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26 March 2022

Planning application 22/00489/F: Erection of 49 no. dwellings, Shenington

We wish to state our **STRONG OBJECTION** to this planning application.

In summary, we find that the proposal should reasonably be refused, at minimum, for the following reasons (not an exhaustive list), when the application is assessed against the Development Plan, and having regard to other material considerations, to include the NPPF, site planning history and assessment by the LPA of an adjacent housing proposal.

1. The proposed development represents an unjustified and inordinate expansion of this historic ironstone Category C village contrary to Policy Villages 1, ESD1, and BSC1 of the Cherwell Local Plan 2011-2013 (CLP) and would harm the historic character and established settlement pattern of this Conservation Village, contrary to policy ESD15 of the CLP.
2. The proposal does not comprise infilling or conversion within the built limits of a Category C settlement. Therefore, the proposal is contrary to the Council's rural housing strategy, as outlined in Policies ESD1, BSC1 and Policy Villages 1 of the CLP, which seeks to deliver the housing growth in the district in the most sustainable manner reducing the need to travel and the impact on climate change and Government guidance in the National Planning Policy Framework which seeks to encourage sustainable patterns of growth.
3. The proposed dwellings, by virtue of their number, layout, scale, siting, design and proposed materials are considered to represent an unsympathetic form of development that has a poor relationship with the existing built form of the village and through the introduction of this amount of development in this location would result in visual harm to the open, rural character of the area and village setting, and significant harm to the setting and significance of the Conservation Area, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C23, C27, C28 and C30 of the Cherwell Local Plan 1996 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework. It is also not clear whether the existing ironstone wall to Rattlecombe Road would be lost or compromised.



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4. The proposal would result in a development where future occupiers would be highly reliant on the private car for day-to-day needs. And further, they would be required to negotiate dangerous approach roads, with steep gradients, sharp bends and no pavements. The additional traffic from this development would exacerbate an already poor situation to the detriment of the highway safety of all users, existing and proposed. This is contrary to CLP Policy SLE4 and saved LP policy TR7.
5. The proposal would introduce a dangerous new junction to Rattlecombe Road to the detriment of highway safety, by virtue of being within close proximity to the 60mph speed limit change, located opposite regularly parked cars to an historic terrace of cottages, on a stretch of road with changes in gradient and alignment that restrict visibility. The application is therefore not in accordance with the NPPF. It is also noted that no up to date speed survey has been undertaken in the vicinity of the application site.
6. The proposal would exacerbate the already poor infrastructure provision in the village, principally foul waste drainage, drainage generally, and broadband speed. These provisions are known locally to be already compromised. In terms of drainage, both foul waste and surface water, the proposal is therefore contrary to Policies INF1 and ESD7 of the CLP. (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

We note the response of the LPA to the applicant's pre-application enquiry and concur in the main with the findings and agree with the conclusion of the LPA of October 2021. The pre-application scheme was for 60no. dwellings, but in spite of the slight reduction in dwelling numbers, the matters of principle and technical reasons for refusal very much remain.

Setting and Conservation Area Context

The Shenington with Alkerton Conservation Area Appraisal, February 2009, described the villages of Shenington and Alkerton as *'amongst the most attractive villages in the Ironstone belt...displaying excellent examples of polite and vernacular Ironstone properties, mainly dating from the 17th century onwards'*. At paragraph 6.1.1 the Appraisal reinforces the point, and states that, *'Shenington and Alkerton are*



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amongst the finest examples of the villages of the Ironstone belt that runs through north Oxfordshire into Northamptonshire'. The villages are special.

The Appraisal noted that, *'It is the homogeneity of construction materials in both villages that is quite spectacular. The use of the very distinctive local ironstone for elevations and boundary walls is almost universal'*.

In contrast, the palette of materials proposed by the applicant is completely at odds with the village vernacular. The use of off-white render, buff brick, vertically-hung red tiles and re-constituted stone (read 'concrete') is plainly at odds with property within and without the Conservation Area and demonstrates that the applicant has had no regard to local character.

