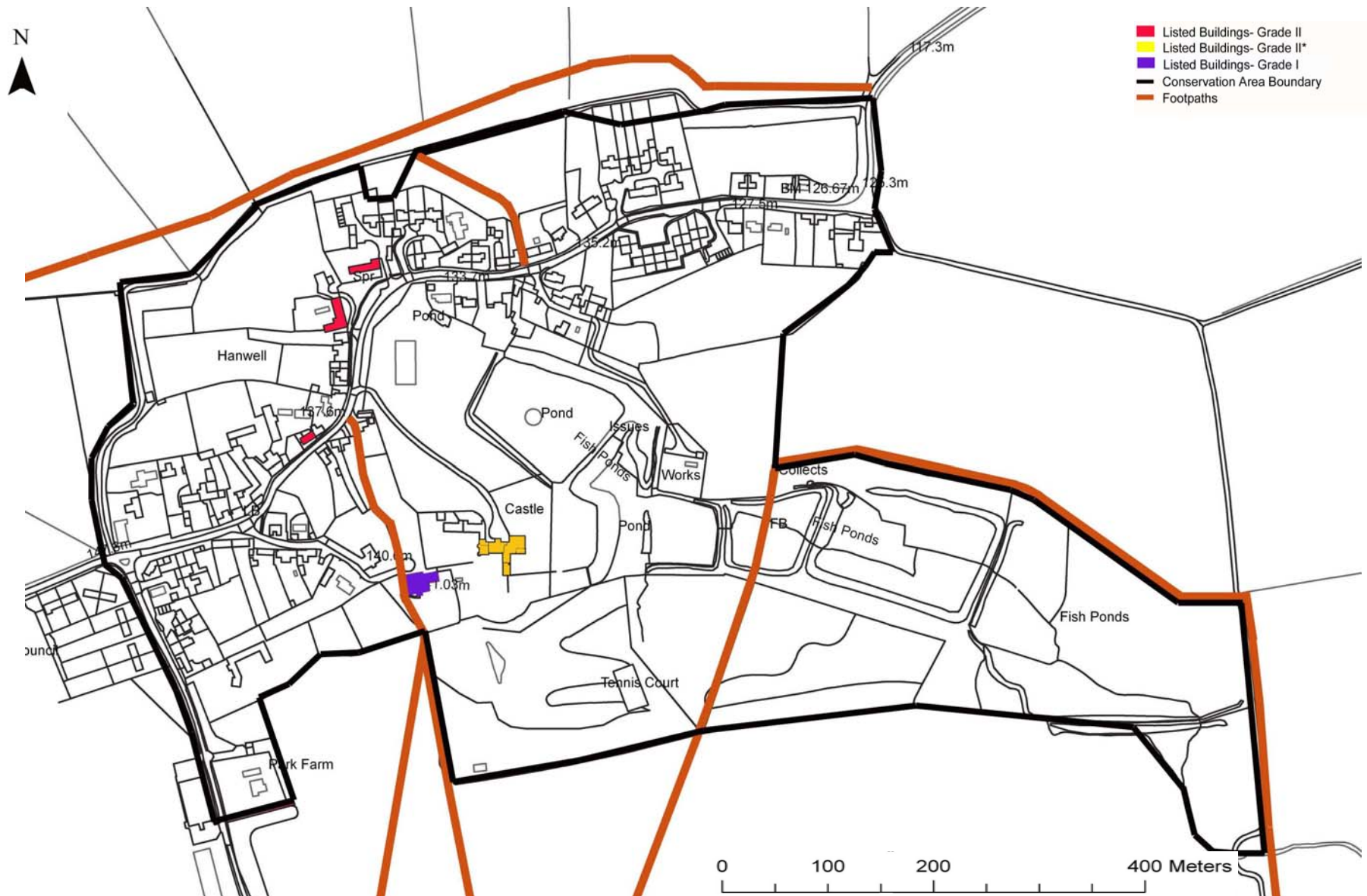


Figure 3: Area Topography



3 Location and Topography

3.1 Hanwell is located 3.5 miles (5.6Km) to the north west of the centre of Banbury and roughly 800 metres from the most recent development. The village lies within the landscape character area described as Incised Ironstone Plateau by Cobham Resource Consultants(1995). The area type is described as “exposed with rough grazing predominating, with some level and gently sloping areas under arable cultivation. The fields tend to be large and lacking in enclosure while the hedges are low and closely trimmed. The upland landscape is very open with long views down the valleys.” The area is also known for its rich coloured Hornton Stone which is the main building material in Hanwell.

3.2 Hanwell is a linear village following the winding route of the Main Street with the church off set and Hanwell Castle adjacent in extensive grounds comprising of over half the Conservation Area.

The stream that fed the fish ponds falls away to Hanwell Brook marking the striking topography that gives Hanwell its distinct character.

3.3 The network of footpaths from the village provide ancient links to neighbouring settlements, including Banbury to the south. These footpath links have been retained in new developments on Banbury's northern fringe.

Figure 4: Location of Conservation Area

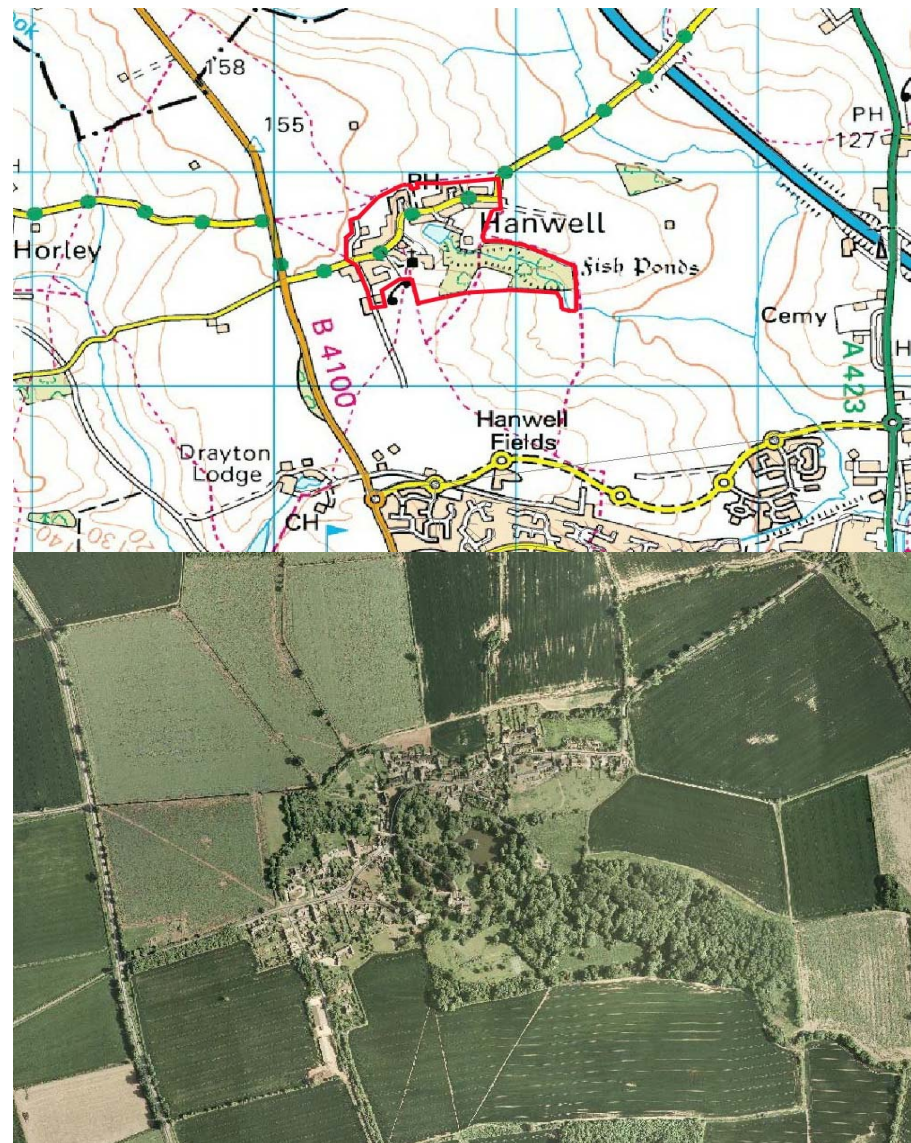
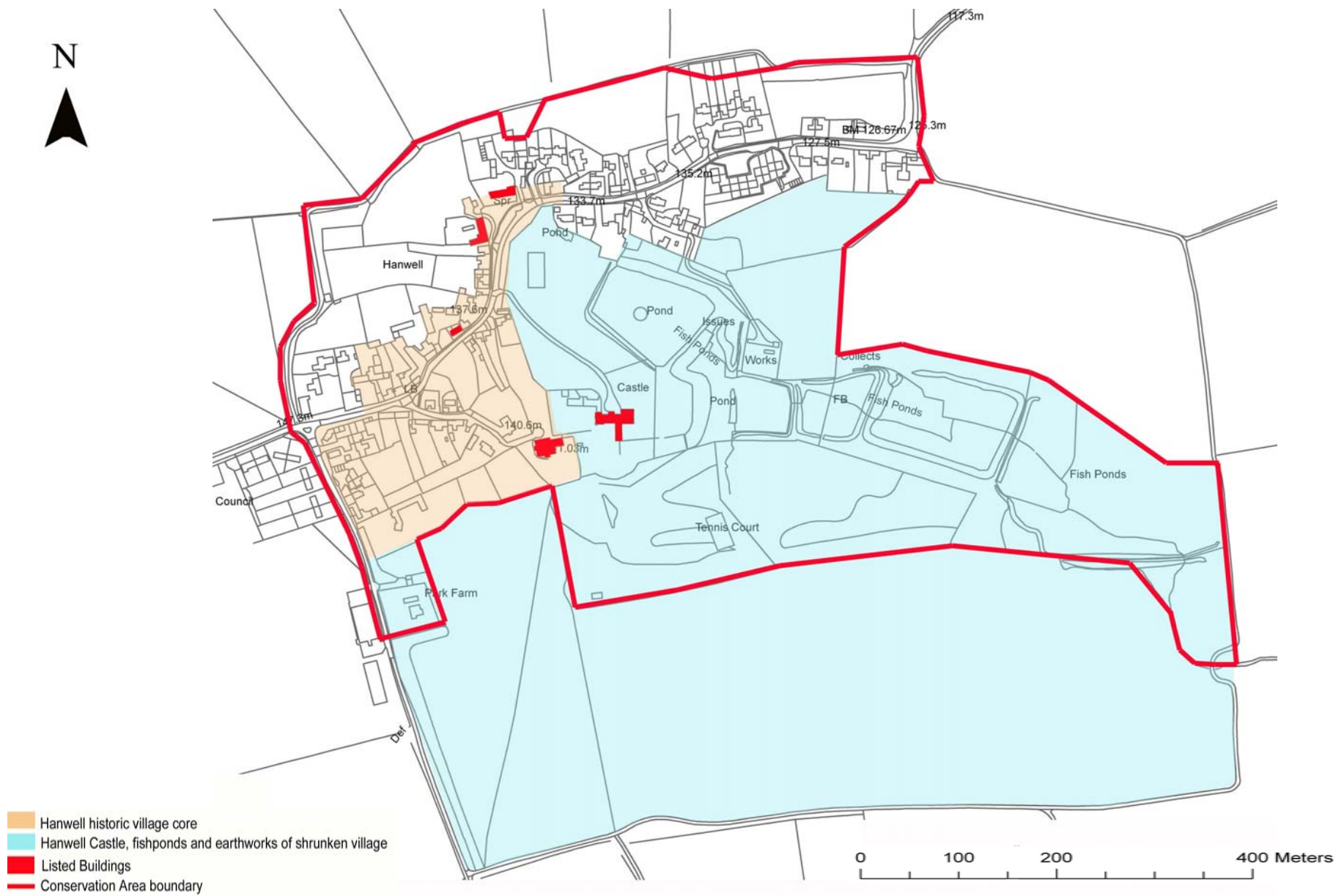


