

**Site Address: Land South Of Little
Shotover and East of Cherry Cottage,
Horn Lane Road, Adderbury**

15/01384/OUT

Ward: Adderbury

District Councillor: Nigel Randall

Case Officer: James Kirkham

Recommendation: Refusal

Applicant: Mr William Aylward

Application Description: Outline:- Erection of 5 residential dwellings

Committee Referral: Major

Committee Date: 26.11.2015

1. Site Description and Proposed Development

- 1.1 The application site is an area of open land which is located to the rear of the properties which face onto Berry Hill Road and Horn Hill Road in Adderbury. It is located within the Conservation Area and the character of the area is edge of settlement with a rural appearance. The site is also located in an archaeological priority area.
- 1.2 The application site is accessed by a track between Springfields and Oak Tree Cottage from Horn Hill Road. The application site is dissected by a public footpath which runs across the centre of the site on an east west axis. An overgrown stone wall runs parallel with this footpath. The northern part of the site is on higher ground than the southern part and is currently used for agricultural pasture land. The southern field is currently maintained as a garden area associated with the property known as Pine Trees however much of this area does not have planning consent to be used for garden and its lawful use is agricultural land. This breach has been reported to the Councils Planning Enforcement Team who are investigating the matter.
- 1.3 The site slopes relatively steeply from a high point in the west to a low point in the east with a drop of approximately 7 metres across the site. A large conifer hedge exists on the eastern boundary of the site beyond which lies a further public footpath and open fields. Residential dwellings and gardens exist to the north and west of the site. The gardens of the large properties on Berry Hill Road exist to the south of the site.
- 1.4 The current application seeks permission for 5 large detached dwellings on the site. The only matters for consideration in this application are access and layout. The appearance and scale of the buildings and landscaping of the site are reserved for future applications.
- 1.5 The site layout shows the erection of 3 dwellings on the northern part of the site and a further 2 on the southern part. The footpath running down the centre of the site would be retained as would the wall. The properties would be accessed from a private drive which would split at the west end of the site and then run parallel either side of the footpath to serve the properties. This is to accommodate the levels difference between the two parcels of land which the applicant states will be retained.
- 1.6 The properties would have a mix of footprints with different plan depths and a number of projections. The applicant has provided illustrative plans of the appearance of the buildings which show a variety of architectural styles which are characteristic of the larger modern detached dwellings to the south of the site.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 1st October 2015.

149 letters of objection have been received. The following issues were raised

Material planning comments:

- Proposal is outside the development boundary (identified in the Neighbourhood Plan) and built up limits of the village
- Site is green field land where only agricultural development is allowed.
- The proposal will detract from the visual amenity and open agricultural character of the Conservation Area and area of high landscape value.
- Detrimental impact on the setting of nearby listed buildings and views towards the church
- Development will adversely impact on users of the public footpath.
- This development is not infill development. It is backland development and is on an important green space protected by policy C33.
- The development will not enhance or preserve the character and appearance of the Conservation Area contrary to policy C27 and ESD15
- The houses are very large and are not sympathetic to the surroundings
- Previous applications have been refused on the site.
- Inadequate access to the site due to the width and position and poor visibility. Also the location conflicts with the bus stop.
- Increase in traffic and risk of accidents
- Adderbury has already had significant development and growth
- Impact on wildlife and biodiversity
- There are inaccuracies within the application.
- Concerns over flooding.
- Approving the development could set a precedent for future developments.
- Loss of privacy and overlooking to neighbouring properties.
- Development will not be affordable for local people.
- Impact on school capacity.
- Problems with the sewers
- Lack of consultation.
- There is no need for new housing.

Non material comments:

- Loss of view
- Encroaching onto land outside the applicants control
- Land ownership of the access track

3. Consultations

- 3.1 Adderbury Parish Council: OBJECT for the following reasons:

1. The application is outside of the residential settlement boundary as shown in the Adderbury Neighbourhood Plan.

2. The site is an important green space, close to the village centre with a number of well used Public Rights of Way (PROWs). This application would change the nature of this open space and detract from the enjoyment and amenity value for residents of Adderbury.

3. The PC objects to potential urbanisation of this area by tarmacing what is

essentially still a rural lane alongside the historic walled Pound, owned by the Parish Council.

4. The site is within the Adderbury Conservation Area, as designated by CDC . This application does not enhance the Conservation Area but instead limits the views across an unspoilt part of the village especially to the Church. It is therefore contrary to CDC's landscape policies.

5. The site is next to several listed buildings and would adversely affect the setting of these buildings, which is contrary to CDC's policies.

6. The application may be inaccurate because the applicant states that he owns the access drive, however, the Land Registry only shows that the applicant has a right of way. The application also states it only affects one residential house, however it serves five residential properties.

7. The track is very narrow and could cause problems for vehicles attempting to enter and exit from the proposed development.

8. The applicant may not be able to comply with the suggestions of the highway report as he does not own it, which raises issues of deliverability. The report also overlooks that there is a public right of way along this access which is well used to access field footpaths. This right of way is not restricted to any particular part of the track so pedestrians may be in the way of vehicles.