The application site lies adjacent to the designated Conservation Area, bordering it directly in several locations to both Rattlecombe Road and Stocking Lane, abutting the Village Fringe Character Area as defined within the Appraisal. The stone wall and bank on the north side of Rattlecombe Road are located within the Conservation Area, as specifically noted within the Appraisal at paragraph 16.3. The rural edge and agricultural character to these two lanes are defined well in the Appraisal, as follows (with our underlining):

'Rattlecombe Road leads west towards Rough Hill with former arable fields on either side. Later development has occurred to the south of the road, however to the north the fields still stretch into the distance. Stocking Lane, formerly known as 'Stockin Lane' confirming its former agricultural use, leads northwest from The Green towards former meadows which are now the remains of the former aerodrome'.

At paragraph 9.6 of the Appraisal the means of enclosure to the Character Area are discussed. The paragraph confirms that (with our underlining), *'stone walls and hedging predominate the area and stone walls in particular help define the entrances into the village, particularly the strong high stone wall with its strong corner that encloses The garters on Stocking Lane. However, one notable ironstone wall at the western entrance to the village has been partially demolished recently and its restoration would be desirable'*. The stone wall referenced here is that at the application site entrance to Rattlecombe Road. It should be noted that due to the raised relative height of the application site, the existing stone wall to Rattlecombe Road, in part, acts as a retaining structure. The application proposals are made more prominent and visible, due to the raised nature of the site. The applicant's topographic survey and house finished floor levels demonstrate this well.



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The Village, its categorisation and suitable housing growth

Shenington is a Category C village (CLP), in part because of its size, but principally because it is remote and lacking in infrastructure and facilities. The dwindling bus service through the village (propped-up by the adjacent County Council) provides 3 buses a day. Walking and cycling to services further afield is long-winded and extremely dangerous. The village and site are only reasonably accessible by private car. In general terms, and in the context of Cherwell District Council, the Development Plan, and the NPPF this is NOT an accessible or sustainable location, being 6 miles by car to Banbury Cross.

The LPA's document 'Residential Completions and Permissions at 31/03/2021 (net)' confirms that Shenington and Alkerton have seen 12no. completions (2011-2021, net) with a further 5no. dwellings approved but as yet not built. This supply of housing to the village at just over one per year is reasonable and commensurate with the size of the village, its location, facilities and infrastructure, and most importantly is aligned with the village's Category C status in CLP terms. There is no requirement to see a change to this position of slow, organic growth, and certainly not a scheme that would amount to a single increase in dwellings across Shenington of c. 40% (when compared to the existing housing stock).

This recent supply of housing (ignoring more remote single dwellings and conversions) has occurred within the built-up area of the village and has not extended into open countryside. Consequently, the village has seen growth at a level anticipated by the CLP, without prejudice to its character and setting.

The village and locality were assessed more recently by the LPA. The final version of Cherwell's 2018 Housing and Economic Land Availability Assessment (HELAA) assessed a promoted site at Quarry Farm, Rattlecombe Road (reference HELAA193, at 2.5ha). Lying immediately adjacent and to the west of the application site it draws a good number of parallels. The LPA assessed that site as being,

'Greenfield site outside the built-up limits. Shenington is a Category C village in the adopted Local Plan Part 1, the category of the least sustainable villages in the district. The adopted Cherwell Local Plan does not direct additional development (10 or more dwellings or small-scale employment) at Category C villages other than extensions to existing employment sites. The site is considered to be unsuitable for development as it would have an unacceptable impact on the character of the village and its open countryside. The eastern boundary of the site borders the Conservation Area. The



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southwestern portion of the site lies within the Northern Valleys Conservation Target Area'.

In dismissing the site, the LPA found it to be unsuitable and unachievable for housing supply. It is reasonable to assume that the same assessment and conclusion would have been made if the application site had been before the authority.

Site Planning History

The application site has a considerable planning history, which is considered highly material here. Notably, in 2001, an application (LPA reference 01/02422/OUT) for 29no. dwellings and site for a village hall and open space was withdrawn by the then applicant. Whilst withdrawn, the application was scheduled for the North Area Planning Committee meeting of 31st January 2002, and the report of officers recommended refusal of the application for 8no. (eight) reasons. These are reproduced in full at **Annex 1**. That application had a similar site area to the current application, extending from Stocking Lane to Rattlecombe Road, and gaining vehicular access from both.

