



**TOWN AND COUNTRY PLANNING ACT 1990**

**PLANNING STATEMENT**

**TO ACCOMPANY AN OUTLINE PLANNING APPLICATION FOR:**

**ERECTION OF UP TO 10 DWELLINGS IN THE DOMESTIC  
CURTILAGE OF THE BEECHES**

**AT**

**THE BEECHES, HEYFORD ROAD, STEEPLE ASTON,  
OXFORDSHIRE, OX25 4SN**

**ON BEHALF OF**

**MR ADRIAN SHOOTER**

**AUGUST 2020**

**REF: GM/10100**

## 1.0 INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of Mr Adrian Shooter and supports an outline planning application on land at The Beeches, Steeple Aston, for:

*“Erection of up to 10 dwellings in the domestic curtilage of The Beeches.”*

### Proposals

1.2 The proposal would introduce 10 new detached dwellings on land which is currently the domestic curtilage of The Beeches. It has been agreed with Cherwell District Council, through pre-application discussions, that the site is considered previously developed land in the context of its definition within the NPPF.

1.3 The 10 new dwellings will comprise:

- 3no. 2 Bedroom (30%)
- 5no. 3 Bedroom (50%)
- 1no. 4 Bedroom (10%)
- 1no. 5 Bedroom (10%)

1.4 An existing outbuilding is proposed to be replaced by two 2-bed dwellings, with 6no. dwellings located to the west of the existing ‘The Beeches’ dwelling.

1.5 Access is to be taken from Heyford Road.

## The Site

- 1.6 The site currently comprises an existing dwelling know as 'The Beeches' and its domestic curtilage.
- 1.7 The site extends 1.34ha.
- 1.8 An application was submitted in 2003 (03/00075/F) to change the use of land to the west of The Beeches previously used as a paddock to domestic curtilage and for the construction of a narrow-gauge railway. The proposals were approved by the Local Planning Authority.
- 1.9 The 'narrow gauge railway' currently runs throughout the site in a figure of eight formation. A number of structures are located within the curtilage of The Beeches which are associated with the operation of the railway track. The associated structures comprise engine and carriage sheds and a station pavilion.
- 1.10 The site also comprises an outbuilding to the north east of the site which is used for the storage of vehicles.
- 1.11 An application for up to 8 dwellings was submitted in March 2019. These proposals sought 6no. 5-bed properties, 1no. 3-bed and 1no. 2-bed. Feedback received on the application, particularly from the Neighbourhood Plan Group, was with regards to the size and mix of the dwellings. It was considered by the Council that the mix was not consistent enough with

the Mid-Cherwell Neighbourhood Plan. As a result, the application was subsequently withdrawn in May 2019.

1.12 Following the application's withdrawal, pre-application discussions were undertaken with the LPA with regard to the scheme. It was agreed by the applicant that the housing mix would be revisited within a revised scheme, this is reflected within this submission.

1.13 A revised planning application was submitted in August 2019 (ref. 19/01601/OUT). This scheme proposed a revised housing mix as set out below:

- 2no. 2-bedroom dwellings
- 3no. 3-bedroom dwellings
- 3no 5-bedroom dwellings

1.14 This application was refused planning permission by Cherwell District Council. There were concerns over potential landscape impact from the proposals.

1.15 A third application was submitted in March 2020 (20/00964/OUT) which included further landscape details in the form of landscape strategy and photomontage.

1.16 This application was refused in June 2020 for the following reasons:

1. *The proposed development represents new housing that would significantly encroach into the countryside beyond the built-up limits of Steeple Aston, contrary to the housing strategy of the Development Plan for the area, for which it has not*

*been demonstrated that there is a justified need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework.*

2. *The proposed development represents inappropriate 'back-land' development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside, detracting from the rural character and quality of the area the setting of the village. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.*

1.17 Following the refusal of planning permission, advice was sought from Counsel, and is reflected within this planning application. The advice is available at **Appendix 1**.

