

**Site Address: Paddock Adjoining And
South East of 32 Mill Street, Kidlington**

13/00750/F

Ward: Kidlington South

District Councillor: Cllr M Billington, Cllr T Emptage,
Cllr N Prestidge

Case Officer: Caroline Roche

Recommendation: Refusal

Applicant: Brian Moss and Caroline Coleman

Application Description: Detached Dwelling

Committee Referral: Call in by Ward Member with agreement of Chairman

1. Site Description and Proposed Development

- 1.1 The application seeks consent for a detached dwelling on land to the east of 32 Mill Street Kidlington. The land lies to the south of Mill Street, to the north of nos. 40a and 40 Mill Street and its western boundary extends along the rear boundaries of the properties on The Town Green. The site lies within the Kidlington Conservation Area and has a number of listed buildings in its vicinity including the Grade II* Vicarage to the north side of Mill Street. The site also is within 2km of the Rushey Meadows SSSI and notable or BAP Priority habitats or species have been identified in the vicinity. The site is also considered to be of some archaeological interest.
- 1.2 The site itself is bounded by a low stone wall, tree planting and a panelled fence on the northern boundary with Mill Street, a substantial hedgerow along its eastern boundary adjacent to a private access drive, a variety of boundary treatments along the western boundary and a block work wall on the southern boundary adjacent to a public footpath.
- 1.3 The proposal is for a detached dwelling located centrally to the site, predominantly to the rear of no. 3 The Town Green. The overall height of the property is proposed to be 7.5 metres high and is shown to provide ground floor accommodation with rooms in the roof providing first floor accommodation. The foot print of the property is approximately 125 square feet. The dwelling is shown to accommodate three large double en-suite bedrooms. It would also benefit from a relatively large garden to the rear and a large driveway parking area to the front.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notices and a press notice. The formal consultation period ended on 18 June 2013.

4 letters have been received in relation to the application. 2 are in support of the proposal and 2 are opposed to the proposal.

Reasons for support are set out below;

- Rather have house and garden than existing waste ground which has been used as builders yard
- Idea of it being part of the village green is ridiculous
- No amenity value or view of the site
- Brownfield site crying out for being rescued and put to better use
- Proposal will enhance the transition of properties along this area of Mill Street
- As immediate neighbour would like to see site occupied
- However would want to see trees retained and well maintained, better maintenance of fence

Reasons for opposing the scheme are set out below;

- Land part of the original green and should be preserved
- Pride should be taken in owning part of the Conservation Area
- Seeking to maximise profits by dumping rubble and garbage on the site to make it look ugly
- Development is unjustified
- The same grounds for previous refusals are still relevant
- Will have a greater impact on us as residents of 3 Town Green than other neighbours
- Proposal will destroy view and diminish sun exposure, will reduce views of the trees and increase views of concrete
- The owner knew exactly what they were buying
- Set a precedent for other land owners to build more and more on conservation areas
- Object to the layout and location of the house
- Setting it further forward would look like a more natural location and not affect living amenities

3. Consultations

3.1 Kidlington Parish Council: No objections.

Cherwell District Council Consultees

3.2 Ecology Officer:

There looks to be a small building on site from aerial photography but I couldn't find this or its removal mentioned in the plans. As the site appears to contain areas of rubble and bare ground ideally we would have information on whether reptiles could be present. In the absence of this I would request a method statement to ensure there is no offence caused with regards to reptiles (which are protected from killing and injury under the Wildlife and Countryside Act 1981 as amended) to be submitted. I would also expect some biodiversity enhancements to be included either within the landscaping or within any new dwelling itself in the form of swift bricks, bird boxes or similar.

