

# Executive

## Shenington with Alkerton Conservation Area

2 February 2009

### Report of Head of Planning and Affordable Housing Manager

#### PURPOSE OF REPORT

To report on the outcome of the public consultation on the draft conservation area appraisal and to recommend that a conservation area be designated at Shenington with Alkerton

This report is public
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The conservation area appraisal has been circulated separately with the agenda for Executive members.

#### **Recommendations**

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The Executive is recommended:

- (1) To note the outcome of the public consultation on the draft appraisal and proposed conservation area boundary
- (2) To approve the changes it is recommended be made to proposed boundary in response to comments received
- (3) To designate, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a conservation area as proposed in the revised appraisal and as at Fig 1 appended to this report with immediate effect.

#### **Executive Summary**

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##### **Introduction**

- 1.1 This report sets out the history with respect to proposals for conservation area designation in Shenington and Alkerton, the process followed to date, the consultation exercise and the comments received on the draft appraisal and proposed boundary. It recommends the changes that should be made to the proposed boundary in response to consultation and that a conservation area is designated with immediate effect.

## **Proposals**

- 1.1 To approve the Shenington with Alkerton Conservation Area Appraisal, amended in response to public consultation.
- 1.2 To designate a Conservation Area with immediate effect, having regard to comments received in response to public consultation.

## **Conclusion**

- 1.3 To approve Shenington with Alkerton Conservation Area appraisal and to designate a conservation area to cover both villages including their historic landscape backdrop, as indicated on Fig1.

## **Background Information**

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### **The Council's duty**

- 2.1 This report is in accordance with Paragraph 9.48 of the Adopted Cherwell Local Plan 2001 and paragraph 9.89 of the Non-Statutory Cherwell Local Plan 2011, which state that the Council will from time to time propose new or review existing Conservation Areas.
- 2.2 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, places a duty on Local Planning Authorities to determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as Conservation Areas.
- 2.3 The Act does not require local planning authorities to undertake public consultation prior to designation but paragraph 4.7 of PPG 15 states that it will be highly desirable that there should be consultation with local residents, businesses and other local interests over both the identification of areas and the definition of their boundaries. It also requires Conservation Areas to be reviewed from time to time and for proposals for preservation and enhancement to be submitted to a public meeting.
- 2.4 This Council considers consultation to be good practice and always holds a public exhibition, a public meeting and publicises the draft appraisal through the media.
- 2.5 Prior to considering designating a new conservation area and undertaking an appraisal the Planning and Affordable Housing Manager seeks the views of the Parish Council on the principle of designation. In the past, partly because of workload pressures, the Council has operated on the basis of an informal approach, whereby it will prioritise conservation area designations in locations where the Parish Council is supportive. The views of the Parish Council have been taken to be representative of residents as a whole.

### **The process followed at Shenington with Alkerton**

- 2.6 There is no doubt that the villages of Shenington and Alkerton exhibit a special architectural or historic interest that justifies conservation area designation and officers' opinion has been endorsed by English Heritage.
- 2.7 In 1995 officers were invited to attend a Parish Council meeting to explain the implications of designation and received a hostile response.
- 2.8 In September 2005 officers were invited to attend a Parish Council meeting to outline the implications of designation and explained that the first step towards conservation area designation was to seek an in principle support from the Parish Council for the appraisal to be undertaken. In April 2006 the Parish Council organised a referendum on the matter. This resulted in 58 votes for designation and 141 against designation. Documentation circulated by members of the Parish Council

with the ballot forms, later sent to the Council for information, contained some factual errors regarding the implications of designation.

