

The Beeches, Heyford Road, Steeple Aston, OX25 4SN

20/02227/OUT

Case Officer: Bob Neville

Applicant: Adrian Shooter

Proposal: Erection of up to 10 dwellings with all matters reserved except the means of access on to Heyford Road.

Ward: Deddington

Councillors: Cllr Hugo Brown, Cllr Mike Kerford-Byrnes, Cllr Bryn Williams

Reason for Referral: Major Development

Expiry Date: 13 November 2020

Committee Date: 5 November 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks outline planning permission for a residential development of up to 10 dwellings (3no. 2-bed, 2no. 3-bed 1 no. 4-bed and 1no. 5-bed), within the curtilage of the Beeches with a vehicular access point being taken from the Heyford Road, largely utilising an existing access and private driveway. All matters aside from access are reserved for future consideration, namely layout, scale, appearance and landscaping.

Consultations

The following consultees have raised **objections** to the application:

- Mid-Cherwell Neighbourhood Plan Forum, Campaign to Protect Rural England (CPRE) and the Lead Local Flood Authority.

The following consultees have raised **no objections** to the application:

- Steeple Aston Parish Council, Archaeology, Building Control, Ecology, Education (OCC), Environmental Protection, Landscape, Local Highways Authority, Minerals and Waste and Thames Water.

2 letters of objection have been received and 1 letters of comment have been received.

Planning Policy and Constraints

Whilst the site is not within the designated Steeple Aston Conservation Area, the boundaries of the Rousham Conservation Area lie adjacent to the east of the site. There are no listed buildings within the vicinity of the site. The site is within an area of high archaeological interest. The site is within a Minerals Consultation Area. The site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. A Public Rights of Way (ref. Footpath 364/8/10) crosses land west of the site. There are records of protected and notable species (including: Swifts and Eurasian Badgers) as being present within the vicinity of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the

report.

Conclusion

The key issues arising from the application details are:

- Principle of Development;
- Housing Density and Mix
- Design and Impact on the Character of the Area;
- Impact on the Historic Environment;
- Highways Safety;
- Impact on Residential Amenity;
- Ecology and Biodiversity;
- Drainage and Flood-risk.
- Impact on local infrastructure;

The report considers the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. The proposed development would not make effective and efficient use of land and would significantly encroach into the countryside beyond the built-up limits of Steeple Aston, contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need.
2. The proposed development represents inappropriate 'back-land' development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside.
3. The proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a residential property sitting at the rural edge of the village of Steeple Aston, and comprises a large two-and-a-half storey dwelling with brick and painted rendered elevations under a clay tiled roof, sitting within a substantial garden. To the north-east of the main dwelling towards the northern boundary is a single-/two-storey rendered outbuilding providing garage/workshop accommodation with home-office space at first floor level, and a further separate single storey timber-clad garage building. There several further, low-rise outbuildings within the site associated with a narrow-gauge railway that has been developed within the site.
- 1.2. The existing dwelling sits to the south-west of residential properties within the village which front onto the Heyford Road. A further residential dwelling (Orchard House) sits immediately to the east of the Beeches. The site is served by an existing access and private driveway which rises up from the Heyford Road. Land levels drop across the site from the north-west to the south-east, down to the adjacent highway. The site contains several significant trees and predominantly

bounded by mature hedgerows again including mature trees, with paddock and open countryside beyond.

2. CONSTRAINTS

- 2.1. Whilst the site is not within the designated Steeple Aston Conservation Area, the boundaries of the Rousham Conservation Area lie adjacent to the east of the site. There are no listed buildings within the vicinity of the site. The site is within an area of high archaeological interest. The site is within a Minerals Consultation Area. A Public Right of Way (ref. Footpath 364/8/10) crosses land west of the site. There are records of protected and notable species (including: Swifts and Eurasian Badgers) as being present within the vicinity of the site. The site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks outline planning permission for the erection of up to 10no dwellings, with a vehicular access point being taken from the Heyford Road, largely utilising an existing access and private driveway. All matters aside from access are reserved for future consideration, which includes matters such as design, layout, scale and landscaping.
- 3.2. The current application follows the refusal of two earlier outline applications, refs. 19/01601/OUT and 20/00964/OUT, and an initial application 19/00457/OUT that was withdrawn prior to a decision of refusal being issued. The nature of the development proposals is the same as previously considered albeit with a greater quantum of development now being proposed, i.e. up to 10 units as opposed to up to 8 units in those previous applications.
- 3.3. Whilst all matters are reserved aside from access, the applicant has submitted an Indicative Site Plan (Drwg. No. 101 Rev. D) which gives an indicative layout. The detail of the indicative layout is further expanded upon in the supporting Design and Access Statement (DAS), which indicates that the existing dwellinghouse (The Beeches) would be retained with the existing narrow-gauge railway and associated buildings being removed and further existing garaging and office also being removed to facilitate the proposed development. Further an indicative Landscape Strategy is also shown on drawing no. 7140/ASP3 Rev. A.
- 3.4. Whilst not for consideration at this stage, the supporting Planning Statement and DAS set out that the proposed development would look to provide a mix of 2, 3, 4 and 5-bedroom dwellings. The DAS breaks this down into the following house types:
 - 1no. 2 Bedroom apartment over garage @c.845sqft;
 - 1no. 2 Bedroom semi-detached house @c.790sqft;
 - 1no. 2 Bedroom semi-detached house @ 850sqft;
 - 1no. 3 Bedroom semi-detached house @c.1,010sqft;
 - 4no. 3 Bedroom detached houses @c.1,145sqft;
 - 1no. 4 Bedroom detached house @c.1,800sqft;
 - 1no. 5 Bedroom detached house @c.3,000sqft.
- 3.5. As with previous applications the proposals detailed within the submitted Transport Statement (TS) also include alterations to the proposed access and a pedestrian link from the site to the existing footpath network to the north of the site on the western side of the Heyford Road, albeit that this element falls outside of the application's red line site boundary.

- 3.6. *Timescales for Delivery:* The applicant/agent has advised that: ‘There is a willing landowner in place. The site is available now and suitable. The site is ...achievable within the next 5 years’.

