

27.1.2021

**Representations by Deddington Development Watch
to Cherwell District Council**

Planning application for permission to build 7 dwellings on land adjoining and west of Stonecroft House, Clifton Road, Deddington known as 'The Poplars' (Application no. 20/03467/F)

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APPENDIX I - Planning history of The Poplars

2014 14/00412/F 26 dwellings plus car parking area for 40 vehicles.
WITHDRAWN by Banner Homes Limited after English Heritage opined that the proposed development would cause substantial harm to the significance of the SAM and that the application should be refused.

2001 01/01182F 1 house and garage
REFUSED 8/6/2001. Principal reasons:
- Extension of existing settlement, contrary to H13;
- Erosion of important undeveloped site in conservation area of significant amenity value, contrary to C22;
- Undesirable precedent for remainder of field and site to the north, detrimental to character and visual appearance of area, contrary to H13 and C22;
- Access sub-standard.

1978/79 790/78 4 detached houses and garages
REFUSED 4/1/1979. Principal reasons:
- The proposal conflicts with the Council's Interim Rural Settlement Policy in that the scale of the proposed development cannot be described as of minor nature only;
- The proposed development does not fall within the reasonable development limits of the village and aggravates the existing straggle and ribbon development;
- The site affords pleasing views of Deddington Castle and development would affect the character and appearance of the locality.

APPEAL DISMISSED 19/11/1979. See Inspector's decision letter and letter from the Director of Museum Services, Oxfordshire County Council, dated 3/9/1979 below.

1974 2/74 Single dwelling
REFUSED 19/7/1974. Principal reasons:
- Undesirable aggravation of sporadic development in the countryside;
- Extends the limits of the village;
- Undesirable precedent for further development of the large area to the west;
- Detrimental to the rural landscape and amenity.

1973/75 308/73 Detached house and garage
REFUSED 14/6/1973. Principal reasons:
- Undesirable aggravation of sporadic development in the countryside;
- Extends the limits of the village;
- Undesirable precedent for further development of the large area to the west;
- Detrimental to the rural landscape and amenity.

APPEAL DISMISSED 8/1/1975. See Inspector's decision letter below.

1971 141/71 4 houses and garages
REFUSED 19/4/71. Principal reasons:

- Outside the limits of the village and would encourage further extension of the village;
- Aggravates the existing isolated straggle of development;
- Site possesses amenity value and makes a valuable contribution to the rural scene on this important approach to the village.

June **1970** 3 dwellings

REFUSED (see letter from Chief Planning and Development Officer to Carter Jonas dated 3/6/1986 below).

1969 304/69 1 house plus riding school

WITHDRAWN after site inspection and letter from Clerk of the Council indicating previous refusals.

April **1964** 3 dwellings

REFUSED (see letter from Chief Planning and Development Officer to Carter Jonas dated 3/6/1986 below).

1961/62 735/61 5 houses

REFUSED 27/7/1962. Principal reasons:

- Extends limits of the village;
- Two of the properties in the proposed development will be on the east of the proposed village by-pass and therefore will be hazardous for pedestrians.

1959 385/59 1 house

REFUSED

APPENDIX II - St Thomas Street appeal decision

THE PLANNING INSPECTORATE

Appeal Decision

Site visit made on 19 May 2015

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18/06/2015

Appeal Ref: APP/C3105/A/14/2228558

Land to the rear of Valley View and Orchard View, St Thomas Street, Deddington, Oxfordshire OX15 0SY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Bliss and Mrs Hope against the decision of Cherwell District Council. • The application Ref 13/01941/OUT, dated 19 December 2013, was refused by notice dated 19 June 2014.
- The development proposed is the erection of 7 dwellings.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline with all matters reserved for subsequent approval. I have taken account of the illustrative layout and perspective drawings submitted with the application.
3. The Council's second reason for refusal was to the effect that, in the absence of a satisfactory planning obligation, it was not certain that the affordable housing and informal open space required as part of the scheme would be delivered. The Council has subsequently confirmed that this reason for refusal is no longer pursued. Given that the scheme would provide fewer than 10 units, the Council no longer seeks an element of affordable housing¹. A Unilateral Undertaking has been submitted which would make provision for contributions to informal open space and refuse bins. As I have decided that the appeal should be refused on other grounds, which are not affected by the undertaking, it is not necessary for me to comment further on these matters.
4. The appellants questioned the choice of appeal procedure. These concerns were reiterated in their final comments on the appeal. In particular, it was argued that the Council had failed to carry out a proper analysis of effects on the significance of heritage assets or to carry out properly the balancing exercise