- 2.9 Opinions continued to run high in the villages, with strongly held views both for and against designation. In November 2007 the Council received a letter signed by 123 local residents asking the Council to designate a Conservation Area.
- 2.10 On 20 March 2008 the Parish Council voted to ask the Council to undertake an appraisal with a view to designation.
- 2.11 On 7 April 2008 the Council invited the Parish Council to contribute to the preparation of an appraisal and later informally shared early copies for comment.
- 2.12 On 25 September 2008 the Council published a Draft Conservation Area Appraisal for consultation purposes. Copies were sent to each Parish Councillor and the Clerk, to the County Council and English Heritage.
- 2.13 Copies were available to view at the Village Hall, the Primary School, the Church of St Michael in Alkerton, Holy Trinity Church in Shenington, the village pub, as well as Bodicote House, the North Area mobile library, Banbury library in Marlborough House and The Oxfordshire Studies Library. Twelve additional copies were made available to residents on request. The document was also available to download from the Councils web site and 149 people viewed it this way, although the number of these who were local residents is not known.
- 2.14 A press release was issued, resulting in a small article in the Banbury Guardian and an item on Radio Oxford.
- 2.15 A staffed public exhibition was held in Shenington Village Hall on the afternoon of 2 October, which was very well attended, where residents asked questions of general interest. This was followed by a Powerpoint presentation and public meeting in the Primary School in the evening, which was attended by approximately 65 people, where opinions both for and against designation were expressed.
- 2.16 Informative leaflets and questionnaires (attached at Appendix A and B) with reply-paid envelopes were distributed to all addresses within the villages, totalling 187, irrespective of whether or not they were located within the proposed boundary.

### **The consultation responses**

- 2.17 Eighty four written responses were received. Responses are reported verbatim in full at Appendix C and, as many respondents also or alternatively sent a fuller written response by attached letter or report, a précis of this is also provided adjacent in italic. Full copies of all originals are filed in the Members' Room for perusal.
- 2.18 Fifty four responses (64.3%) were fully supportive of the proposal to designate a conservation area. Eight (9.5%) were neutral or expressed reservations and twenty two (26.2%) did not support designation in principle.

- 2.19 Those who supported designation generally did so with enthusiasm. Several responses included lengthy letters requesting additional areas for inclusion. Of those who supported designation, a clear majority considered that a greater area should be covered, again citing multiple areas for inclusion. 31.5% sought the inclusion of more general landscape context; 25.9% sought the inclusion of all of both villages; and, of specific areas sought for inclusion Rattlecombe Road (22.2%), Anderton's Barns (20.3%), The Lynchetts (16.6%) and Stocking Lane and Mill Lane (12.9% each) were the most frequently cited. The location of these areas is illustrated at Appendix D.
- 2.20 Those who did not support designation cited a variety of reasons (most with multiple reasons) including:
- There is no need / Already adequately protected by listing of buildings / Village has looked after itself without designation (40.9%)
  - Waste of public money /More bureaucracy /Need to give notice of works to trees (40.9%)
  - Already voted in Parish Poll (32%).
  - Divisive in the community (18.2%)
  - Two felt it should be bigger, in an unspecified way and one that it should be smaller in an unspecified way and one that it should exclude specific land at Alkerton.
- 2.21 Some of the stated reasons for objection appeared to be based upon a partial or a misunderstanding of the law relating to conservation areas and, in particular, in relation to the requirement for advance Notification to be given to the Council of the intention to fell, top or lop trees over a certain size within the designated area and the process and costs associated with this. For clarification members' attention is also drawn to the following:
- The legislation only covers trees with a trunk diameter of over 75mm measured at a height of 1.5m.
  - Certain trees, such as fruit trees in orchards are excluded.
  - The legislation allows for up to 2 years work to be catered for in a single Notification. Where work to a small wooded area is required this procedure would allow for a single approval of a programme or scheme of works for a group of trees. This would avoid the need for multiple applications.
  - The internal Council procedure has recently been streamlined, with the introduction of a simplified form and with the Street Scene and Landscape Service handling the notifications direct to speed up the response rate.
  - The vast majority of such applications are approved. In 2008 only 4 TPOs were served as result of 216 advance notices.
  - There are no exceptions or abbreviated procedures available in law to avoid the need to Notify the Council of intended works to such trees.
  - There are no areas of woodland within the proposed Conservation Area boundary that would qualify for woodland management under the Forestry Commission woodland management procedures, which, in any case, are quite onerous as they require a Woodland Management Plan to be drawn up and agreed by the Forestry Commission.