It is noteworthy that officers assessed the proposals as being beyond the built-up area of the village, within open countryside, and found multiple highway safety, traffic and infrastructure issues with it. In the round it was seen as unjustified, undesirable and in conflict with the historic settlement pattern of the village. Since then, of course, the Conservation Area has been designated (2009) and the village's sustainability credentials crystalised within the CLP village categorization.

The following year, 2002, an application for 5 no. dwellings (LPA reference 02/02000/F) was submitted and again withdrawn. The application site on that occasion was focused on Rattlecombe Road with vehicular access again proposed in that location. The application, though withdrawn, had been scheduled for North Area Planning Committee's meeting of 12th December 2002. Officers recommended that the application be refused for 6no. (six) reasons. These are reproduced at **Annex 2**.

The reasons for refusal recommended on both occasions could reasonably apply to the current application for 49no. dwellings, notwithstanding that Development Plan policy has advanced, the Conservation Area designated, and the village's Category C status confirmed, where housing development should be limited to 'infilling' and conversions.



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In 2008, 2no. applications were submitted for change of use of the land to equestrian use. The first application, LPA reference 08/00119/F was withdrawn in March 2008, and related to a site area that included the application site, but also a further 1.5 ha to the northwest. Later that same year another application was submitted (LPA reference 08/01187/F) for change of use of the land to equestrian use. That application was refused and the single reason for refusal is reproduced at **Annex 3**.

The above precis of planning history to the site, and the Council's position with regard to land adjacent and to the west (see HELAA reference regarding Quarry Farm) demonstrates a consistent and determined stance to resist development on the application site. The Conservation Area designation adds further justification to resist development, and similarly the Category C classification of the village in CLP, adopted 2015, provides clear and unambiguous Development Plan justification for refusal. That Category C position was emerging well before the CLP was adopted, and indeed within the Cherwell Local Plan 1996 (to 2001) the position in Shenington with regard to housing was that it should be limited to infill, minor development within the built-up area of the village, and conversions. Very little has changed with the thrust of Development Plan policy as it affects housing development in the village.

Conclusion

We see no justification for this development on Grade 2 farmland.

The proposal represents an inordinate addition to the village, and an unreasonable and unjustified extension into open countryside, wholly beyond the built-up area of the village, and contrary to clear Development Plan policy.

The proposal will irreparably harm the setting, character and historic street pattern of the village, and result in significant harm to the setting and significance of the Conservation Area.

There are numerous technical issues too, that warrant reasons for refusal of their own, not limited to access, traffic, highway safety, drainage and village infrastructure.

We would urge decision makers to firmly refuse this application.



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Please would you kindly keep us updated on the application's progress.

Sir David Gilmour

Chairman CPRE, Cherwell District



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Annex 1

Planning application 01/02422/OUT: 29no. dwellings

North Area Planning Committee report, 31st January 2002. Reasons for Refusal recommended by officers (8no.)



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- 1 The proposed development is contrary to Policies H13, H18 and C13 of the adopted Cherwell Local Plan which seek to guide residential development to within the existing built-up limits of the settlement. In this case the proposed development is outside the existing built-up limit of the settlement and is therefore classed as open countryside where its development would constitute an unjustified and undesirable intrusion into the countryside and would be contrary to the Policies intended to protect the character and appearance of the countryside.
- 2 The proposed development is contrary to Policy TR5 of the adopted Cherwell Local Plan as the access from which it is proposed to serve the development is substandard in vision terms and its use for the purpose proposed will result in a detriment to the safety of other road users.
- 3 The proposed development is contrary to Policy TR2 of the adopted Cherwell Local Plan as the highway network is unsuitable to serve the development proposed and traffic generated as a product will increase the hazards to other road users and pedestrians.
- 4 Having regard to the location of the proposed development and lack of suitable transportation facilities it is considered that the proposal is not sustainable and is thus contrary to Policies G1 and T18 of the Oxfordshire Structure Plan.
- 5 The proposed means of access onto Rattlecombe Road would result in the loss of a significant section of attractive and historic ironstone retaining wall and the creation of an engineered adoptable standard highway access, which would cause harm to the character and integrity of the wall and the character and appearance of the street scene contrary to Policies C13 and C28 of the adopted Cherwell Local Plan.
- 6 In the absence of an adequate means of sewerage disposal to serve the development, the proposal would exacerbate these existing infrastructure problems which, until improved and upgraded, would lead to additional potential pollution of watercourses in the vicinity of the present public sewer system. The development proposal would therefore be contrary to Policies ENV1 and ENV7 of the adopted Cherwell Local Plan.
- 7 That notwithstanding reason 1 above, the proposed development by seeking to create, proportionately, a significant and single estate type development which would be in conflict with the historic settlement pattern of the village and is contrary to Policy C27 of the adopted Cherwell Local Plan.
- 8 The proposal to include a site for a new village hall in close proximity to proposed and existing housing would, in the opinion of the Local Planning Authority, cause harm to the amenities of the occupiers of such nearby dwellings by virtue of noise and disturbance associated with events held in the facility and therefore in conflict with Policy ENV1 of the adopted Cherwell Local Plan.