required by the National Planning Policy Framework (the Framework). It was suggested that these matters needed to be explored at a hearing. Whilst I note the appellants' concerns, I have before me extensive written evidence on these matters including the reports prepared on behalf of the appellants and the views of English Heritage². I consider that the written evidence, together with my observations of the site and its surroundings, provides sufficient information for me to form my own conclusions on these matters. I have reviewed whether the written procedure remains appropriate for this appeal. In my view it does.

Main issue

5. The main issue is the effect of the proposal on heritage assets, including Deddington Castle and the Deddington Conservation Area.

Reasons

6. The appeal relates to a predominantly open grassed area to the rear of houses fronting Hopcraft Lane and St Thomas Street. To the east the site is adjoined by an area of pasture. Deddington Castle is located to the north east of the site, beyond the pasture. The land to the south east is open countryside and there are allotments to the south. There are large mature trees adjoining parts of the eastern site boundary and there is an area of woodland to the north. There are number of fruit trees within the site.

7. Although the application is in outline the illustrative drawings show that the intention is to leave part of the site free of buildings, creating an enhanced view from St Thomas Street towards the castle ramparts. At present this view is partially obstructed by fencing and gates. Most of the proposed houses are shown in the form of a courtyard. The illustrative layout shows that the houses could be accommodated without harming the adjoining trees to the east and north. All of these matters would be subject to the approval of the Council at reserved matters stage if outline permission were granted.

8. The appellants' heritage statement referred to the former English Heritage document *The Setting of Heritage Assets*. This document has since been replaced by the Historic England publication *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets*. Like its predecessor, this document advocates a staged approach starting with identifying the assets affected, then assessing the contribution that setting makes to significance and only then assessing the impact of the proposed development.

9. The heritage assets potentially affected by the development include Deddington Castle, a scheduled monument, and the Deddington Conservation Area. The conservation area includes various listed buildings. The Council has drawn my attention, in particular, to Pear Tree Cottage³ in St Thomas Street and Oak Cottage in Hopcraft Lane, both of which are Grade II listed buildings that back onto the site. Local residents have also commented that the development would affect the setting of the church, which is also a listed building.

Deddington Castle

10. The schedule description notes that the monument includes an 11th century motte and bailey castle, with a bailey either side of a central motte. The motte and its western bailey are described as an impressive group of earthworks. English Heritage (EH) commented that the castle is a nationally important designated asset and is one of the best preserved earthworks relating to the period in Oxfordshire. EH went on to say that, unlike similar castles, Deddington Castle was located remotely from the original village of Deddington and that this isolation may be connected with its status as the lead site of an estate⁴. EH noted that, whether deliberate or not, the setting of the castle remains as open countryside on all sides, except for a small section of the circuit. EH considered that the castle has illustrative value in demonstrating how the Normans dominated the surrounding landscape, militarily and physically, and that the open setting contributes to that significance.

11. I attach significant weight to the comments of EH which accord with what I saw on site. When visiting the castle, the sense of isolation from the village is strongly felt. Moreover, the commanding position of the castle on a spur of higher ground is also readily appreciated. I agree that the castle has illustrative value, together with its historic and communal values. The appeal site forms part of a swathe of predominantly open land including pasture, woodland, gardens and allotments which separates the castle from the village. The appeal site is therefore part of the setting of the monument. Moreover, the open nature of the site makes an important contribution to the significance of the heritage asset.

12. The development of housing on the appeal site would significantly erode the open quality of the space between the castle and the village. To my mind this would diminish the sense of isolation and the illustrative value identified by EH. The appellants suggest that views out from the castle are predominantly over open countryside to the south, due to the trees which have grown up along the western embankment. At the time of my visit, when the trees were in leaf, it was possible to see the appeal site from the ramparts, albeit in heavily filtered views. Local residents point out that the trees are deciduous and that there is a much greater degree of visibility in the autumn/winter and early spring. I have no reason to doubt that evidence which is consistent with my observations. In my view the appellants' analysis understates the visibility of the appeal site from the castle when seasonal effects are taken into account.