A further area of confusion is the extent of protection afforded by virtue of the number of statutorily listed buildings. Whilst there are a total of 35 listed buildings within the two villages, this only amounts to about one third of the total properties (excluding ancillary buildings) several of which are identified in the appraisal as making a positive contribution to the character or appearance of the area and yet neither these nor their boundary walls are currently afforded any protection from demolition in the absence of conservation area designation.

- 2.22 Officers have given careful consideration to all responses, both for additional areas to be included in the proposed conservation area and for areas to be excluded.

### **Response to additional areas suggested for inclusion**

2.23 **A, Rattlecombe Road**

Twelve requests were received to the effect that both sides of Rattlecombe Road and all buildings except Hill Top and West End should be included on the following grounds

- They are Ironstone rubble workers cottages predating 1732 map
- The strong building line creates a prominent feature at the entrance to the village
- The former Post Office and shop/garage is an important part of the social history of the village. The post office has a vaulted cellar
- High-Fields has a magnificent porch and is possibly the site of the inn shown on early maps.
- Rattlecombe House is shown on the 1875 map and, although brick, is believed to date from the early 1800s, with two early OS levelling benchmarks, making it contemporary with Tanner's Cottage and Rattlecombe Hollow.
- Rattlecombe Hollow stands on the site of the old quarry and the quarry face is still evident from the sunken garden
- Cedar Wood is a local stone built bungalow.
- Other modern bungalows on the western approach could be considered neutral but their walls and vegetation contribute positively.
- These properties line the road creating a narrow outlook, characteristic of the village.
- Ironstone walls are of historic interest: on the south side a well maintained wall has a Millennium plaque; on the north side boundary wall of High-Fields; retaining wall in front of Green Acre; lost retaining wall opposite The Level where a sympathetic replacement would be supported.
- A water pillar identical to that noted on the Green is located on Rattlecombe Road.
- Green Acre has a fine stone boundary wall.
- The vegetation within gardens and the hedgerow along Top Farm field contribute to the rural character, including the trees in highway land at Long Acre.
- The inclusion of the ugly substation would enable improvements to the fencing to be made.
- Designation could lend support to on going discussions with Central Networks regarding removal of overhead cables.
- The d'Arcy Dalton Way and Macmillan Way footpath would benefit from improvement.

Officers' response is as follows:

The bungalow at **The Leys** (A1) was originally excluded because, in itself, it is not of historic interest. However, the plot is evident on early maps, first as an orchard or similar. Although the plot is not shown on maps dating from the early 20<sup>th</sup> century, the existing boundaries appear to approximately respect the historic alignment. The plot is bounded by an attractive ironstone wall and is prominently located. Although the property is of mid 20<sup>th</sup> century construction, the plot in its entirety does make a positive contribution to the character and appearance of the area.

The terrace of properties comprising **The Lynchetts, Middlecote and The Old Post Office** (A2) are ironstone properties clearly of historic origin, probably squatters' or labourers' cottages, albeit their appearance is much altered. They are visually related to the rest of the village in that the Green at the centre of the village is visible when standing in front of them. There is a clear break of slope immediately west of the terrace, with the land falling away to the west.

**High Fields** (A3), the first house when approaching the village from the west, also appears on the first OS maps, but others between here and the village, although pleasant, do not display sufficient special architectural or historic interest to justify designation. There are some boundary walls of value and some incidental features, but these alone are not considered to justify designation.

The remains of the **boundary wall** (A4) along the north west boundary of Top Farm field does make a valuable contribution in enclosing the street scene and this, together with the bank behind, effectively contains views along the street.