9. The junction of the access track and the highway could be an accident area. The bus to Oxford/Banbury stops just beyond the track and many school buses also use this area – additional vehicle movements are likely to affect the safety of all users of this service.

Cherwell District Council Consultees

3.2 Councillor Nigel Randall: I will comment on this planning application now as, although I am a member of the Planning Committee, I would be unable to speak at any meeting due to being a neighbour of and knowing the applicant.

3.3 Mr Alyward has never made any secret of his long-term ambition to build houses on land he owns behind Berry Hill Road as a financial investment, and this is one of a series of attempts to gain permission for development. To that end, this is one of his better and smaller concepts: however, the project suffers from two major hurdles: position and access.

3.4 The application is to build 5 houses on land clearly within the Adderbury Conservation Area and, whatever spin is put on this in the submitted Landscape and Visual Impact Assessment, I fail to see how building any houses here - whatever their design, layout or appearance - could ever "preserve or enhance the character or appearance of the conservation area" (an objective in the Adderbury Conservation Area Appraisal adopted by CDC in April 2012).

3.5 This is clearly agricultural land, and not "in mixed use of part garden part paddock" stated in the submitted Planning Statement. Mr Alyward had applied to change the use of this area from Agriculture to Garden in his application 10/00430/F, but this was refused as it would "detract from the visual amenities and open agricultural character of this part of the Conservation Area and Area of High Landscape Value". Nothing has changed in my estimation, and saved planning policies C13 and C28 of the adopted Cherwell Local Plan apply.

- 3.6 Adderbury is denoted as a Category A Village in the adopted Cherwell Local Plan where small-scale development is permitted as infill: building on this site would clearly be backland development as the properties would not fill gaps in an otherwise continuous built-up frontage, and therefore not permissible under Policy Villages 1.
- 3.7 Access to this area is currently in the form of a private single-track farm lane with grass verges each side. This lane does not merely serve one residential dwelling, as stated in the submitted Traffic Assessment: there are 3 houses, other than Pine Trees, that have right-of-access along this lane to their properties: for two of these properties this is the only point of access for their vehicles. Although this lane is public footpath 101/7 there is no specifically constructed or designated footpath along it. I note that the application suggests that the existing vehicular access will be improved by widening the current 3m track by using the grass verges. If this application is approved this lane would then service the 5 new dwellings and 4 current properties: I suggest that this single track road would be totally unsuitable for the expected traffic, more especially as there would be no pedestrian path for public safety.
- 3.8 Overall, I do not believe that the proposed development would improve the quality and amenity value of the public realm in this conservation area, and should therefore be refused.
- 3.9 Planning Policy Officer: No comments received.
- 3.10 Conservation Officer: OBJECT. The proposed development was the subject of discussions and comments. A number of issues were raised during the pre-application process.
- 3.11 There is an objection in principle to the proposal, which is back land development that does not preserve or enhance the character and appearance of the Adderbury Conservation Area. It is not possible to overcome this concern with any form of development on the site due to the fundamental issue of the location of the land. It is appreciated that there are developments of a similar nature in the locality, but this is not a historically characteristic form in the area and should not set the precedent for further unsympathetic development. The previous developments were permitted in a different planning policy context.
- 3.12 Notwithstanding the comments above there are also concerns with the form of the development proposed. The large detached properties which are set back on large plots of land with substantial driveways and detached garages are not considered to reflect the historic configuration of the settlement. The buildings are of a similar form to the modern buildings in the area, but these are not considered to positively contribute to historic character and appearance of Adderbury Conservation Area.
- 3.13 The proposed development will also impact on the settings of the listed buildings in the area. The grade II listed build of West Bank, Horn Hill Cottage and Cherry Tree Cottage are located to the west of the site and the impact is to both the appreciation of the rear of the buildings from the south and east and the views out from the listed buildings themselves. The settings of these buildings have already been compromised by existing development, but the proposed development will further reduce the rural setting of these buildings. The grade I listed building of St Mary's Church is located at some distance to the north east of the site, but there are clear view lines to the church which would be compromised by the proposed new development. The presence of boundary features or screening is not considered to be a significant mitigating factor
- 3.14 Concerns were raised during the pre-application process regarding the access to the

site. The current access is rural in character and is part of the southern gateway to the site. Despite modern development the area retains its rural, edge of settlement character. The Design and Access Statement outlines that the access road will need to be 'improved' in both width and surfacing and although the full details of this are not contained within the application it is likely to have a detrimental impact on this area. The 'improvements' are conceived to be highways improvements or alterations rather than aesthetic improvements or anything that will enhance or better reveal the significance of the conservation area.

