

Landscape Document KHVR: APP/C3105/W/24/3338211

LPA application reference: 23/00853/OUT

The appeal by Vistry Homes against the unanimous decision by Cherwell District Council to reject the application for up to 170 dwellings on land to the east of Warwick Road shows a clear disregard for the local knowledge of the council and for the arguments put forward by the council and residents of Hanwell and Banbury.

Landscape and Visual Impact

The appellant has stated that the Appeal Site is not subject to any landscape, ecological or other environmental designations that would constrain development. That may be the strict legal position, yet Vistry has felt it necessary to include statistics to try and demonstrate that 53% of the site is to be retained as green open space. In addition, they claim that there will be a 38% net gain in habitat units and 10% net gain in hedgerow units. How can this be when the area in question will be subject to excavation and destruction during the proposed building, and noise, light and air pollution thereafter? Planting trees post-development will not repair the damage done by felling existing trees and the current, mature and mixed habitat that they provide. Whilst animals and birds may return, their habitats will be at best disrupted and at worst destroyed.

The proposed development by virtue of its visually prominent position would breach Banbury's contained environmental setting, giving rise to a direct risk of coalescence between Banbury and Hanwell. This intrusion into the open countryside would destroy the characteristics of this open arable land and create a visually prominent urban built form. This would be inconsistent with the local character and to the detriment of the rural landscape, specifically the separate identity and individuality of Hanwell village.

It is important to understand the landscape context in this appeal. Paragraph B.252 of the 2015 Local Plan lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester **and the historic villages and parkland of Hanwell and Wroxton.**

The existing landscape consists of two arable fields under rotational crops which have been historically subject to all the interventions associated with modern farming such as soil treatments, crop-spraying, annual ploughing etc. Aside from the built-development these two fields will be altered in character in that they will no longer support crops and therefore food production. This loss, in a time where food security is becoming an increasing concern, can't be accepted without further justification. To preserve the natural environment the National Planning Policy Framework paragraph 180 b) provides that: 'Planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'.

The area intended for development by the appellant forms a natural plateau, and as such is used for scientific studies into crop types and seed development, with research currently taking place there. No evidence has been provided to demonstrate that the loss of this 'very good' and 'good' quality agricultural land is unavoidable. The prescribed criteria under Policy Villages 2 of the Council's 2015 Local Plan and the requirements of former paragraph 174 of the NPPF [now paragraph 180 b)] are therefore being ignored.

To be frank, of course the loss of this area of farmland is avoidable – build houses on an existing brownfield site. The proposed development will dramatically erode the open arable landscape which provides clear separation between the urban setting of Banbury and the separate, rural character of Hanwell, each important in its own distinct right. It has been argued that the site does not represent a landscape of great importance or distinct character, "The proposals will result in the loss of best and most versatile land, however this amounts to only 12.63ha and is therefore not significant." - the value of this apparently insignificant pair of arable fields may indeed appear ordinary but any rural landscape is made up of a matrix of 'ordinary' fields and this does not diminish the value of the individual elements in making up the whole. There has to be a hard boundary where development stops. The development proposed by the appellant would create a direct risk of coalescence of Banbury and Hanwell village which would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site. The site is therefore unsuitable for development.

The adverse changes to the character of the landscape are acknowledged to be significant both within the site and in the context of the setting of the site, most notably in the complete alteration of the relationship between Hanwell and Banbury. In relation to the changes to the visual amenity of visual receptors within 1km of the site, the residual effect is acknowledged as being 'significant', ranging from 'Minor' to 'Major' within 1km, including the Public Right of Way and users of Warwick Road, Main Street and Gullicote Lane in Hanwell. Indeed, the appellant's own summary of residual effects covers a period ranging from Year 1 to Year 15 and includes proposed mitigation measures, namely woodland planting to a part of the western (Warwick Road) site boundary; a mixture of wildflower meadow and parkland; informal sports provision; attenuation features and natural play spaces. This therefore recognizes the need for mitigation of the massive and deleterious impact of the proposed development. It must be admitted that the proposed development would cause harmful and unwarranted visual intrusion into the open countryside, fundamentally changing these parcels of open arable land and creating a prominent urban built form, wholly inconsistent with local character. The visual prominence of the appeal site is such that the proposed development of 170 homes would breach Banbury's currently contained environmental setting to the south, thereby giving rise to a direct risk of coalescence between Banbury and Hanwell. It will cause irreparable harm to the undeveloped rural setting and erode the identity of the settlement of Hanwell and its important heritage assets..