It is therefore recommended that the proposed boundary of the conservation area be extended to include the terrace of properties on the south east side of Rattlecombe Road and the adjacent vacant plot, which has permission for a detached dwelling. The proposed amendment to the boundary would run along the rear boundary of these properties, cross the road and run back into the village along the top of the bank just within the boundary of Top Farm field and include the plot of The Leys.

## 2.24 **B, Stocking Lane**

Seven requests were received to the effect that most or all of Stocking Lane should be included on the following grounds:

- Formerly Stockin Way, this was the principal route through the village until it was stopped up to enable the development of RAF Edgehill. The whole road should be included as it has characteristics in common with other roads that are included within the boundary, such as stone walls, vegetation and an informal character.
- The boundary walls to Orchard House and Oakworth (B1) contribute positively.
- The boundary wall to The Garters (B2) is impressive and noted on the 1875 and 1882 OS maps.

- The hedge between The Garters and the school marks the built edge of the village. The open area is part of the setting of the village and makes a positive contribution to the character and appearance.
- The school has a prominent stone rotunda.
- The Jitty (B3) (a private lane running between Stocking Lane and The Green) is a delightful cutting worthy of preservation.
- The former Council houses here and on Mill Lane are part of the historic development of the village; their gardens are prominent. Council houses in Drayton and Wroxton are included.
- The five houses constructed recently within the garden of Long Acre make a neutral contribution and make the case for designation, but at least are in local stone and have a stone boundary wall and trees in the verge. They are prominent in the wider landscape.
- The Doctor's Surgery site may face future changes. It marks the end of the built up area and is therefore sensitive. The Surgery is located on a sensitive site close to the Scheduled Ancient Monument and designation could help protect its stone walls.

Officers' response is as follows:

The tall stone boundary wall to The Garters is a prominent feature in the townscape, effectively marking the entrance to the historic core of the village and is shown on the 1875 OS map. The properties along the north east side of Stocking Lane are suburban in character and only the boundary wall, which commences at Dingles Copse, I Stocking Lane, exhibits any special character. The Jitty is a delightful historic route, now gated and a shared private drive, and is already included within the proposed boundary for most of its length. To include the remainder would require the inclusion also of Oakworth and Orchard House, pleasant but undistinguished late 20<sup>th</sup> century dwellings in artificial stone. These and other dwellings along Stocking Lane do not display any special character and to include these would suggest that other areas of relatively ordinary development should also be included and this cannot be justified and would devalue the designation.

It is therefore recommended that the proposed boundary of the conservation area be extended to include the undeveloped plot immediately north west of Top Farm and The Garters and that the boundary should cross the road to include the whole of the front boundary wall of Dingles Copse, but not the plot itself, then rejoin the original draft boundary.

## 2.25 **C, Mill Lane**

Seven requests were also received to the effect that more of Mill Lane should be included on the following grounds:

- Sycamore House, Minerva House and Orchard Cottage (C1) are good examples of contemporary additions paying heed to local building materials.
- Mill Farm House and Dairy Cottage (C2) are two agricultural dwellings located to the south of Mill Lane, faced in local stone and are prominent in local and middle distance views.
- The stone walls, hedgerows and trees bring harmony to the street scene as with Stocking Lane.



- The allotments (C3) are part of the social history of the village, as are the ex public sector houses.
- Views east and south from the end of Mill Lane provide open views of countryside.

Officers' response is as follows:

The recent infill referred to above is of sympathetic design using local materials. However, it does not exhibit a special character or appearance worthy of designation, nor do Mill Farm House or Dairy Cottage, which are also separated from the rest of the village by pleasant but unremarkable suburban housing.

It is therefore recommended that no amendment to the proposed boundary can be justified on Mill Lane.