Figure 5: Archaeological map



4 History—Hanwell

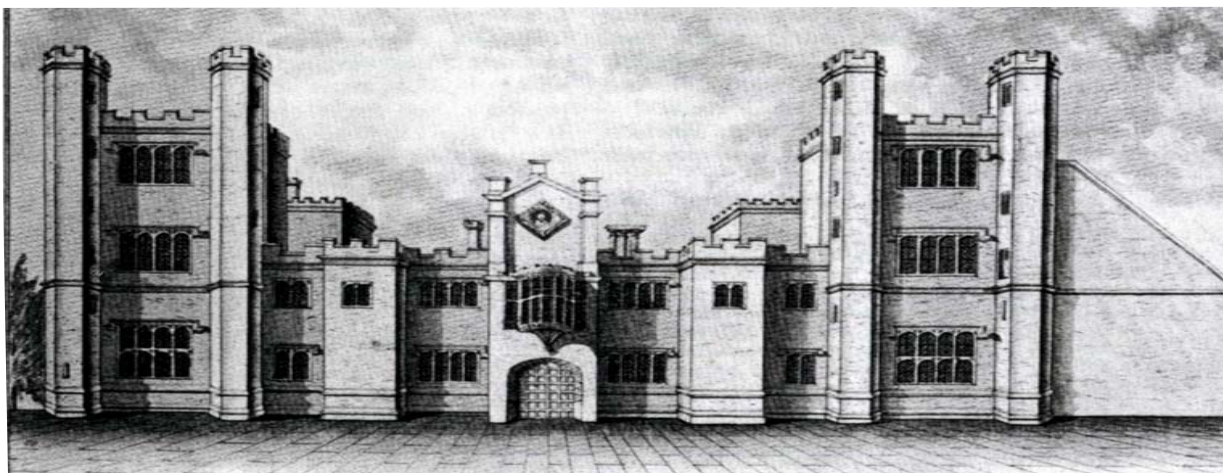
4.1 Origins

Despite the remnants of a Roman Villa near the Warwick to Banbury Road there is no evidence of a settlement at Hanwell until the Anglo-Saxon period. The name originating from this time was Hana's "Weg", meaning "beside a never failing spring". The weg was later replaced by Welle.

4.2 History

4.2.1 Medieval records indicate a village of a medium size in the area, with the centre almost certainly being the spring near Spring Farm. The spring supplied water for the village and for the fishponds of Hanwell Castle. A pound, smithy and green were located at the spring, with the church and Hanwell Castle located apart from the rest of the village, the church on high ground overlooking the village. In later centuries the village expanded both to the south-west and east, its cottages lying mostly on the north side of a winding street stretching from below the Public House, westwards up the hill to the church.

4.2.2 In the 14th century only the Lord and his daughters were reputed to be wealthy, but by the 16th century several small farmers were beginning to prosper. Wealth continued to be accumulated by a few yeoman and Hanwell yeomen were considered wealthy for the area. Several local family names emerged during the 17th century which remain in the area today including the Bullers, the Bortons and the Haineses.



Hanwell Castle, from A. Beesley's History of Banbury

4.2.3 Hanwell Castle dates from 1498, when the manor previously held by the de Vernon Family was granted to William Cope, treasurer to Henry VII. William started building the castle leaving it to his son Anthony to finish. It was built of brick with stone dressings, and is the earliest known example of the use of brick in North Oxfordshire. The use of brick in a stone belt is unusual and indicates the influence of fashion derived from Court circles and the comparative wealth of the Cope family. The Castle was lived in by four generations of Copes until 1714. Sometime later, probably after the death of Sir Charles Cope of Bruern in 1781, it was converted into a farmhouse. By 1902 much of the original building had been demolished and the materials used for farm buildings. What remained was dilapidated. The remaining south wing and south-west tower were restored in 1902 by Caroline Berkeley, who also added the east wing, which was built in the same style as the surviving Tudor wing. The house has since been subdivided.

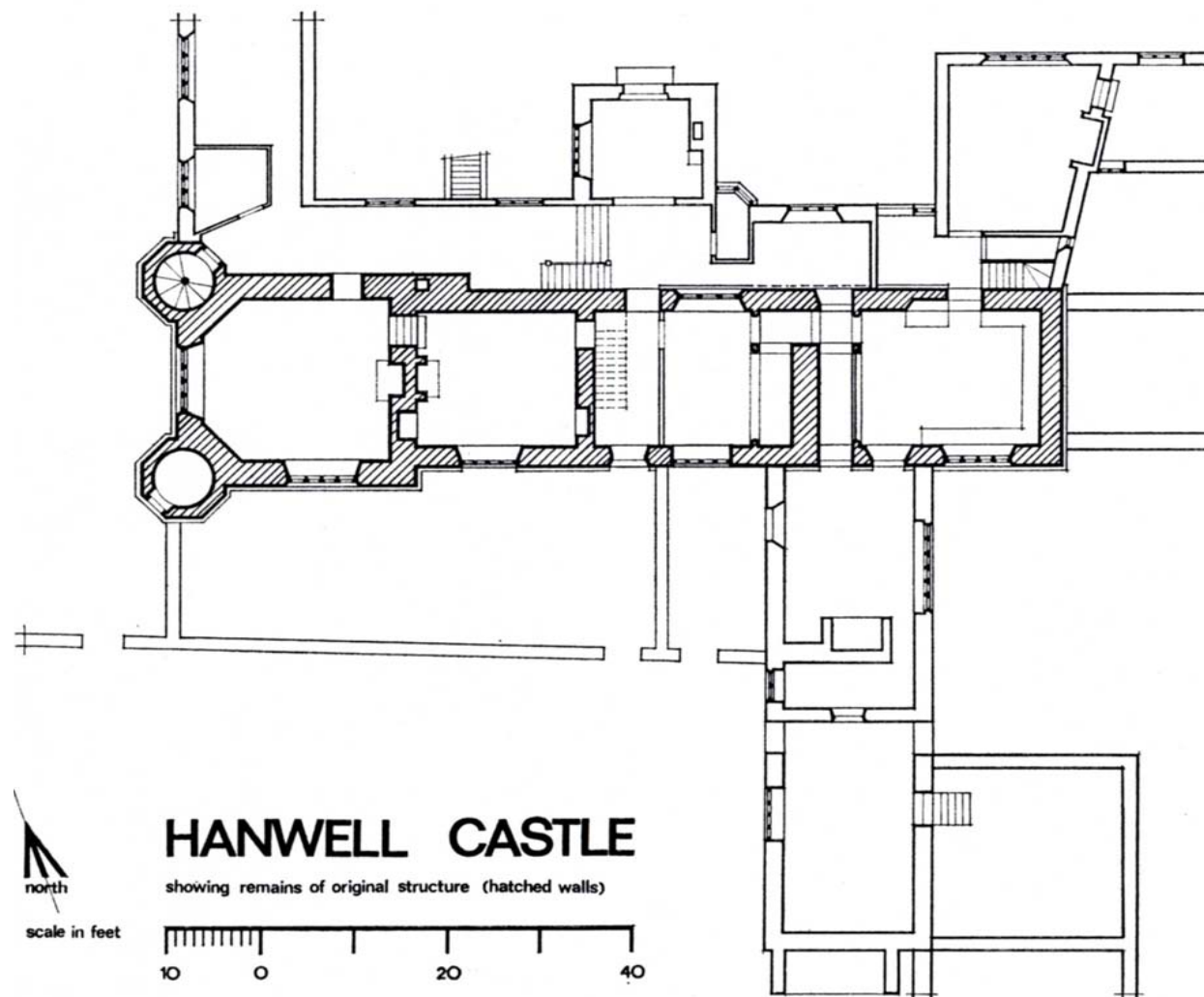
4.2.4 The grounds of the castle were extensive and contained many attractions. Robert Plot in his book *The Natural History of Oxfordshire* in the 17th century describes a number of elaborate features. These included a waterworks in a 'House of Diversion' on an island in a fishpond to the north east of the house, including an artificial shower and a ball tossed by a column of water; a corn mill which also turned a large engine for cutting stone and another for boring guns: a water clock with gilded sun moving in a wooden hemisphere. The O.S. map of 1833 defines the original extent of the grounds to the south of the castle, but by 1904 they had been reduced to 17.5 acres (7 Hectares).

4.2.5 Both Charles I and James I slept at the castle and, during the Civil War, Hanwell was visited by both sides. The Royalists occupied Hanwell Castle in August 1642, and the Parliamentarian General William Walker used the castle in June 1644. The General also quartered his troops in the village and used the church for the stabling of horses.

4.2.6 The two-field agricultural system was replaced in 1680 by a four-field system. Crops grown included wheat, peas, barley and oats, with at least 100 acres under woad (a plant grown as source of blue dye) at the end of the 16th century. Arable farming continued to be the mainstay of the parish until well after enclosure, the only pasture at this time being along the brook in the east of the parish. Sir Charles Cope bought out the common rights of copyholders and enclosed the parish in 1768, with all farmers becoming his tenants. Farm holdings increase in size throughout the late 18th and 19th centuries so that by 1904 there were six farms including Spring Farm, the house of which stands in the village centre. By 1904 mixed farming had become the rule with some 51% of land in permanent pasture.

4.2.7 The Moon and Sixpence dates from the 17th century, and is first mentioned as the Red Lion in 1792. Several of the farmhouses also date from the 17th century, with later enlargement.

4.2.8 Despite its close proximity to Banbury, Hanwell was largely self-sufficient in the 18th century with its own craftsmen. By 1811 some 52 out of 56 families were engaged in agriculture.