The appeal site forms part of a parcel of land assessed by the Banbury Landscape Sensitivity and Capacity Assessment, which was prepared to inform the emerging Cherwell Local Plan Review. A wider parcel of land, equating to 105ha, was assessed, wherein the landscape sensitivity was assessed as: 'medium - high sensitivity and the Visual Sensitivity has been assessed as high sensitivity'. In addition, the capacity for residential development was weighted towards low,

wherein it was stated: 'The development of residential properties north of Dukes Meadow Drive may result in urban sprawl to the north of Banbury and create a poorly defined development limit which currently exists at Dukes Meadow Drive. There would also be indirect effects of residential development affecting the setting of the Hanwell Conservation Area

The proposed site is divided into two character areas by the old farm track of Gullicote Lane; Parcel A to the west and Parcel B to the east. Both parcels, and their associated features are undesignated, however, they both contain features which are characteristic of the local area. The site is subject to no ecological designations, nor are there any within the zone of influence of the site. Yet, Vistry accepts that there are valuable hedgerows, which take decades to develop, and mature trees and wooded areas which provide habitat and are valuable for the local population of skylarks. Skylarks are ground nesting birds and are protected under the [Wildlife and Countryside Act, 1981](#). Classified in the UK as a Red List species under the Birds of Conservation Concern review and as a Priority Species in the UK Biodiversity Action Plan, the proposed development would have a catastrophic effect on their breeding. The planned seeding of meadowland and tree planting will not solve the immediate habitat loss. The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust notes that the site is "an area that supports a rich variety of farmland bird populations, including priority species. Detailed breeding and wintering bird surveys and appropriate mitigation proposals will therefore be required. Depending on the outcome of breeding and wintering bird surveys, then with respect to any priority species impacted, off-site compensation will be needed unless it can be proved that the habitats provided on-site will be sufficient to maintain or enhance the same population of these species. On-site provision would be difficult or impossible for birds such as Lapwing, Golden Plover, Skylark and some other priority species unless large areas of the site were set aside as undisturbed habitat. It would not be acceptable to suggest that there is suitable habitat elsewhere for priority farmland species, since the territories in these areas would already be occupied, and this would be contrary to ecological theory of carrying capacity.' The dismissal of this by an assertion that the impacts on breeding birds are not considered significant is both ill-informed and arrogant – in the current climate emergency any impact on wildlife, and specifically priority species, must be taken seriously.

The land proposed for development also has a deer population who move through it and spend significant amounts of time within its boundaries. They are a frequent sight for villagers and others walking through the fields. The Deer Act 1991 aims to protect wild deer in England and Wales.

The act states that intentional cruelty towards wild deer is against the law. This development will intentionally destroy the habitat and quality of life of wild deer in breach of the Deer Act 1991. The Wild Mammals Protection Act 1995 aims to protect wild mammals from deliberate cruelty. Again, the massive destruction and disruption of valuable habitat that would be caused by the proposed development and loss of open farmland flies in the face of the legal requirement to protect local mammals such as voles, shrews, hares and many, many other species.

The Acts listed above are aimed at protecting the English countryside and this is what will be destroyed by this development. There has been a huge amount of building already on this side of Banbury and the wildlife has been squeezed into a smaller and smaller area. This proposal would see coalescence of urban and rural and would be the death knell for many animals and birds that have legal protection.

This site is located on a Secondary A (bedrock) aquifer that supports local water supplies, and may indeed form an important source of base flow to river. It is therefore sensitive and vulnerable to pollution risks, both during any development phase and ongoing thereafter.

In this instance no evidence base has been provided to attempt to demonstrate whether the loss of this 'very good' and 'good' quality parcels of agricultural land could be avoided. The proposals thereby fail to satisfy the prescribed criteria under Policy Villages 2 of the CLP 2031 Part 1 and the requirements of para.74 of the NPPF. The on-site habitats are predominantly managed arable fields, locally valuable hedgerows, mature trees and woodland. The landscape details associated with the proposed development are to be subject to a future reserved matters application. This surely can't be deemed acceptable. Fundamentally, the development will cause irreparable harm and yet the intention is to address the detail of this destruction only if planning is granted. This is a strong reason not to grant the appeal when the landscape itself is relegated to an afterthought. The land as it is provides vital habitat, a space for quiet walking and exercise, an area where residents of both Hanwell and Banbury can feel closer to the natural world and thereby improve their mental and physical health. The provision of a playpark instead of an open field does not fulfil the same function. Having a strip between the busy B4100 and houses, or a public footpath running between people's gardens does not give the same sense of peaceful enjoyment as a footpath through an arable field.

This appeal must be dismissed.