4. RELEVANT PLANNING HISTORY

Application Ref	Proposal	Decision
03/00075/F	Change of use of land to garden, dining room extension, enclosed swimming pool outbuilding and construction of a narrow gauge railway	Granted
03/01943/F	Erection of a station pavilion and tractor shed	Granted
05/00840/F	Single storey rear extension	Granted
19/00457/OUT	Erection of up to 8 No dwellings with all matters reserved except the means of access onto Heyford Road	Withdrawn
19/01601/OUT	Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road	Refused
20/00964/OUT	Erection of up to 8 dwellings with all matters reserved except the means of access on to Heyford Road	Refused

Applications 19/01601/OUT & 20/00964/OUT refused on the following grounds:

1. The proposed development represents new housing that would significantly encroach into the countryside beyond the built-up limits of Steeple Aston, contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development represents inappropriate ‘back-land’ development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside, detracting from the rural character and quality of the area the setting of the village. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this current proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 September 2020**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Two letters/emails of objection and one letter/email of comment has been received. The comments raised by third parties are summarised as follows:

Objections:

- Principle – Contrary to the Mid-Cherwell Neighbourhood Plan.
- Location – The proposals do not follow the existing pattern of housing in the village, contrary to the Mid-Cherwell Neighbourhood Plan, and these plans would create a separate housing area attached to Steeple Aston, rather than adding to the existing community.
- Visual impact - The proposals are development of essentially garden or pasture land that is immediately adjacent to open countryside, so that the settled area of the village is markedly changed and with increased scale of development becoming more intrusive on the surroundings; contrary to conclusions of the Landscape and Visual Impact Assessment that the development would have a negligible or no visual impact.
- Layout – Concerns raised relating to the proposed layout of ten large houses being cramped on the site, and that they would not help with housing pressures in the locality.
- Impact on ecology – The area is in established use by a variety of wildlife, including deer and foxes which routinely use clear trails that cross the property in question and continue across the adjacent open fields, to the woods and ponds towards Rousham, and to the River Cherwell. Badgers present within the vicinity of the site. Benefits of conserving the wildlife.
- Impact on highway safety – Increased traffic generation; Access driveway would not allow a two-way traffic system to work, especially from the entrance. Concerns also raised regarding the speed of traffic entering the village at the location of the access. The increased movement of traffic turning into/out of the driveway would be a recipe for disaster for both vehicular access, pedestrians who are walking and would further development of the area would damage the environment and landscape.
- Private benefit only – The proposal would only benefit the applicant who has no inclination or intention to build; just to increase saleable value of land.
- This revised application has failed to address failures of previous applications.

Comments:

- Swift nest bricks should be incorporated into the development as a biodiversity enhancement
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. MID-CHERWELL NEIGHBOURHOOD PLAN FORUM (MCNPF): The MCNPF reiterates its **Objections** to the previous application (20/00964/OUT), considering the same issues and conflicts with the neighbourhood plan to still exist, previously commenting: *'Mid-Cherwell Neighbourhood Plan Forum objects to this application on the grounds that it does not meet all the key criteria of MCNP Policy PD1, which has greater weight than Local Plan policies Villages 1 and 2'*.

7.3. STEEPLE ASTON PARISH COUNCIL: **No objections.**

OTHER CONSULTTEES

7.4. ARBORICULTURE: No comments received.

7.5. BUILDING CONTROL: **No objections.** Development would require a separate building regulations application.

7.6. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE): **Objects.** CPRE comments that: *'The site is outside the Residential Settlement Boundary as specified in the Mid-Cherwell Neighbourhood Plan (MCNP). The MCNP states clearly that such a scheme should not be supported. Development of the site would extend the housing area of the village far further to the west adjacent to an area of open fields, thus increasing the footprint of the village into the countryside. The proposed detached houses are substantial and do little to address the need for affordable, sustainable housing to provide for the local community. Steeple Aston has recently had housing applications accepted but these were within the settlement area and thus complied with MCNP and LP policy'*.

Further comments on the biodiversity gain estimates which look very substantial, but that the opinion of the Council's ecologist would be of value on this matter.

7.7. DESIGN AND CONSERVATION: **No comments received.**

7.8. ECOLOGIST: **No objections subject to conditions.** Conditions in respect of a Construction Environmental Management Plans (CEMP) for Biodiversity and a Landscape and Ecological Management Plan (LEMP); to secure protection for features of biodiversity and ecological value during construction and ensure a gain in biodiversity opportunities going forward.

7.9. ENVIRONMENTAL PROTECTION: **No objections subject to conditions,** in relation to securing a Construction Environment Management Plan (CEMP), Electrical vehicle Charging points and consideration of the potential for land contamination.

7.10. HEALTH AND WELL-BEING: **No objections, subject to S106** to secure contributions towards: Community Hall Facilities (£12,807.12); Outdoor Sport Provision (£22,600.50) and Indoor Sport Provision (£9,355.43).

7.11. LANDSCAPE OFFICER: **No objections subject to conditions** and a S106 agreement securing an appropriate landscaping scheme, a LAP and Outdoor Open Space provision.

7.12. OXFORDSHIRE COUNTY COUNCIL:

- ARCHAEOLOGY: **No objections.**
- EDUCATION: **No objections, subject to S106 contributions** of £56,013.00 towards expansion of secondary capacity serving the proposed development.
- LEAD LOCAL FLOOD AUTHORITY: **Objects;** considering that insufficient information has been provided to enable a technical assessment of the proposal in order to ensure a sustainable drainage strategy for the site can be delivered.

- LOCAL HIGHWAYS AUTHORITY: **No objection, subject to conditions** in relation to securing further details in respect of accesses, driveways and turning areas, cycle parking provision, provision of new permanent public footpaths and a construction traffic management plan (CTMP).
 - MINERALS & WASTE AUTHORITY: **No objections.**
- 7.13. STRATEGIC HOUSING: **Comments** on the application, noting that application falls below the requirement to provide Affordable Housing; and that the number of dwellings per hectare is unclear but looks to be low, and if development was permitted, could potentially support additional units, thereby triggering the Affordable Housing requirement. Further that Steeple Aston is a Category A village with good facilities and we have previously had support from the Parish Council for Affordable Housing in the village; however, this site is somewhat on the periphery of the village and lacks the relationship to the village that we would normally seek for affordable housing.
- 7.14. THAMES VALLEY POLICE (Design Advisor): No comments received.
- 7.15. THAMES WATER: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the **Mid-Cherwell Neighbourhood Plan (MCNP)** and the following Policies of the Neighbourhood Plan are considered relevant:

- PD1: Development at Category A Villages
- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PH1: Open Market Schemes
- PH5: Parking, Garaging and Waste Storage Provision

8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Rousham Conservation Area Appraisal 2018
- Steeple Aston Conservation Area Appraisal 2014
- Cherwell Residential Design Guide SPD (July 2018)
- Annual Monitoring Report (AMR) (December 2019)
- Developer Contributions SPD (February 2018)
- Housing Land Supply in Oxfordshire: Ministerial Statement of 12th September 2018
- Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy, (September 2017)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Oxfordshire Wildlife & Landscape Study 2004

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of Development;
- Housing density and mix
- Design and Impact on the Character of the Area;
- Impact on the Historic Environment;

- Highways Safety;
- Impact on Residential Amenity;
- Ecology and Biodiversity;
- Drainage and Flood-risk.
- Impact on local infrastructure;

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996 as well as a number of Adopted Neighbourhood Plans; in respect of this application this includes the Mid-Cherwell Neighbourhood Plan.

