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## Appeal Decision

Hearing held on 24 April 2018

Site visit made on 24 April 2018

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> May 2018**

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### **Appeal Ref: APP/C3105/W/17/3187461**

### **Land at Station Road, Cropredy, Banbury**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Catesby Estates Ltd against the decision of Cherwell District Council.
  - The application Ref 17/00778/OUT, dated 7 April 2017, was refused by notice dated 7 August 2017.
  - The development proposed is demolition of existing building and outline planning application for residential development of up to 37 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application was submitted in outline with all matters reserved apart from access. I have treated all details shown on the sketch masterplan, street elevations and street plan as indicative with the exception of the accesses onto Station Road. At the same time, the development parameters plan (drawing number 3502A) seeks to establish the broad locations for different elements of the development. Therefore, I have had regard to this plan as part of the formal application plans.
3. The application was refused for two reasons. The second reason related to the absence of completed and satisfactory planning obligation to address the infrastructure requirements arising from the development. A final draft planning obligation was discussed at the hearing, where the Council confirmed that it was satisfied with the contents and that it addressed the second reason for refusal. A signed and executed planning obligation was provided following the hearing. My decision below refers to individual elements of the planning obligation where appropriate. However, given that I am dismissing the appeal, it has not been necessary for me to consider the wording of the obligation in detail in terms of compliance with national policy and legal tests.

### **Main Issue**

4. The main issue is the effect of the proposed development on the character and appearance of the area, including Cropredy Conservation Area, and the setting of the Grade II listed building known as Springfields.

## Reasons

### *The character and appearance of the area and Cropredy Conservation Area*

5. The village of Cropredy is situated between the Oxford Canal to the east and a railway line to the west which connects Banbury to Leamington Spa. It lies at the bottom of a valley with land rising to the east and west and is surrounded by fields and countryside. The railway line past Cropredy runs along an embankment with trackside vegetation along much of it. This provides a considerable visual break and screening from the adjoining countryside, although views of the village are possible from higher ground to the west at Great Bourton. The rural surroundings to the village are a key quality in terms of its character and appearance.
6. The appeal site is situated on the south-western edge of Cropredy and forms two parts. The smaller part is towards the southern end of Station Road near to the railway bridge. It would function as underground attenuation for surface water from the development as well as strategic planting. The larger part abuts the railway embankment to the west and consists mainly of paddocks and areas of tree planting between Cup and Saucer to the north and a Network Rail access road to the south. The only built structure is a large barn that would be demolished as part of the proposed development. The appeal site includes the entirety of Spring Lane from Station Road to the embankment.
7. Cropredy Conservation Area covers much of the village with the exception of modern housing along the western and southern sides and in the north-east corner. Its character and appearance is greatly informed by the richness of historic buildings, with frequent use of ironstone and red brick walls and a variety of architectural details. The network of narrow streets and lanes is another important element along with open spaces around the church and adjoining Cropredy Bridge and the canal. All of these elements contribute positively to the significance of the conservation area.
8. The conservation area is surrounded by fields and countryside with a number of footpaths into and out of the village. These footpaths and gaps in built development provide views to and from the countryside and provide a rural setting to the conservation area. As part of the surroundings in which the conservation area is experienced, this rural setting makes a positive contribution to the significance of this heritage asset as well as enhances the overall character and appearance of the area.
9. At the same time, the modern buildings along the western and southern sides of Cropredy beyond the conservation area boundary also form part of the surroundings in which the conservation area is experienced. Many of these buildings such as those on the east side of Station Road or at Cherry Fields and Cup and Saucer have simplicity of scale and form with sympathetic materials and detailing. As such, while they also form part of the setting of the conservation area, they do not detract from its significance.
10. The northern end of Station Road is within the conservation area along with the first part of Spring Lane as far as Manor Farm Barns. Apart from the junction onto Station Road, Spring Lane is a rough gravel track that leads between housing on the south side of the lane and the rear of housing at Cherry Fields. Much of this housing is modern, although Manor Farm Barns appears to date from the late 19<sup>th</sup> century based on historic mapping.