Hanwell Castle plan from (VCH vol. IX, p. 115)

4.2.9 The earliest indication of a church at Hanwell is a reference to its rector in 1154. The present Church of St Peter was almost entirely rebuilt in the 14th century.

4.2.10 Since the 13th century a high proportion of rectors of Hanwell have been university graduates, including Gilbert de Arden, a pluralist and prominent royal servant (1295-1317) and John Danvers (1390-1406) a fellow of New College Oxford. Rectors have for the most part been appointed by the lord of the manor, which in the 17th century led to several incumbents having Puritan leanings. Sir Anthony Cope (d 1614) was responsible for introducing a Puritan version of the Prayer Book into the House of Commons and a bill for abrogating the existing ecclesiastical law. He was imprisoned in 1587. Sir Anthony appointed John Dod to the living at Hanwell in 1584 and for twenty years of his stay in the village Dod's house became the centre of Puritanism, for an area far wider than North Oxfordshire. Dod's successor Robert Harris enjoyed similar success as a preacher and leading Puritan until 1642 when he was driven from his house by Royalist soldiers. He briefly returned but was succeeded in 1658 by George Ashwell. A strong supporter of the Established Church, Ashwell did much to preserve church unity against the rising nonconformist movement in Banbury.



The Old Rectory

4.2.11 A succession of learned men followed Ashwell at Hanwell and in 1813 the living was given to the Pearse family who were to be rectors or curates for a century. Since 1946 Hanwell has been held in plurality with Horley and Hornton. The rector lives in Horley.

4.2.12 The Methodist Chapel was built in the late 19th century, before which time the house of William Gunn had been licensed for meetings.

4.2.13 The School was built in Gothic style in 1868, mainly through the efforts of the rector. It replaced a cottage given in 1848 by George, Earl de la Warr for use by the day school which was founded in 1834. The school closed in 1961.

5—Architectural History

5.1 Most cottages and houses in Hanwell which pre-date the 20th century are of two storeys with coursed ironstone, originally timber casement windows and brick chimney stacks. Records indicate that in 1904 thatch was almost universal. Although there is a significant proportion of mid to late 20th century development in the village the majority is sympathetic to the conservation area and uses local materials.

5.2 Apart from the grade II* listed Castle and grade I listed Church the only other buildings on the Statutory List, all Grade II are Spring Farmhouse, Heath Farmhouse and 6 Main Street, all dating from the 17th century.



St Peter's Church



The Dell, Main Street

5.3 There are also a number of un-listed properties which make a positive contribution towards the character of the conservation area. These include:

- The two pairs of 19th century cottages (Rose Cottage, New Cottage, Nethercott and The Dell) at the east end of the village on the north of Main Street, are unusual in Hanwell for the use of clay, brick and tile in association with the local ironstone. Distinctive detailing includes tile-hung gabled half-dormers, original windows with black timber frames, casements with white painted diagonally patterned leaded-lights, stone lintels and brick dressings and red brick ridge stacks.
- School House, unusual in Hanwell for its Gothic style. This 18th century ironstone building has a gabled tiled roof with ornate chimneys.
- The thatched properties in Main Street, numbers one and two Hazelwood Cottages are notable for the survival of their thatched roofs, once the main roofing material in the village. Both have plank doors and wooden casement windows with wooden lintels.
- Numbers one and two Rose Cottages (formally Spring Farm Cottage) in Main Street are notable for their leaded casement windows.
- Homeleigh and Sunnyside opposite are important for their prominent location in general views of Main Street. Homeleigh is unusual for having a brick gable and chimneys while the main structure is of ironstone.

- Terraces worthy of note for their group value and contribution to the character of the conservation area are numbers 1 and 2 Main Street and numbers 9 and 10 Main Street, together with The Holt and Mount Pleasant. All are of ironstone construction with wooden casement windows and either Welsh slate or tiled roofs. Number two has leaded lights and a stone mullion window and the Holt has a panelled front door.

5.4 St Peter's church was almost entirely rebuilt in the early 14th century. Pevsner notes the fine carvings of 1340 by some masons whose work is found around Oxfordshire's churches. Those around the chancel show monsters and humans while the carvings around the nave capitals within the church depict figures linking arms. The chancel is early Decorated style, probably dating from about 1300, while many of the interior details illustrate the transition from Early English to Decorated Early English, for example the north and south doorways.

5.5 Hanwell Castle was begun in 1498 by William Cope although it was never intended as a defensive structure, its battlements being merely decorative. Originally known as Hanwell Hall it was formerly two storeys high with four corner turrets around a central courtyard. Only the south west tower and the stone gate piers of the entrance remain after the house was mostly demolished in the late 18th century. The use of brick in this building is the first of its kind in north Oxfordshire. The castle was restored in 1902 when several additions were made in stone.

The Holt, part of the Historic Core of the village, probably dating from the 17th century and of group value with other listed properties in this area.



Figure 6: Unlisted buildings which make a positive contribution to the Conservation Area.

The Dell, Nethercott, New Cottage and Rose Cottage old farm workers houses once associated with Spring Farmhouse. An important part of Hanwell's character these distinct cottages are a positive addition to the streetscape.



The Dairy Farmhouse, a high quality building at an important point in Hanwell.



Holly Cottage, marked as dating from 1825 this building is pivotal in the streetscape.



The Old School House, a building of social importance for the village the school house displays unique built details.



The Moon and Sixpence, A freehold public house dating from the 17th century a key building in the village.



Hazelwood Cottages, a pivotal set of buildings in Hanwell the cottages are some of the few remaining thatched properties in the village.

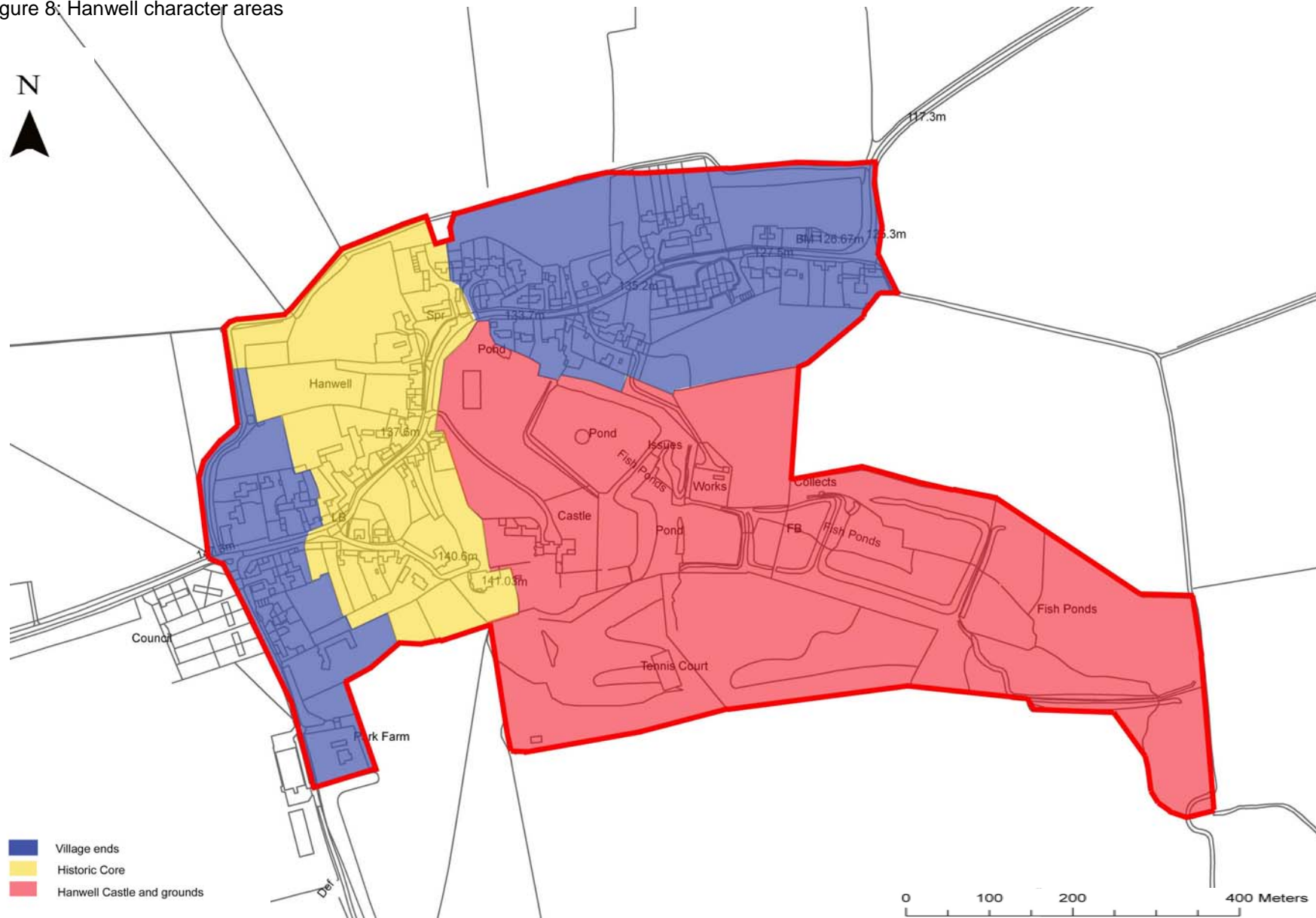


The Old Rectory, historically a Puritan stronghold the rectory is an impressive building with a close visual relationship with the church and castle.

Figure 7: Paving that makes a positive contribution to the Conservation Area.



Figure 8: Hanwell character areas



6—Hanwell Castle character area

6.1 Land Use

The only building within this character area is Hanwell Castle itself, the majority of the land within this character area is occupied by the castle's landscaped grounds. The castle and its grounds have dictated the shape of village growth, forcing expansion to the west and east. The castle is accessed from the village centre by a private drive although in the past the entrance was through the 17th century gate piers that stand overgrown to the west of the castle. The Castle stands close to St Peter's Church, neither building is visible from the main village due to their location on slightly lower ground. The Castle has no impact on Hanwell's street scene.

6.2 Building type, style and scale

Hanwell Castle is dominated by the remaining three storey brick Tudor tower that was once the south west tower of a courtyard plan house. The south wing also survives. The earliest part of Hanwell Castle has stone mullioned windows with arched lights; there is an oriel window on the north elevation of the south wing. The majority of the building that is currently visible dates from an extensive renovation in 1902.

6.3 Construction and Materials

The building is one of the first brick buildings in Oxfordshire. The south wing displays a diaper pattern of blue bricks. Later additions are of squared coursed ironstone, and have stone slate roofs.



Hanwell Castle

6.4 Means of enclosure

The castle grounds are surrounded by an ironstone ashlar wall of up to 2 metres in height. In the centre of the village the wall has a triangular stone coping. In some places, for example at the edge of the churchyard there is a drop into the castle grounds.