Policy Context

- 9.3. The NPPF's key objective is to support the achievement of sustainable development through the planning system, recognising the need to secure gains in the overarching objectives (economic, social and environmental). In respect of new residential development there is a requirement for the provision of new housing of the right type in the right location at the right time, and that development should contribute to protecting and enhancing our natural, built and historic environment, as well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015 which looks to support sustainable development.
- 9.4. Policy PSD1 contained within the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12).
- 9.6. The Council's 2019 Annual Monitoring Report (AMR) confirms that the District can demonstrate a 4.4 years housing land supply. In the circumstances that a LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer), there is a presumption in favour of sustainable development and ordinarily the circumstances at paragraph 11d of the NPPF are engaged – in short development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 9.7. However, in respect of the Oxfordshire Authorities including Cherwell there is a Written Ministerial Statement ("WMS") made in September 2018 concerning the Housing and Growth Deal, which is a significant material consideration. This sets out the requirement for a 3 year supply of deliverable housing sites (with the appropriate buffer) from the date it was made (12/09/2018) until the adoption of the Joint Statutory Spatial Plan in each area, providing the timescales in the Housing and Growth Deal are adhered to. Therefore, in this case, the tilted balance (para 11d of the NPPF) is not engaged because the Housing Supply requirement for the District should be taken to be 3 years in accordance with the WMS.
- 9.8. Policy ESD1 of the CLP 2015 states that measures will be taken to mitigate the impact of development within the District on climate change. This will include; distributing growth to the most sustainable locations as defined by Policy Villages 1

and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars. Whilst this a strategic level policy it is considered relevant in the assessment and determination development proposals; reflecting the general provisions and aims of development plan policies and national guidance within the NPPF in respect of sustainable forms of development.

- 9.9. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Steeple Aston is recognised as a Category A village where new residential development will be restricted to conversions, infilling and minor development within the built-up area of the settlement.
- 9.10. Unlike previous applications, given that the current proposal is for 10no. dwellings, Policy Villages 2 ('PV2') of the CLP 2015 is also relevant. PV2 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.11. PV2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:
- *"Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
 - *Whether development would contribute in enhancing the built environment;*
 - *Whether best and most versatile agricultural land could be avoided;*
 - *Whether significant adverse landscape impacts could be avoided;*
 - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
 - *Whether the site is well located to services and facilities;*
 - *Whether necessary infrastructure could be provided;*
 - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
 - *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
 - *Whether development would have an adverse impact on flood risk."*
- 9.12. The MCNP established settlement boundaries for the Category A villages within its Plan area. The application site falls outside of the identified settlement boundaries. Policy PD1 of the MCNP relates to new development at Category A villages within its Plan area, and states that any residential development which is outside the settlement areas of these villages must have particular regard to all the following criteria:
- a) The site should be immediately adjacent to the settlement area
 - b) The site should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable.
 - c) The development should conserve and, where possible, enhance the landscape.

- d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets (see Appendix K: Heritage and Character Assessment).
 - e) The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston.
- 9.13. Policy PD1 identifies the total ‘*approximate*’, ‘*indicative*’ number of additional dwellings permitted during the Plan period, either within the settlement areas of these villages or adjacent to them, as being 20no. for Steeple Aston. It is noted that there is a resolution to grant planning permission for 10no. dwellings (19/02948/F) (subject to completion of S106 agreement, currently being negotiated) at the north end of the village (Southside). Should permission be granted for this proposal the allocation put forward within the MCNP 2018-2031 would be met.
- 9.14. Saved Policy H18 of the CLP 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. The proposals do not find support under Policy H18.

Assessment

- 9.15. As noted above the application comes following the refusal of a similar applications ref. 19/01601/OUT and 20/00964/OUT and a further previously withdrawn application 19/00457/OUT for a similar development; albeit that these schemes were for a lesser quantum of development. The context of the site has not significantly changed since the previous applications.
- 9.16. The MCNP establishes settlement boundaries for the Category A villages within the plan area. The application site clearly falls beyond the identified settlement boundary of Steeple Aston within the MCNP.
- 9.17. Counsel advice given to the applicant and submitted in support of both the current and previous application (20/00964/OUT) makes a number of assertions in relation to the Council’s assessment of application 19/01601/OUT. In respect of whether the site falls within built-up area of the settlement the applicant’s Counsel advice considers: “...it does not devolve to the *Neighbourhood Plan* process the means of *delimiting the built up area boundaries of settlements.*”
- 9.18. Officers disagree. It is entirely reasonable and appropriate for the MCNP to define a settlement boundary; indeed, it is one of the roles of a neighbourhood plan. The Cherwell Local Plan makes clear at various points that Neighbourhood Plans will take on the role that would otherwise be assumed by any Local Plan Part 2. The MCNP was found to be in conformity with the CLP 2015 and found sound by the Examiner and now forms part of the Development Plan for the area. It is not appropriate for Counsel advice to seek to re-examine the MCNP or the purpose of Neighbourhood Plans.
- 9.19. Notwithstanding the conflict with the defined settlement boundary, officers consider that if the MCNP had not defined a settlement boundary and a judgement had to be made as to whether the site was beyond the built up limits to the village, it would be reasonable to conclude the site falls outside the built up limits. The built limits of a settlement are defined by the extent of the built form of the village and its relationship with other built development; and extensive areas of garden land to properties on the periphery of the village are generally considered to lie beyond the built limits of the village.

