

The Hermitage, High Street, Souldern 12/00779/F

Ward: The Astons And Heyford

District Councillor: Cllr Macnamara &
Cllr Kerford-Byrnes

Case Officer: Gemma Magnuson

Recommendation: Refusal

Applicant: Mr & Mrs Peter Griffiths

Application Description: Proposed detached dwelling

Committee Referral: Member Request

1. Site Description and Proposed Development

- 1.1 The Hermitage is a detached dwelling situated central to the village of Souldern upon High Street. The frontage of the dwelling faces onto High Street, with a spacious curtilage beyond to the north and north-east. The Hermitage is a Grade II listed building. Grade II listed Barn House is situated to the west of the site and Grade II* listed Manor Barn is situated to the north. The site is in the Souldern Conservation Area. A number of trees upon the site are protected by a Tree Preservation Order (TPO 3/91) or by virtue of their inclusion within the Conservation Area.
- 1.2 The site is considered to be a high/medium Site of Archaeological Interest as part of the historic core of Souldern. There are no other relevant site constraints.
- 1.3 The proposed development would involve the erection of a five bedroom detached dwelling towards the north-east of the site, within the curtilage of The Hermitage. The Hermitage would be separated from the curtilage of the proposed dwelling by a new stone wall.
- 1.4 The proposed dwelling would be two storey in height, with a third storey being provided below ground level as a basement. The dwelling would be constructed using natural stone rubble walls, a natural blue slate roof and natural untreated oak window and door openings. A flat roof porch would also be constructed with a lead flat roof with painted timber parapet, and an area of natural larch cladding would be applied to the southern facing elevation.
- 1.5 Vehicular access to the site would be taken via the existing access serving The Hermitage off the lane which accesses Manor Farm, with new gravel driveways and parking areas being installed to serve both properties. The red line area on the site location plan submitted with the application will be amended to include the access to the public highway, taken across a private driveway (submission of amended plan awaited at the time of writing this report). As such, 21 days notice was served on 02 August 2012 to the owner of the private driveway that is due to expire on 23 August 2012. Consequently, any decision made prior to this date would be subject to the expiry of this notice period.

- 1.6 The Agent confirmed in their email dated 02 August 2012 that three trees would be removed as part of the development (T34 - Maidenhair, T35 – Beech, & T37 - Sycamore) all protected by the TPO. An existing Yew hedge would also be removed.
- 1.7 The application has been called in to be considered by Planning Committee by Councillor Macnamara.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and press notice. The final date for comment was 12 July 2012. One letter was received, the following issues were raised:

Material planning comments:

- Development would not constitute infilling and is therefore contrary to saved Policy H14 of the Cherwell Local Plan and continued Policy in Non-Statutory Cherwell Local Plan 2011. The site is behind properties fronting High Street and has no street frontage of its own.

- Long term health and stability of mature trees of significant amenity value would be compromised. Of particular concern are the mature sycamores and copper beech forming northern boundary with Manor Farm.

- Proposed dwelling would be in close proximity to Grade II* listed Manor Farm, negatively impacting upon its setting. Existing tree belt would provide some screening although it will be minimal during winter when they are bare.

- If trees are compromised there could be only the existing stone wall as a barrier between Manor Farm and the proposed dwelling.

- Design of the dwelling in terms of size, scale, materials and detailing fails to reflect local vernacular architecture, appearing incongruous in this setting, close to two listed buildings and in Conservation Area, causing substantial harm to the heritage assets contrary to national and local planning policies.

Please note that these comments were based upon the original plans prior to the submission of amendments on 30 July 2012, and that they have been summarised. The full version can be viewed on the electronic file.

3. Consultations

- 3.1 **Souldern Parish Council:** no objections.

Cherwell District Council Consultees

- 3.2 **Conservation Officer:** objects to the application on the following grounds:

The proposal is for a modern estate-style family dwelling set in the garden of The Hermitage which is to be annex to form the grounds of the new house. There are

three considerations here; policy, design and impact on adjacent listed buildings and conservation area.