#### 2.26 **D, Top Farm field**

Six requests were received to the effect that Top Farm field should be included for the following reasons:

- Formerly two fields, the boundaries have not changed for centuries, being defined by two historic routes.
- The boundary hedge to Stocking Lane and the demolished wall to Rattlecombe Road are characteristic features worthy of protection / reinstatement.
- The area is popular with walkers and provides glimpses through to the village.
- Whilst not a public space this makes a positive contribution to the rural character and appearance of the area and creates the setting of the village.

Officers' response is as follows:

Although the field itself makes very little contribution to the area as, for the most part, it is not seen from the public domain, its Rattlecombe Road boundary does make a positive contribution and the small plot off Stocking Lane also is bounded by an historic ironstone wall.

It is therefore recommended that the boundary should be extended to include the small plot and The Garters.

#### 2.27 **E, The Lynchetts**

Nine requests were received to the effect that the Scheduled Ancient Monument (SAM) known as the Lynchetts to the north of Shenington should be included for the following reasons:

- SAM status has not protected the views from the Lynchetts
- The public footpath affords fine views, particularly from the stile back towards Rectory Farm Barns and the Church of St Michael in Alkerton.
- The whole of the valley between the villages should be included.

Officers' response is as follows:

The designation of a scheduled ancient monument (SAM) provides greater protection to the designated area than Conservation Area designation would. However, there is no provision in the Act for views

from SAMs to be protected, and in law a SAM does not have setting, unlike a listed building or a conservation area. However, even if the SAM is not included within the designated area, it would constitute the setting of the conservation area and in that respect views to and from it would be afforded protection under paragraph 4.14 of PPG15.

It is recommended that there is nothing to be gained from including the SAM in the conservation area.

#### 2.28 **F, Alkerton / Anderton's barns**

Eleven requests were received to the effect that the farm complex known as Alkerton or Anderton's Barns at the eastern entrance to Alkerton should be included for the following reasons:

- They are noted on historic maps of 1833
- They are magnificent barns with ashlar stone work and fine pointing
- They dominate the entrance to Alkerton
- Stone wall and roadside trees link them to Alkerton.
- They are currently for sale
- They have no protection from demolition
- The boundary walls mark the entrance to the village and contain a stone plaque donated by the village.

Officers' response is as follows:

This is a fine complex in a prominent location. However, it is too far from the rest of Alkerton to justify an extension of the boundary along the road and including agricultural land of no special quality. Officers requested that English Heritage add these barns to the Statutory List, but this was declined. However, they are worthy of addition to a Local List and the Heritage Protection Bill, expected to become law in 2010, will require Local Planning Authorities to draw up a Local List for their area, backed up by a policy in the LDF. Whilst this will not afford much protection in the interim, officers intend to prepare Informal Development Guidance, setting out matters that should be considered in any scheme to convert these to alternative uses.

It is therefore recommended that the boundary should not be extended to include these barns.

#### 2.29 **G, Wider Setting**

Seventeen requests were received to the effect that the wider setting of the villages should be included on the grounds that:

- The setting of Drayton and Wroxton has been included, so there is a need for consistency.
- The valley to the west of the village includes an additional Lynchetts site on the field beyond The Level.
- The valley to the north to protect views from Balscote Road
- The valley to the east of The Lynchetts is an integral part of the setting of both villages, with good views of the elements of both villages.
- The parish allotments are part of the social history of the village
- In particular the view from the Balscote Road towards Mill Farm and the Church.

- Public rights of Way, including Percy D'Alton Way and Macmillan Way cross the area and afford a great number of positive vistas.
- Positive vistas from the Green, The Level and Rattlecombe Road incorporating Top Farm fields towards the airfield is an important open space bounded by stone walls and hedgerows.
- Land between Alkerton Barns and Alkerton is heavily treed and acts as part of the positive setting of the village.
- Views of the villages, particularly of the churches, from the surrounding area are worthy of protection.
- Designation would avoid more inappropriate development.
- Designation would avoid the extension of Alkerton tip, which is visible from the Lynchcetts.