- 3.15 Concerns were raised during the pre-application process regarding the retention of the drystone wall along the existing footpath. The outline application indicates that this would be retained within the proposed development and this is considered to be a positive element of the proposals.
- 3.16 The development does not comply with The Cherwell Local Plan 2011-2031, Part 1 Adopted 20 July 2015 as it does not '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 street and public spaces and building configured to create clearly defined active public frontages' or 'Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features'
- 3.17 The development is contrary to the National Planning Policy Framework as it is considered to lead to less than substantial harm to the Adderbury Conservation Area and setting of the neighbouring listed buildings of West Bank, Horn Hill Cottage and Cherry Tree Cottage . There are not considered to be any public benefits to outweigh this harm.
- 3.18 Landscape Officer: Generally agrees with the landscape and visual receptor results of the LVIA. However in respect of the residential receptors on the southern boundary there is no evidence in the LVIA that they have been considered, namely residences 'Rungall', the 'Lodge' and 'Mayfield House'. Receptors. The 'Pine Trees' residence receptor should also be considered. Considers that a medium/adverse effect will be experienced by these receptors. The southern and western boundary is generally open with the occasional intervening trees in resident's gardens. Because of shade and light reduction issues to homes and gardens associated with a tall vegetated screen on this boundary because of the southerly aspect it would be appropriate to have a medium-sized growing 'informal' hedge.
- 3.19 The site is well contained behind conifer hedgers on the eastern and western boundaries and a hedgerow on the northern boundary. The conifer hedges, although do not appear to have much arboricultural merit do provide an effective screen and containment to the site. Views from viewpoint 9 and viewpoint 10 will include roofline of the southeast plot where the hedge is lower on this section of the boundary. Early morning sun will cast substantial shade on the plots, depending of the height of the hedge. A shadow assessment should be carried out. The hedge heights should be considered for reduction to reduce shade but also retain their value as screens. The access drive to the adjacent plots are to be considered in respect of the Root Protection Zones of the aforementioned conifer hedges and the hedgerow on the northern boundary. These RPZ must be indicated on the detailed landscape drawing to ensure that the position of the garage close to the hedgerow is reconsidered in respect of the RPZ, and similarly for the garage location close to the retained Pine Tree on the western boundary.
- 3.20 As mentioned previously the planting of groups of naturalistic Silver Birch trees to the eastern boundary will help to mitigate views of the development for visual receptors – refer to Viewpoints 11/12 and 16.

- 3.21 The dry stone wall through the middle of the site should be assessed for repair and to be protected by a Construction Exclusion Zone where the levels are retained,. The feature and the associated vegetation are strong physical and visual barrier between the visual receptor and the plots to the north. The arboricultural assessment indicates that G2 would benefit from hedgerow species planting, I support this.
- 3.22 The recommended planning conditions to cover:
- landscape details (hard and soft)
 - Hedges and hedgerow retention and minimum maintenance heights
 - Tree pit details
 - Landscape maintenance
- 3.23 Nuisance Investigation Officer: NO OBJECTION. Part of the northern hedge adjacent to Plots 1, 2 and 3 is subject to a high hedges remediation notice.
- 3.24 Environmental Protection Officer: No comments received.
- 3.25 Ecologist: NO OBJECTION. The preliminary ecological appraisal for the site did not find anything of particular concern. There is one tree on site which if not retained will need to be checked for bat roosts prior to removal as it has some potential otherwise there are few constraints as the existing hedgerows are due to be retained as is the dry stone wall (which can have ecological value also). Vegetation clearance will need to be avoided in the bird nesting season (March - August inclusive) unless an inspection by an ecologist confirms nesting birds are not present.
- 3.26 There are opportunities on site to add biodiversity enhancements and in line with NPPF recommendations and CDC Policy we should be seeking to achieve a net gain for biodiversity where possible on developments. The loss of the green space and various habitats on site for wildlife can be overcome with native planting, strengthening hedgerows and ongoing appropriate management of such, inclusion of bird and bat boxes within the dwellings themselves and on mature trees, green roofs/walls, pond creation, areas of meadow grassland, planting to benefit invertebrates in particular. Could not tell from the proposed masterplan whether the hedgerows, which do represent wildlife corridors in this landscape, would be part of the gardens to be maintained by the residents. This set up might not be ideal for their future retention. No objection subject to conditions.

Oxfordshire County Council Consultees

- 3.27 Highways Liaison Officer: NO OBJECTIONS subject to conditions. The private access is a single gravel track with grass verges on each side. The Design and Access Statement makes mention of plans to improve this access which will include enhancing the dropped kerb, resurfacing and widening of the first 5 meters from Horn Hill Road. This should be widened to 4.5 metres and tarmacked. In the wake of such improvements, this access would be appropriate for this particular development taking into account factors such as volume of traffic, traffic composition and pedestrian activity. The trip generation from such a development is unlikely to have a significant impact on the existing transport network. This has been demonstrated with TRICS software which shows that a development of 8 dwellings (including existing properties) in such geographical area would generate not more than 5 vehicular trips in any peak hour.
- 3.28 A point of concern that has come to light however, is the requirement for the prospective home owners to drag wheeled refuse bins over substantial distances owing to the fact that the access road shall remain private and there is no indication

for it to be adopted highway. Suggests that this issue should be looked at from a planning and design perspective.

3.29 Drainage Officer: No comments received.

Other Consultees

3.30 English Heritage: No comments received.

3.31 Thames Water: NO OBJECTION. Advise that the sewerage and water infrastructure is adequate to accommodate the development.