13. The sense of separation between the castle and village can also be appreciated in views from St Thomas Street at the proposed point of access to the appeal site. Whilst the fencing and gates obstruct views of the surface of the site, views of the castle ramparts can be obtained. I note that part of the site could be left clear of development, providing a framed vista towards the castle. Even so, the presence of development behind the frontage properties would be readily apparent. Development on the appeal site could also be seen from Hopcraft Lane in a glimpsed view between properties. It would also be highly visible in views from private properties in the vicinity of the site.

14. The Landscape and Visual Impact Assessment submitted with the application concluded that the site is visually contained by trees and vegetation and that it has low sensitivity to change. That may be so in terms of a landscape impact

assessment. However, it does not alter my conclusions in relation to the assessment of impacts on heritage assets.

15. The appellants' impact assessment concludes that the proposed new buildings would not dominate the castle, or views from it. However, it also notes that new development would intrude into areas of designed visibility from the ramparts. I agree with both points. The appellants' assessment is that the impact on significance would be 'moderate adverse' which, in the terminology of the appellants' report, equates to a partial loss or reduction in the significance of the asset. EH commented that there would be '*a level of harm here that is certainly significant*'. These two conclusions are not inconsistent and I agree with both.

16. The appeal site forms only part of the setting of the castle. Moreover, the significance of the castle includes factors other than the values associated with its setting. I conclude that, in the terms of the Framework, the overall harm to significance would be less than substantial. That is not to say that it would be minor or unimportant. The Framework emphasises the general importance of conserving the significance of heritage assets. Paragraph 134 of the Framework requires the harm to be balanced against the public benefits of the scheme. I return to that balance in the conclusion to my decision.

Deddington Conservation Area

17. The conservation area covers the historic core of the village, the castle and the intervening open land. The conservation area appraisal (CAA) comments that there has been little change to the medieval street pattern and that new development makes a limited contribution to the street scene because it has been predominantly in backland plots. The village is described as inward looking with few views out to the surrounding countryside. The street layout is said to be a loose grid which, combined with a continuous building line, forms a strong sense of enclosure. I agree with this general description.

18. The appellants argue that the CAA has little to say about the appeal site. Nevertheless, the castle is self-evidently an important feature of the conservation area. It follows that the open setting of the castle, which includes the appeal site, is also an important feature of the conservation area. For the reasons given above, in relation to impacts on the castle, I consider that the development of housing on the appeal site would result in the erosion of a green space which is important to the character and appearance of the conservation area as a whole. Consequently, I conclude that the proposal would fail to preserve the character and appearance of the conservation area. Given that the separation between the castle and the village is a feature of the historic pattern of development in the locality, I consider that the proposal would fail to respect that development pattern.

19. I note that views between the site and the adjoining historic streets are limited due to the continuity of the frontage development. Even so, as described above, there are views of the site from the adjoining streets, from the castle itself and from private properties.

20. The application was in outline and, at this stage, it cannot be said how sympathetic the layout and design might be to the historic pattern of development within the village. However, as the Council would have control of these matters at reserved matters stage, layout and design are not matters which weigh against the appeal.

21. My overall assessment is that there would be harm to the significance of the conservation area. As only a part of the conservation area would be affected, the degree of harm to the conservation area as a whole would be less than substantial.

Other heritage assets

22. Pear Tree Cottage and Oak Cottage are buildings of historic and architectural interest. However, insofar as their settings contribute to their significance as heritage assets, I consider that it is their settings within the street scene of St Thomas Street and Hopcraft Lane which are important. Whilst the open nature of the appeal site is no doubt appreciated by the occupiers of these properties, there is no evidence that it is important to their significance as heritage assets.

23. The church is centrally located within the village. From some viewpoints development on the appeal site could be seen in the same view as the church tower. However it would be a small element in such views and would not materially affect the appreciation of the church as a landmark within the village.

24. In conclusion, the proposal would not result in material harm to the significance of other heritage assets. The settings of the buildings in question would be preserved.

Conclusion on heritage assets

25. I conclude that the proposal would fail to preserve either the setting of Deddington Castle or the character and appearance of the Deddington Conservation Area. It would conflict with Policy C25 of the Cherwell Local Plan (LP), which seeks to protect the settings of scheduled monuments, and with LP Policy C27 which seeks to protect the historic settlement pattern.