Entrance gates from village centre



Castle grounds from the churchyard

6.5 Trees, hedges, verges, open spaces

The majority of this character area is open ground which has been landscaped in different styles for several hundred years. The grounds include four separate ponds, a spring and the remains of many fishponds, now covered in woodland and no longer visible. The site of the fishponds has been identified by Oxfordshire County Council as a general area of ecological interest. There are also the remnants of more extensive broad-leaved woodland which cover much of the castle grounds to the east. Some of trees within the grounds have a strong impact on the character of the village centre due to their dominance of the east of the main street.

6.6 Carriageway, pavements, footpaths

The main driveway from the village centre to the castle is tarmacadam, and grass edged. There is a footpath that crosses the grounds to the east of the main building and one that runs alongside the boundary to the west, both are unsurfaced.

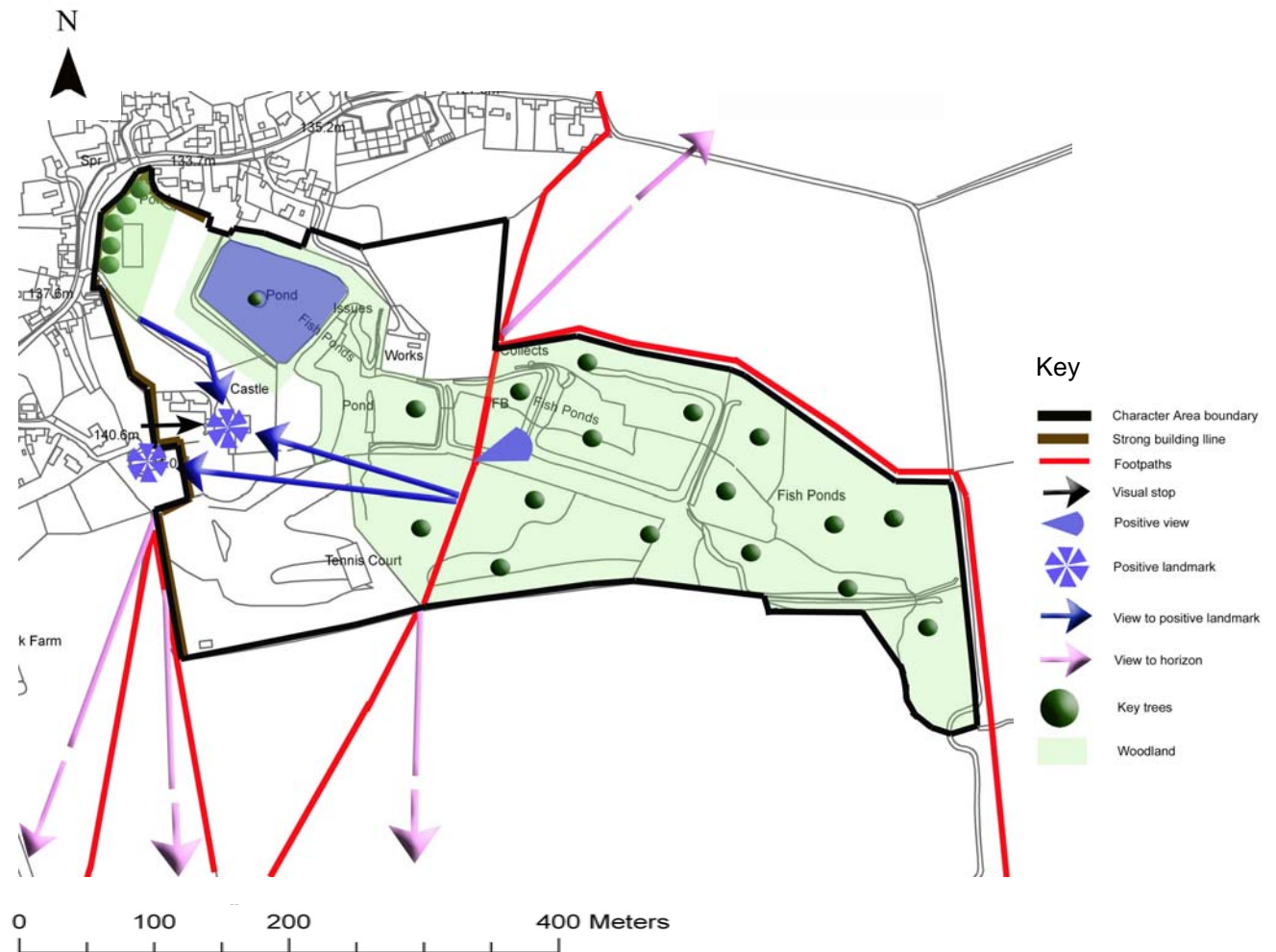
6.7 Threats

- As with any large estate that has in the past dominated village life there is a threat of unsympathetic management. Any changes can have a serious impact on the village.
- Similarly the upkeep of the boundary and the footpaths within the grounds are key to the character of village and pedestrian movement around the surrounding countryside.

6.8 Key Views

The Old Rectory and St Peters Church overlook the Castle and views towards them are impressive. Although together with the Castle these buildings are the some of the oldest in the village the character is very different with the Castle standing distinctly apart historically and socially. The views across the landscaped grounds are picturesque and there are also deflected views down the driveway from the village centre towards the Castle, however any public views are restricted by walls. From the southern boundary of the Conservation Area there are clear views to the industrial development in the North East of Banbury and due south to the most recent urban extension along the northern fringe of the town.

Figure 9: Hanwell Castle and grounds visual analysis



7—Historic Core character area

7.1 Land Use

The land use in this character area is entirely residential with the exception of the church.

7.2 Street pattern

The Main Street bends around the castle grounds in this area making you aware of the estate that is otherwise unseen from the road. In the west of the character area Church Lane branches to the south east.

7.3 Building age, type and style

This area includes most of the oldest buildings in the village which are predominantly vernacular dwellings dating from the 17th and 18th century. All the listed buildings with the exception of the castle fall within this character area. St Peter's Church which is Grade I listed is an important medieval building and is described in greater detail in section 5.6. The other listed buildings are 17th century with the most prominent being Spring Farmhouse and Heath Farmhouse which dominate the centre of the village. This main concentration of older properties in the centre is a result of the village probably being historically based around the central spring after which Spring Farmhouse is named.

7.4 Scale and massing

The majority of buildings in this area are of 2 or 2 ^{1/2} storeys although some appear taller as a result of their raised position. The houses are mostly large and detached with sizeable private gardens, however there are examples of semi-detached and some short terraces.

7.5 Construction and Materials

The building material is predominantly coursed ironstone. The more important buildings such as St Peter's and the Old Rectory are constructed with ironstone ashlar while on Spring Farmhouse and Heath Farmhouse the ironstone has been squared. Wooden lintels are also found on these houses and on the Old Rectory there is an impressive wood panelled door. These details along with the sash windows visible in this area show the gentrification of elevations common with old houses in such a dominant position within the village. There is also use of red brick especially in the outbuildings of the larger houses. Park Farm is the only important dwelling to be built entirely of red brick with a Welsh slate roof. Although the roofing material is mostly old red clay tile and Welsh slate some thatch remains, in this area on 6 Main Street and 1 and 2 Hazlewood. Other features include swept or eyebrow dormers. An exception in this area is the Old School which has a gabled tiled roof with ornate chimneys. Elsewhere the chimneys are stone based, with brick often replacing stone stacks.

7.6 Means of enclosure

The main form of enclosure is stone walling, predominantly mortared and about a metre in height. Many of these are retaining walls, where the level of the road is somewhat lower than that of the garden, for example at Spring Farmhouse. Some small front gardens are colourful and well tended which contribute significantly to the character of the village street scene.



Village centre

7.7 Trees, hedges, verges, open spaces

The central green bank creates the focus for this area and in some respects for Hanwell itself. There is some planting beneath the low walls that retain the access to Heath Farmhouse as well as a number of young trees. The area around the open spring also has understated planting. The grass verges are un-edged with the exception of wooden bollards installed to prevent vehicles eroding the green. Although there are no Tree Preservation Orders in Hanwell there are a number of important trees. Those in the garden of The Old Rectory are impressive and dominate surrounding views. The churchyard also contains trees which contribute to the character of the area. The trees within the castle grounds overshadow the road and give a feeling of enclosure. Such a large number of mature trees adds to the historic atmosphere of this area.

7.8 Features of Special interest

This area includes the spring which is a central feature for the village. The juxtaposition of the historic core, castle grounds and spring give an impression of the form of the original village. There are also a number of small intriguing details within this area, for example the stone within the Old School's wall with a carved cross, probably removed from an earlier building.

7.9 Carriageway, pavements, footpaths

The main road is tarmacadam with some concrete kerbing, there is also a tarmacadam path that runs across the crescent shaped green raised above the road. Stone kerbs are found to the west of the character area. Hornton stone paving is found outside the church and there are remnants of a stone path outside The Old Rectory. There is also an old stone stile constructed from gravestones in the Churchyard. In some areas blue stable block brick steps are found across verges.



7.10 Threats

- As such an important focus for the village any erosion of the green or unsympathetic alterations to the surrounding properties would be very damaging.
- The two farmhouses are particularly visible and their elevations dominant on the street scene, any extension or inappropriate replacements to the frontage would have serious implications on the character of the village.
- The trees within the castle grounds are also key to the character of this area, their removal or any major pruning would alter the feel of the village centre.
- The unkerbed grassed verges are key to the character of this area and should be maintained. Their erosion or the introduction of urban features such as kerbs would be a threat.

