

**Case Officer:** George Smith

**Applicant:** Mr & Mrs G&S Ashdown

**Proposal:** Erection of 1no dwelling

**Ward:** Fringford and Heyfords

**Councillors:** Cllr Ian Corkin, Cllr James Macnamara, Cllr Barry Wood

**Reason for Referral:** Public Interest

**Expiry Date:** 22 August 2019

**Committee Date:** 15 August 2019

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: REFUSE PERMISSION**

#### **Proposal**

The applicant seeks planning consent for the erection of 1 No. detached dwelling of two storey height. The dwelling is proposed to be located on a piece of grassed land which forms an orchard, located to the rear of a dwelling known as Appleyard. The dwelling would share the access of Appleyard, accessed via an unmade track via the south-eastern elevation of this property.

#### **Consultations**

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

- OCC Highways, CDC Conservation

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

- Chesterton Parish Council, CDC Arboriculture, CDC Ecology, CDC Environmental Health

One letter of objection has been received and 8 letters of support have been received. An additional letter of objection was received that neither objected nor supported the proposal.

#### **Planning Policy and Constraints**

The site is contained within the Chesterton Conservation Area. The Grade II\* Listed St Mary's Church building is located approximately 70m to the south. There are a number of protected and notable species within close proximity to the site.

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

#### **Conclusion**

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character and appearance of the area and designated heritage assets
- Residential amenity

- Highway safety
- Ecology

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

1. Unnecessary housing development beyond the built up area contrary to the development plan
2. Failing to reflect or reinforce the pattern of development
3. Poor design

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

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the rear of Appleyard, Sadler's Cottage and The Old Vicarage Cottage, nearby to the village of Chesterton. The site forms part of the ownership of Appleyard, a two-storey, detached dwelling which fronts onto Alchester Road to the southwest. The application site itself appears to be used as an orchard/ ancillary outbuildings and storage for Appleyard. The land is also used for the grazing of chickens, ancillary to the residential use at Appleyard. The site is located within the designated Chesterton Conservation Area. The Grade II\* Listed St Mary's Church building is located approximately 70m to the south. There are a number of protected and notable species within close proximity to the site.

### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The applicant seeks planning permission for the erection of a new dwelling on land to the rear of Appleyard. The dwelling is proposed to be constructed in stone under a slate roof. The dwelling would have a cruciform layout with one main linear element (17m d x 5.5m w), then a smaller projecting element to the northwest (5.5m w x 1.8m d) and a larger projecting element to the southeast (5.5m w x 8m d) and a further projecting gable to the northwest of this element. The dwelling would have a maximum ridge height of 6.815m, with an eaves height of 4.44m.
- 2.2. During the course of the application, an amended red line site plan was received which included the access from the driveway of Appleyard all the way up to the edge of the road.

### **3. RELEVANT PLANNING HISTORY**

- 3.1. There is no planning history directly relevant to the proposal.

### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
17/00029/PREAPP	Erection of a single dwelling and garage with associated

works

- 4.2. The advice concluded that a proposal could not be supported, on matters of principle in sustainability terms, poor design and impact on open countryside, with concerns raised with regard to heritage, ecology and protected species and access.

## **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 16.05.2019, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. The comments raised by third parties are summarised as follows:

### Support

- Individually designed house would be a positive and in keeping with the village, sensitive design and use of materials are appropriate.
- Single dwelling is more appropriate to village character than multiple estate properties which have a much greater impact.
- New dwelling would not be readily visible from property due to existing vegetation.
- New dwelling would be a great use of the land.
- New dwelling would not affect surrounding owners or properties.
- Would have a minimal impact on existing trees.
- Would support a village family staying in the village.

### Object

- Dwelling would set a precedent for others to build similar houses, invading privacy and causing harm to the Conservation Area.
- Comments regarding construction periods and construction traffic.