1.18 The application submission comprises the following documents and plans:

#### **Documents**

- Archaeological Desk Based Assessment
- Bat Assessment Report
- Biodiversity Impact Assessment and Calculation
- Design and Access Statement
- Ecological Impact Assessment
- FRA and Drainage Strategy
- Heritage Assessment
- Landscape and Visual Assessment

- Planning Statement
- Transport Statement
- Tree Report
- Utilities Assessment
- Advice from Peter Goatley of Counsel

## **Plans**

- Site Location Plan (drawing no. 10100.01)
- Aerial Plan (drawing no. 10100.02)
- Site Survey - Built Development to be removed
- Indicative Site Plan (drawing no. 372A01-101\_D)
- Access Plan (drawing no. 20388-02)
- Landscape Strategy (drawing no. 7140.LSP.03A)

## 2.0 PLANNING POLICY CONTEXT

### Introduction

2.1 The starting point for the determination of any application is the provisions of the Development Plan. Section 38(6) states: -

*“if regard is to be had to the development plan, for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the provision of the plan unless material considerations indicate otherwise”*

2.2 The Development Plan comprises the: -

- Adopted Cherwell Local Plan 2011-2031 (Part 1)
- ‘Saved’ policies from the adopted Local Plan 1996 (November 1996)

### Adopted Cherwell Local Plan 2011-2031 (Part 1)

2.3 The Cherwell Local Plan 2011-2031 Part 1 was adopted in July 2015, and subsequently re-adopted in December 2016 to incorporate amendments to Policy Bicester 13.

2.4 Policy BSC 2 ‘The Effective and Efficient Use of Land - Brownfield Land and Housing Density’ sets out that *“housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations”*.

2.5 Executive Summary Section xxiii of the adopted Local Plan states:

*“Policy Villages 2 provides for a further 750 homes to be provided at the Category A villages. This will principally involve the identification of sites of 10 or more dwellings*

*within or outside the built-up limits of those villages. This is in addition to sites already approved across the rural areas as shown in the Housing Trajectory. Sites will be identified... through the determination of applications for planning permission”.*

2.6 Policy Villages 1 ‘Village Categorisation’ confirms Steeple Aston is Category A village (Service Village).

2.7 Policy Villages 2 allocates 750 dwellings across service villages during the plan period, but does not state how such houses will be distributed across the various settlements.

2.8 Policy Villages 2 allows for development outside the built-up limits of settlements where certain criteria are met. Policy Villages 2 ‘Distributing Growth across the Rural Areas’ states:

*“A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014.*

*Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.*

*In identifying and considering sites, particular regard will be given to the following criteria:*

- *Whether the land has been previously developed land or is of lesser environmental value*
- *Whether significant adverse impact on heritage or wildlife assets could be avoided*
- *Whether development would contribute in enhancing the built environment*
- *Whether best and most versatile agricultural land could be avoided*
- *Whether significant adverse landscape and impacts could be avoided*



- *Whether satisfactory vehicular and pedestrian access/egress could be provided*
- *Whether the site is well located to services and facilities*
- *Whether necessary infrastructure could be provided*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*
- *Whether land the subject of an application for planning permission could be delivered within the next five years*
- *Whether the development would have an adverse impact on flood risk.*

2.9 Policy ESD1 deals with mitigating and adapting to climate change at a strategic level, and considers that “*at a strategic level, this will include:- (1) distributing growth to the most sustainable locations as defined in this Local Plan; (2) delivering development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars...”*”.

***Policy ESD13 of Cherwell Local Plan 2011-2031***

2.10 Policy ESD13 (Local Landscape Protection and Enhancement) states:

*Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.*

*Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside*
- *Cause undue harm to important natural landscape features and topography*
- *Be inconsistent with local character*
- *Impact on areas judged to have a high level of tranquillity*
- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape.”*

### ***Policy ESD15 of Cherwell Local Plan 2011-2031***

2.11 Policy ESD15 states that “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.” It also considers that “new development proposals should:

- *Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions*
- *Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions*
- *Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity*
- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting*
- *Conserve, sustain and enhance designated and non designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for*

*development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage’s At Risk Register, into appropriate use will be encouraged*

- *Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.*
- *Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages*
- *Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*
- *Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features*
- *Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed*
- *Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*
- *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*
- *Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation*

- *Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout*
- *Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy)*
- *Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality*
- *Use locally sourced sustainable materials where possible."*

### **Mid Cherwell Neighbourhood Plan 2018-2031**

2.12 The Mid-Cherwell Neighbourhood Plan (MCNP) was formally adopted by Cherwell District Council's Executive on 14<sup>th</sup> May 2019.

2.13 The MCNP identifies a settlement area around Steeple Aston (**Appendix 2**). The settlement area of Steeple Aston does not include the Beeches; however, it is immediately adjacent the site to the north.