11. Spring Lane is not a public right of way but provides a route from Station Road and the conservation area to the countryside beyond the railway embankment. Along the first part, the informality of its surfacing and the pleasant view back to historic buildings within the conservation area on Station Road is tempered by the largely modern housing either side including boundary fencing and driveways. A new house adjacent to Cherry Fields is under construction adding to the number of modern houses along the lane.
12. Spring Lane opens out beyond the conservation area boundary towards the embankment as it passes the paddocks on either side and has an increasingly rural feel. However, the embankment largely obscures views of the countryside beyond except for a framed glimpse through the bridge. Views from this part of Spring Lane towards the centre of the village are across modern housing to the north and north-east. The housing and the existing barn largely obscures views of the conservation area from this part of Spring Lane. Therefore, Spring Lane makes no more than a moderate contribution to the character and appearance of the village and the conservation area.

*The setting of the listed building known as Springfields*

13. Springfields dates from the 17<sup>th</sup> century with later alterations. It is a two storey building constructed from ironstone with a large tiled roof. The Conservation Area Appraisal identifies Springfields as one of five major farmsteads within the village. Although the appellant casts doubt on this claim, the building has the scale and appearance of a farmhouse. Thus, its special interest and its significance are greatly informed by its architectural and historic qualities.
14. Springfields occupies a large plot of land with extensive garden space especially to the south and north. The plot is enclosed by tall hedging and trees along much of its front boundary but also to the side and the rear in terms of planting and other boundary treatments. To the west of Springfields are a small copse and one of the paddocks in front of the railway embankment. The evidence is not conclusive in terms of whether the land to the west has a functional and historical relationship with Springfields. A horse-shoe shaped range of buildings occupied the space roughly where the copse is now located before this disappeared in the late 19<sup>th</sup> century and Manor Farm Barns emerged. The land is in separate ownership and Springfields is a residential dwelling today. Nevertheless, both the historic mapping and current site circumstances reveal that land to the west of Springfields, including the appeal site, was and is largely free from built development, forming a green and open backdrop to this listed building.
15. Existing vegetation to the side and rear of Springfields, including the copse, do not completely screen views to and from the listed building especially when foliage is absent. Moreover, there are clear views of the listed building from within the paddock and appeal site to the south-west with the church tower behind. Although not currently publicly accessible, the paddock undoubtedly forms part of the surroundings in which the listed building is experienced. In its current undeveloped state, the paddock makes an important contribution to the setting of the listed building and in turn contributes positively to its significance. While there is modern housing along Station Road to the east, this is on the opposite side of the road to Springfields and set back by

vegetation and generously sized front gardens. As such, this housing does not detract from the qualities of the land to the west of Springfields.

*The proposed development and its effects*

16. The proposed development does not seek to fix matters relating to appearance, landscaping, layout or scale. Nevertheless, the parameters plan indicates that housing would be delivered on two development parcels within the paddocks to the north and south of Spring Lane. Housing in the larger development parcel to the south would extend most of the way to the Network Rail access road.
17. Housing development across the two paddocks would inevitably change the character and appearance of land either side of Spring Lane. Given the size and shape of the two development parcels, it would be hard to avoid a cul-de-sac form of development while up to 37 houses within this space would likely result in a suburban appearance. However, there are existing cul-de-sac developments nearby at Cup and Saucer and Cherry Lane with relatively similar density levels to the sketch masterplan. The appellant's Design and Access Statement notes that building heights would be no greater than 2.5 storeys which would be similar to surrounding housing. The railway embankment and vegetation would limit any effects on the wider landscape setting of the village.
18. The appearance of properties, including materials, could be sympathetic to the overall built form of Cropredy in a similar way to existing modern housing. A suitable mix of terraced, semi-detached and detached properties could be achieved, while there is little evidence to corroborate the Council's claim that a large-scale housebuilder would seek to impose a standardised form of development on this site. Detailed design matters could be secured at reserved matters stage and applications refused if necessary.
19. Spring Lane would require alterations in order to serve this scale of development. This would include a widening of the access onto Station Road as well as the carriageway to accommodate two-way traffic and a footway. The surfacing of the lane would need to be addressed but at this stage the exact materials have yet to be established. The appellant indicates a shared surface arrangement with low level kerbs, while photomontages suggest a bonded gravel material rather than tarmac. There is little evidence that such an arrangement and material could not be employed here. As such, Spring Lane would retain some of its informality. Moreover, given the existing modern housing that flanks the lane, the addition of further housing next to the lane would not be greatly harmful. The openness of the paddocks either side of the lane would be lost, but the route through to the countryside would remain and there would be limited negative impact on views towards the village and conservation area given existing modern buildings. Thus, the adverse effects to Spring Lane and its contribution to the overall character and appearance of the village and the conservation area would be limited. The harm to the significance of the conservation area would consequently be modest.
20. With regards to Springfields, housing development would take place to the west and south-west of the listed building. The copse would remain and existing boundary vegetation to the south would be strengthened. However, it is likely that gaps in planting would remain and the absence of foliage from autumn to early spring would increase intervisibility. Moreover, housing would intrude on the view from the southern part of the paddock towards Springfields and the church beyond. The proposed open space and play area next to the