3.32 Adderbury Conservation Action Group: OBJECT for the following reasons:

- The proposed site is outside the Residential Settlement Boundary described in the Adderbury Neighbourhood Plan.
- The site is Greenfield/agricultural land on which only buildings of an agricultural nature are permitted.
- Whilst small developments are permitted as infill in Class A villages however, this is backland development that cannot be classed as infill. It is on green space therefore contravenes retained policy C33 'protection of important gaps of undeveloped land.
- The proposed development is well within the Adderbury Conservation Area. It is difficult to come to the conclusion that any houses of whatsoever design or materials could do anything to enhance or preserve the character or appearance of the conservation area thereby contravening policy C.27 now replaced by ESD 15.
- A previous application for change of use (10/00430/F was dismissed as it would 'detract from the visual amenities and open agricultural character of this part of the Conservation Area and Area of High Landscape value'. We believe that the situation is as was then and that planning policies C13, now replaced by ESD13, still apply.
- The single track that currently gives access already serves four dwellings, there is no footpath available although it is classed as a public footpath. The development would, if granted, bring the total number of properties to be served by this public footpath to nine. It would presumably be unacceptable to leave it as it is; a grass track. It would therefore have to become a roadway, providing a proper service road capable of accepting public service vehicles and providing a safe walk way for pedestrians. It appears that the access available would not be capable of providing such a roadway.

4. Relevant National and Local Policy and Guidance

4.1 DEVELOPMENT PLAN POLICY

Cherwell Local Plan 2011-2031 Part 1: The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20 July 2015.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies of the new Local Plan most relevant to this application are:

PSD1: Presumption in favour of sustainable development
SLE4: Improved transport and connections

BSC1:	District wide housing distribution
BSC2:	Effective and efficient use of land
ESD3:	Sustainable construction
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	Distributing growth across the rural areas

Cherwell Local Plan 1996 (saved policies)

H18:	New dwellings in the countryside
TR1	Transportation
C28:	Layout, design and external appearance of new development
C23:	Features in conservation areas
C30:	Design of new residential development
C33:	Retention of undeveloped gaps
ENV1:	Development likely to cause detrimental levels of pollution
ENV12:	Contaminated land

OTHER MATERIAL POLICY AND GUIDANCE

4.2 Adderbury Neighbourhood Plan (pre-submission version)

The neighbourhood plan for Adderbury is still at an early stage. A pre-submission version of the plan has been out for consultation and currently it is understood the consultation responses are being considered. Given the early stages of the plan it cannot be given significant weight in the determination of planning applications.

National Planning Policy Framework (NPPF): in particular paragraph 17 'Core planning principles' and sections 4 'Promoting sustainable transport', 6 'Delivering a wide choice of high quality homes', 7 'Requiring good design', 11 'Conserving and enhancing the natural environment', and 12 'Conserving and enhancing the historic environment'

Planning Practice Guidance (PPG): in particular the sections on design, heritage, housing, transport, and noise

Oxfordshire Strategic Housing Market Assessment (SHMA) 2014

Strategic Housing Land Availability Assessment (SHLAA) update 2014

Annual Monitoring Report (AMR) 2014

5. **Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle
- Impact on character and appearance of area and heritage assets
- Neighbouring amenity
- Highways
- Other matters

Planning History

- 5.2 The site has a complex and detailed planning history. The most relevant applications are detailed below.
- 5.3 10/00430/F – Change of use from agriculture to garden – Refused. This related to part of the southern piece of the site. It was refused as the loss of land from agricultural land to garden was considered to detract from the visual amenities and open agricultural character of this part of the Conservation Area and would set a precedent for further encroachment into the open countryside.
- 5.4 09/01177/F – Single storey timber outbuilding in the rear garden of Pine Trees – This related to a small timber outbuilding in the ground of Pine Trees and was refused due to concerns over the impact on the Conservation Area however this was subsequently allowed on appeal.
- 5.5 07/00667/F - Two storey front extension to dwelling, conservatory, lean-to, raise height of rear roof. Extension to garage/annex. (As amended by plans received 22/05/07). – This allowed for extensions to Pine Trees and was approved. It clarified the extent of residential garden of property.
- 5.6 98/01148/F- Building for use as garaging, domestic store and residential accommodation – Refused. This was for a building to the rear of Pine Trees which was refused on neighbour impact however it was subsequently allowed at appeal.
- 5.7 95/01332/F – Erection of detached dwelling and garage - Approved. This related to the construction of the dwelling now known as Pine Trees and included a condition restricting the extent of the residential garden excluding part of the southern part of the application site.
- 5.8 A number of applications have also been received on part of the northern part of the site closest to Cherry Tree Cottage. These are as follows:
- 5.9 82/00633/N – Erection of one dwelling – Refused as outside built up limits, poor access, impact on neighbours and undesirable precedent.
- 5.10 83/00301/N – Erection of bungalow - Refused as outside built up limits, poor access, impact on neighbours and undesirable precedent – Appeal dismissed on basis of backland development.
- 5.11 87/00108/N – Erection of bungalow - Erection of one dwelling – Refused as outside built up limits, poor access, impact on neighbours and undesirable precedent.
- 5.12 98/01151/F – Replacement agricultural building to be used for storage – Refused. This was located to the rear of Cherry Tree Cottage on the northern part of the application site. It was refused due to constituting a visual intrusion into the undeveloped landscape, and the impact on the conservation area. A subsequent appeal was dismissed

Principle

- 5.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the Cherwell Local Plan Part 1 (2015) and the Saved Policies of the Cherwell Local Plan (1996).