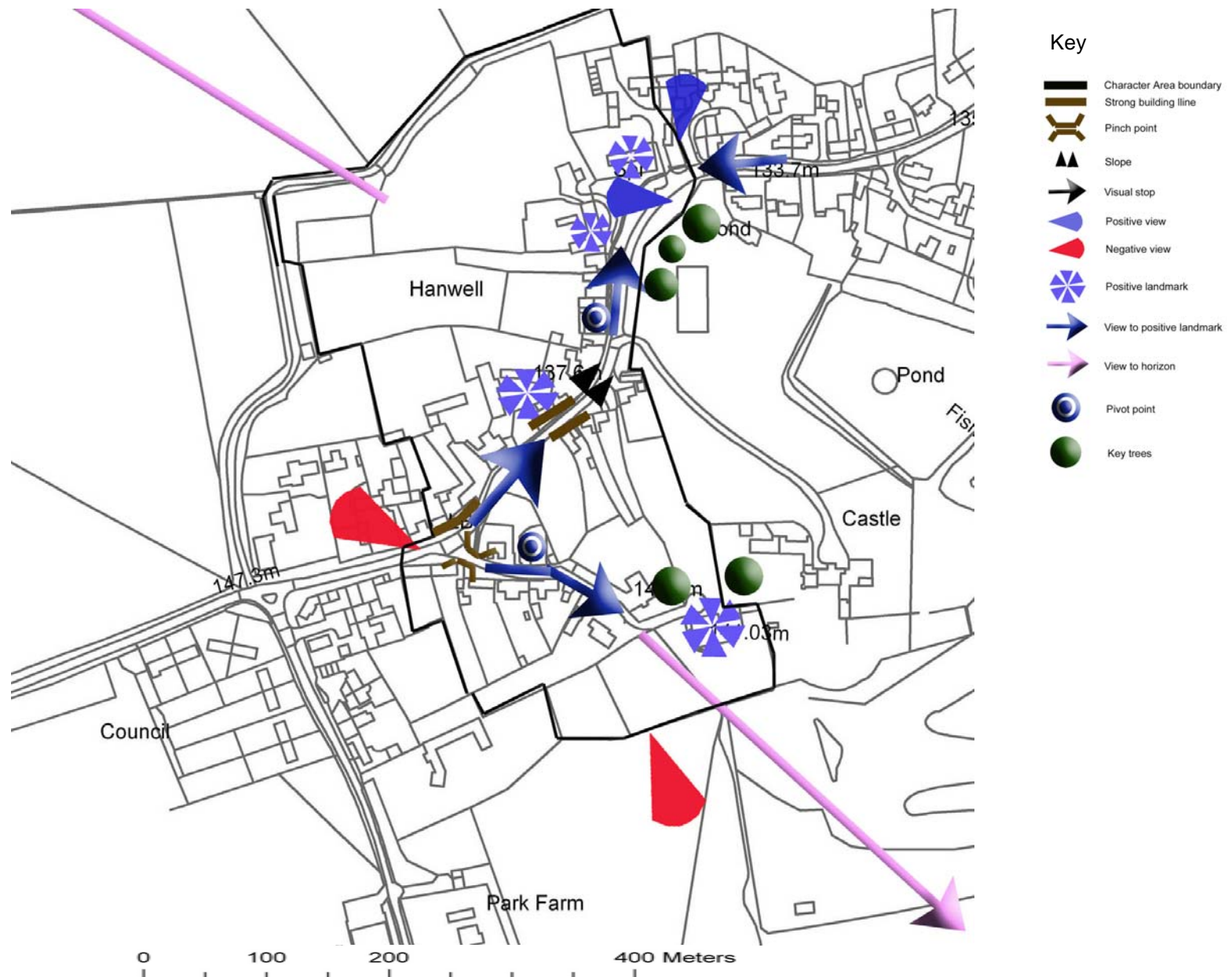


- The footways within this area are generally well maintained and not over formal. Any change in this state would be a threat to character.
- The land around the boundary to the north and south is important to the character of the village, providing the setting for the Conservation Area, and as such should be protected from any unsympathetic development

7.11 Key Views

The undulating ground on which Hanwell is built and the winding route of the Main Street inhibit long distance views within the village. However, both these factors provide additional interest to several short distance views. For example from the properties which front the spring and wall into the grounds of the castle and down the Main Street looking towards Spring Farmhouse. Church Lane has a strong building line and leads the eye round the corners towards St Peter's in a series of aesthetically pleasing views. From the Churchyard there are views towards the castle and out across open countryside.

Figure 10: Historic Core visual analysis



8—Village Ends character area

8.1 Land Use

The east and west ends of the Village are entirely residential with the exception of The Moon and Sixpence pub and Village Hall.

8.2 Street pattern

The road falls and winds as it leaves the village eastwards towards Southam road. The development is linear with houses lining the road. The majority of the houses are set back from the road generally being closer to the main route near the centre of the village. There is also the small cul-de-sac of Park Close to the south and Hanwell Court to the north which are set back from the road. In the west end is a track Park Farm and another to the north crossing the Main Street.

8.3 Building age, type and style

The buildings within this area are the most varied in age, style and type. Near the centre of Hanwell the properties are generally older with the Moon and Sixpence free house probably dating from the 18th century. The properties on the western part of Main Street are predominantly 19th and 20th century with Hanwell Court and Park Close dating from the late 20th century. Both areas include conversions of former farm buildings. Most new building, particularly more recent display a vernacular character and materials



The Moon and Sixpence

8.4 Scale and massing

The buildings vary from two storey to one with most being semi-detached or detached. In the west end the houses are predominantly detached and stand within large gardens. There are also a few terraced houses most notably in Park Close.

8.5 Construction and Materials

The materials within this area are predominantly ironstone rubble as used for the Moon and Sixpence and in Hanwell Court. To the north of the Main Street there are ironstone houses clad with terracotta tiles on the upper storey façade. These properties and many others within the East end of the village have concrete tile roofs. Some dwellings retain a more traditional Welsh slate roof. Hanwell Village Hall has recently been refurbished and the exterior clad in wood. In the more modern Springfields development there is an example of thatch as well as the Welsh Slate which predominates as the roofing material in this character area.

8.6 Means of enclosure

The main boundary treatments within this area are stone walls and high hedges. Near the centre of the village and again at the eastern end of Hanwell ironstone walls form the main boundary treatment, often with mature shrubs and roses above. Hedges are used as a means of enclosure to the edges of the character area where the Main Street is bordered by set back houses with large gardens. There are also examples of picket fencing.



Park Close

8.7 Trees, hedges, verges, open spaces

Where Main Street slopes downhill the gardens to the north are above road height with banks of grass topped with hedging obscuring the houses from view. At this point to the south there are a number of mature trees some of which overhang the road.



Looking east down Main Street at the entrance to the

8.8 Features of Special interest

This area has a social history interest but little of note in terms of architectural or historical importance.

8.9 Carriageway, pavements, footpaths

No historic paving is retained in this area of the village. The footways are all tarmacadam with concrete kerbs. The roads are also tarmacadam with a small area of gravel at the eastern end of the village by the farm track entrance.

8.10 Threats

- On Street parking can be visually intrusive.
- In areas where the trees overhang the road care should be taken to maintain the vegetation to prevent the likelihood of fallen branches.
- The Moon and Sixpence is currently very successful in keeping its signage to a minimum and this should be encouraged. Large and unsympathetic advertisements can threaten a sensitive street scene.

- As with other areas of the village the grass verges are key to the character of the west village end and urban kerbing should be resisted.
- At the eastern boundary of the village it is possible to see the industrial areas of Banbury which are visually intrusive. Further unsympathetic urban extensions in this area threaten the setting of the Conservation Area.

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.

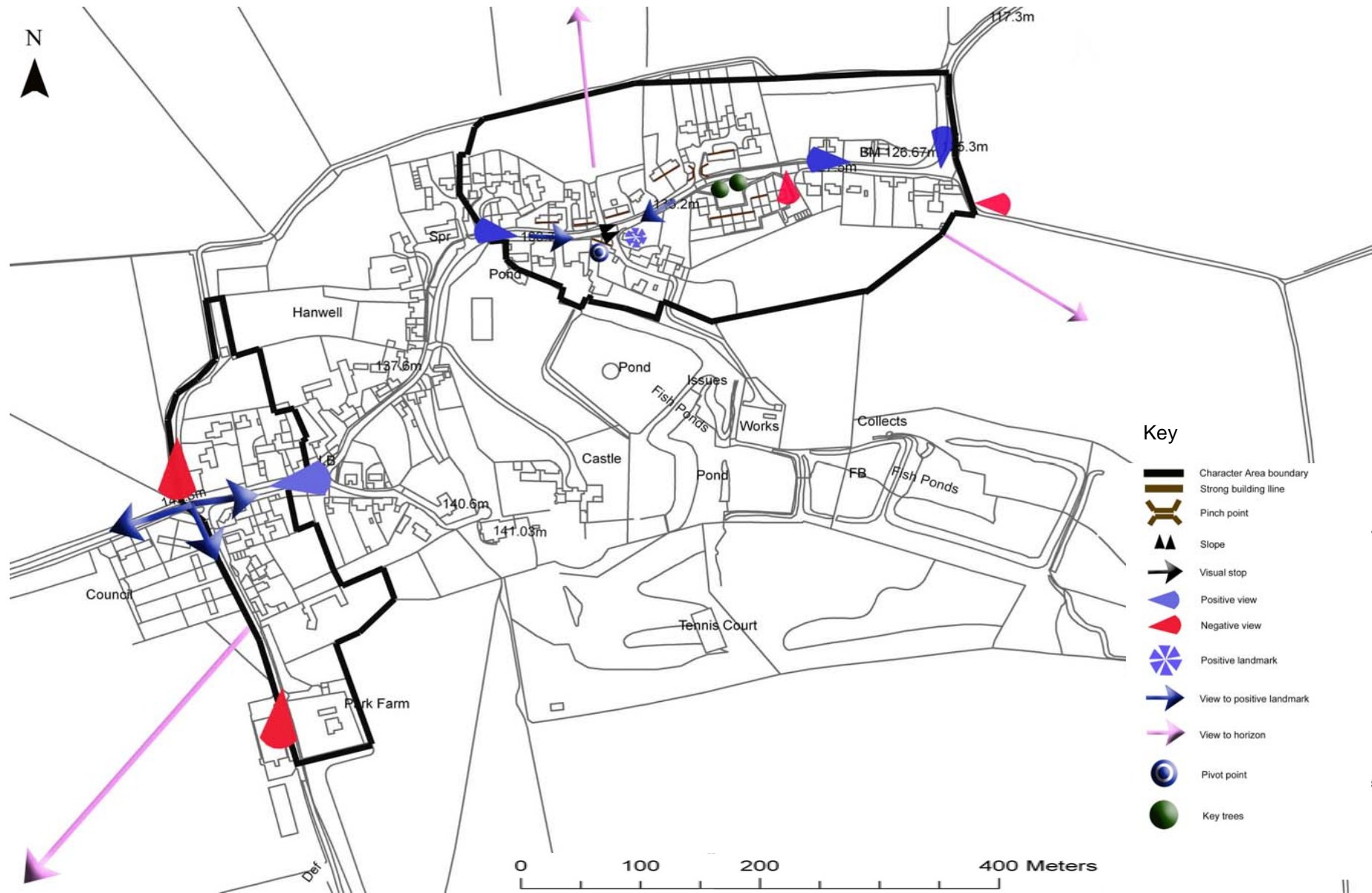


Houses on the north side of Main Street



View along eastern part of Main Street looking east

Figure 11: Village Ends visual analysis



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9. Management Plan

9.1 Policy context

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to formulate and publish proposals for the preservation and enhancement of its Conservation Areas. In line with English Heritage guidance (2005b) Conservation Area Management Proposals are to be published as part of the process of area designation or review. Their aim is to provide guidance through policy statements to assist in the preservation and enhancement of the Conservation Area. There are two major threats to the character and appearance of Hanwell. The first is the erosion of open space and rural character by unsympathetic infill housing and urban additions and the second is the cumulative impact of numerous alterations to the traditional but unlisted buildings within the area. Hanwell has little remaining scope for infill housing although past developments within the village have generally been of a high quality.

