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## Appeal Decision

Inquiry opened on 20 August 2019

Site visit made on 22 August 2019

**by Philip J Asquith MA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 9<sup>th</sup> September 2019**

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**Appeal Ref: APP/C3105/W/19/3228169**

**Land at Merton Road, Ambrosden, OX25 2NP**

- 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 Gladman Developments Ltd against the decision of Cherwell District Council.
  - The application Ref. 18/02056/OUT, dated 26 November 2018, was refused by notice dated 20 February 2019.
  - The development proposed is the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Road. All matters reserved except for means of access.
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### Decision

1. The appeal is allowed, and outline planning permission is granted for the erection of up to 84 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Road. All matters reserved except for means of access, at land at Merton Road, Ambrosden, OX25 2NP in accordance with the terms of the application Ref. 18/02056/OUT, dated 26 November 2018, subject to the conditions in the schedule at the end of this decision.

### Procedural Matters

2. The application was submitted in outline with all matters except for access to be reserved for future consideration. The application was supported by a Development Framework Plan<sup>1</sup> (DFP) which, it was confirmed at the inquiry, was for illustrative purposes only and which I have treated as such.
3. The Appellant submitted a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 (as amended) containing a number of planning obligations. As the awaiting of comments on this from the Council had prevented a signed version being submitted during the inquiry, I agreed to accept a completed UU within 14 days of its close. A signed and certified UU was duly submitted. I have taken the various obligations into account in arriving at my decision. These are discussed below.

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<sup>1</sup> Drawing No. CSA/3888/103 Rev F

## Main Issues

4. The Council refused permission for four reasons. The third reason related to the Council's concern that the Appellant's Ecological Appraisal had provided insufficient detail as to whether a net gain in biodiversity could be achieved by the proposed development. Further, it suggested that insufficient surveys had been carried out to demonstrate that the development would not cause unacceptable harm to Great Crested Newts, a protected species.
5. However, in its Statement of Case the Council indicated that its concern regarding a net gain in biodiversity could be dealt with by the imposition of a condition should planning permission be granted. Furthermore, the Appellant submitted to the Council additional survey information on Great Crested Newts, together with a mitigation strategy. A Statement of Common Ground (SoCG) between the Appellant and the Council confirms that the additional information submitted provides adequate detail to confirm that survey work has been completed and that the proposed mitigation strategy is adequate to meet Natural England's standard licensing requirements.
6. It is also agreed that the information submitted is adequate to confirm that the proposed development would not affect the favourable conservation status of the species and that with the application of the suggested mitigation methods a derogation licence from Natural England would be likely to be forthcoming. As a result, the Council agreed that the matters relating to the third reason for refusal had been resolved and that mitigation could be achieved through the imposition of a suitably worded condition.
7. As a consequence of the above and having considered all the evidence provided, I consider the main issues in this case to be:
  - whether the proposal would lead to an over-concentration of new housing development in Ambrosden which would undermine the Council's housing strategy and prejudice a more balanced distribution of housing growth, contrary to Cherwell Local Plan policy and policies in the National Planning Policy Framework (the Framework);
  - the effect of the proposed development on the character and appearance of the surrounding area and on the significance of the Grade II\* listed Church of St Mary the Virgin through change in its setting; and
  - whether the proposal makes adequate provision for necessary infrastructure directly arising from its development.

## Reasons

### *Development Plan*

8. The relevant development plan comprises the Cherwell Local Plan 2011 – 2031 (Part 1) (CLPP1), adopted July 2015, and saved policies of the Cherwell Local Plan 1996. In regard to the latter, the only policy referred to within the reasons for refusal is Policy C28. Amongst other matters this seeks to ensure appropriate standards of layout, design and external appearance. These are matters of limited relevance in respect of an outline application when they are reserved for subsequent approval. On behalf of the Council it was accepted at the inquiry that reliance is no longer placed on this policy in respect of impact on character and appearance.