Policy – the Manor Farm complex lies beyond the built up limits of the village. Originally Souldern village was located adjacent to the church but historically moved to its current location to avoid flooding. Manor Farm which is anchored by its association with the location of the original village, is therefore as an adjunct to the ‘new’ Souldern village which all intents and purposes is located on the High Street with ancillary lanes to the south. In the context of The Hermitage therefore, the frontage is the High Street. The land through which the access track to Manor Farm travels is therefore an important gap; woodland/grounds to The Hermitage to the west and farmland to the east. The grounds of The Hermitage form a very significance and important gap emphasising the historic isolation and containment of Manor Farm as a historically significant part of both ‘old’ and ‘new’ Souldern; keeping this an undeveloped gap gives understanding to the ‘ribbon development’ form of the ‘new’ Souldern along the High Street.

Design – there is nothing outstanding about the design of the proposed building. There is no reference to the local distinctiveness of Souldern. Of particular concern is the slackness in the angle of the roof, the lack of an expressed gable on the west elevation, the massing, the over-fenestration, the lack of a significant frontage (all elevations appear equal). The design is reminiscent of many estate houses found ubiquitously across the country, all-in-all the design of the building is mundane.

Impact – the construction of the proposed building will undoubtedly impact on the settings of both The Hermitage and the Grade II barn of Manor Farm. In the case of The Hermitage this impact will be both visual and amenity. In the case of the barn due to the 2m difference in land levels the impact will be visual with possible overlooking issues in the winter when the trees are without leaves. Whilst the impact on the setting of adjacent listed buildings should be borne in mind by far the greatest impact will be on the settlement pattern of the village and the filling in of a significant gap. The loss of this gap would fundamentally affect what is a unique settlement pattern – one that has arisen as a result of the historic relocation of the dwelling houses away from the church – and therefore destroy what is distinctive and unique to Souldern.*

Please note that these comments were based upon the original plans prior to the submission of amendments on 30 July 2012. Further comments on the amended plans are awaited at the time of writing the report.

3.3 Housing Officer: raises no concerns regarding housing standards.

3.4 Environmental Protection Officer: No comments received at the time of writing the report.

3.5 Arboricultural Officer: objects to the application and comments as follows:

10 July 2012 - The proposal appears to be logistically possible by adhering to an agreed AMS however my main concerns revolve around the long-term pressures placed upon the retained, protected trees due to their influences over the dwelling and occupiers. There is a significant risk of nuisance issues regarding excessive shading, reduced light levels, excessive fruit and leaf fall (with associated

maintenance implications) as well as increasing concerns and perceived fears regarding the structural condition of the trees including their oppressive nature due to close proximities.

As the trees are subject to a Tree Preservation Order as well as Conservation Area legislation it would be difficult to manage the trees or approve applications for works without compromising either the value of the trees or the ability of the occupiers to enjoy their garden or garden space.

02 August 2012 – *A review of the tree survey indicates that three trees, T34, T35 & T37 are recommended for removal to facilitate the development. Additionally, the yew hedge is also recommended for removal for this purpose.*

All three trees and the hedgerow have not been identified as having any significant defect that would warrant their removal in any other circumstance.

Please refer to file for full comments.

Oxfordshire County Council Consultees

3.6 **Highways Liaison Officer:** no objection to the application subject to a condition regarding the parking and manoeuvring area.

3.7 **Archaeology Officer:** no comments received at the time of writing the report.

Other Consultees

3.8 **English Heritage:** no comments received at the time of writing the report.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H14: Category 2 Settlements

C13: Area of High Landscape Value

C23: Retention of positive features in a Conservation Area

C27: Development in villages to respect historic settlement pattern

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C33: Protection of important gaps of undeveloped land

South East Plan 2009

CC6: Sustainable communities and character of the environment

H5: Housing design and density

T4: Parking

NRM5: Conservation and improvement of biodiversity

BE1: Management for an urban renaissance

BE6: Management of the historic environment

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Draft (May 2012)

The draft Local Plan is due out for public consultation in the near future. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

Policy ESD13: Local landscape protection and enhancement

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case.

H16: Category 2 Villages

TR11: Parking

EN1: Enhancement of the environment

EN34: Landscape character

EN35: Retention of features important to character of local landscape (woodlands, trees, hedges etc.)