- 9.20. The proposals are for open-market housing beyond the built-up limits of the village and therefore would not find support under Policy Villages 1 of the CLP 2031 or saved Policy H18 of the CLP 1996.
- 9.21. That said, whether or not the site is beyond the built limits of the village is not necessarily determinative. Neither PV2 in the CLP 2015 nor Policy PD1 in the MCNP precludes the development of land just because it is outside the built limits of a settlement. Under both policies, sites immediately adjacent to the settlement area may be appropriate for development. The key test is how a site relates to the village and how the development of a site would impact on the setting of the village and the character and appearance of the area.
- 9.22. The MCNP was 'made' in 2019 and forms part of the Development Plan. In assessing new residential development on the edge of Category A villages regard must be had to the provisions of Policy PD1 as set out above. Policy PD1 is in conformity with Policy Villages 2 of the CLP 2031. However, given that Policy PD1 is a more recently adopted policy and is specific (in this instance) to Steeple Aston, officers consider that greater weight should be given to Policy PD1 in consideration of the principle of development in this instance. In assessing the proposals against the criteria of PD1 in turn, officers consider the following points to be relevant:
- a) The defined settlement edge follows the boundaries of the curtilage/planning unit (synonymous in this instance) of the adjacent property 29a Heyford Road to the north of the site. Whilst part of the site (as defined by the red line) sits adjacent the settlement boundary at the north-eastern corner of the site, the site as a whole significantly extends beyond the western edge of the settlement boundary. Only the access drive element of the proposals would actually sit adjacent the settlement boundary as defined by the MCNP, with the majority of the proposed development being sited to the west of the existing dwelling, beyond a tree-belt within the site, in what is considered to be a location that is somewhat divorced from the existing pattern of residential development and beyond the built-up limits of the village. These matters are discussed further below.
 - b) The site is not agricultural land; it is currently part of the extended residential garden of a residential dwelling in a rural location and recent case law has determined that such land could be considered as previously developed land (PDL). Whilst in some instances the development of PDL is likely to be acceptable, the fact that the land could be considered PDL does not mean that there should be a presumption in favour of its development, particularly where there is conflict with the policies of the development plan. Indeed, within the definition of PDL within the NPPF glossary it is highlighted that '*...it should not be assumed that the whole of the curtilage should be developed...*'. The key consideration is whether the proposed development is appropriate in the context. Such matters are discussed further below.
 - c) Development of 10 additional dwellings on the site would not conserve or enhance the landscape. Whilst the site forms part of the single planning unit of the Beeches, and is separated from the surrounding countryside, which wraps around the site, by existing boundary treatments, the site is relatively open in its nature and there is limited built form within the site. The built form on the extended garden, which is relatively low-key, does not significantly impact on the character or appearance of the area. This part of the site retains a verdant character and relates more to the surrounding countryside than it does to the village. The introduction of significant new residential development on the site would change and significantly impact on the character and appearance of the site, increasing the prominence of the built form and intruding into the open countryside. These matters are again discussed further below.

- d) It is considered that, given the location and context of the site in respect of nearby heritage assets, the proposals would not likely result in significant detrimental impacts on these heritage assets or the setting of such (see later in this report)
 - e) The proposals would not give rise to coalescence with any other nearby settlement.
- 9.23. Turning to consideration of Policy Villages 2 of the CLP 2031 (PV2), the proposal would add to the number of dwellings that have been granted planning permission at Category A villages in exceedance of the 750 specified in PV2. The 2019 Annual Monitoring Report states 920 dwellings have been identified for meeting the requirements of PV2 and, as of 1 April 2019, 271 dwellings were completed with a further 311 dwellings under construction (i.e. total of 582 either completed or under construction). Of the 920, the only permission to have lapsed is one for 17 dwellings at Arncott. The evidence suggests all other sites are coming forward.
- 9.24. By way of update, 144 dwellings were delivered during 2019/20 at PV2 developments, giving a total from 1 April 2014 to 31 March 2020 of 415 dwellings, and at 31 March 2020 there were 193 dwellings under construction, giving a total of 608 either completed or under construction. The total completions under PV2, year on year from 2014/15 to 2019/20 is 2, 69, 32, 65, 103 and 144, demonstrating a consistent upward trend over the last four years. Although COVID-19 will have an impact on delivery in 2020/1, given these figures it remains likely that 750 dwellings will have been delivered by 2023.
- 9.25. Turning to the assessment of the proposals against the criteria of PV2 where not already covered above in regard to Policy PD1:
- 9.26. It is considered that the proposals are unlikely to result in significant adverse impact on heritage or wildlife assets (these matters are discussed in more detail further below).
- 9.27. Given that all matters are reserved for future consideration it cannot be fully established at this stage that the proposals would contribute to the enhancement of the built environment; conversely it cannot be assumed that that it categorically would not.
- 9.28. In terms of safe vehicular and pedestrian access/egress being provided, the LHA has assessed the proposals and considers the principle of development acceptable in terms of highway safety (again discussed further below), subject to approval of appropriate details which could be secured by way of condition attached to any such permission.
- 9.29. The site is considered to be adjacent to one of the more sustainable Category A villages. It benefits from a food shop, post office, primary school and public house, and has a regular bus service. In any case, it is identified by the MCNP for approx. 20 dwellings during the MCNP's plan period.
- 9.30. In terms of infrastructure, no technical objections have been received from utility suppliers in terms of capacity of existing facilities and services, including water supply and sewage disposal or from the LHA in terms of the capacity of the local road network. It is considered that any such matters in relation to provision of appropriate infrastructure could be secured by way of appropriate conditions attached to any such permission supported by a S106 agreement as necessary or at any such detailed application stage.
- 9.31. In terms of deliverability, the applicant indicates there is a willing landowner and that development would be achievable within the next 5 years. Officers are not aware of any evidence to the contrary.
- 9.32. The site is not within an area considered to be at a high risk of flooding. However, whilst the Flood-Risk Assessment and Drainage Strategy report (FRA) submitted

in support of the application indicates that an acceptable sustainable drainage strategy can be achieved, the Lead Local Flood Authority advise that there is insufficient information submitted to establish this; in this respect it concluded that the proposals have failed to demonstrate that an acceptable sustainable drainage strategy for the site can be delivered.

- 9.33. Given the above officers consider that the proposals also demonstrate conflict with the provision and aims of policy Villages 2 of the CLP 2031.

Conclusion

- 9.34. The principle of the development 10no dwellings in this location conflicts with the provisions of Development Plan policies Policy PD1 of the MCNP, Policy Villages 1 and Policy Villages 2 of the CLP 2031 and Saved Policy H18 of the CLP 1996; and as such the proposals would be contrary to the Council's rural housing strategy and associated policies, and are unacceptable in principle.

Housing Density and Mix

Policy Context

- 9.35. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of CLP 2031 echoes the aims of the NPPF requiring new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.36. The NPPF (Para. 117) states that: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'*.
- 9.37. Further at Para. 122 that: *Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
 - b) *local market conditions and viability;*
 - c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
 - d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
 - e) *the importance of securing well-designed, attractive and healthy places.*
- 9.38. Policy BSC2 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031) reflects the aims of national guidance and requires that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare (DPH) unless there are justifiable planning reasons for lower density development.
- 9.39. Policy BSC4 of the CLP 2031 states that: *'New residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities'*. Further that: *'The mix of housing will be negotiated having regard to the Council's most up-to-date evidence on housing need and available evidence from developers on local market conditions'*
- 9.40. Policy PH1 of the MCNP is considered to be in line with Policy BSC 4 of the CLP 2031 and requires that: in developments of 10 dwellings or more, the indicative mix

should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more.