9. Having regards to CLPP1, it was also accepted by the Council's planning witness that only those policies referred to within the reasons for refusal are relied upon and that it can be assumed no conflict arises with other policies.
10. The spatial strategy for the district underpinning CLPP1 is to focus the bulk of proposed growth in and around Bicester and Banbury. Growth within rural areas is to be limited, with this being directed towards the larger and more sustainable villages and with development in open countryside being strictly controlled.
11. CLPP1 Policy Villages 2 (PV2) concerns the distribution of growth across the district's rural areas. It indicates that a total of 750 homes will be delivered at Category A villages<sup>2</sup>. This is in addition to the rural allowance for small site windfalls and planning permissions for 10 or more dwellings that existed as at 31 March 2014. Category A villages are 'Service Centres' listed under Policy Villages 1. These are considered to be the most sustainable villages, of which Ambrosden is one, which offer a wider range of services and are well connected to major urban areas, particularly by public transport.
12. In considering sites under this policy particular regard is to be given to a list of 11 specified criteria. Amongst these are: whether the land has been previously developed or is of lesser environmental value; whether significant adverse impact on heritage or wildlife assets could be avoided; whether development would contribute in enhancing the built environment; whether significant adverse landscape impact could be avoided; and whether the site is well located to services and facilities<sup>3</sup>.
13. Under Policy ESD 13 development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if, amongst other matters, they would cause undue visual intrusion into the open countryside, be inconsistent with local character, or harm the setting of settlements, buildings, structures or other landmark features. Policy ESD 15 indicates that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
14. The Council's fourth reason refusal referred to the absence of satisfactory obligations under s106 to secure a range of necessary infrastructure. It consequently listed a range of CLPP1 policies with which the development would conflict, and which aim to secure satisfactory provision in respect of matters such as affordable housing, public services / utilities, open space and recreation facilities, contributions to mitigate transport impact and adaptation measures to ensure more resilience to climate change. The Council accepts that the proffered s106 UU now addresses these matters.
15. The Cherwell Local Plan Part 1 Partial Review aims to help satisfy the unmet housing needs of Oxford over the period 2011 – 2031. This was submitted for Examination in March 2018 and hearing sessions into the Review were held in February 2019. It sets out policies to achieve the delivery of an additional

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<sup>2</sup> The accompanying text to the policy makes it clear that this quantum would be made up from sites for 10 or more dwellings

<sup>3</sup> It is only these particular criteria with which the Council considers that the proposal would conflict

4,400 dwellings within Cherwell district, with allocations being made as close to Oxford as possible. At the time of the inquiry no formal report on the Examination had been issued although the Inspector's preliminary conclusions support the 4,400-figure to be accommodated within Cherwell. There is agreement between the Appellant and the Council that the part of the district within which Ambrosden is situated is unaffected. The Appellant considers that the emerging Partial Review sits alongside, rather than interfering with, the CLPP1 strategy for the district.

*First reason for refusal - housing strategy and distribution of housing growth*

16. The 750 homes figure for Category A villages is a component of the overall provision made by CLPP1 Policy BSC1 to meet the district's housing requirement of 21,734 between 2014 and 2031<sup>4</sup>. The Council contends that it can demonstrate both a three-year and a five-year supply of deliverable housing land within the district. This is not contested by the Appellant for the purposes of this appeal<sup>5</sup>.
17. The overall housing strategy of the CLPP1 is to rebalance growth to concentrate it within Bicester and Banbury. In crude terms the strategy seeks to provide for about three quarters of new dwellings over the plan period in the two towns. This compares with a proportion of about half in the period leading up to the plan's adoption when the other half had taken place in smaller settlements, adding to commuting by car and road congestion at peak times.
18. The Appellant notes that if up to 84 dwellings were to be provided on the appeal site this would represent less than 0.4% of the district's requirement over the plan period. If the proposed scheme were to be added to the stock of planning permissions recorded in the Council's Annual Monitoring Report, some 82.7% of permissions identified would be in Bicester and Banbury (the figure being 82.2% if added to the stock of permissions identified in the Council's 2019 update).
19. The Council's table of the district's residential completions and planning permissions from 2011 to 31 March 2019 (with a baseline of the latter date) records that, of the 14,170 dwellings built or permitted, some 27% were in the 'rest of the district' with 73% located in the towns of Bicester and Banbury. The Council accepts that the overall strategy of the plan to deliver most housing to Bicester and Banbury is currently succeeding.
20. The Council's evidence notes that the totals of completed dwellings under PV2 (271) and those benefitting from permissions (479) add up to the 750-figure sought under the policy. It is not claimed there would be a current breach of the policy (since only 271 have been *delivered*). However, granting permission for up to 84 dwellings, which would be likely to be built out within a short time, together with the other 479 committed and deliverable dwellings, could give rise to a total of 834 dwellings being delivered several years prior to 2031, the end date of CLPP1.
21. There is agreement that the 750-figure is not a ceiling or cap. However, the Council has referred to previous appeal decisions where PV2 has been engaged.