EN39: Protection of historic buildings and areas

EN40: Conservation Area

EN44: Setting of listed buildings

D1: Urban design objectives

D3: Local distinctiveness

D6: Design control

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Conservation Area and historic settlement pattern
- Listed buildings
- Visual amenity including the Area of High Landscape Value
- Trees
- Highway safety

Relevant Planning History

- 5.2 On 06 February 1991 outline planning permission for the erection of two detached houses with integral garages upon land to the rear of The Old School, The Hermitage, High Street, Souldern was refused on the following grounds:
1. The proposal does not constitute infilling, i.e. a small gap in an otherwise continuous built-up frontage and therefore is contrary to Policy H6 of the Rural Areas Local Plan and would result in an unacceptable and inappropriate extension to the built-up limits of the village.
 2. The proposed dwellings would adversely affect the character of the Souldern Conservation Area and the setting of the adjoining listed buildings due to the loss of an important gap and open aspect between properties in High Street and Manor Farm, the loss of trees on the site and could result in a loss of privacy for the adjoining properties.
 3. The proposal would create an undesirable precedent for further development that the Local Planning Authority would then find difficult to resist.
 4. The proposed access has substandard visibility and the proposal would result in increased traffic to the detriment of highway safety.
- 5.3 This previous application sought only outline consent with all matters reserved. The proposed site area was smaller in size to that now proposed, consisting of the strip of land adjacent to the eastern most boundary of the site currently being considered.
- 5.4 An Appeal against the refusal of planning permission was submitted and subsequently dismissed on 07 November 1991. The Inspector concluded that the site did not constitute an otherwise continuous built-up frontage, explaining that the site appears to be no frontage at all since the Old School clearly has a frontage to High Street and Manor Farm is a complex of buildings at the end of a drive access. The Inspector did not consider that the Manor Farm complex formed part of the built-up area of the village.
- 5.5 With regard to the Conservation Area, the Inspector describes the character as diverse with some parts fairly compact with buildings but other areas containing undeveloped land in various forms. Specific mention is made of the numerous trees within the site that represent a significant feature in the village character, forming a back cloth to the open paddock between the drive to Manor Farm and the drive to the church. Whilst no specific details regarding the removal of trees were included with the application, the Inspector considered that some would need to be removed in order to facilitate the development, thereby reducing the tree cover along the drive. The substitution of the wooded area for a site with 2 houses, drives and parking areas would not preserve the visual character of the Conservation Area.
- 5.6 The Inspector did not, however, consider that the proposal would result in significant harm to the setting of the nearby listed buildings. The barn at Manor

Farm was the only building considered as having the potential to be affected by the proposal, although the Inspector concluded that the barn was not the sort of building that requires a spacious setting as they are frequently part of a complex of other buildings. The listed building aspects were therefore not considered to be of significance.

- 5.7 Due to the presence of similar undeveloped spaces within the village, the Inspector considered that there could be other sites where development may be proposed and where permission on this site might be used as support for the other development, thereby concluding that a precedent being set could be a material matter.
- 5.8 The Inspector did not consider that the application could be refused on highway safety grounds alone.
- 5.9 The conclusions drawn by the Inspector in this previous Appeal decision are material to the consideration of the current application.

Principle

- 5.10 In establishing the acceptability of the principle of the erection of a dwelling in this location regard should be paid to Government guidance contained within the NPPF – Delivering a wide choice of high quality homes, Policy H5 of the South East Plan 2009 and saved Policy H14 of the adopted Cherwell Local Plan.
- 5.11 Government guidance requires housing applications to be considered in the context of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Development should contribute to building a strong responsive and competitive economy, support strong, vibrant and healthy communities through the creation of a high quality built environment and contribute to protecting and enhancing the natural, built and historic environment.
- 5.12 Policy H5 of the South East Plan 2009 seeks to raise the quality of new housing and reduce its environmental impact.
- 5.13 Saved Policy H14 of the adopted Cherwell Local Plan concerns residential development within Category 2 Settlements such as Souldern. In Category 2 settlements residential development will be restricted to conversions, infilling or other small scale development that can be shown to secure significant environmental improvement within the settlement.
- 5.14 Category 2 settlements are generally the smaller villages with a lesser range of services available, although some potential still exists within them for limited residential growth. Infilling is defined as a small gap in an otherwise continuous built up frontage that is suitable for one or two dwellings. Saved Policy H14 will therefore permit the construction of houses in small gaps in a village street where environmentally acceptable. However, the intention behind saved Policy H14 is not to permit the erosion of all gaps within a settlement as many spaces in village streets are important to their character and cannot be filled without detriment to their environmental quality. This is particularly the case in a loose-knit settlement pattern where spaces can be as important as the buildings.