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **6. RESPONSE TO CONSULTATION**

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. CHESTERTON PARISH COUNCIL: Comments are titled '**No objections**' but then sets out concerns that the proposal would provide poor access onto Alchester Road, provide insufficient parking, in a location with a limited bus service and few shops or

amenities, would create a backland layout, visually intruding into the open countryside; could be considered detrimental to setting of Church and Conservation Area and should not be sold separately from the existing Appleyard dwelling.

#### STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **Objects** – as a result of a substandard access through a no visibility when egressing the site, which is of a concern due to the pedestrians having no sight of vehicles leaving the site.

#### NON-STATUTORY CONSULTEES

- 6.4. CDC ECOLOGY: No objections – subject to conditions
- 6.5. CDC ARBORICULTURE: No objections – subject to conditions
- 6.6. CDC ENVIRONMENTAL PROTECTION: No objections – subject to conditions relating to contaminated land and EV charging points.

### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- BSC1 - District Wide Housing Distribution
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 - Sustainable Construction
- ESD7 - Sustainable Drainage Systems (SuDs)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Chesterton Conservation Area Appraisal (2008)

## **8. APPRAISAL**

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

- Principle of development
- Design, and impact on the character and appearance of the area and designated heritage assets
- Residential amenity
- Highway safety
- Ecology

### Principle of development

#### *Policy context*

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 8.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 8.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply.
- 8.5. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. Therefore, the policies in the development plan guiding the provision of housing can be considered up to date and given significant weight in determining applications. In addition to this, the Written Ministerial Statement of 12th September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.6. Policy ESD1 of the Cherwell Local Plan Part 1 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large

amounts of housing planned at Bicester and Banbury. The policies relating to rural housing growth are therefore more restrained.

- 8.7. Policy Villages 1 of the Cherwell Local Plan provides a framework for housing growth in the rural areas and seeks to deliver some new development to the most sustainable rural locations. It does this by categorising the villages within the district and allowing for some limited growth in the most sustainable villages based on services, facilities and size of settlements. The categorisation also takes into account clustering of villages. The current site is located at Chesterton which is classified as a Category A village. This is amongst the most sustainable rural settlements in the district where minor development, infilling and conversion may be permitted for new housing within the built up limits.

### *Appraisal*

- 8.8. In determining the built up limits of the settlement it is important to consider the relationship of the site with the surrounding built development. In this case the application site is set to the rear of Appleyard and Sadler's Cottage (to the southwest), which front on to Alchester Road. To the south are gardens serving the dwellings on The Tithings, a small caul-de-sac off Manor Farm Lane. To the north and east of the site are large residential gardens, which in turn back on to agricultural fields (most of these fields are separated by a brook). There are wooden sheds associated with Appleyard within the proposed site area. However, the overriding character is rural and verdant, with the site and immediate surroundings devoid of built development. This provides the site with a strong visual and physical association and connection with the surrounding open countryside and as such officers consider the site lies beyond the built limits of the village.
- 8.9. When looking at the site in relation to the settlement pattern the new dwelling would also appear unrelated to and detached from the residential development to the south and west, and would result in visual intrusion and encroachment into the countryside. Contrary to suggestions made by the applicants during the application process, and despite the significant tree retention now proposed (see later in this report) the proposed development would be visible in public vantage points and its visual impact would therefore be discerned.
- 8.10. In their submission, the applicants reference other dwellings along Alchester Road which are sited further back from the road from most other dwellings, in particular Winterbrook House, which was allowed at appeal (APP/C3105/A/08/2063363; planning ref: 07/01775/F). Winterbrook House was constructed on the site of previous stables, with a manège also to the rear. Whilst each application is assessed on its own merits, it is considered that the aforesaid case has a different context and thus officers consider that it this site alone does not set a precedent that the land to the rear of Appleyard is within the built up limits (the Planning Inspector at Winterbrook House took the same view – see below).
- 8.11. Not only that, but several of the Inspector's comments in allowing the appeal at Winterbrook House are important to note here, including as follows:

Para 6 – “the more significant issue, in my opinion, is whether or not the appeal site falls within the built-up area of the village”.