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<sup>4</sup> The provision for the 'rest of the district' outside Bicester and Banbury is a total of 2,350 which is made up of the 750 plus the specific allocation of 1,600 at the former RAF site at Upper Heyford

<sup>5</sup> SoCG on spatial strategy, August 2019

The Inspector in dismissing an appeal for up to 95 dwellings in Kirtlington in 2015 noted that "... any significant increase over and above 750 could lead to unconstrained growth which would result in non-compliance with the strategy for rebalancing housing growth away from the villages and rural areas"<sup>6</sup>. This was a conclusion shared by the Inspector dismissing an appeal for 26 dwellings at Weston on the Green<sup>7</sup>.

22. In granting permission for a housing development in Launton<sup>8</sup> in September 2018, the Inspector noted that 750 was not an upper limit and that it would require a material exceedance to justify arriving at a conclusion that the policy was being breached. The Council considers that the addition of 84 dwellings would be a material exceedance of the 750, would therefore be contrary to PV2 and would weaken the strategy of the strong urban housing focus of the plan.
23. I am not convinced by the evidence provided by the Appellant's planning witness that the 750-figure has no development management significance. The Inspector determining the appeal against a residential development for up to 51 dwellings in Chesterton considered the use of figure of 750 in PV2 must have some form of constraining effect on total numbers, otherwise the policy would be meaningless in terms of its contribution towards the overall strategy of the plan<sup>9</sup>. Nevertheless, neither within Policy PV2 itself nor within CLPP1 as a whole is the term 'material exceedance' found. Even if to exceed the 750-figure by 84 units now at a point less than halfway through the CLPP1 plan period was to be regarded as a material exceedance, the question arises what planning harm would arise from such a breach? This is bearing in mind that such a quantum of housing would not be *delivered* until later in the plan period.
24. Policy PV2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension.
25. A concern of the Council is that to allow an exceedance of the magnitude envisaged could lead to unrestrained growth in Category A villages, although it was acknowledged at the inquiry that a precedent argument was not being advanced. However, I accept that there is force in the point advanced by the Appellant that the specific management criteria of Policy PV2 would seem to ensure that it is a self-regulating policy; if the point is reached where the number of dwellings granted in Category A villages is likely to undermine the Council's overall spatial strategy, a series of planning harms is likely to emerge. These might include the point where local infrastructure is unable to cope, land of higher environmental value is sought, or out-commuting and traffic congestion manifest themselves.
26. Further concerns of the Council are that allowing the proposal would lead to an over-concentration of development in Ambrosden and a disproportionate share of the PV2 housing provision. Existing recent housing developments in the village (Church Leys Farm and Ambrosden Court) permitted under Policy PV2

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<sup>6</sup> CD 6.03, APP/C3105/W/14/3001612, para 9. (The CD references are to Core Documents submitted for the inquiry)

<sup>7</sup> CD 6.05, APP/C3105/W/16/3158925, para 17

<sup>8</sup> CD 6.07, APP/C3105/W/17/3188671, para 18

<sup>9</sup> CD 6.04, APP/C3105/W/15/3130576, para 13



amount to 129 units, which is 17% of 750<sup>10</sup>. If allowed, the proposal would represent a 25% share of the increased total of 834.