- 5.15 As previously explained, during 1991 outline planning permission for two dwellings in this location was refused on four grounds, one of which being that the development would not constitute infilling, contrary to Policy H6 of the Rural Areas Local Plan. The Inspector considering the subsequent Appeal concurred with this reason for refusal. The restriction of residential development in the village of Souldern to infilling, with the definition of infilling remaining as found in the adopted Cherwell Local Plan 1996, has not altered since 1991. Further, the physical arrangement of buildings has not significantly altered since the consideration of this previous application. It is acknowledged that the Manor Farm complex is now in residential use, although the farmstead remains beyond the built-up limits of the settlement with no interlinking structures.
- 5.16 It is therefore still considered that the proposed development would not constitute infilling. The existing site is not considered to detract from the environment within the settlement and it is therefore not considered that the erection of a dwelling in this location would secure significant environmental improvements. The principle of the erection of a dwelling in this location is not considered to accord with the requirements of saved Policy H14 of the adopted Cherwell Local Plan.

Conservation Area and Historic Settlement Pattern

- 5.17 Souldern Conservation Area was designated during March 1988 and includes numerous open spaces both within and beyond the built-up limits of the settlement. The open spaces contribute to the loose-knit settlement pattern throughout the village, which in turn forms the character and appearance of the designated Conservation Area. Historically, the village of Souldern was located adjacent to the church although was moved towards the west in order to avoid flooding. The site is one area of open space that contributes to the separation between the church and the 'new' village of Souldern, and the Manor Farm complex that has remained isolated from both the 'new' and 'old' villages throughout.
- 5.18 Government guidance contained within the NPPF – Conserving and enhancing the historic environment states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Policies BE1 and BE6 of the South East Plan 2009 seek development that is relevant to context which build upon local character and distinctiveness and sense of place, and support proposals which protect, conserve and where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place. Saved Policies C27 and C33 of the adopted Cherwell Local Plan expect development in villages to respect their historic settlement pattern and seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure, maintaining the proper setting for a listed building or protecting a view or feature of recognised amenity or historical value.
- 5.19 Saved Policy C23 of the adopted Cherwell Local Plan states that there will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a Conservation Area.

- 5.20 The site is currently occupied by dense tree cover that is protected by a group Tree Preservation Order (TPO 3/91) as a feature of recognised amenity value that makes a positive contribution to the character and appearance of the Conservation Area. When approaching the Manor Farm complex from High Street the trees appear as a small area of woodland separating the farmstead from the village. The Inspector concluded as part of the Appeal decision during 1991 that the trees formed a back cloth to the paddock to the east when viewed from the direction of the church, that the trees represent a significant feature in the village character and that any reduction in the tree cover would neither preserve nor enhance the character of the Conservation Area.
- 5.21 The specific impact of the proposed development upon the trees is discussed in more detail later in the report, although it is considered that the proposed removal of trees and potential for further removal of trees or their excessive management following completion of the development would cause significant harm to the character and appearance of the Conservation Area. Further, the development of the site would fail to respect the historic settlement pattern of the village by connecting the Manor Farm complex to the High Street, contrary to the objectives of Government guidance contained within the NPPF- Conserving and enhancing the historic environment, Policies BE1 and BE6 of the South East Plan 2009 and saved Policies C23, C27 and C33 of the adopted Cherwell Local Plan.

Listed Buildings

- 5.22 The proposed dwelling would be situated in close proximity to three listed buildings; Grade II listed The Hermitage to the south, Grade II listed Barn House to the south-west and Grade II* Manor Barn to the north. Government guidance relating to the preservation of listed buildings and their settings is found within the NPPF – Conserving and enhancing the historic environment that affords great weight to the conservation of the significance of designated heritage assets and their setting.
- 5.23 With regard to Barn House to the south-west, it is considered that the separating distance between the site and the curtilage of this listed building is sufficient to avoid harm to its setting.
- 5.24 The existing spacious curtilage of The Hermitage, currently consisting of an area of maintained garden, detached outbuilding and area of woodland, would be divided as part of the proposed development. A stone wall would form the division and would serve to substantially reduce the size of the curtilage associated with the listed building. The woodland character area of the curtilage would be lost, replaced with a dwelling and inevitably a maintained area of garden beneath the tree canopy consisting of domestic paraphernalia that is beyond the control of the local planning authority. An additional driveway and parking area would also be installed, further destroying the woodland character.
- 5.25 With regard to Manor Barn to the north of the site, it is noted that the Inspector considering the Appeal during 1991 did not consider the proximity of this listed building to the dwellings as a significant issue as such barns are frequently part of a complex of other buildings. However, the dwelling now proposed would be