Network Rail access road would do little to prevent this encroachment. As a consequence, there would be an erosion of the open and undeveloped backdrop to Springfields and a considerable encroachment of built development into the setting of the listed building. This would result in harm to the significance of the heritage asset.

21. Paragraph 132 of the National Planning Policy Framework (NPPF) states that great weight should be given to the conservation of a designated heritage asset and any harm should require clear and convincing justification. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') states that special regard shall be paid to the desirability of preserving a listed building or its setting. There is also a desirability to sustain and enhance the significance of heritage assets in paragraph 131 of the NPPF.
22. The harm to the significance of the listed building would be less than substantial as the development would not directly affect the building or the grounds surrounding it. However, given the extent of the erosion of the open and undeveloped setting to the listed building through the introduction of a number of houses, I attach considerable importance and weight to the harm. Paragraph 134 of the NPPF requires less than substantial harm to be weighed against the public benefits of the proposed development.

#### *The public benefits*

23. The development would provide up to 37 dwellings of which 35% would be affordable housing secured through the planning obligation. It is feasible that a range of housing types could be achieved through the reserved matters stage to cater for local housing needs. As noted below, there is no lack of a five-year housing land supply and I have limited information on any identified housing need within the district. Nonetheless, the delivery of the amount of housing proposed would represent a significant public benefit.
24. There would be economic benefits arising from the construction of the development and subsequent investment by new residents into local services and facilities, as well as the delivery of New Homes Bonus and increased Council Tax Revenue. These would represent reasonable public benefits.
25. The financial contributions towards education, community halls and offsite sports facilities are intended to make the development acceptable in planning terms to mitigate the effects of development on existing infrastructure. Likewise, the provision of a sustainable urban drainage scheme would address the effects of the development and I have little evidence that it would improve existing flood risk issues. The provision of new play areas and new and enhanced recreational routes would serve residents of the development and mitigate effects. Similarly, the protection and enhancement of landscape and biodiversity habitats would largely address the effects of development. None of these elements can be regarded as public benefits and so carry neutral weight in the overall balance.
26. The development would be on the edge of Cropredy with easy access by foot or bicycle to local facilities including the primary school, village shop and public houses. On the other hand, the frequency of the bus service has reduced considerably and it is likely that future occupants of the development would be largely reliant on the private car to access facilities beyond the village. This

broadly cancels out any public benefits arising from the site's location to services and facilities.

27. The public benefits of the proposal carry significant weight, but would not outweigh the considerable weight I have found in terms of the harm to the significance of the Grade II listed building known as Springfields. Concluding on the main issue, the development would have a negative effect on the character and appearance of the area with particular reference to the setting of Springfields. As a consequence, it would conflict with Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 ('the Local Plan 2011-2031') and Policy C28 of the Cherwell Local Plan 1996 ('the Local Plan 1996'). There would also be conflict with paragraphs 131, 132 and 134 of the NPPF and Section 66(1) of the LBCA Act.
28. Amongst other things, Policy ESD15 requires new development to complement and enhance the character of its context through sensitive siting and layout, and conserve, sustain and enhance designated heritage assets and their settings. Policy Villages 2 deals with the distribution of housing in Category A villages like Cropredy, where particular regard will be given to avoiding significant adverse impact on heritage assets when considering sites for development. Policy C28 requires development to be sympathetic to the character of the urban or rural context of that development.