2.14 Policy PD1 of the MCNP 'Development at Category A Villages', states:

*"Residential development proposals at Fritwell, Kirtlington and Steeple Aston in the form of infilling, conversions and minor development will be supported in principle within the settlement areas established and defined in Policy Map Figs. 9, 10 and 11 respectively.*

Any residential development proposal which is outside the settlement areas of these three villages must have particular regard to all the following criteria:

- a) The site should be immediately adjacent to the settlement area
- b) The site should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable.
- c) The development should conserve and, where possible, enhance the landscape.
- d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets (see Appendix K: Heritage and Character Assessment).
- e) The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston.

The total indicative number of additional dwellings permitted during the Plan period either within the settlement areas of these villages, or adjacent to them, shall be approximately 25 for Fritwell, 17 for Kirtlington, and 20 for Steeple Aston (as detailed on p.29)."

\*underlining our emphasis

2.15 Policy PH1 'Open Market Housing Schemes', states:

*"Where other policies permit such development, any new market housing should favour homes with a smaller number of bedrooms. The mix of housing will be determined having regard to the evidence of housing need in the Oxfordshire Strategic Housing Market Assessment, or more up to date published evidence, and the characteristics of the location and site. On the basis of the 2014 SHMA, in developments of 10 dwellings or more the indicative mix should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more. Smaller schemes should aim for a similar mix where possible."*

\*underlining our emphasis

## **Saved Policies of Cherwell Local Plan 1996**

### ***Saved policy C28 of Cherwell Local Plan 1996***

- 2.16 Saved Policy C28 states that *“control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. in sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.”*

### ***Saved policy C30 of Cherwell Local Plan 1996***

- 5.4 Saved policy C30 states that:

*“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.”*

## Other Material Considerations

### National Planning Policy Framework 'The Framework'

2.17 Annex 2 of the NPPF (revised February 2019) defines previously developed land as:

*"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."*

2.18 The site is considered previously developed land within this context, as it is outside the built up area of the settlement.

2.19 Paragraph 117 of the NPPF states:

*"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land."*

*\*underlining our emphasis*

### 3.0 PLANNING CONSIDERATIONS

3.1 As set out in section 2, the site is considered previously developed land in the context of its definition within the NPPF.

#### CHERWELL LOCAL PLAN 2011-2031

3.2 Policy BSC 2 sets out that *“housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations”*.

3.3 The site is also confirmed to be immediately adjacent to the built-up area of Steeple Aston, as established in the Neighbourhood Plan (adopted on 14th May 2019).

3.4 The previous refusal of planning permission cites that the proposals were contrary to Policy ESD1. Policy ESD1 deals with mitigating and adapting to climate change at a strategic level, and considers that *“at a strategic level, this will include:- (1) distributing growth to the most sustainable locations as defined in this Local Plan; (2) delivering development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars...”*.

3.5 It is considered that this is a high-level strategic policy and, it is therefore hard to see why this proposal has any conflict with it given that policies Villages 1 and Villages 2 specifically provide, at the spatial level, for the distribution of housing, in particular at category A villages. Steeple Aston is identified as a category A or service village under policy Villages 1.

#### Policy Villages 1 (Cherwell Local Plan)

3.6 Policy Villages 1 identifies that Steeple Aston is a Category A village. This identification as a Category A village anticipates that minor development infilling and conversions will be



considered suitable as such settlements are considered to be larger and to have a range of facilities sufficient to support such development. The plan itself did not seek to define in map terms the built up area boundary.

### **Policy Villages 2 (Cherwell Local Plan)**

- 3.7 Policy Villages 2 deals with the distribution of growth across the rural areas and specifically anticipates that a total of 750 homes will be delivered at category A villages. It states *“this will be in addition to the rural allowance for small site “windfall” and planning permission for 10 or more dwellings as at 31 March 2014”*.
- 3.8 The policy goes on *“sites will be identified through the preparation of Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission”*.
- 3.9 Policy Villages 2 allows for development outside the built-up limits of settlements where certain criteria are met. It is therefore necessary to assess these proposals against the criteria of Policy Villages 2; these are addressed below:

#### Whether the land has been previously developed land or is of lesser environmental value

- 3.10 It has been agreed with Cherwell District Council, through pre-application discussions, that the site is considered previously developed land in the context of its definition within the NPPF. Therefore, the proposal responds to Policy BSC2 ‘Effective and Efficient Use of Land’ which seeks to encourage the re-use of previously developed land.