The pressure on the village from the urban extension of Banbury is a threat to the integrity and independence of Hanwell. 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. The grassed areas within the village are key to maintaining a rural feel and their erosion is a serious threat. In terms of the buildings within Hanwell some alterations which may seem quite small in themselves, for example the replacement of traditional window casements, usually with uPVC double-glazing and additions such as satellite dishes on the front elevations of properties can threaten the character of the village. Such alterations to unlisted residential properties are for the most part permitted development (with the exception of satellite dishes) and therefore do not require planning permission. Unauthorised alterations and additions are also a cause for concern and are often detrimental to the appearance of a property.

Both unsympathetic permitted development and unauthorised development cumulatively result in the erosion of the historic character and rural appearance of the Conservation Area. The aim of management proposals is not to prevent changes but to ensure that any such changes are both sympathetic to the individual property, sympathetic to the streetscape and overall enhance the character and appearance of the conservation area. The principal policies covering alterations and development of the historic built environment are given in Appendix 1.

Generic Guidance

The Council Will:

1. Promote a policy of repair rather than replacement of traditional architectural details. Where repairs are not economically viable then the promotion of bespoke sympathetic replacement should be encouraged. This is particularly the case for windows when sympathetic refenestration is important in preserving the appearance of the building in the design and materials.

2. Actively promote the use of traditional building and roofing materials in new building work, extensions and repair. In Hanwell the dominance of ironstone is key to the character of the village.

3. Encourage owners of historic properties wherever possible to replace inappropriate modern with the appropriate traditional materials such as Welsh slate. Materials such as uPVC and concrete tiles look out of place in a conservation area and their use is discouraged.

4. Expect any scale, massing, proportions and height of new buildings or extensions to reflect those of the existing built environment of the immediate context or of the wider conservation area context. Layouts, boundary treatments and landscaping schemes will also be expected to make clear visual reference to those traditionally found within in the area.

5. Strive to ensure that the character of traditional buildings is protected and original features are preserved. This is particularly the case for Heath and Spring Farmhouses where retention of the architectural type is important to the village character.



Enhancement and management of the public realm

The Council Will:

1. Encourage a general level of good maintenance of properties.

2. Investigate whether appropriate planning permission or listed building consent has been obtained for an alteration. Unauthorised alterations to a listed building is a criminal offence and if necessary the council will enforce this.

3. Require the location of satellite dishes on rear elevations or within rear gardens to prevent visual pollution and damage to the character of the area.

4. Exercise a presumption against artificial cladding material, including render on the front elevations of buildings, with the exception of the clay tile half dormer cladding which is part of the character of the village.

5. Promote traditional styles of pointing. The type of pointing in stone or brickwork is integral to the appearance of the wall or structure. It is therefore of great importance that only appropriate pointing is used in the repointing of stone or brickwork. Repointing work should be discreet to the point of being inseparable from the original. 'Ribbon' and similar pointing is considered a totally inappropriate style of pointing for this district.

6. Promote the use of lime mortar in the construction and repointing of stone and brickwork is strongly advocated. This is a traditional building material and its use is of benefit to traditional buildings. This is in contrast to hard cementaceous mortars often used in modern construction, which can accelerate the weathering of the local building stone.

7. Promote the use of sympathetic materials for garage doors. Vertical timber boarded side hung doors are preferable to metal or fibreglass versions which can have a negative impact on the street scene. In the case of Park Close the dark blue of the garage doors reduces the impact on key views.

8. Encourage the location of solar panels on rear roof slopes of unlisted buildings or on outbuildings within rear gardens.

9. Encourage sympathetic refenestration where inappropriate windows have been inserted.

10. Actively promote the harmonisation of appearance within the individual terraces or pairs of properties.

11. Encourage the reinstating of traditional features of the villages.

12. Discourage disfiguring alterations such as unsympathetic extensions, altering the dimensions of window openings.

13. Support new buildings on infill plots that are sympathetic to the intrinsic character of the area in terms of scale, design and materials. There are existing areas of open land around the Conservation Area that should be protected from any future development that would adversely affect the character of the villages. It is essential that the historic and in parts semi-rural nature of the area is not overwhelmed.



14. Create a dialogue with other authorities and agencies to rationalise the use of kerbs and bollards to ensure they are in keeping with the character of the area.

15. Create a dialogue with service providers to encourage underground power cables to reduce the visual pollution caused by the overhead lines and their supporting poles within the villages.

16. Encourage the sympathetic location of both amenity and private security lighting to limit light pollution. Lighting within the village can have an adverse effect on the semi-rural character of the conservation area. The material and design of the fittings and their position on the building should be carefully considered.

17. Promote the repair or replacement of lost or inappropriate boundary treatments with traditional walling or hedging in a style appropriate to the location.

18. Promote the retention of boundary walls and gateways.

19. Promote the use of a suitable style of boundary for the position within the village, for example the use of simple post fencing for properties backing on to open ground and stone walls in the village centre.

20. Promote the retention of historic footpaths within the village and work with bodies such as the Parish Council and Oxford County Council to prevent these being lost. The informality of these paths should be preserved and attempts to add hard surfaces or extensive signage should be resisted. The footpaths within this Conservation Area are key to the character of the landscape, some of them being along extremely ancient routes joining local villages.



Management and protection of important green spaces

The Council Will:

1. Encourage the retention of front gardens, walls and boundary hedges.
2. Promote the retention of significant open spaces and field systems around the village.
3. Promote the sympathetic maintenance of open areas such as the central green bank and the castle grounds within the Conservation Area.

4. Preserve the character and appearance of open spaces within the Conservation Area. Urban features such as roadside kerbing should be avoided. Car parking on grass areas should be discouraged, in some areas stones have been successfully used for this purpose.



5. Promote positive management of vegetation. Trees and hedges make an important contribution to the character and appearance of the conservation area. Planting of exotic imports or inappropriate varieties, such as Leylandii, are to be strongly discouraged, these trees grow fast and can alter or block important views as well being uncharacteristic of the area. Trees over a certain size within the area boundary are protected from unauthorised felling by virtue of their location within a Conservation Area, this is a particularly important protection because none of the trees within Hanwell are currently subject to Tree Preservation Orders.

6. Promote the retention of grass verges within the village. These play a key role in retaining the rural feel of Hanwell

7. Preserve the setting of the Castle grounds and of the Conservation Area.

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11. Appendix 1

There are a number of policy documents which contain policies pertaining to the historic built environment. The main policies are summarised in this section. Other policies of a more general nature are also of some relevance, these are not listed here but can be found elsewhere in the specific documents mentioned below.

Oxfordshire structure plan 2016

EN4 The fabric and setting of listed buildings including Blenheim Palace and Park, a World Heritage Site, will be preserved and the character or appearance of conservation areas and their settings will be preserved or enhanced. Other elements of the historic environment, including historic parks and gardens, battlefields and historic landscapes will also be protected from harmful development.

EN6 There will be a presumption in favour of preserving in situ nationally and internationally important archaeological remains, whether scheduled or not, and their settings. Development affecting other archaeological remains should include measures to secure their preservation in situ or where this is not feasible, their recording or removal to another site.

Cherwell Local Plan 1996

H5 Where there is a demonstrable lack of affordable housing to meet local needs, the district council will negotiate with developers to secure an element of affordable housing in substantial new residential development schemes. The district council will need to be satisfied that such affordable housing: (i) is economically viable in terms of its ability to meet the need identified (ii) will be available to meet local needs long term through secure arrangements being made to restrict the occupancy of the development (iii) is compatible with the other policies in this plan.

H12 New housing in the rural areas of the district will be permitted within existing settlements in accordance with policies H13, H14 and H15. Schemes which meet a specific and identified local housing need will be permitted in accordance with policies H5 and H6.

H19 Proposals for the conversion of a rural building, whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided: (i) the building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character; (ii) the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building; (iii) the proposal would not harm the special character and interest of a building of architectural or historic significance; (iv) the proposal meets the requirements of the other policies in the plan.

H21 Within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance. In all instances proposals will be subject to the other policies in this plan.

C18 In determining an application for listed building consent the council will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The council will normally only approve internal and external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building.

C19 Before the determination of an application for the alteration, demolition or extension of a listed building applicants will be required to provide sufficient information to enable an assessment to be made of the likely impact of their proposals on the special interest of the structure, its setting, or special features.

C20 Special care will be taken to ensure that development which is situated within the setting of a listed building respects the architectural and historic character of the building and its setting.

C22 In a conservation area planning control will be exercised, to ensure *inter alia*, that the character or appearance of the area so designated is preserved or enhanced.

C23 There will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a conservation area.

C30 Design control will be exercised to ensure: (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity; (ii) that any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene; (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the local planning authority.

C36 In considering applications in conservation areas the council will pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

EN34 the council will seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would: (i) cause undue visual intrusion into the open countryside; (ii) cause undue harm to important natural landscape features and topography; (iii) be inconsistent with local character; (iv) harm the setting of settlements, buildings, structures or other landmark features; (v) harm the historic value of the landscape.

EN35 The Council will seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local landscape as a result of their ecological, historic or amenity value. Proposals which would result in the loss of such features will not be permitted unless their loss can be justified by appropriate mitigation and/or compensatory measures to the satisfaction of the council.

EN39 Development should preserve listed buildings, their features and settings, and preserve or enhance the character or appearance of designated conservation areas, as defined on the proposals map. Development that conflicts with these objectives will not be permitted.

EN40 In a conservation area or an area that makes an important contribution to its setting planning control will be exercised to ensure, *inter alia*, that the character or appearance of the area so designated is preserved or enhanced. There will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a conservation area. a new development should understand and respect the sense of place and architectural language of the existing but should seek to avoid pastiche development except where this is shown to be clearly the most appropriate.



EN43 proposals that would result in the total or substantial demolition of a listed building, or any significant part of it, will not be permitted in the absence of clear and convincing evidence that the market testing set out in ppg15 paragraphs 3.16 to 3.19 has been thoroughly followed with no success.

EN45 Before determination of an application for planning permission requiring the alteration, extension or partial demolition of a listed building, applicants will be required to provide sufficient information to enable an assessment of the likely impact of the proposals on the special architectural or historic interest of the structure, its setting or special features.

EN47 The Council will promote sustainability of the historic environment through conservation, protection and enhancement of the archaeological heritage and its interpretation and presentation to the public. In particular it will: (i) seek to ensure that scheduled ancient monuments and other unscheduled sites of national and regional importance and their settings are permanently preserved; (ii) ensure that development which could adversely affect sites, structures, landscapes or buildings of archaeological interest and their settings will require an assessment of the archaeological resource through a desk-top study, and where appropriate a field evaluation; (iii) not permit development that would adversely affect archaeological remains and their settings unless the applicant can demonstrate that the archaeological resource will be physically preserved in-situ, or a suitable strategy has been put forward to mitigate the impact of development proposals.