- 5.14 The National Planning Policy Framework (NPPF) is a material planning consideration and states that development that accords with an up-to-date development plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise (para. 12). At the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means approving development which accords with the development plan without delay and where a development plan is absent, silent or relevant policies are out of date, granting permission unless:
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the framework taken as a whole, or
 - Specific policies in the framework indicate development should be restricted.
- 5.15 In a recent planning appeal at Kirtlington (14/01531/OUT) the inspector concluded that the Council is able to demonstrate a five year supply of deliverable housing sites that follows the relevant housing requirements of the recently adopted Local Plan. Therefore the policies which control housing in the Local Plan are considered to be up to date and can be given significant weight in determining planning application.
- 5.16 Policy Villages 1 of the Local Plan Part 1 provides a categorisation of the villages in the district to direct unplanned and small scale development to the villages which are best placed to accommodate small scale growth. This includes Adderbury as a Category A village which is amongst the most sustainable rural settlements. Policy Villages 1 states within the built up limits of Category A villages minor development, infilling and conversions of buildings may be considered acceptable subject to other material considerations. Saved Policy H18 of the Local Plan is also of relevance and states that planning permission will only be granted for new dwellings beyond the built up limits of settlements when it is essential for agriculture or a rural exception site and the development will not conflict with other policies.
- 5.17 In considering the application under Policy Villages 1 it is important to assess whether the development is considered to be within the built up limits of Adderbury. The northern boundary of the application site has a number of detached properties which form the existing built up limits to the north of the site. To the east of the site are undeveloped open fields. The properties to the west of the site face onto Berry Hill Road and Horn Hill Road and the application site clearly extends beyond the built up limits in this area. Whilst the larger properties on Berry Hill Road are situated on generous plots with gardens extending along the southern boundary of the site, the main buildings associated with these properties are sited closer to the road in a linear manner and the rear gardens remain open and undeveloped. Therefore whilst the development is bounded to the south by residential gardens, the garden areas are not considered to represent the built up limits of development in this area and a more appropriate extent of the built up limits of the settlement is considered to be the rear of the properties and outbuildings which exist to the front of these properties.
- 5.18 Given the surrounding built development the current application site is therefore considered to lie outside of the extent of the build-up limits to the village. The proposed development would therefore be contrary to Policy Villages 1 of the Local Plan relating to minor development as this only relates to development within the built up limits. Furthermore the proposal does not meet any of the exceptions under Policy H18 and is therefore also contrary to this policy.
- 5.19 Policy Villages 2 of the Local Plan Part 1 provides a framework for delivering larger scale development in the rural areas. This directs development to most sustainable settlements outside the towns of Banbury and Bicester (i.e. Category A villages). Policy Villages 2 of the Local Plan 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. It goes on to state that sites will be identified through the Local Plan, Neighbourhood Plans and through the determination of the planning application. Paragraph C.272 of the Local Plan Part 1 makes it clear that the intention of Policy Villages 2 is to allow the development of sites of 10 or more dwellings. As the development only proposes for 5 dwellings it does not fall to be considered under this policy.

5.20 Notwithstanding the above, of the 750 dwellings that are referenced in Policy Villages 2, planning permission has been approved for 341 dwellings as of 31st March 2015. This leaves 409 further dwellings to be considered under Policy Villages 2 up to 2031 if the housing strategy for the rural area is to be achieved in accordance with the adopted plan. There are other deliverable sites in the Housing Delivery Monitor in the 2014 Annual Monitoring Report that are located in the rural areas which did not have permission on 31 March 2014. This would further reduce the remaining allocation set in Policy Villages 2. It is noted that Adderbury has already contributed a considerable amount to this allocation with 117 dwellings being approved in Adderbury between 1st April 2014 and 31st March 2015. Based on a pro-rata approach by population size the fair allocation of the 750 dwellings over all of the category A settlements would result in Adderbury receiving 48 of the 750 dwellings. Therefore there are concerns that allowing further development outside the built up limits of Adderbury could lead to an uneven distribution of the rural housing growth.

5.21 A number of public representations have made reference to the emerging Adderbury Neighbourhood Plan and the proposed development being contrary to this document which defines this site as lying outside the built up limits. Given the early stages of this document it is not considered that its contents can be given significant weight in planning decisions and therefore at this point the conflict with these policies is not considered to be a determinative factor.

5.22 Overall the principle of the developing the site for housing is considered to be contrary to Policy Villages 1 of the Cherwell Local Plan Part 1 (2015) and given the scale of development does not fall to be considered under Policy Villages 2. The proposal is also considered to be contrary to Saved Policy H18 of the Local Plan (1996) which seeks to control development outside the built up limits. It is therefore important to consider whether there are any other material consideration which would outweigh this conflict with the development plan policies.