Officers' response is as follows:

It is true that both Drayton and Wroxton boundaries include surrounding farm land, but these designations pre-dated the EH guidance. In the case of Wroxton, much of this landscape constitutes historic park and garden. In the case of Drayton, land to the east was included in the 1977 designation, probably to provide a buffer between the village and the westward expansion of Banbury, but this would not be the approach taken if the conservation area were to be designated today. Both PPG15 and the English Heritage guidance is quite clear that conservation area designation is an inappropriate means of protecting the wider landscape. However, it does allow for the immediate setting to be included where this is desirable and justified or where it constitutes the landscape backdrop of a small rural settlement.

Shenington, by virtue of its plateau top location, cannot be said to have a landscape backdrop. Although there are pleasing views out of the village to the west and south, the EH guidance recommends that general planning policies should be used to protect this open countryside. The landscape surrounding the boundary also constitutes the setting of the conservation area and paragraph 4.14 requires LPAs to have regard to the setting and views in and out of the conservation area in determining development proposals.

Views towards Alkerton include the Sor Valley and this was included in the boundary. However, following representations, this has now been carefully re-examined it is now considered that some of the lower slopes to the north of the village do not make a positive contribution to views from Shenington as they are degraded, do not in themselves make a positive contribution and are not worthy of inclusion. The southern slopes however are an intrinsic part of the vistas between the two villages and are included. The rising land to the east of Alkerton was also included in the draft appraisal as constituting the landscape backdrop. However, following representations, this was carefully examined, and it was agreed that it is the trees and the bank immediately east of the road that provide the backdrop; the field beyond does not make a significant contribution. The same applies to a small pocket of farm land south of Ash Hill Cottage at the entrance to Alkerton from the east and so this also is no longer proposed for inclusion.

It is therefore recommended that some of the lower slopes to the north and east of Alkerton be excluded from the boundary but that the landscape back drop remains included elsewhere where this is justified.

### 2.30 **The whole of both villages**

Fourteen requests were received to the effect that the whole of the two villages should be included on the grounds that:

- At Drayton and Wroxton, the entire villages have been included.
- Including only part of the village is socially divisive.
- It is the mix of character that makes up the village.

Officers' response is as follows:

The entire village of Alkerton is proposed for inclusion, but only the historic parts of Shenington. Drayton and Wroxton Conservation Areas were designated prior to the publication of the EH guidance and, as referred to above, the same approach would not have been taken today. The recent review of Drayton Conservation Area Appraisal did contemplate the de-designation of some areas, but concluded that no harm was done by maintaining the status quo. Conservation Area designation is concerned with the physical fabric of a place and consideration of social issues is restricted to historical associations not community relations. It is heartening that residents are keen to see their property afforded the protection that designation brings but it is important to ensure that paragraph 4.4 of PPG15 is complied with in ensuring that the concept is not devalued by designating areas lacking any special interest. Where the area demonstrates special architectural or historic interest it is proposed for inclusion.

It is therefore recommended that it is inappropriate for the entire village of Shenington to be included.

The proposed changes to the draft boundary included within the Draft Conservation Area Appraisal are illustrated on Fig 1 below.

## **Response to areas suggested for exclusion**

### 2.31 **Area 1: East of the main road at the entrance to Alkerton**

This land was proposed for inclusion on the grounds that *"The tall overhanging vegetation beside the main road is a key feature, as are the trees in the church yard. In particular, the line of trees by the war memorial; provides an important backdrop for the main village crossroads and separates the village from the fields beyond, clearly defining the village boundary"*. The line of trees along the eastern side of the road is identified on the Visual Analysis Plan Fig 11 as Key vegetation or trees.

Representations on behalf of the landowner assert that:

- The land is not identified in the appraisal as being an area of prominent open space, nor does it identify any significant view, nor do the historic maps associate the land with any aspect of historic interest.
- The field is not a strong visual and / or natural boundary
- The land is significantly higher than the road and therefore has no visual connection with the rest of the area.