#### Whether significant adverse impact on heritage or wildlife assets could be avoided

##### *Heritage*

- 3.11 The proposed site, known as The Beeches, is located on the west boundary of Rousham Conservation Area, but is not within the conservation area and is therefore within its setting. There are no heritage assets within The Beeches site and the site is not close enough to any listed buildings, parks or gardens to have an effect on their setting.
- 3.12 The Heritage Assessment confirms the site itself, while within the landscape around Rousham, was not a designed part of the landscape and has no particular association with Rousham House or gardens. The Heritage Assessment concludes that the proposed development will not negatively affect the setting, and therefore the character and appearance of Rousham Conservation Area.

#### *Wildlife*

- 3.13 The Ecological Impact Assessment (EIA) undertook a Phase 1 Habitat survey as well as assessing the site for protected and priority species. The woodland and hedgerows are likely to be indirectly impacted through increased noise and light disturbance, however a number of recommendations have been made in the EIA which will ensure that the development avoids impacts to protected species and off-sets biodiversity loss. All other habitats on Site were either considered to have negligible value to ecology or were not due to be impacted by the proposed development.
- 3.14 A landscape strategy (drawing no. 7140.LSP.03A) (**Appendix 3**) has been produced to maximise the biodiversity opportunities on site. It is proposed that any detailed application should follow this landscape strategy.
- 3.15 Proposed biodiversity enhancements include:
- Existing planting on western boundary to be enhanced with proposed native tree and shrub planting;
  - Proposed posted rail fencing to maintain 3m buffer to site boundary;
  - Ornamental planting to front of properties to provide visual and ecological value;

- Proposed area of open space planted with native tree and shrub planting to encourage biodiversity; and,
- Feature specimen Beech tree to be planted to connect existing entrance Beech and site name.

3.16 The submitted Biodiversity Impact Assessment confirms that the proposals would achieve a net biodiversity gain, as set out below:

- Habitat units +0.97 (+28.25%)
- Hedgerow units +1.35 (+77.04%)

Whether development would contribute in enhancing the built environment

3.17 As established the site currently comprises 'The Beeches' and its domestic curtilage. A 'narrow gauge railway' currently runs throughout the site in a figure of eight formation. A number of structures are located within the curtilage of The Beeches which are associated with the operation of the railway track. The associated structures comprise engine and carriage sheds and a station pavilion.

3.18 The proposal will be for 10 high quality designed dwellings by Malcolm Payne Associates who are a well-respected architectural and design practice who have strong track record of high-quality design. The Beeches and neighbouring Orchard House are large forms of development. The dwellings proposed on this site would seek to follow the established forms of development in the locality and are at an appropriate scale for the site. When complete the proposals would constitute development at a density of 7.5 dwellings per hectare.

Whether best and most versatile agricultural land could be avoided

3.19 The site is considered previously developed land in the context of its definition within the NPPF and will therefore not impact best and most versatile agricultural land.

Whether significant adverse landscape and impacts could be avoided

- 3.20 The LVIA confirms that the proposed buildings and domestic curtilage can be visually contained and the sensitive landscape treatment of the greater part of the site will protect the character of the rural setting. The proposed dwellings have been set back towards the northern and southern boundary, this is to retain views from the Public Right of Way (PRoW) to the west of the site into the site and beyond.
- 3.21 The LVIA concludes that the proposed development will have a low visual impact and no features of landscape sensitivity will be lost.
- 3.22 Views from the PRoW to the west have been identified as the most sensitive. To demonstrate that views from the PRoW will not be adversely affected, a photomontage has been prepared, providing a view of the proposed development from the PRoW to the west of the site. The photomontage can be found at **Appendix 4**.

Whether satisfactory vehicular and pedestrian access/egress could be provided

- 3.23 The Transport Statement accompanying this application demonstrates that access, both vehicular and pedestrian, can be provided at this site. The Access Plan (drawing no. 20388-02) demonstrates vehicular access can be satisfactorily be delivered. The development will be served from an existing improved access road into the site.
- 3.24 The Transport Statement also demonstrates that a footpath connection can be provided to join up with the formal footpath which currently exists along Heyford Road. This will provide a formal footpath link to the village. It is proposed that two crossings will be provided, one close to the entrance of the site and a second which crosses back over Heyford Road to join the formal footpath.

3.25 The Transport Statement concludes that the development impact is minimal and will have no material adverse impact on the local highway network.

Whether the site is well located to services and facilities

3.26 As established, the site is located outside the defined settlement area of Steeple Aston. However, the site abuts the settlement area to the north. Steeple Aston is defined as a Category A village (Service Village). Category A villages are considered the most sustainable villages based on population size; access to, and range of, facilities; accessibility and employment opportunities.