Assessment

- 9.41. The proposals are for 10no. dwellings on a site of 1.34Ha resulting in a proposed density of 7.5 DPH; this is significantly below the density required under Policy BSC2. No justification has been put forward within the application as to why the Council should accept such a low density on this site.
- 9.42. The NPPF (Para. 123) states that: *'Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site'*.
- 9.43. At 1.34Ha the site would normally be expected to provide in excess of the affordable housing threshold in Policy BSC3 (11 or more dwellings). This policy states that, *'...all development that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings, will be expected to provide at least 35% of new housing as affordable homes on site'*.
- 9.44. The MCNP notes (e.g. at para 1.11.2) a particular requirement for the provision of Affordable Housing. The Vision Statement of the MCNP sets out a need for small-scale affordable housing. MCNP housing policy objective H2 seeks to "ensure that affordable housing is provided within any local developments". This is reiterated in para 2.3.3 with regard to how the MCNP will deliver on its objectives. Para 3.3.2 states that, along with objective H1, H2 "will...help to achieve the provision of affordable housing and a mix of housing types and sizes..."
- 9.45. The Council's Strategic Housing Team advises that the site could accommodate a greater number of dwellings and trigger the threshold for affordable housing under Policy BSC3 of the CLP 2031. The case officer supports the views of the Housing Team, in that the site could achieve a greater density, and it is considered that this could be achieved without the site appearing overly cramped or to the significant detriment of the character of the surrounding area; through a more appropriate housing mix and the use smaller dwelling types. (That is, the development of the site would have a similar impact on its surroundings, whether for 8, 10 or 12 dwellings).
- 9.46. The application site has the capacity to take additional development and, if the development of the site were to be considered acceptable in principle, further units could meet identified needs as expressed in the Strategic Housing Team's comments and the objectives of the Mid Cherwell Neighbourhood Plan; without such affordable housing provision the proposals would be in conflict with Policy BSC3 of the CLP 2031. This lack of affordable housing provision further adds weight to the case for the LPA requiring smaller, more affordable dwellings as part of any development of this scale. Further, whilst each proposal must be assessed on its own merits, acceptance of such low density development in this instance could potentially set an undesirable precedent for similar edge of village developments.
- 9.47. In terms of housing mix, the Oxfordshire Strategic Housing Market Assessment (SHMA 2014) provides the evidence base for the strategic mix of housing set out in the relevant policies of the Development Plan. This identifies a mix for market housing of 5% 1-Bed, 25% 2-Bed, 45% 3-Bed and 25% 4-Bed for Oxfordshire, albeit identifying that there is a greater need for 3-bed properties within Cherwell. Policy PH1 of the MCNP is considered to be in general consistency with Policy BSC 4 of the CLP 2031 and requires that: *'in developments of 10 dwellings or more the indicative mix should be: 30% 1 or two bedrooms, 46% 3 bedrooms and no more than 24% with 4 bedrooms or more'*. At a mix of 30% 2-bed, 50% 3-bed

and 20% 4/5-Bed the current scheme is considered to comply with the provisions of Policy PH1 MCNP and Policy BSC4 of the CLP 2031 in this regard.

Conclusion

- 9.48. By virtue of the proposed low density the proposals would not be an effective and efficient use of land. The current proposal is therefore contrary to Policies PH1 of the MCNP, Policy BSC2 of the CLP 2031 and Government guidance within the NPPF.

Design and Impact on the Character of the Area:

Policy context

- 9.49. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.50. These aims are echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that: *"New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages"*.
- 9.51. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.52. The Council's Residential Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of continuous building forms along principle routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.53. The site was previously identified as being within an Area of High Landscape Value under policies of the CLP 1996, where the Council sought to conserve and enhance the environment. Policies in respect of landscape protection and enhancement have subsequently been replaced by Policy ESD13 of the CLP 2031 which adopts a character-based approach to seek to conserve and enhance the countryside and landscape character of the whole District.
- 9.54. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.55. All matters aside from access are reserved for future consideration, and therefore the principle matter for consideration is to whether 10 dwellings can be satisfactorily accommodated on the site without detriment to the character and appearance of the area. As with previous applications at the site the current

application is supported by a Landscape Visual Impact Assessment, indicative landscape strategy details and a 1-10-year photo montage.

- 9.56. The existing dwelling is largely screened to views from the public domain by existing natural screening and the topography of the surrounding land. The western part of the site sits within tranquil open countryside and as noted within the submitted LVIA is visible from the PRow to the west of the site. Further, whilst not a formally designated PRow it was also evident from officers' site visit that an informal footpath route exists along the southern boundary of the site, and the proposed development would also be experienced from this route.
- 9.57. Any significant new residential development of greater scale on the site would be visible above existing boundary hedgerows and result in an expansion of built development, intruding into the open countryside.
- 9.58. The landscape around the site is located within the Farmland Slopes & Valley Sides character type within the Oxfordshire Wildlife & Landscape Study (OWLS) 2004.
- 9.59. The OWLS note that the Farmland Slopes & Valley Sides is characterised by 'A landscape type with prominent slopes within broader valleys. It is occupied by a mixed pattern of pasture and arable land. Long-distant views across the valleys are characteristic. The OWLS set out that the key characteristics comprise of:
- Prominent slopes and valley sides interrupted by a number of small, narrow v-shaped valleys.
 - Large arable fields on the gentler slopes and small pasture fields on the steeper slopes and steep-sided valleys.
 - A well-defined pattern of tall hedges and hedgerow trees.
 - Small woodland copses and belts on steep slopes and along watercourses in the minor valleys.
 - Small unspoilt villages with rural character.
- 9.60. Land west of the site is located within the Wooded Estatelands character type within OWLS 2004. This neighbouring character type would not be directly affected by the proposed development.
- 9.61. The Council's Countryside Design Summary (CDS) (1998) encourages sensitive and appropriate development across the District and looks to guide development in the rural areas so that the distinctive character of the district's countryside and the settlements and buildings within it are maintained and enhanced. This divides the Cherwell District into four broad areas and this site is identified as lying within the Cherwell Valley area. The character analysis within the CDS describes the landscape of the area as 'A loose patchwork of fields remain with strong field patterns concentrated on steeply undulating land and close to villages. These fields are bounded by mixed thorn hedgerows, many of which contain oak trees. Wet pasture on the valley floor gives way to arable farmland on the valley slopes and upland areas.'
- 9.62. With regard to the implications for new development in respect of settlement pattern the CDS sets out that, in part, new development should reflect the landscape setting of villages, by not encroaching beyond any topographical, visual or environmental limits.
- 9.63. The rural edge of the village is largely bounded by mature hedgerows and trees in this location. In respect of the application site itself as well as mature boundary planting there is also further significant tree coverage within the site, which provides a natural boundary and screening within the site between the existing

dwellinghouse and the garden area, that is largely given over to the narrow-gauge railway.