Impact on character and appearance of area and heritage assets

5.23 The application site is located within Adderbury Conservation Area with the boundary of the conservation area running along the southern and eastern boundaries of the site. The site also lies within the setting of three grade II listed buildings (West Bank, Cherry Tree Cottage and Horn Hill Cottage) which are situated to the north west of the site.

5.13 The conservation area and listed buildings are defined as designated heritage assets in the NPPF. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset and any harm or loss should require clear and convincing justification. It goes on to state that where development proposals 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. Policy ESD 15 of the Cherwell Local Plan echoes this advice. Furthermore

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 5.14 Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining walls, trees and other features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seeks to ensure the layout, scale and design of development is of a high standard.
- 5.15 The NPPF states that: the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 61 goes on to explain that: securing high quality and inclusive design goes beyond aesthetic considerations and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.16 Policy ESD13 of the Cherwell Local Plan 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. It goes onto state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 5.17 The proposed development would constitute a backland form of development which is not characteristic of the wider linear pattern of development which characterises the Conservation Area. It would therefore not respect the traditional pattern or grain of the development in the settlement which is linear. Whilst twentieth century developments have led to the formation of some backland development this is not a positive characteristic of the conservation area. The formation of this backland development would therefore have a harmful impact on the character of Adderbury Conservation Area.
- 5.18 The application site currently has a rural undeveloped edge-of-settlement character which positively contributes to the character, appearance and setting of the village. The land falls significantly from the west to east and the northern part of the site is on higher land than the southern part of the site. The applicant has not included details in this submission of how the challenging levels difference across the site would be addressed to accommodate the development apart from stating the development will not impact on the topography of the site. Therefore the properties on the northern and western part of the site are likely to be located on significantly higher ground than the southern properties.
- 5.19 Whilst views of the site in the wider context are relatively well contained by landform and screening of trees and buildings, the proposed development will impact on the visual amenities of the site in the more immediate area. The public footpath which runs down the centre of the site and a number of footpaths to the east of the site particularly brings the site into public view points.
- 5.20 Views from the west and south west of the site are largely screened by existing buildings until entering the site however glimpse views are available through buildings

and the development would add a depth to the development in this area which does not currently exist.

- 5.21 The proposed vehicular access to the site from Horn Hill Road is situated in a prominent position opposite a small triangle green at the junction of Berry Hill, Horn Hill Road and Milton Roads. This area is recognised as an important green space and as a gateway to the historic village in the Conservation Area Appraisal. The access is currently an informal grass and gravel track with grass verges and positively contributes to the rural character and appearance of the conservation area. As part of the proposed development it is intended that the access would be widened and resurfaced. This would have a detrimental urbanising impact on the rural character and appearance of this area and views of the site at this sensitive location.
- 5.22 Upon entering the site from Horn Hill Road along the public footpath views across the undeveloped site and the wider undeveloped land to the west towards the Sor Brook Valley gives the impression of leaving the built up area and entering the open countryside. Some views are also available towards the Grade 1 listed St Marys Church spire and the undeveloped agricultural nature of application site positively contributes to the rural setting of these views and the village.
- 5.23 The development would lead to a high magnitude of adverse change to the character and appearance of the site from this public footpath. Rather than appearing as part of the wider open countryside, the rural character of the site would be eroded to form a suburban setting for the footpath including the proposed access roads, buildings and residential gardens eroding its rural character. The proposal would also include the coppicing of a multi-stemmed sycamore tree which provides an attractive feature of the site which would further impact on the character and appearance of the site. The properties on the northern part of the land would be situated on higher land which would exacerbate the impact.
- 5.24 The applicants assessment of the visual impacts of the development on views of the site from the areas and footpaths to the north east, east and south east are based on the retention of the tall conifer hedge which currently exists on the eastern boundary of the site. However this hedge is not considered to be a positive element of the local landscape character or the conservation area and appears as an incongruous feature. Its only benefit associated with the development would be its ability to screen the development. However it is likely that future occupants of the dwellings would want to lower or remove this hedge allowing views over the open fields. Whilst the removal of this hedge in isolation would have a positive impact on the character and appearance of the site it would also significantly open up views of the proposed development which would cause further harm to the character and appearance of the area.
- 5.25 With the removal or reduction in height of the hedge the dwellings would be clearly visible and will have detrimental and urbanising impact on these public footpaths which currently have a pleasant rural character. Currently there is a gentle transition between the built development and development of the village and the surrounding countryside from these view points as the existing buildings are contained to the higher land and the land sloping down to these footpaths is undeveloped. This along with the scale of the buildings allows for a soft edge to the built form of the village. The proposed development would lead to the development on the slope and would provide a harsh edge to the village when viewed from the east which would detrimentally impact on the appearance of the conservation area, setting of the village and also the rural character of the site. This would be further exacerbated by the fact that the dwellings would be on higher ground. Therefore it is considered that the applicants' assessment of the visual impact of the development from these vantage points underestimates the impacts of the development.