Whether necessary infrastructure could be provided

3.27 The submission material accompanying this application demonstrates that the necessary information to deliver such a scheme can be provided. The submission material addresses and confirms that drainage, utilities and access can all be provided to the proposed development, all of which are necessary to deliver the proposal.

Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period

3.28 The site is not considered for allocation; however, the site is available now and suitable. There is a willing landowner in place. The site is not considered as 'major development' and therefore there is a reasonable prospect it can be developed within the plan period.

Whether land the subject of an application for planning permission could be delivered within the next five years

3.29 There is a willing landowner in place. The site is available now and suitable. The site is not considered as 'major development' and therefore achievable within the next 5 years.

Whether the development would have an adverse impact on flood risk.

- 3.30 The Flood Risk Assessment confirms the site is located wholly within Flood Zone 1 (low risk of fluvial and tidal flooding) and is at low risk of flooding from all other sources. The FRA confirms the proposed would not have an adverse impact on flood risk.
- 3.31 The FRA and Drainage Strategy demonstrates that this site can drain acceptably drain with 10 dwellings.
- 3.32 It is considered that the proposals satisfy the criteria set out at Policy Villages 2.

#### **Policy ESD1 of Cherwell Local Plan 2011-2031**

- 3.33 Policy ESD1 deals with mitigating and adapting to climate change at a strategic level, and considers that *“at a strategic level, this will include:- (1) distributing growth to the most sustainable locations as defined in this Local Plan; (2) delivering development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars...”*.
- 3.34 It is considered that this is a high-level strategic policy and, it is therefore hard to see why this proposal has any conflict with it given that policies Villages 1 and Villages 2 specifically provide, at the spatial level, for the distribution of housing, in particular at category A villages. Steeple Aston is identified as a category A or service village under policy Villages 1.

#### **Policy ESD13 and ESD15 of Cherwell Local Plan and Saved Policies C28 and C30 of Cherwell Local Plan 1996**

- 3.35 The application was made in outline with all matters reserved except for access. It is considered that matters of design, referred to within policy ESD15 and saved policies C28 and C30 would be dealt with at the reserved matters stage. Notwithstanding this, it is

considered that the indicative layout provides an acceptable basis for a detailed application to prepared upon.

3.36 The indicative layout plan has been prepared with local landscape and historic character in mind. The LVIA confirms that the proposed development will have a low visual impact and no features of landscape sensitivity will be lost. Views from the PRoW to the west have been identified as the most sensitive to residential development on this site (paragraph 8.38 of officer's report). To demonstrate that views from the PRoW are not adversely affected, a photomontage was submitted, providing a view of the proposed development from the PRoW to the west of the site.

3.37 With regard to Conservation Areas (as addressed in Policy ESD13 and saved policy C28) the Heritage Assessment concludes (para 5.4-5.5):

*5.5 It is intended that the boundary planting around the site will be retained and reinforced, meaning that any views of the proposed buildings will be very limited, if visible at all, from outside the plot itself. The proposed development would not have any effect on any important views and a negligible effect of any other views from within the conservation area.*

*5.6 The proposed development will not negatively affect the setting, and therefore the character and appearance of Rousham Conservation Area. Paragraphs 195 and 196 of the NPPF would not be engaged."*

3.38 The officer agrees, concluding at para 8.17(d) that *"the proposals would not likely result in significant detrimental impacts on these heritage assets or the setting of such"*.

3.39 It is not considered that the proposals would conflict with any of the bullet points set out in policy ESD13.

## MID-CHERWELL NEIGHBOURHOOD PLAN

### Policy PD1 (Mid-Cherwell Neighbourhood Plan)

3.40 Policy PD1 of the MCNP provides a series of criteria for residential development outside any settlement areas of the villages. These criteria are considered below:

a) The site should be immediately adjacent to the settlement area

3.41 This site is immediately adjacent to the settlement area of Steeple Aston, as identified in the MCNP.

3.42 It is readily apparent both in plan form and on the ground that that criterion is met. Indeed, as much is acknowledged in the second sentence of paragraph 8.17(a) of the officers delegated report (20/00964/OUT) (**Appendix 5**), which sets out that *“Whilst the red outline boundary of the application site sits adjacent the settlement boundary at the north-eastern corner of the site, the development site significantly extends beyond the western edge of the settlement boundary”*.

3.43 The officer’s suggestion that the effect of a tree line within the site would mean that the location is *“somewhat divorced from the existing pattern of residential development”* is not a criterion within the policy and is therefore considered irrelevant.

b) The site should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable.