Beyond this I have no objections on ecological grounds but would recommend conditions if permission is granted:

3.3 Arboriculturalist: No arboricultural objections to this proposal however, due to the presence of existing and valued boundary trees and vegetation (particularly adjacent to Mill Street and the neighbouring dwelling) it will be necessary to provide precautionary protective measures in the form of a conditioned AMS to reduce or remove the risks of root or direct damage occurring.
Recommendations: No arboricultural objections (subject to condition)

3.4 Design and Conservation Team Leader:

The proposed application looks to create a new domestic dwelling on the paddock adjacent to No 32 Mill Street, Kidlington. The paddock, or rather open space, formed part of the village green, an important community space. Over time, the Green has become front gardens to the properties, but still retain the key characteristics. The grouping/ species of trees clearly demonstrate the importance of this open space. The Conservation Area appraisal explains in more detail (5.10.6) the importance of the open space. At present, the openness has been lost by the installation of a high level fence around the site. Apart from the loss of the historic open space, the proposed building is deemed to have an impact on the setting on the nearby listed

buildings. Though these buildings have a large foot print, the height and dominance of these buildings is quite low. Any proposed construction in front of these is deemed to have a negative impact on the buildings. Recommendations: Reject The proposed application is deemed to cause negative impact to the setting of listed buildings and the conservation area.

Oxfordshire County Council Consultees

3.5 Highways: No objections subject to conditions.

3.6 Archaeology:

The proposals outlined in your letter would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

Other Consultees

3.7 Thames Water:

Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Water Comments

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3.8 English Heritage: Application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C27: Historic Development Pattern

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C33: Retention of undeveloped gaps

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013).

The August 2012 document was sent out for public consultation on 29 August 2012. Proposed changes to the draft plan were sent out for further public consultation in March 2013. 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: The policies below are relevant.

BSC2: The effective and efficient use of land/brownfield (change no. 106)

ESD16: The Character of the Built and Historic Environment
Policy Village categorisation
Villages

1:
Policy Distributing growth across the rural areas (change 361)
Villages
2

Kidlington Conservation Area Appraisal (Church Street)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Visual Impact including impact on the historic environment
- Design Layout and Neighbour Impact
- Highway Safety
- Other issues

Relevant planning history

5.2 There is an extensive planning history to this site, the applications referred to below are not a complete list of the previous applications but it is clear from those that are listed that there has been a consistent approach in refusing development on the site;

5.3 11/00587/F – Demolition of timber sheds and erection of two bedroom bungalow.
Refused for the following reasons;

1 The proposed development would be contrary to PPS5: Planning for the Historic Environment, Policy BE6 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan as no analysis has been made of the impact of the proposed development on the surrounding properties and conservation area and furthermore by reason of its design and siting within the Conservation Area and adjacent to Listed Buildings the proposed dwelling would be detrimental to heritage assets' settings as it fails to preserve those elements of the settings that make a positive contribution to or better reveal the significance of the heritage asset.

2 The site is located within the built-up limits of Kidlington and its Conservation Area where planning permission for residential development will only be granted if the site and development meets certain criteria and in particular

must not involve building on land which is of particular significance to the form and character of the village. Whilst the site is not in the public domain in that it is not available for public use, it forms an important visual break in the built up frontage along Mill Street and is considered to form part of an historically open area of land which is an integral part of the form and character of this part of the village. The proposed development on this area of land fails to preserve its character and appearance and is therefore considered to be contrary to the provisions of Policies BE1, BE6 and CC6 of the South East Plan 2009 and Policies C28 and C33 of the Adopted Cherwell Local Plan 1996 and guidance contained in PPS3: Housing and PPS5: Planning for the Historic Environment.

5.4 03/01406/F – Erection of 4 bed detached house with double garage. **Refused** for the following reasons;

1. The area is located within the built-up limits of Kidlington and its Conservation Area where planning permission for residential development will only be granted if the site and development meets certain criteria and in particular must not involve building on land which is particular significance to the form and character of the village. Whilst the site is not in the public domain in that it is not available for public use it forms an important visual break in the built up frontage along Mill Street and is considered to form part of an area of open land which is an integral part of the form and character of this part of the village. The proposed development on this area of land is therefore considered to be contrary to the provisions of policies H9, H10 and C33 policies H15 and D12 of the Cherwell Local Plan 2001 Deposit Draft.
2. The proposal, being within an area of open space and an established Conservation Area, would be detrimental to the character and appearance of the area as it fails to ensure its preservation or enhancement, contrary to the provision of Policy C22 of the Cherwell Local Plan.