(iv) ensure that where physical preservation in-situ is neither practical nor desirable and sites are not scheduled or of national importance, the developer will be responsible for making appropriate provision for a programme of archaeological investigation, recording, analysis and publication that will ensure the site is preserved by record prior to destruction. Such measures will be secured either by a planning agreement or by a suitable planning condition.

EN48 Development that would damage the character, appearance, setting or features of designed historic landscapes (parks and gardens) and battlefields will be refused.

EN51 In considering applications for advertisements in conservation areas the council will pay special attention to the desirability of preserving or enhancing the character or appearance of the area.



12. Acknowledgments

Images used are sourced from the Victoria County History Vol IX. And from the Oxfordshire Studies Library.

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Appendix BC 4

Policy ESD 15: Green Boundaries to Growth – Deleted Policy Text

“Proposals for development on the edge of the built up area must be carefully designed and landscaped to soften the built edge of the development and assimilate it into the landscape by providing green infrastructure that will positively contribute to the rural setting of the towns. Existing important views of designated or attractive landscape features will need to be taken into account. Proposals will also be considered against the requirements of Policy ESD 13: Local Landscape Protection and Enhancement. In addition, Green buffers as indicated on the Policies Proposals Maps will 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“.

Appendix BC 5

LVA Methodology

Appendix EDP 2

Methodology: Thresholds and Definitions of Terminology used in this Appraisal

- A2.1 LVA are separate, though linked procedures. Landscape effects derive from changes in the physical landscape fabric which may give rise to changes in its character and how this is experienced. Visual effects relate to changes that arise in the composition of available views as a result of changes to the perception of the landscape, to people's responses to the changes and to the overall effects with respect to visual amenity.
- A2.2 A number of factors influence professional judgement when assessing the degree to which a particular landscape or visual receptor can accommodate change arising from a particular development. Sensitivity is made up of judgements about the 'value' attached to the receptor, which is determined at baseline stage, and the 'susceptibility' of the receptor, which is determined at the assessment stage when the nature of the proposals, and therefore the susceptibility of the landscape and visual resource to change, is better understood.
- A2.3 Susceptibility indicates "the ability of a defined landscape or visual receptor to accommodate the specific proposed development without undue negative consequences"⁴. Susceptibility of visual receptors is primarily a function of the expectations and occupation or activity of the receptor.
- A2.4 **Table EDP A2.1** provides an indication of the criteria by which the overall sensitivity of a landscape receptor is judged within this assessment and considers both value and susceptibility independently.

Table EDP A2.1: Defining the sensitivity of the landscape baseline.

EDP assessment terminology and definitions	
Landscape Baseline – Overall Sensitivity	
Very High	<p>Value: Nationally/internationally designated/valued countryside and landscape features; strong/distinctive landscape characteristics; absence of landscape detractors.</p> <p>Susceptibility: Strong/distinctive landscape elements/aesthetic/perceptual aspects; absence of landscape detractors; landscape receptors in excellent condition. Landscapes with clear and widely recognised cultural value. Landscapes with a high level of tranquillity.</p>
High	<p>Value: Locally designated/valued countryside (e.g. Areas of High Landscape Value, Regional Scenic Areas) and landscape features; many distinctive landscape characteristics; very few landscape detractors.</p>

⁴ Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, Third Edition Page 158

EDP assessment terminology and definitions	
	Susceptibility: Many distinctive landscape elements/aesthetic/perceptual aspects; very few landscape detractors; landscape receptors in good condition. The landscape has a low capacity for change as a result of potential changes to defining character.
Medium	Value: Undesignated countryside and landscape features; some distinctive landscape characteristics; few landscape detractors.
	Susceptibility: Some distinctive landscape elements/aesthetic/perceptual aspects; few landscape detractors; landscape receptors in fair condition. Landscape is able to accommodate some change as a result.
Low	Value: Undesignated countryside and landscape features; few distinctive landscape characteristics; presence of landscape detractors.
	Susceptibility: Few distinctive landscape elements/aesthetic/perceptual aspects; presence of landscape detractors; landscape receptors in poor condition. Landscape is able to accommodate large amounts of change without changing these characteristics fundamentally.
Very Low	Value: Undesignated countryside and landscape features; absence of distinctive landscape characteristics; despoiled/degraded by the presence of many landscape detractors.
	Susceptibility: Absence of distinctive landscape elements/aesthetic/perceptual aspects; presence of many landscape detractors; landscape receptors in very poor condition. As such landscape is able to accommodate considerable change.

A2.5 For visual receptors, judgements of susceptibility and value are closely interlinked considerations. For example, the most valued views are those which people go and visit because of the available view – and it is at those viewpoints that their expectations will be highest and thus most susceptible to change.

A2.6 **Table EDP A2.2** provides an indication of the criteria by which the overall sensitivity of a visual receptor is judged within this assessment and considers both value and susceptibility together.

Table EDP A2.2: Defining the sensitivity of the visual baseline.

Visual Baseline – Overall Sensitivity	
Very High	Value/Susceptibility: View is: designed/has intentional association with surroundings; recorded in published material; from a publicly accessible heritage asset/designated/promoted viewpoint; nationally/internationally designated right of way; protected/recognised in planning policy designation.
	Examples: May include views from residential properties; National Trails; promoted holiday road routes; designated countryside/landscape features with public access; visitors to heritage assets of national importance; open Access Land.
High	Value/Susceptibility: View of clear value but may not be formally recognised e.g. framed view of scenic value or destination/summit views; inferred that it may have value for local residents; locally promoted route or PRoW.

Visual Baseline – Overall Sensitivity	
	Examples: May include from recreational locations where there is some appreciation of the visual context/landscape e.g. golf, fishing; themed rights of way with a local association; National Trust land; panoramic viewpoints marked on OS maps; road routes promoted in tourist guides and/or for their scenic value.
Medium	Value/Susceptibility: View is not widely promoted or recorded in published sources; may be typical of those experienced by an identified receptor; minor road routes through rural/scenic areas.
	Examples: May include people engaged in outdoor sport not especially influenced by an appreciation of the wider landscape e.g. pitch sports; views from minor road routes passing through rural or scenic areas.
Low	Value/Susceptibility: View of clearly lesser value than similar views from nearby visual receptors that may be more accessible.
	Examples: May include major road routes; rail routes; receptor is at a place of work but visual surroundings have limited relevance.
Very Low	Value/Susceptibility: View may be affected by many landscape detractors and unlikely to be valued.
	Examples: May include people at their place of work, indoor recreational or leisure facilities or other locations where views of the wider landscape have little or no importance.

MAGNITUDE OF CHANGE

A2.7 The magnitude of any landscape or visual change is determined through a range of considerations particular to each receptor. The three attributes considered in defining the magnitude are:

- Scale of Change;
- Geographical Extent; and
- Duration and reversibility/Proportion.

A2.8 **Table EDP A2.3** below provides an indication of the criteria by which the geographical extent of the area will be affected within this assessment.

Table EDP A2.3: Geographical Extent Criteria

Landscape Receptors	Visual Receptor Criteria
Large scale effects influencing several landscape types or character areas.	Direct views at close range with changes over a wide horizontal and vertical extent.
Effects at the scale of the landscape type or character areas within which the proposal lies.	Direct or oblique views at close range with changes over a notable horizontal and/or vertical extent.

Landscape Receptors	Visual Receptor Criteria
Effects within the immediate landscape setting of the site.	Direct or oblique views at medium range with a moderate horizontal and/or vertical extent of the view affected.
Effects at the site level (within the development site itself).	Oblique views at medium or long range with a small horizontal/vertical extent of the view affected.
Effects only experienced on parts of the site at a very localised level.	Long range views with a negligible part of the view affected.

A2.9 The third, and final, factor, in determining the predicted magnitude of change is duration and reversibility. Duration and reversibility are separate but linked considerations. Duration is judged according to the defined terms set out below, whereas reversibility is a judgement about the prospects and practicality of the particular effect being reversed in, for example, a generation. The categories used in this assessment are set out in **Table EDP A2.4** below.

Table EDP A2.4: Factors influencing judgements on magnitude of change

Duration	Reversibility
Long Term (20+ years)	Permanent with unlikely restoration to original state e.g. major road corridor, power station, urban extension, hydrocarbons.
Medium to long term (10 to 20 years)	Permanent with possible conversion to original state e.g. agricultural buildings, retail units.
Medium term (5 to 10 years)	Partially reversible to a different state e.g. mineral workings.
Short term (1 to 5 years)	Reversible after decommissioning to a similar original state e.g. renewable energy development.
Temporary (less than 12 months)	Quickly reversible e.g. temporary structures.

Table EDP A2.5: Defining the magnitude of change to the landscape and visual baseline

Magnitude of Change	
(Considers Scale of Proposal/Geographical Extent/Duration and Reversibility/Proportion)	
Very High	Landscape: Total loss/major alteration to key receptors/characteristics of the baseline; addition of elements that strongly conflict or fails to integrate with the baseline.
	Visual: Substantial change to the baseline, forming a new, defining focus and having a defining influence on the view.
High	Landscape: Notable loss/alteration/addition to one or more key receptors/characteristics of the baseline; or addition of prominent conflicting elements.
	Visual: Additions are clearly noticeable, and part of the view would be fundamentally altered.
Medium	Landscape: Partial loss/alteration to one or more key receptors/characteristics; addition of elements that are evident but do not necessarily conflict with the key characteristics of the existing landscape.

Magnitude of Change	
	Visual: The proposed development will form a new and recognisable element within the view which is likely to be recognised by the receptor.
Low	Landscape: Minor loss or alteration to one or more key landscape receptors/ characteristics; additional elements may not be uncharacteristic within existing landscape.
	Visual: Proposed development will form a minor constituent of the view being partially visible or at sufficient distance to be a small component.
Very Low	Landscape: Barely discernible loss or alteration to key components; addition of elements not uncharacteristic within the existing landscape.
	Proposed development will form a barely noticeable component of the view, and the view whilst slightly altered would be similar to the baseline.
Imperceptible	<i>In some circumstances, changes at representative viewpoints or receptors will be lower than 'Very Low' and changes will be described as 'Imperceptible'. This will lead to negligible effects.</i>

PREDICTED EFFECTS

A2.10 In order to consider the likely level of any effect, the sensitivity of each receptor is combined with the predicted magnitude of change to determine the level of effect, with reference also made to the geographical extent, duration and reversibility of the effect within the assessment. Having taken such a wide range of factors into account when assessing sensitivity and magnitude at each receptor, the level of effect can be derived by combining the sensitivity and magnitude in accordance with the matrix in **Table EDP A2.6**.

Table EDP A2.6: Determining the predicted levels of effects to the landscape and visual baseline.