- 5.26 In addition to the concerns relating to the impact of the development on views of the church from the public footpath across the site, the site also lies within the setting of a number of grade II listed building to the north west of the site, namely Cherry Tree Cottage, Horn Hill Cottage and West Bank. The proposed development will impact on the rural setting of these buildings however subject to scale the proposal would have limited impact on setting from public views. However the proposal would be visible from the rear of these properties and it is considered the proposal would have some limited adverse impact on the rural undeveloped setting of these vernacular buildings which positively contributes to them.
- 5.27 In addition to the concerns discussed above there are also concerns regarding the proposed layout of the site. The layout and access of the site is for consideration in this application. The layout of the site is defined in the NPPG as: *the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.* The access includes the accessibility to and within the site, for vehicles and pedestrians and circulation routes and how these fit into the surrounding access network.
- 5.28 The proposed layout of the site would be dominated by access roads and would not provide a strong frontage to any part of the development or create a sense of place. The properties would be very substantial in size and would appear as dominant buildings poorly related to the layout of the area which would be at odds organic linear pattern of development in the conservation areas.
- 5.29 The dwellings to the east of the site would be orientated to the face east which would be at odds with the traditional pattern of development which faces onto the streets. The spacing between the buildings would not create a strong frontage and the layout would not respect local distinctiveness. The layout of the dwellings with projecting elements and detached garages would be more strongly related to the modern properties to the south west of the site which lie outside of the conservation area than the traditional buildings which exist within the conservation area. This is reinforced by the indicative elevation plans that the applicant has provided. Overall the proposed layout would fall to respect the traditional pattern of streets and plots in the area or the form or detailing of the properties in the conservation area.
- 5.30 The applicant has stated that the dry stone wall which runs adjacent to the public footpath will be retained and this is considered to be a positive element of the conservation area.
- 5.31 Overall the backland position of development and the proposed layout of the dwellings are considered to be poorly related to the historic pattern of the village. The development is considered to represent an undue intrusion into the open countryside and would detrimentally impact on the setting of the village and nearby listed buildings, the character and appearance of the conservation area and the enjoyment of users of the public footpaths in the vicinity of the site. The alterations to the access from Horn Hill Road would also further erode the character and appearance of the conservation area at a key gateway to the historic village. The proposed development is considered to lead to less than substantial harm to the designated heritage assets and there are not considered to be any public benefit which would outweigh this harm. The proposed development is therefore considered to be contrary to advice in Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan (1996) and advice in the NPPF.

Density

- 5.32 Policy BSC2 of the Cherwell Local Plan Part 1 seeks to make efficient use of land

and states new housing should have a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for a lower density development. The existing development around the site is loose knit and generally consists of larger properties and generous plots.

- 5.33 The proposed development would represent approximately 5 dwellings per hectare. Whilst the density of the site is comparable with some of the surrounding properties the low density of the development significantly limits the social and economic benefits of the development by only providing 5 dwellings. This also adds to the environmental concerns relating to the development as it does not making efficient use of land. Given the constraints of the site a density of 30 dwelling per hectare would not be appropriate for the site and raises questions on the suitability of the site for development. The low density of the development is therefore considered to weigh against the proposal.

Amenity of neighbouring properties

- 5.34 Both the NPPF and Policy ESD15 of the Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.
- 5.35 Whilst the proposed dwellings would be visible from the existing surrounding residential properties given the size of the proposed plots and distance to the neighbouring properties they are not considered to result in a significant level of overlooking or loss of privacy to the neighbouring properties that would justify refusal of the application. The distances would be in excess of the informal guidance for separation distances. The exact position of windows in the proposed dwellings would be determined in future reserved matters application where care would need to be taken to ensure acceptable living conditions were established for both existing and proposed residents.
- 5.36 The property to the south of the access, Oak Tree Cottage, has its side elevation and garden adjacent to the access. Springfield is the property to the north of the access and has its front elevation facing onto the access way. The proposed development will lead to some increase in noise and disturbance to these properties through the additional vehicle movements however given the size of the development and the relative positions of the dwellings this is not considered to result in a significant impact which would justify refusal of permission on this basis.

Highways

- 5.37 Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to a site can be achieved for all people however development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SLE4 of the Cherwell Local Plan Part 1 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It goes onto state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 5.38 The site would be accessed from a private drive between Springfields and Oak Tree Cottage from Horn Hill Road. This access also includes a public footpath. This access currently has a rural character being a low key gravel track with grass verges either side and is used by a number of properties including the applicants property. The proposed development would result in works to the access which includes the enhancement of the dropped kerb and the resurfacing and widening of the first 5

metres of the private road from Horn Hill Road. .