- 9.64. As noted above the site forms part of the extended planning unit of the Beeches, granted permission in 2003. On this permission it was considered appropriate and necessary to remove permitted development rights (condition 3 of 03/00075/F) in relation to the erection of new structures within the extended area, in order to safeguard the visual amenities of the area.
- 9.65. Whilst officers acknowledge that this is an outline application, and therefore the site layout is indicative, given the context of the site, the numbers proposed, and existing dwelling to be retained on the site it is likely that any proposed development would come forward as set out within the application documentation or in a similar layout, scale and siting.
- 9.66. The indicative layout shows that the majority of the development (plots 3-10) sitting beyond the natural screening within the site. Plots 1 and 2 also notably sit beyond the existing established building line of properties immediately to the north. The proposed development, more so Plots 3-10, appear as a somewhat isolated arrangement of what are likely to be substantial two storey dwellings, not only away from the properties within the village, but also divorced from the existing host dwelling; contrary to, and failing to integrate with the existing pattern of residential development within the village and the existing community.
- 9.67. Whilst the proposed development site is contained within existing boundaries, the site currently does not significantly intrude into, or detract from, the wider open rural landscape or edge of village setting, largely as a result of being devoid of any built form of significant scale. The introduction of significant two storey residential development is not considered to have the same sympathetic relationship.
- 9.68. The submitted Landscape Visual Impact Assessment (LVIA) concludes at para. 11.4 that the proposals would have a low visual impact and that no features of landscape sensitivity would be lost, considering that the proposed development could be visually contained through an appropriate landscape strategy with enhanced landscaping along the boundaries of the site. However, officers disagree with this conclusion and consider that the LVIA significantly underestimates the potential visual impacts of the proposed development.
- 9.69. As was noted during previous applications the LVIA demonstrates potential views of the site from the PRoW to the west (notably Photoviewpoints 11 & 12) and that the existing railway station within the site was visible from viewpoint 12. The existing railway station is a relatively low-key, unassuming single storey building that sits at a lower level (some 2m) than the levels at the western edge of the site. Whilst the existing buildings sit relatively comfortably within the site and do not generally intrude into the rural landscape, it is considered that the proposed development (significant in scale; likely to be large two storey dwellings) would not have the same sympathetic relationship, appearing as isolated residential development detrimentally impacting on the relatively rural context of the site, visually intruding into the valued open countryside.
- 9.70. The Council's Landscape Officer (LO) has reviewed the supporting documentation including the 1-10-year photo montage and considers that the year 10 image is a reasonable projection of the height of structural vegetation for the benefit of visual receptors on the PRoW to the west on the site. However, officers remain concerned with regards to the potential visual impacts of the proposed development and consider that the LVIA and the 1-10-year photo montage do not accurately reflect the likely potential visual impacts of the proposed development.
- 9.71. The montage shows the existing railway station building; A ~3.9m high single storey building with shallow pitched roof. The montage also shows the proposed development at years 1 and 10; with Plots 6 & 7 appearing as the most prominent

elements of the proposed development to views from the west. Given the topography of the site Plot 6 would sit at approximately 2m higher position than that of the existing station building, relative to existing land levels. Given that Plot 6 is likely to be a two storey (~9m high) dwelling sitting at a higher level in the landscape, officers consider by comparing the relative heights of the existing and proposed buildings that montage does not accurately portray the scale of the proposed dwellings and the potential impacts of the proposals.

- 9.72. Given the siting and orientation of the plots the gardens to plots 6, 7, 8, 9 and 10 would suffer from overshadowing (an issue raised by the Council's Arboricultural Officer during previous applications) and would be a constraint to the proposed development. Because the boundary hedgerows to the west and south would likely be subjected to different owners maintaining them, the hedgerows would likely mean that they would be cut at different heights, or even removed; potentially to reduce shading to the rear elevations and gardens of these properties. This would result in impoverished hedgerow and harmful to the landscape character, further resulting in the visual exposure of the proposed dwelling units and direct harmful impact and effect on the landscape receptor and visual receptors on the PRow 364/8/10 to the west, making the site more visually prominent and harmful.
- 9.73. As noted above, the fact that the land could be considered PDL does not mean that there should be a presumption in favour of its development where there is conflict with the policies of the development plan. Proposed housing development may comply with some planning policies and not others and in certain circumstances conflict could arise where a scheme is manifestly incompatible with the relevant strategy. It is a matter of undertaking the planning balance to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. The planning balance will be weighed at the conclusion of this report.
- 9.74. It is considered this fresh submission has not overcome the fundamental concerns previously raised by officers with regards to the principle of development in that the proposed development would be visually divorced from the existing built up limits of the village, and by increasing the scale of the built form at this location this would visually intrude into the valued rural landscape; officers consider the increase of the quantum of development from previous schemes only serves to compound the harm that would be caused.

Conclusion

- 9.75. Whilst layout is not for consideration at this stage, and the submitted plans are only indicative it is considered that, given the constraints of the site, development would likely come forward as indicated, or of a similar layout, and the development of the site for 10no. large residential dwellings could not be delivered without it being visually divorced from the existing built up limits of the village, visually intruding into the valued rural landscape. Development of the site for 10no. dwellings would not be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity site and would fail to reflect or reinforce local distinctiveness, detrimentally impacting on the character and appearance of the rural context of the site and edge of village setting; contrary to the provisions and aims of the Development Plan policies identified above and National guidance within the NPPF.

Heritage Impact

Legislative and policy context

- 9.76. Sitting adjacent the Rousham Conservation Area the site has the potential to affect the setting of a Conservation Area.

- 9.77. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting.
- 9.78. Paragraph 189 of the NPPF states that: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."
- 9.79. Paragraph 193 of the NPPF states that: "When considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Paragraph 194 of the NPPF goes on to state that: "Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification."
- 9.80. Paragraph 196 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 9.81. Policy ESD15 of the CLP 2015 states that new development proposals should: "Conserve, sustain and enhance designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG."