Overall Sensitivity	Overall Magnitude of Change				
	Very High	High	Medium	Low	Very Low
Very High	Substantial	Major	Major/ Moderate	Moderate	Moderate/ Minor
High	Major	Major/ Moderate	Moderate	Moderate/ Minor	Minor
Medium	Major/ Moderate	Moderate	Moderate/- Minor	Minor	Minor/ Negligible
Low	Moderate	Moderate/ Minor	Minor	Minor/ Negligible	Negligible
Very Low	Moderate/ Minor	Minor	Minor/ Negligible	Negligible	Negligible/ None

Table EDP A2.7: Definition of Effects

Definition of Effects	
Substantial	Effects that are in complete variance to the baseline landscape resource or visual amenity.

Definition of Effects	
Major or Major/Moderate	Effects that result in noticeable alterations to much (<i>Major effect</i>) or some (<i>Moderate/Major effect</i>) of the key characteristics of the landscape resource or aspects of visual amenity.
Moderate	Effects that result in noticeable alterations to a few of the key characteristics of the baseline landscape resource or aspects of visual amenity.
Minor or Minor/Negligible	Effects that result in slight alterations to some (<i>Minor effect</i>) or a few (<i>Minor/Negligible</i>) of the key characteristics of the landscape resource or aspects of visual amenity.
Negligible or Negligible/None	Effects that result in barely perceptible alterations to a few (<i>Negligible effect</i>) or some (<i>Negligible/None effect</i>) of the key characteristics of the landscape resource or aspects of visual amenity.
None	No detectable alteration to the key characteristics of the landscape resource or aspects of visual amenity.

A2.11 Effects can be adverse (**negative**), beneficial (**positive**) or neutral. The landscape effects will be considered against the landscape baseline, which includes published landscape strategies or policies if they exist. Changes involving the addition of large-scale man-made objects are typically considered to be adverse, unless otherwise stated, as they are not usually actively promoted as part of published landscape strategies.

A2.12 Visual effects are more subjective as peoples' perception of development varies through the spectrum of negative, neutral and positive attitudes. In the assessment of visual effects, the assessor will exercise objective professional judgement in assessing the level of effects and, unless otherwise stated, will assume that all effects are adverse, thus representing the worst-case scenario. Effects can be moderated by maturation of landscape strategies.

A2.13 The timescale of each effect is also important, and effects are generally assessed at time stamps in the whole development life cycle: temporary (at a mid-point in construction), short-term (completion at year 1), medium-term (typically 15 years), medium- to long-term (15+ years). In some cases, the operational phase of a scheme could be considered 'temporary'.

NIGHT-TIME ASSESSMENT METHODOLOGY

A2.14 Night-time assessment of lighting on landscape and visual receptors is an emerging area and there is no specific policy or guidance on the subject. The approach and methodology of this assessment follows the same structured approach as the daytime visual assessment set out above, based on the principles set out in the Guidelines for Landscape and Visual Impact Assessment 2013 (GLVIA). The following adjustments have been made to allow for night-time conditions.

Sensitivity of Landscape Receptors at Night

A2.15 Susceptibility to lighting is judged based on the degree to which the character area is currently characterised by darkness – informed by satellite mapping of light distribution and

site observations and a review of relevant documents including 'Night Blight: Mapping England's light pollution and dark skies'⁵ prepared by CPRE.

- A2.16 Value is judged the same as for the daytime assessment unless specific factors suggest otherwise. For example, identification as a dark sky site may increase value and the absence of factors at night that contribute to value in daytime may reduce value.

Sensitivity of Visual Receptors at Night

- A2.17 For visual receptors the assessment takes account of the different importance attached to views in the night-time environment: Generally, the value attached to night-time views is considered to be low unless there is a particular feature that can be best appreciated in the hours of darkness. This may include views of stars and the night sky that are only possible in particularly dark areas or views of well-known landmarks that are lit up at night. The susceptibility of receptors also differs at night reflecting the different activities people undertake in the hours of darkness. For example, drivers using roads at night tend to be more focused on the road and the area illuminated by their headlights than during the day and may have oncoming headlights, cats eyes or other reflective signage drawing their attention, resulting in lower susceptibility. This is particularly the case on unlit rural roads that may be narrow and winding. On the other hand, people taking part in activities requiring darkness, such as stargazing, would be of higher susceptibility. The sensitivity of visual receptors at night is generally rated as follows:

- National value and High susceptibility – visitors to Dark Sky Parks;
- Local value and High susceptibility – visitors to dark sky discovery sites or public observatories;
- Community value and High susceptibility – wild campers, people engaged in night time activity such as bat watching or residents of notably dark areas (i.e. rural locations with no street lighting) in the streets around their homes where dark skies are integral to the amenity;
- National value and Medium susceptibility – visitors to nationally important or well-known public landmarks that are illuminated at night e.g. key public buildings, bridges or sculptural features;
- Local value and Medium susceptibility – visitors to locally important or well-known local landmarks that are illuminated at night e.g. key public buildings, bridges or sculptural features;
- Community value and Medium susceptibility – residents in urban areas or semi-urban/rural areas (where street lighting is present) in the streets around their homes, users of cycle routes and railways;
- Community value and Low susceptibility – drivers using local, unlit roads; and
- Limited value and Low susceptibility – users of main roads and people at their place of work.

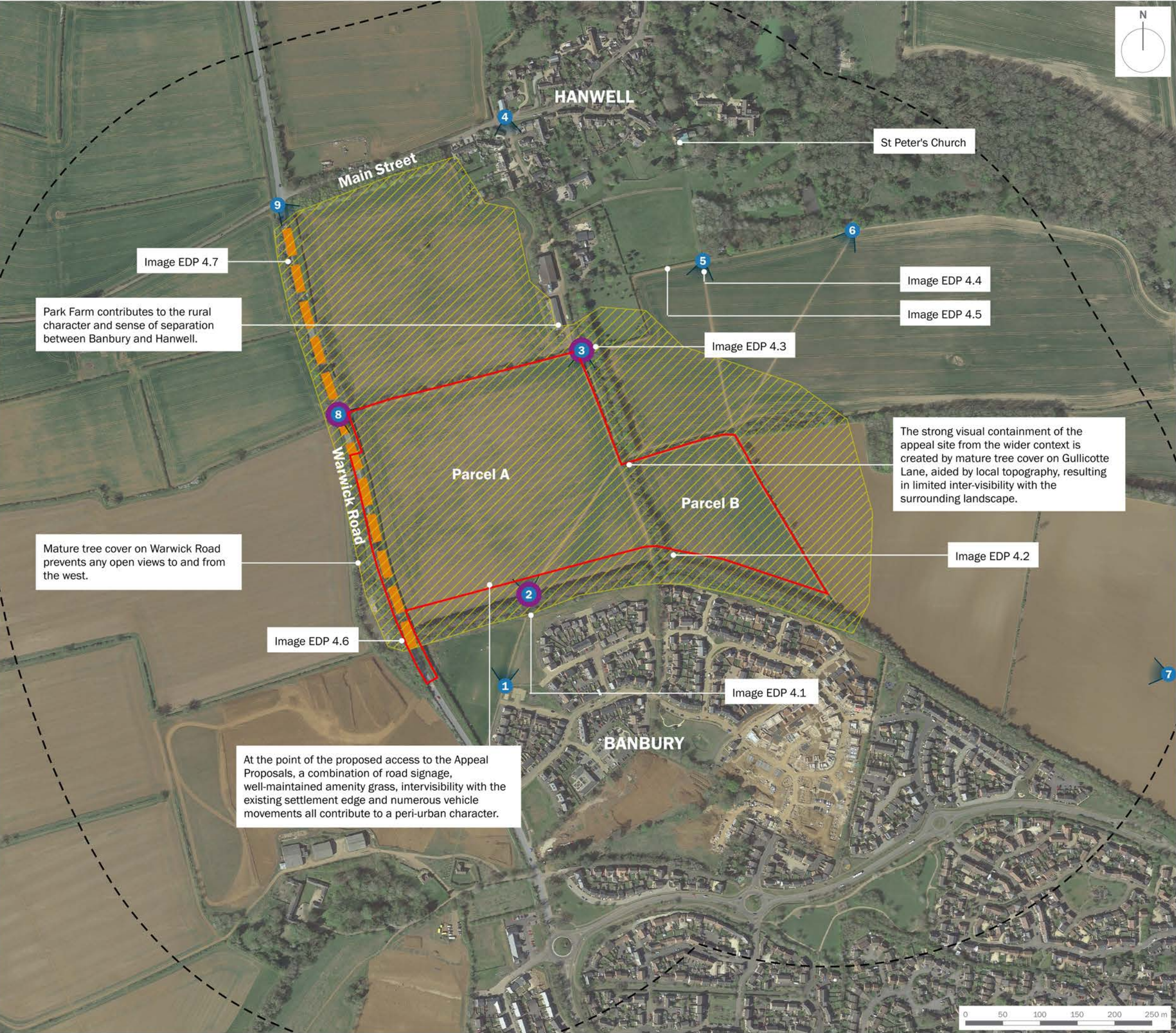
Perception of Light over Distance

A2.18 The physics of lighting tells us that the amount of light reaching any given point reduces with distance. A light source will emit a fixed amount of light, which spreads out in all directions, expanding with distance – like an inflating balloon. The amount of light reaching an area of fixed size, such as a person’s eye, is therefore markedly reduced by distance. Atmospheric conditions also play a role, with lights observably appearing brighter in drier conditions when the light is less scattered and reflected by water droplets in the air. However, human night vision and perception is optimised to gather the available light, and notice contrast – so the perception of the brightness of a light may reduce less with distance than physics would suggest.

Appendix BC 6
Illustrative Landscape Strategy Plan
(edp3253_d042c 18 November 2022 EB/BC)

Plans

Proof Plan BC 1: BC Appeal Site Appraisal
(edp3253_d047a 03 May 2024 BCo/WGa)



PROOF PLAN BC 1

- Appeal Site Boundary
- Range Rings (at 500m intervals)
- BC Zone of Primary Visibility
- Photoviewpoint (Within LVA)
- Long Term Visual Effects - Moderate or Above
- Section of Warwick Road where the Appeal Proposals would be visible

Park Farm contributes to the rural character and sense of separation between Banbury and Hanwell.

Mature tree cover on Warwick Road prevents any open views to and from the west.

At the point of the proposed access to the Appeal Proposals, a combination of road signage, well-maintained amenity grass, intervisibility with the existing settlement edge and numerous vehicle movements all contribute to a peri-urban character.

The strong visual containment of the appeal site from the wider context is created by mature tree cover on Gullicotte Lane, aided by local topography, resulting in limited inter-visibility with the surrounding landscape.

client	Vistry Group		
project title	Land East of Warwick Road, Banbury		
drawing title	BC Appeal Site Appraisal		
date	03 MAY 2024	drawn by	BCo
drawing number	edp3253_d047a	checked	WGa
scale	1:5,000 @ A3	QA	GYo





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