situated in closer proximity to the barn and, due to the difference in land levels is likely to appear elevated above the barn particularly during winter months when the trees are not in full leaf. This elevated appearance is likely to draw undue attention to the dwelling when viewed in context with Manor Barn. Further, the development of the area of space separating the barn from the village of Souldern (see Paras. 5.17 – 5.21) is likely to cause substantial harm to the existing isolated character of the existing farmstead within which the barn is situated.

- 5.26 The Conservation Officer considered the initial design of the proposed dwelling to be reminiscent of many modern estate houses found ubiquitously across the country, lacking local distinctiveness and appearing mundane. Amended plans were submitted on 30 July 2012 to include a revised design, and further comments from the Conservation Officer are awaited at the time of writing this report. It is considered that the revised design of the proposed dwelling is more appropriate to this historically sensitive location through the use of more simplified fenestration, an increased roof pitch and traditional style chimneys. Consequently, it is considered that the design of the dwelling itself would not result in substantial harm to the setting of the listed buildings and that such a reason for refusal could not be sustained at Appeal.
- 5.27 However, it is considered that the development of the land for residential purposes, the creation of private garden space through the physical separation of the existing curtilage associated with The Hermitage, the introduction of an enlarged driveway and parking area and the introduction of domestic paraphernalia, and the close proximity of this elevated site to Manor Barn to the north, would all serve to cause substantial harm to the significance of the settings of these listed buildings.

Visual Amenity and Area of High Landscape Value (AHLV)

- 5.28 The proposed dwelling would be situated within a dense area of tree cover that currently screens the majority of the site from view of the public domain on High Street. The access to the east of the site is privately owned, over which the public do not have a right of access, and so in the short-term views of the proposed development are likely to be limited.
- 5.29 There are concerns regarding the long-term impact of a dwelling in this location upon the trees (discussed later in the report) and any loss of trees that may be suffered is likely to have a negative impact upon the visual amenity of the wider area, particularly when viewing from the church and High Street.
- 5.30 Saved Policies C28 and C30 of the adopted Cherwell Local Plan seek development that is sympathetic to its context and in sensitive areas such as Conservation Areas and Areas of High Landscape Value development is required to be of a high standard, normally requiring the use of traditional local building materials. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 5.31 The proposed dwelling would be constructed using traditional building materials that would in-keeping with those found in the locality. Elements of the local vernacular have also been included within the design. The dwelling would be

positioned within a spacious curtilage and occupy a footprint that is not dissimilar to existing dwellings in the vicinity of the site. However, these points are not considered to overcome the concerns of the wider impacts of the proposal upon the visual amenities of the area, with particular regard to the protected trees.

- 5.32 Due to its proximity to existing built up areas, it is not considered that the development would result in significant harm to the wider environment within this Area of High Landscape Value in accordance with saved Policy C13 of the adopted Cherwell Local Plan that seeks its conservation and enhancement.