Assessment

- 9.82. Previous proposals were considered to be acceptable in this regard. Whilst there is an increase in the number of proposed dwellings (8-10), the indicative layout indicates a similar development area with the same general relationship to the historic environment to that previously assessed. There is no change to the historic context officers see no reason to now reach a different conclusion in respect of heritage impact to that reached in the assessment of applications 19/01601/OUT and 20/00964/OUT.
- 9.83. The application site is not within a designated conservation area and there are no listed buildings within the immediate vicinity of the site. The Rousham Conservation Area (CA) boundary lies adjacent to the Heyford Road east of the site, whilst the Steeple Aston Conservation Area boundary lies some 230m to the north of the site.
- 9.84. Whilst no formal comments have been received from the Conservation Officer in respect of the current application, there have previously been no objections in this regard during preceding applications at the site. As noted above, given that this is an outline application the site layout is indicative. However, given the constraints of the site and based on the indicative layout plan it is likely that the proposed development would be set away from the boundaries of the Rousham CA with existing buildings and landscaping on intervening land.
- 9.85. The proposals would require alterations at the access onto the Heyford Road and the creation of a new footpath link, sitting adjacent the Rousham CA. However, it is considered that such alterations would not likely be so significant or to the detriment of visual amenities to the extent that it would significantly impact on the setting of the adjacent CA.

Conclusion

- 9.86. Overall, it is considered that the proposed development would not result in demonstrable harm to the character and appearance of the Rousham CA or its setting, and would thus accord with Policy ESD15 of the CLP 2031 and Government guidance within the NPPF in this regard.

Highways Safety:

Policy context

- 9.87. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.88. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.89. Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.

Assessment

- 9.90. The Local Highway Authority (LHA) has assessed the application and raises no objections subject to several conditions to secure further information and details in relation to the proposed access, driveway and turning area and cycle parking provision and further ensuring the provision of new permanent public footpaths and a construction management plan; and further to secure commitment to secure entry into a S278 agreement (Highways Act 1980) to secure mitigation/improvement works, including: Formation of a new site access and provision of a footway link on the Heyford Road to the existing footway network within the village. The LHA advises that, subject to acceptable details being approved, the proposals would not have an adverse impact on local highway safety.
- 9.91. As noted by the case officer in considering the previous application, concerns were previously raised during the earlier applications with regards to the proposed access to the development not being acceptable and the lack of pedestrian connectivity from the site back into the village. These matters have been addressed in the previous and current submission, with the plans demonstrating that safe access with appropriate vision splays and can be achieved, and further a pedestrian link could be achieved, details of which are included within the submitted Transport Statement (TS).
- 9.92. In the assessment of 19/01601/F and 20/00964/OUT officers considered that, subject to the requirements of the LHA being secured by way of appropriate conditions and legal agreements, the proposals would be acceptable in terms of

highway safety. As with the previous application it is noted that the proposed access plan 200388-02 Rev. B within the TS is an older version than that previously considered Rev. C during 19/01601/OUT; however, this is not considered to significantly to alter the access arrangements, with the revision largely relating to the removal of grey shading from the drawing (denoting tree coverage). Given that the proposals are essentially as previously assessed in terms of potential transport impacts, with no objection from the LHA, it is considered that the proposals could be considered acceptable in terms of highway safety.

Conclusion

- 9.93. The LHA concludes that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network subject to conditions and an obligation to enter into a S278 agreement. Whilst officers acknowledge the concerns of the local residents in respect of potential increase traffic movement and the speed of such through the village, given that it is considered that the proposals would not result in a significant increase in traffic movements officers see no reason to disagree with the LHA's assessment.

Impact on Residential Amenity:

Policy Context

- 9.94. Para. 180 of the NPPF advises of the need Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.95. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: '*new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space*'.

Assessment

- 9.96. The application is in outline only. Any detailed proposals would need to have due regard to requirements of Section 6 of the Cherwell Residential Design Guide SPD (CRDG) with regard to appropriate standards of amenity for both existing and future residents. Whilst the indicative layout appears to demonstrate that an acceptable living environment could potentially be developed, appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.97. As noted above the majority of the proposed development would be physically divorced from existing properties and would not likely have a direct impact on the amenity of neighbours to the site or other local residents.
- 9.98. The plots considered to have the greatest potential impact on neighbouring properties would be plots 1 & 2 which would be sited in excess of 35m south-west from the rear of 29a Heyford Road (nearest property to the north of site). This separation distance is considered appropriate having regard to the guidance within the CRDG. As noted above the proposed site is bounded by existing hedgerows and trees along the northern boundary and it is indicated that this boundary is to be retained going forward; this would provide natural screening of the site and assist in providing appropriate levels of privacy to both existing neighbouring residents and potential future occupants.
- 9.99. In respect of noise and disruption during construction it is considered that such impacts are unlikely to be significant and would only likely be short-term in their

nature, and not something that would warrant a reason to refuse the application; and should the Council be minded to approve the application that an appropriate Construction Environment Management Plan could be secured by way of condition to satisfactorily address such matters.

Conclusion

- 9.100. Based on the information submitted it is considered that, given its context and its relationship with neighbouring properties, the site could be developed for 10 no. dwellings without it resulting in any significant impact on neighbour amenity in terms of loss of light, loss of privacy or over domination as a result of the proposed development. Further that, subject to detailed design, the proposed development would likely provide an acceptable standard of living for potential future occupants.

Ecology Impact

Legislative context

- 9.101. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.102. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.103. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.104. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.105. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are

made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.106. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.107. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.108. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.109. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.110. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.111. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.112. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.113. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.114. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site whilst not considered to contain any significant features of ecological and biodiversity value there are a number of mature trees and hedgerows that bound the site, and therefore has the potential to be suitable habitat for bats, breeding birds and badgers.
- 9.115. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England (NE) would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.116. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/very likely that NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.117. The site is considered to be of some ecological potential and offers opportunities for biodiversity at the site. The proposals are supported by a detailed Ecological Impact Assessment (EIA) and Biodiversity Impacts Assessment (BIA) prepared by 'Ecolocation' which identified that the site was found to have potential to support a number of protected species including badgers and bats and nesting birds. The EIA is also supplemented by Bat Assessment again prepared by 'Ecolocation'.
- 9.118. The Council's Ecologist (CE) has reviewed the submitted ecological information, noting that whilst there are no significant protected species issues on site there are however habitats of value. The CE advises that should permission be granted a Construction Environmental Management Plan (CEMP) for biodiversity would be required. This would need to outline which areas would be protected during construction and how, timings of works to avoid harm to species on site, sensitive methods of working etc.. Further it should also include the measures outlined in sections 5.1 and 5.2 of the Bat Assessment which include those on lighting; to ensure no adverse impacts on ecology during any such construction phase.
- 9.119. The CE notes that whilst the BIA outlines the habitats currently on site and those to be created and suggest a good level of nett gain in biodiversity no specific calculations have been included so it is difficult to check the actually check. The CE therefore recommends that, should permission be granted, the submission of a Landscape Environmental Management Plan (LEMP) (including a metric to show the level of nett biodiversity gain) would need to be required by condition so that full details of all retained and created habitats and how they will be managed and monitored is secured, to ensure that proposals actually result in a nett gain in biodiversity opportunities at the site.