Dismissed on appeal with the Inspector making the following conclusions throughout the decision letter;

- The lack of significant buildings on the site both amplifies and complements the openness of the adjoining land to the east. Taken together, I feel that the appeal site and the land to the east provide a break in what is otherwise a largely built-up frontage.
- It is worth retaining the openness of the appeal site, in the sense of the avoidance of any additional building.
- Note that the dwelling would be set back from the site's Mill Street frontage. However, its scale would be such that it would be clearly seen from Mill Street and from the public footpath...In both of these views it would appear as a built feature, that, in my opinion, would substantially reduce the site's openness...I feel that this would diminish the character of the Former Town Green...and this would harm the character and appearance of the Conservation Area.
- The development would not adversely affect the listed building's setting (40 Mill Street)
- The appeal site could benefit from some tidying up, I do not feel that its condition at the time of my site visit was particularly unsightly.
- Concluded that the appeal proposal would not adversely affect the setting of a listed building. However...this factor is outweighed by the harm that would be caused to the character and appearance of the area, along with the proposal's failure to preserve or enhance the character or appearance of the Conservation Area. To my mind, these are compelling objections.

5.5 01/01176/F – Construction of 4 bed detached house with walled garden, garage/workshop. **Refused** for the following reasons;

1. The proposal, being within an area of open space and an established

Conservation Area, would be detrimental to the character or appearance of the area as it fails to ensure its preservation or enhancement, contrary to Policy C22 of the Cherwell Local Plan.

- 5.6 95/01572/F – Construction of new stables and store. **Refused** for the following reasons;
1. The site, together with the adjoining area to the east, comprises an area of open space known locally as Town Green, the last vestige of the ancient village green. In the opinion of the Local Planning Authority the development of this site as proposed would be detrimental to the historic form of this area and the character of the Kidlington Conservation Area and, if approved, would set a precedent for the further development of the site and for the further development of the Town Green as a whole contrary to Policy C22 of the Draft Cherwell Local Plan.
- 5.7 91/00522/F – Erection of detached 4 bedroomed house with double garage. Dismantle stables and remove manure. **Refused** for the following reasons;
1. The site together with the adjoining areas to the east comprises an area of open space known locally as Town Green, the last remaining vestige of the ancient village green. Development of the site would be detrimental to the open nature and historic form of this area and to the character of the Conservation Area and as such is contrary to Policy H2 of the Central Oxfordshire Local Plan, and furthermore is likely to set a precedent for further development of the Town Green.
- 5.8 CHS.159/85 – One new cottage. **Refused** for the following reasons;
1. That this site together with adjoining areas to the east comprise an area of open space on this side of Mill Street known as Town Green within which trees are an important feature and this space is complemented by other similar spaces on the other side of Mill Street. These spaces contribute to the nature and established character of this part of Kidlington and notwithstanding the currently untidy nature of the site it is considered in the interests of amenity and the protection of this relatively unspoilt area that it should remain undeveloped.

Dismissed on appeal.

- 5.9 As can be seen from the extracts of planning history referred to above there have been several attempts to gain planning permission for development on this site. It therefore seems appropriate to deal with the principle concerns regarding the development first.

Visual Impact including impact on the historic environment

- 5.10 The historic core of Kidlington village is very different from the modern, essentially suburban character of the newer residential areas. Centred around Mill Street and the Church Street Conservation Area, the old part of the village has many traditional features, including remnants of the historic rural settlement and its character. Notwithstanding the obvious manifestations of post-war housing along Mill Street, a feeling of maturity and spaciousness is imparted by informal groups of, for the most part, detached stone-built period properties, whose rural character and charm are enhanced by the well-wooded and typically extensive gardens fronting onto the road. This most attractive environment is of considerable amenity value.
- 5.11 It is considered that the most important open space within this area is undoubtedly the last remaining vestige of the ancient village green, of which the site forms the western part. This area of open land fronts the southern side of Mill Street opposite the Vicarage Road junction, and comprises the northernmost part of the curtilages of nos. 56, 52, 52a, 40 and 40a Mill Street.