#### *Planning balance*

29. The Council states that it can demonstrate a five-year supply of housing land with the figure of 5.6 years put forward at the hearing. The appellant has not sought to dispute this position. It has also not been argued that any relevant policies are out of date or that the development plan is absent or silent. Therefore, the fourth bullet point of paragraph 14 of the NPPF does not apply in this instance. Nevertheless, there is still a need to determine the proposed development in accordance with the development plan unless material considerations indicate otherwise.
30. I note that the appeal site has formed part of successive Strategic Housing Land Availability Assessments (SHLAA) as a suitable, available and achievable site. However, each extract that I have been provided with highlights potential constraints including heritage assets. The SHLAA is an indication of housing supply and does not guarantee that sites will be allocated and/or granted planning permission as each proposal should be assessed on its own merits.
31. I also note that Cropredy is identified as a Category A village in the Local Plan 2011-2031 as one of the most sustainable villages in the district. Policy Villages 2 sets a total of 750 homes to be delivered in Category A villages, although it was acknowledged at the hearing that the total is not a ceiling. Cropredy has not received any significant housing development within the current plan period and no other site has been deemed suitable or deliverable in the SHLAA. However, the proposal results in harm to a listed building that is not outweighed by the benefits and so the village status and lack of other housing sites does not justify the development in this instance. Based on the housing land supply position and the large percentage of houses already built or granted permission in Category A villages against the 750 total in Policy Villages 2, there is no pressing need for the proposed development in terms of housing delivery.

32. The development would fail to preserve the setting of the listed building and would be contrary to Policies Villages 2 and ESD15 of the Local Plan 2011-2031 and Policy CS28 of the Local Plan 1996. The benefits outlined above do not provide a clear and convincing justification for the harm and do not outweigh the harm or policy conflict. The third and fourth bullet points of paragraph 14 of the NPPF and the presumption in favour of sustainable development do not apply to this proposal. Therefore, there are no material considerations that lead me to conclude against the development plan and the harm I have identified.

### **Other Matters**

33. Interested parties have raised concerns with a number of other matters including flood risk, traffic conditions and the proximity of the railway line. However, given my findings on the main issue and the overall planning balance, it has not been necessary to consider these matters in any detail.

### **Conclusion**

34. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Tom Gilbert-Wooldridge*

INSPECTOR

Richborough Estates

## **APPEARANCES**

### FOR THE APPELLANT:

|                    |   |
|--------------------|---|
| Stuart Andrews     | Eversheds Sutherland                        |
| Louise Steele      | Framptons                                   |
| Jo Vallender       | The Environmental Dimension Partnership Ltd |
| Charles Mylchreest | The Environmental Dimension Partnership Ltd |
| Jon Vernon-Smith   | Urban Design Box                            |
| Ed Barrett         | Catesby Estates                             |
| Rebecca Birch      | Catesby Estates                             |

### FOR THE LOCAL PLANNING AUTHORITY:

|                  |                           |
|------------------|---------------------------|
| Nathanael Stock  | Cherwell District Council |
| Dr Garry Campion | Cherwell District Council |

### INTERESTED PARTIES WHO SPOKE AT THE HEARING:

|                |                            |
|----------------|----------------------------|
| Jesse Crosse   | Local resident             |
| Stephen Moffat | Local resident             |
| Richard Oliver | Oxfordshire County Council |

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Regulation 122 Compliance Statement, submitted by Oxfordshire County Council.
2. Regulation 123 Compliance Note, submitted by Oxfordshire County Council.

## **DOCUMENTS SUBMITTED AFTER THE HEARING**

1. Correct version of minutes from Cherwell District Council Planning Committee meeting of 27 October 2015 (Appellant's Core Document 2.5), submitted by the appellant.
2. Appeal decision APP/C3105/W/16/3163551, submitted by the local planning authority.
3. Developer Contributions Supplementary Planning Document (February 2018), submitted by the local planning authority.
4. Signed and dated planning obligation, submitted by the appellant.