Para 7 – “...it must necessarily be assessed on a case by case and subjective basis”.

Para 9 – there is mention here of an old stone wall and then, “in my opinion, the proposed new dwelling would be within the original village precincts, and the proposed new hedge would re-instate the historic boundary line”.

Para 10 – “The terms ‘residential area’ and ‘built-up area’ are not interchangeable in my opinion...”

Para 12 – “The Council confirmed at the hearing that it had no concerns about the size, design or appearance of the proposed dwelling... The proposal is essentially a redevelopment of a former farm buildings site... and would not cause any significant loss of green...space”

Para 13 – “...allowing the proposal would not in my opinion establish any precedent...”

- 8.12. With regard to the built limits in terms of this appeal, the Inspector stated “...little now remains of the farm character once associated with Home Farm. Dwellings in the converted agricultural buildings at Home Farm Close, and the more recent Huish House, reinforce the present day residential character of this part of the village, not just in linear form along Alchester Road but also in depth behind it... thus none of these matters alter my view that the appeal site can reasonably be considered to be within the village’s built up area”.
- 8.13. The application dwelling would be located approximately 100m back from Alchester Road and would not be visible from the road due to intersecting dwellings and vegetation. The approved Winterbrook House is set approximately 60m back from Alchester Road, whilst the main façade of the building is visible from the road. In addition, the land at Winterbrook House formed part of the farmyard once associated with Home Farm, with a stable building partially located where the dwelling now sits. The proposed application dwelling sits on an open field, forming an orchard.
- 8.14. With the above in mind, it is concluded that the proposed development would be located outside the built up limits and therefore does not accord with Policy Villages 1.
- 8.15. Saved Policy H18 of the Cherwell Local Plan (1996) is therefore applicable and states that planning permission will only be granted for new dwellings beyond the built-up limits of settlements in a limited number of exceptions, such as the essential need for a rural worker to live on site. None of these exceptions are relevant or have been demonstrated in this case. As such, the proposal conflicts with Saved Policy H18 of the CLP 1996.
- 8.16. In case one might question why this policy conflict is important or question whether this causes any harm: Firstly, the reader is directed to paragraphs 8.2, 8.3 and 8.4 of this report. Secondly, harm caused by the principle of development, and this is to the Council’s housing strategy. Secondly, one of the aims of Policy Villages 1 is to re-direct new housing development to more sustainable locations, i.e. the intent of not permitting houses outside the built limits of villages is not simply to protect the character or form of villages, though that is important, but to re-direct new houses away from smaller settlements to locations where future occupiers have a realistic choice of means of transport.
- 8.17. It is therefore concluded, on the matter of principle, that the proposed development is contrary to the policies in the development plan, which seek to guide new residential development in the most sustainable manner, by locating the proposed development beyond the built limits of the village.

Design, and impact on the character and appearance of the area and designated heritage assets (Including the Chesterton Conservation Area and setting of Listed Buildings)

*Policy context*

- 8.18. 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 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 integrating development into existing streets and spaces and configuring buildings to create clearly defined active frontages.
- 8.19. Saved Policies C28 and C30 of the 1996 Local Plan seek to ensure the layout, scale and design of development is of a high standard. The NPPF advises that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It goes on to state that good design should contribute positively to making places better for people. Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes. However, it is proper to promote and reinforce local distinctiveness.
- 8.20. Policy ESD13 of the Cherwell Local Plan (2011-2031 Part 1) states that development will be expected to respect and enhance local landscape character. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside.
- 8.21. Saved Policy C23 of the Cherwell Local Plan 1996 states that there will be a presumption in favour of retaining walls and other features which make a positive contribution to the character and appearance of a conservation area
- 8.22. Paragraphs 126 and 131 of the NPPF makes clear that Local Planning Authorities should take in to account the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation.
- 8.23. The Chesterton Conservation Area Appraisal (2008) states: "There are a few important open spaces... The gardens and fields of the properties located along Alchester Road spread out north eastwards towards the Gagle Brook. These areas are enclosed by simple vegetation which runs in an irregular pattern. Outside the enclosed gardens and school playing field, open fields create a natural buffer between Chesterton Village and Bicester."
- 8.24. In addition, the Appraisal sets out a management plan; including the Management and Protection of Important Green Spaces (paragraph 12.4). This states that the Council will "Protect of the relationship of the plots on the east side of Alchester Road with Gagle Brook."