Other matters

26. The Council accepts that it cannot demonstrate a 5 year supply of housing sites. In accordance with the Framework, it follows that relevant policies for the supply of housing are not to be considered up-to-date. The Council relies on LP Policy H18 which seeks to restrict housing outside the built-up limits of settlements other than in specific circumstances which do not apply here. However, given the housing land supply position, I consider that this policy should not be considered up-to-date. I therefore attach only limited weight to the conflict with Policy H18.

27. The appeal scheme would result in the delivery of 7 dwellings which would be a benefit in both social and economic terms. This is an important consideration, bearing in mind the housing land supply position.

28. As noted above, I agree with the appellants that the scheme would have little impact on the wider landscape. Consequently, I do not think that it would conflict with LP Policy C7 which seeks to protect landscape character.

29. I have noted the policies of the emerging local plan referred to by the Council. Insofar as they relate to this appeal they have similar objectives to the LP policies referred to above.

30. Several letters of representation have been submitted objecting to the proposal. Many of the points of concern have already been covered above. Other matters raised include highway safety, ecology, privacy, overshadowing, and the forthcoming production of a neighbourhood plan.

31. In relation to highways, although access is a reserved matter the existing site entrance appears to be the only point where access to the highway could be obtained. Local residents point out that the street has narrow footways and the carriageway is often reduced to a single vehicle width due to parked cars. However, the site is located within a tight-knit village environment where the historic street pattern does not always allow for the highway layout standards found elsewhere. I note that the formation of the proposed access road would result in the loss of some on-street parking spaces. Nevertheless, parking provision for the scheme itself could be addressed at the reserved matters stage. An access report was submitted with the application which showed that visibility splays could be provided at the site access in accordance with Manual for Streets. This conclusion was accepted by the highway authority which has not raised any technical objection to the scheme.

32. An ecological appraisal was submitted with the application. This identified the need for some further survey work. However, I consider that the ecological potential of the site is sufficiently understood for such surveys, and any associated mitigation measures, to be the subject of conditions. Having regard to the size of the site, I see no reason to think that harmful overlooking or overshadowing of nearby dwellings would arise. The detailed siting and massing of buildings, and the position of windows, would be controlled at the reserved matters stage. The proposed Neighbourhood Plan is at too early a stage of preparation to attract any significant weight. In summary, none of these other matters add materially to the case against the appeal.

Conclusion

33. The proposal would fail to preserve either the setting of Deddington Castle or the character and appearance of the Deddington Conservation Area. It would result in harm to the significance of these designated heritage assets. Paragraph 134 of the Framework requires this harm to be weighed against the public benefits of the scheme, including heritage benefits and other benefits. I attach little weight to the claimed heritage benefit of enhancing the view of the castle from St Thomas Street. The castle is already visible to some extent and the benefit of any additional visibility would be outweighed by the impact of the proposed development. That said, the delivery of 7 dwellings is an important benefit. However, to my mind it is insufficient to outweigh the harm that would be caused to the significance of the castle and the conservation area, whether considered individually or collectively.

34. Whilst I note that the Council cannot demonstrate a 5 year supply of housing sites, the presumption in favour of sustainable development set out in paragraph 14 of the Framework does not apply because the proposal would conflict with the policies of the Framework relating to designated heritage assets⁵ . For the reasons given above, the appeal should not be allowed.

David Prentis
Inspector

1 This stance is consistent with a change in Government policy, set out in the Written Ministerial Statement of 28 November 2014, after the application was determined.