- Protection of the trees would be better achieved by TPOs.
- The boundary should be drawn along the line of trees

Officers' response is as follows:

The special interest is provided by the line of trees and the embankment, not the field to the east.

It is therefore recommended that the boundary should be amended to include the trees and the bank but exclude the higher land to the east.

### **2.32 Area 2: Valley slope north of Alkerton**

This land was proposed for inclusion on the grounds that it contributes to the open valley between the two villages, with magnificent views, and is a key element to the appreciation of both villages. Positive views are identified in the Visual Analysis Fig 11 south west across this land from Hill Barn in the north east, from the edge of the Manor Farm courtyard looking north and north west. There is a group of trees in the north west corner identified as being Key Vegetation.

Representations on behalf of the landowner assert that:

- The land is described in the appraisal as lying fallow with few buildings and therefore has little architectural or historic value of the built environment beyond The Barns Character Area and so does not form an integral part of the historic built environment.
- Hill Barn also fails to meet the test of being an integral part of the historic built environment as it is far removed from the existing settlement.
- It does not constitute historic gardens or parkland.
- Such open countryside is provided wider policy protection through Local Plan policies.
- Its designation cannot be justified on the grounds of setting. The setting of a conservation area is a material consideration in determining development proposals.
- The northern boundary does not have a strong/visual and/or natural boundary, whereas the southern field boundary comprises an old stone boundary wall.
- The land should be excluded from the conservation area.

Officer's response is as follows:

The land itself has been substantially degraded by its current use as grazing, with the loss of historic field boundaries, the re-grading of the valley slope to create a flat ménage area and the introduction of modern means of enclosure. Whilst the views across the valley are significant, they are over this land rather than of it. It is considered that it therefore constitutes the setting of the area of special interest, rather than displaying special interest in itself.

It is therefore recommended that this land should be excluded from the conservation area. The boundary should be redrawn to run along the Manor Farm complex boundary and then due north along the line of the former field boundary (which is just discernable on the ground) to include Mill Barn, a prominent unlisted building.

### **2.33 Area 3: Land north of the Church of St Michael**

This land was proposed for inclusion on the grounds that the field pattern has not substantially changed since the mid 18<sup>th</sup> century and the land is also heavily vegetated and provides the setting to the Church of St Michael.

Representations on behalf of the landowner assert that:

- This land already has the benefit of planning permission for a garage and has been refused consent for a dwelling on appeal due to the proximity to the Grade 1 listed church.
- It lies outside the line of the historic stone walls, being bounded only by a post and wire fence, which enables views through to the north.
- It has no architectural or historic interest.
- Although there is much vegetation at present, this could be trimmed without consent, even within a conservation area, and therefore the character of the land is open on account of the limited built form.
- The land is protected by virtue of constituting the setting of the area of special interest and constituting the setting of the church.
- It should be excluded from the Conservation Area.

Officers' response is as follows:

The field boundaries have remained unchanged since the earliest OS maps and the land is closely associated with the group of buildings in the locality, contains vegetation that makes a positive contribution to the character and appearance of the area and its preservation is important in relation to the setting of the Grade 1 listed church.

It is therefore recommended that the land should remain within the proposed conservation area.

### **2.34 Second round of consultation**

Following this reconsideration in the light of representations received, Officers wrote to the Parish Council and all residents who would be affected by the proposed amendment to the consultation Draft, seeking views on the proposed change in a second round of consultation.

