

I would like to make it clear that this is not an objection. I have purchased a Bovis Homes house on Heyford Park and my contract of sale states I am not allowed to object to any Bovis Homes planning application on the estate. I however hope my comments will be taken into consideration.

In addition to the appellant's statements this fence is also alongside Keele Close which was missed in their appeal.

It is highly unusual for a public path running alongside adoptable highway to be separated by a fence in a residential area. This arrangement is usually only used by stronger fences by large junctions.

The fence varies in height and is often considerably more than the stated 900mm.

The appellants case states "Concerns have also been raised by the appellant's health and safety advisor in relation to the sloped grass banks of the swale, which could, be slippery and hazardous with storm water sitting at the base of the swale. The inclusion of the railings is considered to go towards addressing these concerns". The appellants health and safety advisor appears to be unaware the swales do not currently match specification which states the two large swales should have no more than 1:4 gradient, 1:5 where possible, and the smallest no greater than 1:3. These levels are barely a slope at all. Bovis Homes have repeatedly told customers this will finish the swales according to the approved specification, specifically to fix the gradients which are at present much steeper, much greater than 1:1 in areas.

Without prejudice if the swales were unsafe, and were to remain so, a safety fence should be on the other side of the path protecting the public from the danger.

The current design of the fence allows children to easily run through them but makes it much harder for adults. If safety fences were required they should stop all ages being able to penetrate them, especially when young children could run away from their carers in such a nice open residential green space.

It's important to note once the swales are completed to specification they will be planted as a wild meadow, part of the public open green space offering.

Although the LPA forced Bovis Homes to put gaps in the fence in the plans to make them permeable, the nature of the fence makes these gaps very hard to see. Furthermore many of these gaps are non-existent on the actual fence, despite this being a retrospective planning application.

In contrast to the quoted NPPF/NPPG this fence:

- Restricts the way people in the community live, work, travel and take leisure
- Makes certain public areas exclusive and appear inaccessible
- Restricts opportunities available for improving the character of an area and the way it functions by restricting movement in previously approved open spaces
- Reduces the quality of the open space by dividing it
- Does not add to the legibility of the public paths and shared surface roads which are all colour coded
- Restricts the cohesiveness of the community by dividing it

As quoted the Cherwell Local plan promotes "permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features". Although this massive fence (described as "Trumpesque" by a local

District and County Councillor) is certainly a feature it is an undesirable one in an area where the approved feature is natural wild meadows as per the design code. It restricts movement and even if all the little gaps were added it still restricts permeability in public open space.

This feature could lead to the discouragement of walking, cycling and the use of public transport through the development. New development should reflect high quality design that responds to the established character of the distinct character areas where this would preserve and enhance the conservation area, this fence divides the previous character of area which was open recreational space. Public open space should be provided to form a well-connected network of green areas, suitable for formal and informal recreation however this again divides the space.

Public and private areas are clearly distinguishable by signs and the colour coding, and it's clear all materials used to distinguish should be appropriate and this fence is not. The approved design code states that in this area (the Linear Park) "Street furniture would be of a simple informal style, with the material typically being timber.", unlike other formal areas of the conservation area. This fence is neither simple, informal nor timber.

The appellant even makes it clear there should be open frontages so boundary treatments are to replicate this approach as set out in the Character Areas and goes on to state that the definition of a frontage is "the façade of a building, or the land between the front of a building and a public space". In the private areas this fence is between the buildings and the public open space which clearly makes the frontages non-open by the appellants own definition.

The appellant tries to justify the legality of the fence by quoting the DCLG document 'Permitted development rights for householders - Technical Guidance' (April 2017). However this is not a fence installed by a householder for their dwelling. It is by a national developer running the entire length of the estate.

Railings of the same specification of those proposed by the appellant, have been granted by the LPA through a non-material amendment application on the adjacent site to the appeal site. This was granted on the 7th December 2016 with the LPA Ref: 16/00083/NMA. The case officer on viewing the site after this NMA stated they were not actually needed and hinted it was a mistake. This larger fence was originally going to be submitted as an NMA by Bovis Homes but it was deemed it was required to be a full planning application by the LPA which was agreed with the applicant, contradicting the argument the fence is permitted development.

The formal style of the railings clearly impacts the informal nature of the area.

The appellant states "the very nature of these railings is that they are see-through and therefore permeable" however despite being see through from certain angles (not looking from one end to the other) they are certainly not permeable in the sense that the area remains connected for pedestrians (except for small children, which as previously stated is as best a hindrance to parents/carers, at worst dangerous, especially as they are between paths and adoptable roads). This severely impacts accessibility for areas that should be open green spaces.

The appellant is correct that "local residents clearly have a concern about safety and the exposed nature of the steep slopes around the swales". I am one of those residents which have raised concerns which is why Bovis Homes have assured us the steep slopes will be made much less steep to match the approved plans, which state they should hardly be slopes at all. This is a correct course of action, fencing the swales off serves no purpose once the slopes have been completed and therefore a permanent fence is not needed.

The appellant states the reason for refusal “makes reference to the formalisation of informal public open space, although it is considered that this public open space can be deemed to already be a formal space due to the inclusion of swales and drainage features in this area”. This area is not considered a formal open space which is why the approved plans clearly state it should be planted as a wild meadow and is how homes were sold. This is what attracted us to purchase our home.

The appellant states “railings have been erected as a means of enclosure and have already been approved on the adjacent site”. Given that this space should clearly be public open green space an argument relying on the fence being an enclosure is contradictory.

Bovis Homes have already stated they have been "careless" with this fence.

Furthermore other areas of the open public green space have since been fenced/hedged off by residents to claim the land and stop public access. I feel this fence encourages this action. The land owner / manager has not taken any action against these further additional enclosures which sets a very bad precedent for open public green space, further encouraging the practice.

This fence is divisive by nature, does not solve any health and safety problems but creates them, and is unwanted. Following public consultation Upper Heyford Parish Council and Heyford Park Residents Association objected on behalf of residents. The vast majority of residents are against this fence but are unfortunately not allowed to object. The Resident's Association was told of how concerned people next to the fence feel "penned in" by it.

Cherwell District Council's officers advised this planning application should not be permitted and it's Planning Committee voted unanimously against it.

The Planning Inspectorate should respect this clear public opinion and the Planning Committee's decision should stand.