- 5.12 Officers are mindful of the Council's duty to as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the area. It is considered that the erection of a dwelling on this site would result in the loss of a visually important open gap within the street scene, which forms an integral part of the form and character of this part of the village. Therefore the proposal cannot be considered to preserve or enhance the character and appearance of the conservation area and is therefore contrary to adopted and emerging local plan policies.
- 5.13 The Conservation Area Appraisal document describes the site's character area as "large residential properties in unusually spacious grounds with heavy tree cover. The area contains the last remnants of the former village green, which now survives as private gardens" (page 28).
- 5.14 Whilst the site is enclosed and not in the public domain in that it is not available for public use, it is undeveloped and retains a sense of openness beyond an attractive group of mature trees. The site together with the land to the east, whether or not used by the public, is an area of amenity value, which forms an important visual break, and contributes significantly to the character and appearance of the Conservation Area. This was the conclusion drawn by the Inspector in 1997 when summing up the enforcement appeal for hard surfacing, an opinion which was supported and reiterated in the appeal for a four bedroom house in 2004 and later planning applications in 2011. Despite the appeal site being thoroughly fenced in the view was reached that the site does contribute to the character established by the land to the east, because it contains no large buildings and is bordered by trees and other vegetation. There have been no substantial changes to the site since these earlier decisions which would lead to a change in conclusion.
- 5.15 Several Inspectors have agreed that it is worth retaining the openness of the site, in the sense of avoidance of any additional building. It is worth preserving its green nature insofar as that still exists. It is clear from the planning history above that the Council has consistently resisted development on the site to keep it free from new development and thus safeguard the vital contribution which it makes to the attractiveness of the surrounding area.
- 5.16 There can be little doubt that the site together with the adjacent relatively unspoilt areas of open ground, within which trees are an important feature, is perceived to make a most significant contribution to the traditional amenities of the old village; and the amenity value of the appeal site is appreciated all the more because of its prominent location in the established street scene and its close proximity to the very well used public footpath which runs along the curtilages of 52, 52a and 40 Mill Street and along the southern edge of the site.
- 5.17 Since the consideration of the previous applications there have been some changes to planning policy. The South East Plan has been revoked, the Planning Policy Statements and Guidance (PPSs and PPGs) have been replaced by the National Planning Policy Framework and the Council has published, for consultation purposes, its Proposed Submission Local Plan Incorporating Proposed Changes. These changes in Policy are not considered, however, to have a material impact on this consideration of this application as far as it relates to the impact on the Conservation Area and its heritage impact.
- 5.18 Policy C27 of the adopted Cherwell Local plan has not been referred to in previous refusals but nonetheless it is still relevant in the consideration of the application as it sets out that development proposals within villages will be expected to respect their historic settlement pattern. It could be argued that this part of Kidlington, although largely falling outside of the Conservation Area, has experienced significant

development that has not followed a historic development pattern. However it is clear from looking at the site location plan for this application that the proposal does not follow any historic development pattern, in fact it conflicts with it and the character of the historic town/village green. The proposal neither relates to the road frontage and no. 32 nor does it relate well to 40a to 52 Mill Street, rather it sits between the two, rather detached in street pattern from any other surrounding properties with its side elevation orientated adjacent to the rear elevations of properties on The Town Green.