Conclusion

- 9.120. Officers are satisfied, on the basis of the advice from the Council's Ecologist subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development, and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged. Further that

the proposals could demonstrate a nett gain in biodiversity at the site in accordance with the provisions and aims of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF in respect of Conserving and enhancing the natural environment.

Flooding Risk and Drainage

Policy Context

- 9.121. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.122. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.123. A site-specific Flood Risk Assessment & Drainage Strategy (FRA) prepared by Wardell Armstrong has been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and are within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of proposal.
- 9.124. The site is in a location that is not identified as being at higher risk of flooding. The FRA includes a drainage strategy for the site which has been assessed by the County Council as LLFA. The LLFA considers that '*insufficient information has been provided to enable a technical assessment of the proposal in order to ensure a sustainable drainage strategy for the site can be delivered*'.
- 9.125. Policy ESD 7 sets out the Council's approach to Sustainable Drainage Systems (SuDS). Managing drainage more sustainably can ensure that developments are better adapted to the predicted impacts of climate change which include more intense rainfall events. To ensure that the development does not have any adverse offsite impacts and increase flood risk elsewhere it is necessary to demonstrate that the sustainable drainage of surface water and foul drainage from the proposed development can be achieved.
- 9.126. The drainage strategy submitted with the application proposes the use of on plot lined soakaways and permeable access road; a scheme which would potentially accord with the principles of a sustainable drainage strategy. However, preliminary infiltration tests have not been carried out to date. The LLFA advises that further ground investigation tests need to be carried out to confirm the ground is suitable for on land soakaways and further information is considered necessary to show how overland flow would be mitigated. In the absence of such information the LLFA advises that it is unclear as to whether the proposed drainage strategy is appropriate for the site and that a sustainable drainage strategy for the site can be delivered.
- 9.127. The applicant indicates that sewerage would be disposed of by way of mains sewer. The LLFA notes that proof of confirmation from Thames Water (TW) accepting the connection into their drainage network has not been provided. Any connection to the existing sewerage system would require TW's permission, which is presumed would not be granted if there was a capacity issue. In its response to consultation on the application TW has raised no objection to the proposals with regard to wastewater network and sewage treatment works infrastructure capacity.

Conclusion

- 9.128. Officers consider that, in light of the technical objection raised by the LLFA, the proposals have failed to demonstrate that appropriate surface water drainage scheme for the site, based on sustainable drainage principles, can be achieved; the proposals are therefore not considered to be in accordance with the Development Plan policies identified above and are not acceptable in terms of flood-risk and drainage.

Impact on Local Infrastructure

Policy Context

- 9.129. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
- 9.130. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*
- 9.131. The Council has an adopted Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.132. Where on- and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development;
 - Fairly and reasonably related in scale and kind to the development.
- 9.133. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.134. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers’ view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of public open amenity space and future maintenance arrangements;

- Provision of a combined on-site LAP together with future maintenance arrangements;
- Maintenance arrangements for on-site trees, hedgerows, and drainage features;
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development.
- Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- Financial contribution towards the provision of new community hall facilities or the improvement/expansion of existing facilities where there is not enough space capacity in existing appropriate facilities.

Oxfordshire County Council

- Education - Financial contribution of £56,013.00 toward expansion of secondary capacity serving the proposed development.
- Transport - To secure entry into a S278 agreement (Highways Act 1980) to secure mitigation/improvement works, including: Formation of a new site access and provision of a footway link on the Heyford Road to the existing footway network within the village.

Conclusion

9.135. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council, in order to secure an appropriate quality of development as well as adequately mitigate adverse impacts that would otherwise occur.

Other matters

Contamination

9.136. The Environmental Protection Team notes the potential for land contamination arising from historic use at the site. Further investigation is recommended to further assess potential risks. Given this conclusion, planning conditions could be recommended to require further contaminated land assessment and to secure appropriate mitigation if this application were to be recommended for approval and as recommended by the Council's Environmental Protection Team.

Human Rights and Equalities

9.137. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

9.138. The rights under the ECHR which the Council views as being the most likely to affect planning matters are Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

9.139. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

9.140. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not

share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

- 9.141. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. Given the above assessment in the light of current guiding national and local policy context it is considered that the proposals represent an inappropriate form of development beyond the built-up limits of the village, which would not make effective and efficient use of land and for which no essential or identified need has been demonstrated. Whilst the proposals could be considered acceptable in terms of highway safety, residential amenity and any potential neighbour impacts, and could likely be made acceptable in terms of biodiversity enhancements, it is considered that they fail to preserve the overriding character and appearance of the area or reflect or reinforce local distinctiveness by introducing residential development which would be contrary to the existing pattern of development within the area and would visually intrude into the open countryside. Further, it has not been demonstrated that an appropriate sustainable drainage strategy could be achieved at the site.
- 10.3. There remains a need to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.4. The proposals would provide additional housing (attracting significant weight) and likely to provide some economic benefits to the local construction industry during construction (limited to moderate weight). However, it is considered that the proposals demonstrate clear conflict with the provisions and aims of the housing policies of the Development Plan, including those of the recently adopted Mid-Cherwell Neighbourhood Plan (attracting substantial weight), and the proposals do not include the provision of affordable housing, and so the weight to be attributed to the benefit of providing additional housing is reduced. In addition to this conflict, it is considered that there would be significant adverse impacts to the natural environment (substantial weight), through intrusive development which fails to reflect or reinforce the local distinctiveness, and lack of appropriate drainage which further conflicts with the environmental and sustainability policies of the Development Plan.
- 10.5. In this instance it is considered the proposal is at odds with the overall rural housing strategy of the district and the scheme's benefits would be significantly and demonstrably outweighed by the harm identified; and as such do not represent a sustainable form of development. The proposals are therefore considered contrary to the above-mentioned policies and as such the application is therefore recommended for refusal for the reasons set out below.

11. RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed development would not make effective and efficient use of land and would significantly encroach into the countryside beyond the built-up limits of Steeple Aston; contrary to the housing strategy of the Development Plan for the area, for which it has not been demonstrated that there is a justified need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. As such the proposal is contrary to Policies BSC2, ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, Policy PD1 of the Mid Cherwell Neighbourhood Plan 2018 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development represents inappropriate 'back-land' development that would fail to relate well to the pattern of development in the area and would appear as an intrusion of built form into the countryside, detracting from the rural character and quality of the area the setting of the village. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
3. By virtue of a lack supporting information to enable an appropriate technical assessment the proposals have failed to demonstrate that an appropriate sustainable drainage strategy for the site utilising sustainable drainage systems (SuDS) can be delivered. As such the proposal is contrary to Policy ESD7 of the Cherwell Local Plan 2011 - 2031 Part 1 Government guidance contained within the National Planning Policy Framework.
4. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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