- 5.39 Whilst OCC Highways have raised no objection subject to conditions at the current time, it is not currently clear whether the application site includes all the land necessary to achieve OCC's suggested dimensions of the access. Clarification on this matter is being sought from OCC and the applicant and will be updated to Committee. In terms of the impact of the development on traffic generation the Highway Authority do not consider the additional dwellings would have a significant impact on the road network. They have raised no objection to the visibility from the junction and it is noted that the amount of traffic using the access is likely to be relatively low given the scale of the development.
- 5.40 The shared use of the access with the public footpath would continue the existing arrangement. Whilst it is acknowledged that the 5 new dwellings would involve additional vehicle movements using this access and this would have some adverse impact on the users of the public footpath given the modest size of the development and the fact the vehicle speed would be likely to be slow at this point it is not considered that this would lead to a significant highway safety concern.
- 5.41 The internal site arrangement is such that cars can enter and leave the site in a forward gear and sufficient space for parking exists within the plots.
- 5.42 Overall the level of traffic associated with the proposal is not considered to have a significant impact on the road network and the site is considered to provide sufficient levels of parking. Clarification is being sought on the suitability of the access in terms of width and layout and will be reported in an update to Committee

Flood Risk

- 5.43 Paragraph 103 of the NPPF states that: *when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere*. The site is in Flood Zone 1, which is the zone of lowest flood risk. A Flood Risk Assessment has been submitted in support of the application, and this concludes that the risk of flooding is low and that the incorporation of SuDS (sustainable drainage systems) into the development is adequate to mitigate any potential increase in surface water flooding, either on site or elsewhere.
- 5.44 Neither the Environment Agency nor Thames Water have objected to the development and it is considered a planning condition could ensure an appropriate drainage strategy for the site to ensure that run-off from the site would not exceed greenfield run-off rates. Therefore officers are satisfied that the potential impacts of the development in terms of flood risk and drainage can be made acceptable through planning conditions.

Biodiversity

- 5.45 Paragraph 99 of Circular 06/05 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity.
- 5.46 The application has been accommodated by a Preliminary Ecological Appraisal. This concludes that the site is of low wildlife value. It noted that one tree on the western

boundary has potential for bat roosting however this tree is shown to be retained. The report includes a number of recommendations such as native planting and replacement planting to compensate for any loss in biodiversity which could be controlled through a detailed condition if the development were to be considered acceptable in all other respects. The Councils Ecologist has raised no objection to the application subject to conditions.

Sustainable construction

- 5.47 Policy ESD3 of the new Cherwell Local Plan states that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. In respect of water efficiency, it also states that Cherwell District is in an area of water stress and so developments should achieve a limit of 110 litres/person/day.
- 5.48 The supporting text to Policy ESD3 explains that its requirements are to be applied flexibly, but with the onus on the developer to demonstrate why the requirements cannot be met. It is considered that this can be addressed by way of a condition requiring the submission, approval and then implementation of a sustainable construction strategy detailing the measures to be incorporated into the development to satisfy the requirements of Policy ESD3. Therefore officers are satisfied that the development can be made acceptable in this respect.

Engagement

- 5.49 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant has been made aware of concerns relating to the development through pre-application advice. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.50 The proposed development is considered to lie outside the built up limits of the settlement and given the scale of the development below 10 dwellings does not fall to be considered under Policy Villages 2. The proposed development is therefore considered to be contrary to the Policy Villages 1 and Saved Policy H18 which seeks to restrict development outside the built up limits.
- 5.51 The proposed development would result in a backland form of development which would not be in keeping with the traditional linear pattern of development in the conservation area. The proposed development would result in the loss of an undeveloped area of land and formalisation of the access way which currently positively contributes to the character and appearance of the Conservation Area and setting of listed buildings, the setting of the village and the enjoyment of the public rights of way across and near the site.
- 5.52 The proposed layout of the development would be dominated by access roads and the layout and form of the buildings would fail to relate well to the surrounding traditional pattern of development and would not create a strong sense of place.
- 5.53 The density of the dwelling at approximately 5 dwelling per hectare would fail to make efficient use of land which also weighs against the development given its inefficient use of land.
- 5.54 The suitability of the proposed access to the development will be updated to committee and matters relating to biodiversity, flood risk and sustainable construction could be made acceptable through the use of planning conditions.

5.56 Overall it is considered that the proposed development would be contrary to development plan in relation to the provision of housing and protection of the environment. It is not considered that the relatively modest social and economic benefits arising from the development would outweigh this harm and conflict with the development plan. It is therefore recommended that planning permission be refused.

6. Recommendation

Refusal: Subject to clarification of the highway matter referred to in paragraph 5.39 above

1. The proposed development would be outside the built up limits of Adderbury and within the open countryside. Taking into account the amount of new housing development already planned to take place at Adderbury, the Council's ability to demonstrate that it has a current 5 year housing land supply, and the very low density of the proposed development, the development is considered to be unnecessary, undesirable and unsustainable new housing development that would harm the rural character and setting of the village. Therefore the proposal is considered unacceptable in principle and conflicts with Policy Villages 1 of the Cherwell Local Plan Part 1, and Saved Policies H18 of the Cherwell Local Plan (1996), the NPPF in particular paragraphs 7, 8, 9, 10, 14 and 17 and section 7 'Requiring good design', and the PPG.
2. The proposed development by virtue of its intrusion into the open countryside, loss of open land, backland position, and proposed layout and access would have a detrimental impact on the character and appearance of the Conservation Area, the setting of the village and the enjoyment of the nearby rights of way. There are no public benefits which would outweigh this harm. The proposed development would therefore be contrary to Policy ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policy C28, C30 and C33 of the Cherwell Local Plan (1996) and advice in the NPPF in particularly paragraphs 7, 17, 75, chapter 7 and chapter 12.

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.