- 5.19 C28 of the adopted Cherwell Local Plan, along with C30 have more consistently been used in reasons for refusal for this site, and they remain relevant and up to date. C28 seeks to ensure that all new development maintains standards of layout and are sympathetic to the character of the context in which they sit. C30 seeks to ensure that new development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. It is considered that neither of these policies is complied with for the reasons set out in the preceding paragraphs.
- 5.20 Policy C33 of the adopted Cherwell Local Plan is also particularly relevant to the consideration of this application. It sets out that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or...in preserving a view or feature of recognised amenity or historical value. This policy is written in such a way that it is just this type of site that it is seeking to preserve. The preceding paragraphs set out why this site is so valuable in the historic context of Kidlington's village history and why this policy cannot be complied with.
- 5.21 Policies in the South East Plan can no longer be referred to. However to add strength to the adopted but now quite dated policies in the adopted Cherwell Local it is possible to refer to the emerging policies of the Proposed Submission Local Plan Incorporating Proposed Changes which is a material consideration despite being of only limited weight.
- 5.22 Policy ESD16 of the Proposed Submission Local Plan Incorporating Proposed Changes (PSLP) sets out that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design...where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. It goes on to say (in summary) that new development should:
- respect...historic boundaries, landmarks, features or views in particular within...conservation areas and their setting
 - conserve, sustain and enhance designated and non-designated 'heritage assets' including...conservation areas and their settings and ensure development is sensitively sited and integrated...
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Developments should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- 5.23 It is clear that the proposal does not comply with this more up to date draft policy.
- 5.24 The NPPF recognises that the planning system has to perform a number of roles, one of which is its contribution to protecting and enhancing the natural, built and historic environment. Its core planning principles includes the conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. In order to deliver sustainable development the NPPF requires that the historic environment be conserved and enhanced, essentially replacing the guidance contained in PPG15 and its later replacement PPS5.
- 5.25 The NPPF requires applicants to describe the significance of any heritage asset

affected, including any contribution made by their setting. The application has been submitted with a short Planning Statement which contains only one reference to policy which is in fact now out of date, the South East Plan. Whilst the statement attempts to counter the Council's opinion as to the history of the site it makes no clear justification as to why the development should be accepted contrary to other relevant policies. The Statement makes very little attempt to identify the significance of the heritage asset, simply seeking to demonstrate that the land has been physically divided from the remainder of the land to the east since the Enclosures Act of 1818, and maybe even before that date. The statement seeks to argue that the site is currently an eyesore and it cannot be used by the current owners as garden land as it is physically detached from the house. However, is it not possible to say this about the remainder of the land to the east, which whilst not enclosed by fences, is maintained as pleasant garden land but is dissected by the public footpath? The Statement also seeks to argue that the site cannot be enjoyed by the public due to its enclosure and additional growth of vegetation. However this is a matter dealt with by previous Inspectors and decisions of the Council and once again is not a justification for allowing development contrary to other policies and guidance.

- 5.26 Returning to the NPPF, it is not considered that the applicant has produced an appropriate level of description to the significance of the heritage asset. The Council has clearly assessed the significance of the heritage asset as it is specifically referred to in the Conservation Area Appraisal and has been explored through this and previous application assessments. The NPPF also sets out that where there is evidence of deliberate neglect of a heritage asset the deteriorated state of the asset should not be taken into consideration. Whilst the Council would not at this stage want to accuse the applicants of deliberate neglect the fact that the site is not being well maintained is not a justification for allowing development on the site. It is understood that the current owners of the property have only relatively recently purchased the site and were aware of the planning history and as such purchased the property in the knowledge that gaining planning permission for a new dwelling would be difficult and as such should have factored in the use and maintenance of the land.
- 5.27 Paragraph 133. Of the NPPF set out that where a proposed development would lead to substantial harm to or total loss of significance of a designated heritage asset LPAs should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. The submission has made no attempt to set out the substantial public benefits in this instance.
- 5.28 It is important to take the NPPF as a whole, in which case it is possible to say that whilst there are considered to be harmful effects on the heritage asset there are no other material considerations or advantages to the proposal that overcome or justify the granting of planning permission.

Design and Layout and neighbour impact

- 5.29 Previous applications have included a proposal for a two storey dwelling (03/01406/F), whilst being accepted by the Inspector as preserving the setting of the listed buildings still led to a refusal due to the intrinsic part the site plays within the setting of a heritage asset. The 2011 application was a proposal for a bungalow which resulted in a refusal because of its failure to preserve or enhance the character of the Conservation Area and the setting of the listed buildings. This current proposal seeks consent for a two storey building with the first floor accommodation being predominantly within the roof space. Despite this the ridge height is the same as the two storey properties in The Town Green. The building does not appear traditional in design and despite the statement to the contrary in the Planning Statement does not reflect the local context or the historic environment. The fenestration is poor with the dormer windows standing out as being twice as wide as traditional dormers. The use of traditional materials is however one factor acting in the favour of the development,

although in itself not sufficient to overcome all the other concerns. It is considered that in relation to its design the proposal is contrary to local policies and national guidance and it fails to preserve the wider setting of the listed buildings to the south.