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Annex 2

Planning application 02/02000/F: 5no. dwellings

North Area Planning Committee report, 12th December 2002. Reasons for Refusal recommended by officers (6no.)

- 1 The proposed development is contrary to Policies H13, H18 and C13 of the adopted Cherwell Local Plan which seek to guide residential development to within the existing built-up limits of the settlement. In this case the proposed development is outside the existing built-up limits of the settlement and is therefore classed as open countryside where the development would constitute an unjustified and undesirable intrusion into the important elevated and attractive space which contributes to the character of the locality and should be protected from development in order to conserve the attractive rural character of the locality.
- 2 The proposed development is contrary to Policies H16, H19 and EN34 of the Revised Deposit Draft Cherwell Local Plan 2011 which seek to guide residential development to within the existing built-up limits of the settlement and, then only on infill sites or conversions which accord with Policy H22 of the Plan. In this case the proposed development is outside the existing built-up limits of the settlement and furthermore does not constitute infill development nor the conversion of existing buildings. The proposal would also cause demonstrable harm to the character of this part of the countryside comprising an unjustified and undesirable intrusion into the important elevated and attractive space which contributes to the character of the locality and should be protected in order to conserve the attractive rural character of the locality.
- 3 The proposed development is contrary to policy TR5 of the adopted Cherwell Local Plan and Policy TR5 of the Revised Deposit Draft Cherwell Local Plan 2011 as the access from which it is proposed to serve the development is substandard in vision and geometric terms and its use for the purpose proposed will result in a detriment to the safety of other road users.
- 4 The proposed development is contrary to Policy TR2 of the adopted Cherwell Local Plan and Policy TR5 of the Revised Deposit Draft Cherwell Local Plan 2011 as the road network in the vicinity has no separate provision for pedestrians resulting in an increased hazard and a detriment to the safety of other road users.
- 5 Having regard to the elevated and prominent nature of the site, the impact of the dwellings in Rattlecombe Road and on the houses opposite, the proposed development is unacceptable as the scheme would result in substantial and elevated dwellings which would appear too dominant in the this locality and cause an unacceptable overbearing effect on the existing dwellings to the south of the site. The proposed development is therefore contrary to Policy C30 of the adopted Cherwell Local Plan and Policies D3 and D6 of the Revised Deposit Draft Cherwell Local Plan 2011.
- 6 Subject to the final comments of the Environment Agency and Thames Water regarding the capability of the sewerage system to accommodate the additional flow created by the development.



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Annex 3

Planning application 08/01187/F: Change of Use to Equestrian Use

Reason for Refusal to Decision Notice 08/01187/F, dated 10th July 2008

- 1 That the new access proposed in relation to the change of use of the land would, by virtue of the significant difference in land levels between the site and the highway, result in a major engineering operation in order to satisfy the Local Highway Authority's requirements in terms of the highway safety of the access. This major engineering operation would detrimentally alter the character and rural appearance of this part of Rattlecombe Road and would not conserve and enhance the environment in an area of high landscape value, it would therefore be contrary to Policy G2 of the Oxfordshire Structure Plan and Policies C13 and C28 of the adopted Cherwell Local Plan