3.44 The site is considered previously developed land in the context of its definition within the NPPF and will therefore not impact best and most versatile agricultural land, this has previously been accepted by the officer in their report (paragraph 8.17(b)).



3.45 The extent of the previously development land can be seen on the 'Site Survey - Built Development to be removed' plan.

c) The development should conserve and, where possible, enhance the landscape.

3.46 In the officer's report (paragraph 8.17(c) to the previous application (ref. 19/01601/OUT), it is stated that:

*"The introduction of significant new residential development on the site would be contrary to the existing character and appearance of the site, notwithstanding existing fairly low-key buildings on the site, increasing the prominence of the built form intruding into the open countryside failing to conserve the valued rural landscape."*

3.47 The officer's assessment avoids dealing with its current planning status as PDL and asserts that the site forms a "valued rural landscape". In the light of the decision in *Stroud District Council -v- SoS and Gladman [2015] EWHC 488 (Admin)* under the former NPPF (2012) and the terms of paragraph 170(a) of the NPPF (2019) this assertion is without justification. There is certainly no assessment as to how the residential curtilage forms part of countryside character, any more than any other residential curtilage within Steeple Aston.

3.48 The LVIA confirms that the proposed buildings and domestic curtilage can be visually contained and the sensitive landscape treatment of the greater part of the site will protect the character of the rural setting. The proposed dwellings have been set back towards the northern and southern boundary, this is to retain views from the Public Right of Way (PRoW) to the west of the site into the site and beyond.

3.49 The LVIA concludes that the proposed development will have a low visual impact and no features of landscape sensitivity will be lost.

3.50 Views from the PRoW to the west have been identified as the most sensitive to residential development on this site (paragraph 8.38 of officer's report). To demonstrate that views

from the PRoW will not be adversely effected, a photomontage has been prepared, providing a view of the proposed development from the PRoW to the west of the site. The photomontage can be found at **Appendix 4**.

d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets (see Appendix K: Heritage and Character Assessment).

3.51 The proposed site, known as The Beeches, is located on the west boundary of Rousham Conservation Area, but is not within the conservation area. However, it is within its setting. There are no heritage assets within The Beeches site and the site is not close enough to any listed buildings, parks or gardens to have an effect on their setting.

3.52 The Heritage Assessment confirms the site itself, while within the landscape around Rousham, was not designed as part of the landscape and has no particular association with Rousham House or gardens. The Heritage Assessment concludes that the proposed development will not negatively affect the setting, and therefore the character and appearance of Rousham Conservation Area.

3.53 The officer agrees, concluding at para 8.17(d) that *“the proposals would not likely result in significant detrimental impacts on these heritage assets or the setting of such”*.

e) The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston.

3.54 The development of this site for residential use will not give rise to any coalescence with nearby settlements and is agreed by the officer at para 8.17(e) of their report.

3.55 Policy PH1 ‘Open Market Housing Schemes’ requires developments of 10 dwellings or more to provide the housing mix set out in the below table.

3.56 The Applicant have made every effort to meet this housing mix. The table below also provides a summary of the proposed housing mix.

<b>MCNP Housing Mix (Policy PH1)</b>	<b>Dwellings Proposed</b>	<b>Proposed Housing Mix</b>
30% 1 or 2 bedrooms	3	30%
46% 3 bedrooms	5	50%
No more than 24% 4 bedrooms or more	2	20%

3.57 The proposals seek the re-use of previously developed land to provide up to 10 dwellings. This is supported by the NPPF, which supports the effective use of land in meeting the need for homes and to make as much use as possible of previously-developed or 'brownfield' land.

## 4.0 CONCLUSIONS

- 4.1 The proposal would introduce 10 new dwellings on land which is currently the domestic curtilage of The Beeches.
- 4.2 It has been agreed with Cherwell District Council, through pre-application discussions, that the site is considered previously developed land in the context of its definition within the NPPF.
- 4.3 Policy BSC2 confirms that *“housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations”*.
- 4.4 The proposed development is in accordance with the criteria set out in Policy Villages 2 of the adopted Cherwell Local Plan 2011-2031 and the criteria of Policy PD1 of the adopted Mid-Cherwell Neighbourhood Plan.
- 4.5 There are no material considerations which give rise to any issues that would provide any reasonable justification to depart from the approved Development Plan.
- 4.6 For these reasons it is requested that planning permission should be granted for this development, without delay.

**Framptons**

**August 2020**