- 5.30 It is significant to point out that the two nearest residential properties to the site of the dwelling have objected to the proposal. The proposed dwelling sits side-on to the rear elevations of the properties on The Town Green. The distance between the existing and proposed dwellings is in the region of 20-22m, although the proposed property lies within 5m of the gardens of the dwellings in The Town Green. The relationship is such that in isolation neighbour impact would probably not be sufficient to result in a recommendation of refusal. However given that the property has a ridge height of 7.5m and is in close proximity to the boundary it has the potential to adversely impact on the enjoyment of the private amenity space by way of overbearing. The openness of the site is currently of benefit to the neighbouring residents even though it is in a sense 'borrowed' amenity. It is however acknowledged that there is unlikely to be demonstrable harm caused by overlooking due to the orientation of the windows, and the planning system cannot be used to protect private views. Despite this it is considered that the proposal does to a small degree conflict with Policy C30 of the adopted Cherwell Local Plan which seeks to ensure that new development provides standards of amenity acceptable to the Local Planning Authority.

Highway safety

- 5.31 The proposal would be accessed off an existing driveway and access point. One dwelling is unlikely to result in a significant increase in traffic movements and the site will contain sufficient parking space. The Local Highway Authority has not objected to the proposal subject to conditions being imposed on any future consent.

Other issues

- 5.32 Other issues relating to ecology, arboriculture, archaeology and water are dealt with through the consultation responses listed above. There are no other substantial objections to the application however in the event of an approval the scheme would need to be appropriately conditioned to ensure no harm would be caused in relation to these considerations.

Engagement

- 5.33 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no significant problems or issues have arisen during the application. The application is clearly contrary to Policy and it is the principle of the development that is considered unacceptable. Therefore the applicant has not been approached in order to amend the scheme. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application. However the application will have exceeded its eight week target date as a result of it being called into Committee for Members consideration.

Conclusion

- 5.34 It is clear from the assessment above and the sheer amount of planning history that there has been a consistent approach to resisting development on this site by both the Council and Planning Inspectors. It has not been demonstrated that there have been any significant changes in circumstances that would result in the Council reaching an alternative conclusion to those previously reached. It is considered that the development would cause harm to the heritage asset, that being the Conservation Area. The proposal conflicts with both adopted and emerging local policies and national guidance set out in the NPPF. As such should be refused for the reasons set out below.

6. Recommendation

Refusal, for the following reasons:

1. The proposed development would be contrary to guidance contained within the National Planning Policy Framework, as there is insufficient analysis of the significance of the heritage asset and substantial public benefits have not been identified which outweigh the harm caused by the proposed development on the surrounding properties and conservation area. Furthermore by reason of its design and siting within the Conservation Area and relationship to Listed Buildings the proposed dwelling would be detrimental to heritage assets' settings as it fails to preserve those elements of the settings that make a positive contribution to or better reveal the significance of the heritage asset. In this respect the proposal is also contrary to Policies C28 and C30 of the adopted Cherwell Local Plan.
2. The site is located within Kidlington's Conservation Area where planning permission for residential development will only be granted if the site and development meets certain criteria and in particular must not involve building on land which is of particular significance to the form and character of the village. Whilst the site is not in the public domain in that it is not available for public use, it forms an important visual break in the built up frontage along Mill Street and is considered to form part of an historically open area of land which is an integral part of the form and character of this part of the village. The proposed development on this area of land fails to preserve its character and appearance and does not reflect the historic settlement pattern. It is therefore considered to be contrary to the provisions of Policies C27, C28, C30 and C33 of the Adopted Cherwell Local Plan 1996 and guidance contained in the National Planning Policy Framework.
3. The development by virtue of its scale and position on the site will have an adverse impact upon the enjoyment of the private amenity space of properties on The Town Green by virtue of its overbearing nature. As such the proposal is contrary to policy C30 of the adopted Cherwell Local Plan.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.