2 As it then was – it has since become Historic England

3 The listing, which refers to 'Pear Tree Cottage and house', covers two dwellings.

4 Possibly that of Odo, Bishop of Bayeux.

5 See footnote 9.

APPENDIX III - Aerial views of Deddington and The Poplars



1. Aerial view summer 2015. The Scheduled Ancient Monument is in the bottom right half of the picture. Google Earth.

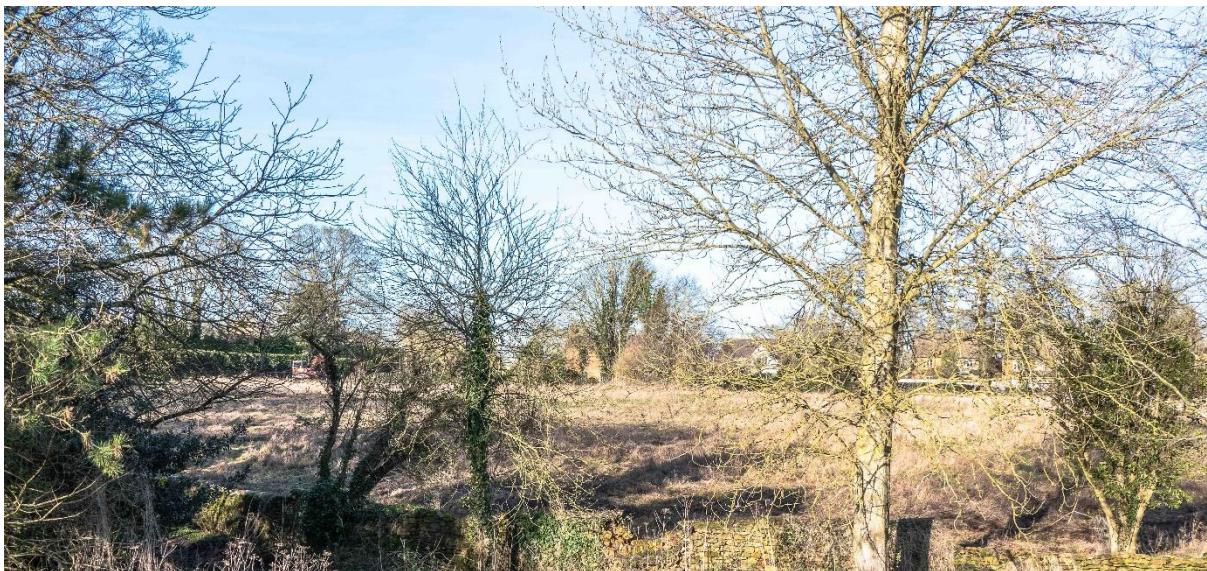


2. Aerial view of The Poplars in autumn looking west towards the Castle Bams on its western boundary, with Castle End behind. The open green space surrounded by trees in the top left is the interior of the western part of the western bailey.

APPENDIX IV - Views of The Poplars from the Inner Bailey and the tree-lined ramparts (Upper Walk)



1. Summer view of The Poplars from the foot of the Inner Bailey looking north-west across the field



2. Winter view of The Poplars from the foot of the Inner Bailey looking north-west across the field



3. One of the summer views of The Poplars below from the tree-lined banked ramparts (Upper Walk)



4. One of the winter views of the application site (western part of The Poplars) from the tree-lined banked ramparts (Upper Walk)



5. Another winter view of the application site (western part of The Poplars) from the tree-lined banked ramparts (Upper Walk)



6. Dry moat or ditch between the tree-lined ramparts on the north side of the western bailey and The Poplars

APPENDIX V - Panoramic view of banked ramparts across The Poplars from Clifton Road



1. Winter view of the tree-lined banked ramparts looking south across The Poplars from the western end of Clifton Road (B4031)

APPENDIX VI - Views across the application site from the Castle Barns and of the parish church



1. Winter view from the Castle Barns (grade II* curtilage listed) across the application site towards the northern boundary of the Castle Grounds



2. Winter view of the parish church (grade II*) across the application site from the eastern boundary of The Poplars

Decidington_Draft_conservation_area_appraisal_2012.pdf - Adobe Reader
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9. Visual Analysis
Tools Sign Comment
18:20 28/12/2013

Pinch point
Strong building line
Gateway
Trees
Visual stop
Deflected view
Conservation Area boundary
Positive view
Positive vista
Important green space
Positive landmark
Characteristic boundary wall

0 55 110 220 Meters

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Fig. 15: Visual Analysis

APPENDIX VIII - Photographs of Castle Street/Clifton Road 'blind' bend



1. View of 'blind' bend looking west from junction of Clifton Road with Earl's Lane



2. View of 'blind' bend looking east from Castle Street



3. View of eastbound vehicle straddling the centre line

APPENDIX IX - Photographs of B4031 West-East route pinch-points at Chapel Square



1. B4031 main west-east route pinch-point between Castle Street and Chapel Square looking west towards village centre. Note the lack of footways on either side.



2. B4031 main west-east route pinch-point between Chapel Square and Castle Street looking east. Note the lack of footways on either side.