*Appraisal*

- 8.25. The proposed development would be situated to the rear of the dwellings along Alchester Road, being constructed on land forming an orchard, associated by ownership with Appleyard.



- 8.26. Officers refer to the appeal decision at Winterbrook House (APP/C3105/A/08/2063363; planning ref: 07/01775/F), given the applicant has raised this as a comparable application in its resulting impact on character. The Inspector in that case noted that as the appeal dwelling essentially redeveloped former farm buildings and was accessed off an existing driveway, the character and appearance of both the Conservation Area and wider landscape would be preserved. This is of a different context to the proposed dwelling before you, which is on a piece of open green space forming an orchard, accessed from an unmade track that leads from the driveway to the front of Appleyard.
- 8.27. The Inspector at Winterbrook also noted that the appeal dwelling would form a small group with the 2 dwellings located in front of it, allowing for a substantial open area remaining beyond the residential curtilage and within the Conservation Area, to provide a setting and protect the relationship with the Gagle Brook.
- 8.28. In the current case, officers consider that a dwelling on this piece of land would result in an erosion of this important open space through the introduction of residential development in a sensitive rural location. The proposal would not protect the relationship of the plots on Alchester Road with Gagle Brook, resulting in encroachment into this area of open land between the settlement and the brook. This would result in harm to the character and appearance of the Conservation Area, its wider setting and impact on the existing open and rural landscape which cannot be undone.
- 8.29. It is considered that the new dwelling would be of poor design quality that fails to respect the traditional development pattern or enhance local distinctiveness. For a dwelling to be acceptable in design terms in this location (should there not be any in principle concern in respect to sustainability or its siting on undeveloped land not forming part of the village), it should have the appearance of an ancillary rural outbuilding or former farm building and should be subservient in scale and design to the properties fronting Alchester Road. The proposed dwelling appears overly domestic and suburban in character and scale in this rural edge of village setting. The projecting elements and overcomplicated layout and roof form are not appropriate on an ancillary building and, together with the retention of outbuildings; the new dwelling would also have a similar collective footprint to that of the existing dwelling known as Appleyard. The dwelling would thus appear excessive and inappropriate in size for its setting and out of context and character with existing built form.
- 8.30. It is therefore considered that by reason of its scale, siting, form, massing and overall appearance, would result in significant, demonstrable and irreversible harm to the existing built form and character of the village, the wider open and rural landscape setting, the setting of the Grade II\* Listed Church and the character and appearance of the Conservation Area and its setting towards Gagle Brook. The proposal is therefore considered contrary to Policy ESD1, ESD10, ESD13 and ESD15 of the CLP 2031, saved Policies C23 and C28 of the CLP 1996, the provisions of the Chesterton Conservation Area Appraisal 2008 and relevant paragraphs of the NPPF.

#### Residential amenity

- 8.31. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.

- 8.32. Given the location of the proposed dwelling and its relationship with neighbouring properties, officers do not consider that there would be any significant harm caused to neighbours by way of loss of light, outlook or privacy. This is in part due to the number of trees that would provide a natural screen for neighbours, and the large gardens that adjacent neighbours are afforded, in particular Monk's Lodgings (southeast) and The Old Vicarage (northwest), which are the dwellings which would be most impacted by way of the proposal. However, this does not outweigh the harm identified above.