As a result:

- Three letters of support were received from residents of Rattlecombe Road and The Level (two continuing to seek additional areas for inclusion)
- A further letter from a planning consultant continuing to make a case for the exclusion of land immediately north of the Church of St Michael, Alkerton, based upon the assertion that the boundary has changed over time. However, close inspection reveals the boundary to be entirely consistent in all OS maps from 1875 to the present day and this has been explained to the consultant. A further response has been received, which makes reference to the right of the landowner to pursue Judicial Review.
- A letter from the same planning consultant on behalf of another resident / land owner challenging the inclusion of The Leys, the boundary wall to Top Farm field and the terrace on Rattlecombe

Road. The reasons for inclusion have been re-iterated to the consultant.

Officers gave further careful consideration to these suggestions but concluded, with the agreement of the Port Folio Holder for Planning and Housing, that there was no evidence to support further changes.

If further representations are received on the second round of consultation these will be reported verbally at the Executive Meeting.

### **Key Issues for Consideration/Reasons for Decision and Options**

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- 3.1 The matter of whether to designate a conservation area has already been taken in principle by the Portfolio Holder for Planning and Housing, on the basis of the request from the Parish Council that the Council prepare the Conservation Area Appraisal with the intention of determining which areas are worthy of inclusion.
- 3.2 The matter to be decided is how much of the villages and their landscape backdrop should be included within the conservation area.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

- Option One** Approve the Conservation Area Appraisal as a material consideration and to designate the area identified at Figure 1, which includes and excludes specific areas following public consultation.
- Option Two** Approve the Conservation Area Appraisal as a material consideration and to designate the area identified at Figure 1, without the addition and exclusion of specific areas following consultation.
- Option Three** Designate an alternative boundary as members see fit.

### **Consultations**

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- Shenington with Alkerton Parish Council** Responded that all the individual comments from parishioners to be considered fully and for the DCD officers to come to a professional conclusion of those findings. A majority of the Parish Council would like to see the Conservation Area boundary increased (no specific area indicated).
- English Heritage** Responded, *inter alia*, that “it is very clear that the two settlements are of considerable historic interest and distinctive character and English Heritage therefore strongly supports the principle of designation as a conservation area in this case. We are generally content with the boundaries, although the exact position and

extent will of course be decided following the results of consultation and the need to ensure that they are logical and related to obvious features or land ownership on the ground.”

**Results of Public Consultation**

Questionnaire responses are reported verbatim in full at Appendix C, together with a précis of any longer letters or reports also submitted. Full copies of all responses received are filed in the Members’ Room for perusal.

**Implications**

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**Financial:**

There are no financial implications arising from this report. The costs of preparing the Appraisal and the public consultation are met from the approved revenue budget and the Council does not operate any grant aid scheme that would be triggered by the Appraisal.

Comments checked by Eric Meadows, Accountant 01295 221552

**Legal:**

The Council has a duty under the Planning (Listed Building and Conservation Areas) Act 1990 to identify the parts of its area that are worthy of designation as a conservation area and to designate them as such. English Heritage has confirmed that the area is worthy of designation. The Council is complying with its statutory duty in this respect.

Comments checked by Nigel Bell, Assistant Solicitor 01295 221687

**Risk Management:**

The Conservation Area Appraisal analyses the special character and appearance of the designated area and sets out proposals for the management of the area. Having been publicly consulted upon, the Appraisal will become a material consideration in the determining of planning applications within the designated area and will be used by Inspectors in considering appeals.

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 2215660

**Wards Affected**

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Sibford

**Corporate Plan Themes**

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Greener Cleaner Cherwell

**Executive Portfolio**

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Councillor Michael Gibbard  
Portfolio Holder for Planning and Housing



## Document Information

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<b>Appendix No</b>	<b>Title</b>
Appendix A	Leaflet distributed to all properties within the two villages, informing of implications of designation
Appendix B	Questionnaire distributed to every property within the two villages.
Appendix C	Consultation responses received to the Draft Appraisal and Draft Conservation Area boundary
Appendix D	Location of additional areas sought for inclusion and exclusion
<b>Background Papers</b>	
None	
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<b>Contact Information</b>	01295 221845 Linda.Rand@Cherwell-dc.gov.uk