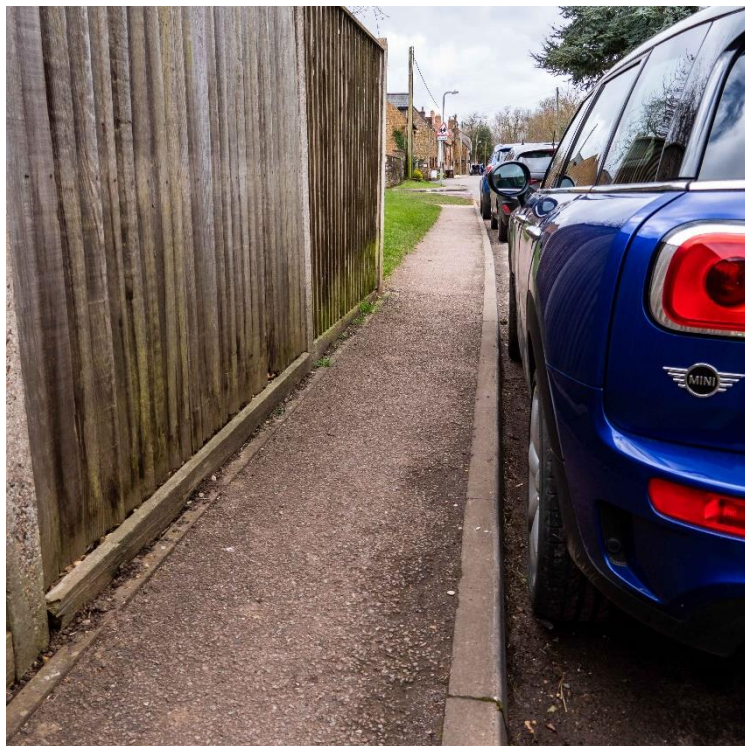


3. Photograph of B4031 main west-east route pinch-point between Chapel Square and Market Place looking west



4. Photograph of B4031 main west-east route pinch-point between Market Place and Chapel Square looking east

Appendix X - Electricity substation encroaching on pavement outside Health Centre in Earl's Lane



APPENDIX XI - Results of Clifton Road traffic speed survey

3 March 2014 Westbound (into Deddington) 07.20 to 08.05; 64 vehicles:

Traffic entering the village – Mean speed	42.5 mph
Highest speed	55.0 mph
% exceeding 40 mph	91%
85%ile speed	46.0 mph

3 March 2014 Eastbound (out of Deddington) 07.20 to 08.05; 61 vehicles:

Traffic leaving the village – Mean Speed	40.6 mph
Highest speed	63.0 mph
% exceeding 40 mph	91%
85%ile speed	52.0 mph

27 February 2014 Westbound (into Deddington) 14.34 to 15.30; 68 vehicles:

Traffic entering the village – Mean speed	42.5 mph
Highest speed	61.0 mph
% exceeding 40 mph	66%
85%ile speed	49.0 mph

27 February 2014 Eastbound (out of Deddington) 14.34 to 15.30; 71 vehicles:

Traffic leaving the village – Mean Speed	44.3 mph
Highest speed	58.0 mph
% exceeding 40 mph	75%
85%ile speed	51.0 mph

APPENDIX XII - Text of road safety petition to Oxfordshire County Council

We, the undersigned, are residents of Castle Street/Clifton Road, Deddington and we object fundamentally to the residential development at the Poplars site (Planning Application Reference 14/00412/F) due to its serious and adverse road safety implications for this area.

- There have been two fatalities on this road within the last three years and numerous other accidents.
- The great majority of vehicles entering or leaving the village exceed the speed limits.
- There are two pinch points, one leaving the Market Square and one leaving Chapel Square which cause driver frustration which is released by driving off at excessive speed as soon as they are cleared although still within the built up area and the 30 mph zone.
- The road has no continuous pavement on either side.
- The proposed site is in close proximity to a blind bend and a dangerous T-junction.
- Many residents of the village, including children and dog walkers, cross this road to access the Castle Grounds.
- There is a considerable but necessary amount of on-road parking and this, plus the one directional pinch points at the entrance to the Market Square and Chapel Square, which cause considerable traffic disruption.

We therefore call on the County Council, as the Highway Authority, to object to this Application on serious road safety grounds and Cherwell District Council, as the Local Planning Authority, to reject it in light of that response from the County Council and also its concern with road safety on Castle Street/Clifton Road.

April 2014