#### Highway safety

- 8.33. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 110 of the NPPF which states that: developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 8.34. The Local Highway Authority has objected to this proposal, citing that the existing access which serves Appleyard is considered substandard to accommodate the vehicle movements an additional residential dwelling. Officers appreciate the LHA's concerns, and do not doubt their assessment that the existing access would now be deemed unacceptable should the applicant be proposing it as a new access. However, what is before officers is a proposal that would utilise an existing access onto Alchester Road, currently used on a daily basis by the occupiers of Appleyard. Furthermore, the access also provides existing access to the orchard to the rear of Appleyard. On balance, therefore, officers consider that the additional vehicle movements that would be generated by the proposed dwellings, in this context, is not considered to be a refusal reason that could be sustained at appeal.

#### Ecology

- 8.35. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.36. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 8.37. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 8.38. The Council's Ecologist has been consulted on the application and has raised no objections, subject to the proposal being carried out in accordance with the Ecological Appraisal Report submitted with the application and an additional condition attached to secure biodiversity enhancements. Officers see no reason to disagree with the Ecologist's assessment of the application, and hereby recommend that the conditions are attached to any consent given.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In terms of public benefits, the proposal would bring some social benefits including a contribution to the District's on-going five year supply. New development also commonly brings economic benefits including providing some construction opportunities, but the economic benefits would be temporary and relatively minor for a development of this scale and should not be overemphasised.
- 9.3. In terms of harm, the proposal is considered unacceptable in general sustainability terms in that the dwelling would be located outside the built up limits of Chesterton. The dwelling has also not been justified as serving an essential agricultural need in a countryside location and therefore fails to comply with saved Policy H18 of the CLP 1996. Additionally, for the reasons set out in this report, the proposal fails to relate well with the existing built development, resulting in a backland form of development. The proposal would also result in harm to the open and rural character of the wider landscape and setting of the village and its relationship with Gagle Brook. The proposal would cause harm to the character and appearance of the Chesterton Conservation Area and its setting and the setting of the Grade II\* Listed Church which is not outweighed by the public benefits of the proposal.
- 9.4. Overall, this harm significantly and demonstrably outweighs the proposal's benefits. The proposal is therefore contrary to the Policies set out in section 7 of this report for the reasons as set out below, and permission should be refused.

## **10. RECOMMENDATION**

That permission is refused, for the following reasons:

1. The dwelling constitutes sporadic development beyond the built up limits of Chesterton and results in significant and demonstrable harm to the character of the village and wider setting and, in the absence of an appropriate justification, conflicts with Policy ESD1, ESD15 and Policy Villages 1 of the Cherwell Local Plan Part 1 (2015), saved Policies H18, H19, C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework which seek to direct housing in the most sustainable manner.
2. By virtue of its back-land siting to the rear of Appleyard, the proposal would fail to reflect or reinforce the local character or established pattern of residential development within the village, which would in turn cause harm to the relationship of Gagle Brook with the dwellings along the east of Alchester Road. The proposal would therefore cause significant and demonstrable harm to the character, quality and appearance of the locality and the significance of the designated Conservation Area, which is not outweighed by the public benefits of the proposals. As a result, the proposal is contrary to saved Policies C28 and C30 of the Cherwell Local Plan 1996, ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by reason of its scale, form, massing, and siting on

an important area of open land, and unsympathetic detailing and appearance, is considered to represent poor design that fails to integrate well with the rural character and appearance of the area, and causing less than substantial harm to the significance of the designated Conservation Area and the setting of the Grade II\* Listed Church. There are no public benefits to outweigh this harm. As a result, the proposal fails to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031), Policies C28 and C30 of the Cherwell Local Plan (1996) and government guidance contained within the National Planning Policy Framework.

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