Trees

- 5.33 The proposed dwelling would be situated in close proximity to a number of trees protected either by the group TPO or by virtue of their siting with the designated Conservation Area. The Agent confirmed in their email dated 02 August 2012 that three trees are proposed for removal as part of the development, a Maidenhair, Beech and Sycamore tree, along with an existing Yew hedge. The Tree Survey submitted with the application confirms that these would be removed only to facilitate the development and not as part of their proper management.
- 5.34 The Arboricultural Officer objects to the felling of the protected trees as they have no significant defects that would warrant their removal in any other circumstance. With regard to the remaining trees, the Arboricultural Officer is of the opinion that the proposed dwelling could be erected without causing direct harm, however, there is concern regarding the long-term impact of the development and its future occupants upon the health and longevity of the trees by virtue of their density and proximity to the dwelling and garden.
- 5.35 If the dwelling were erected, it is anticipated that the area of land beneath the canopies of the trees would be managed by future occupants rather than retaining the current woodland appearance. This management is likely to include the clearance of lower level vegetation to tidy the area, perhaps also the introduction of a mown lawn, decorative planting and garden ornaments. All of which would destroy the woodland appearance that the site adopts at present.
- 5.36 In addition, it is also considered that the trees themselves may cause significant shading, reduced light levels, fruit and leaf drop affecting both the dwelling and garden. These implications, combined with the perceived threat that the trees present to the safety of the dwelling, the garden and the occupants themselves, despite the best intentions of future occupants upon moving into the dwelling, are likely to lead to pressure upon the Council to permit works to the trees that would affect their health and longevity.
- 5.37 The Council successfully defended an appeal at Land Adjacent 56b Oxford Road, Banbury (ref: 09/01143/F) that concerned the erection of a dwelling adjacent to a group TPO. The issues were similar to those now being considered, where leaf drop, honeydew and shading from the trees were considered likely to result in pressure for future works to be undertaken to the trees from future occupants of the dwelling. The erection of the dwelling itself was not considered to have a direct impact upon the trees, although it was considered that it would result in indirect harm. As part of this Appeal, the

Council submitted evidence of numerous cases where dwellings had been permitted in close proximity to protected trees only for a string of requests for works to the trees to be submitted at a later date that are difficult to resist.

- 5.38 It is for this same reason that the proposed development is considered to present a significant indirect threat to the health and longevity of the trees, causing irreversible harm to these recognised features of amenity value, the historic character and appearance of the Conservation Area and the visual amenity of the wider locality, contrary to Government guidance contained within the NPPF, Policies BE1 and BE6 of the South East Plan 2009 and saved Policies C23, C28 and C33 of the adopted Cherwell Local Plan.

Neighbours

- 5.39 The proposed dwelling would be positioned a sufficient distance from all neighbouring properties in order to avoid causing any harm to any neighbour in terms of amenity or privacy. The proposal is therefore considered to accord with Government guidance contained within the NPPF and saved Policy C30 of the adopted Cherwell Local Plan in terms of neighbour impact.

Highway Safety

- 5.40 The Highway Engineer has raised no objection to the application on the grounds of highway safety. It is considered that there is no reason to disagree with this assessment. The proposal accords with Government guidance contained within the NPPF and Policy T4 of the South East Plan 2009.

Conclusion

- 5.41 Whilst the proposed development is not considered to present harm in terms of neighbour amenity or highway safety, this does not outweigh the harm that would be caused to the historic settlement pattern of the village of Souldern, the character and appearance of the designated Conservation Area and nearby listed buildings or the visual amenity of the wider locality. Further, the proposed dwelling would not constitute infilling as defined by saved Policy H14 of the adopted Cherwell Local Plan thereby rendering the principle of the erection of a dwelling in this location as contrary to Policy. It is for these reasons that the application is recommended for refusal.

6. Recommendation

Subject to the expiry of the 21 day period of notice served on the owner of the private drive leading to the Manor Farm complex on 23 August 2012;

Refusal,

Reason for Refusal

Souldern is a Category 2 village as defined in the adopted Cherwell Local Plan. Within such villages new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant

environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions. Furthermore, the proposed dwelling, by virtue of its siting would connect Manor Farm with High Street and unacceptably threaten the long term future of trees in a Conservation Area and trees protected by a Tree Preservation Order as the level of shading, leaf drop and fruit fall affecting the dwelling and private garden, and the proximity of trees to the dwelling and private garden, would be likely to lead to pressure from the future occupants of the dwelling to undertake works to the trees that would cause detriment to their appearance, health and long-term survival, consequentially causing substantial harm to the character and appearance of the designated Conservation Area and the visual amenity of the locality, whilst failing to respect the historic settlement pattern of Souldern. In addition, by virtue of its elevated positioning and proximity to Grade II* listed building Manor Barn the proposed dwelling would detract from the setting of this designated heritage asset, causing substantial harm to its significance. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework – Delivering a wide choice of high quality homes, Requiring good design and Conserving and enhancing the historic environment, Policies H5, BE1, BE6 and CC6 of the South East Plan 2009 and saved Policies H14, C23, C27, C28, C30 and C33 of the adopted Cherwell Local Plan 1996.