27. In an appeal decision on a 54-dwelling proposal in the Category A village of Hook Norton, acknowledged as a relatively sustainable location, the Secretary of State took the view that it would be acceptable for the village to provide a relatively larger share of the 750 dwellings than the other villages listed in PV2<sup>11</sup>. There are some 23 Category A villages which display a wide range of populations, facilities and locations. Whilst the Council categorises these as the more sustainable settlements it is apparent that, comparatively, some settlements are clearly more sustainable than others.
28. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250<sup>12</sup>. It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery<sup>13</sup>. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester.
29. The CLPP1 allocates a considerable amount of land for employment uses on the southern and south-eastern outskirts of Bicester between the edge of the town and Ambrosden, with some development already in place. Whilst these areas are beyond what could be regarded as realistic daily walking distances for most people, they are within ready cycling distances. I address the more specific locational considerations of the appeal site in relation to village services and facilities below.
30. By comparison with the location and the range of facilities available in many of the other Category A villages, Ambrosden is one of the most sustainable settlements. There is agreement between the Appellant and the Council that this is the case. It is therefore unsurprising that recent housing schemes within the village have been permitted. On this basis, and against a background of no spatial apportionment of additional housing between Category A villages, and the intent of Policy PV2 that development should be enabled in the most sustainable locations, further development of the nature proposed would not be disproportionate.
31. The Council has expressed concern that allowing the proposal and exceeding the PV2 750-figure would make it more difficult for other Category A settlements to meet local housing needs within the second half of the plan period. However, no evidence has been provided as to the level of specific local housing need in any of the villages within the district and need is not disaggregated across different settlements. Policy PV2 does not contain a requirement to demonstrate a local housing need. Furthermore, should specific needs within villages be identified, Policies PV1 and PV3 would be relevant considerations to cater for this. Policy Villages 1 allows development within the built-up limits of villages, whilst PV3 provides for meeting specific identified

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<sup>10</sup> In addition, there is an 89-unit development at Springfield Farm that was permitted prior to 31 March 2014

<sup>11</sup> CD 6.13, APP/C3105/A/14/2226552, decision letter para 12

<sup>12</sup> This was a 2014 figure, so with more recent housing development in the village the figure is now likely to be higher

<sup>13</sup> Evidence at the inquiry suggested that this was to close

housing needs through small-scale affordable schemes within or immediately adjacent to villages. The proposed scheme need not therefore pose any undue constraint on other villages to meet any specific or identified housing needs.

32. I have carefully noted views expressed by colleague Inspectors in the various appeal decisions to which reference was made during the inquiry. None of these decisions was made at a time when the 750-figure of delivered and committed dwellings had been reached. Concerns have been expressed in some decisions as to the possibility of contributing to unconstrained growth, as already noted<sup>14</sup>. But these decisions were made in the context of what were then hypothetical situations where the 750-figure might be breached.
33. I have not been privy to the evidence on which their decisions have been based, some of which were several years ago when the CLPP1 was in its very early years. It is not clear whether the decisions were informed by the examination of arguments which have been advanced in respect of the present proposal. Having regards to the detailed evidence provided in the present case, and for the reasons set out above, I do not consider that the Council has demonstrated how in its own right allowing the appeal would lead to the undermining of the Council's overall housing rebalancing strategy contrary to the intent of Policy PV2. The purpose of limiting growth within the rural 'rest of the district' is not an end in itself but is intended to ensure delivery of the rebalancing strategy of an urban focus of new development in Banbury and Bicester. I find that agreeing to the proposal need not make the maintenance of its strategy materially more difficult.
34. Part of the CLPP1's spatial strategy is to strictly control development in the open countryside. However, current national policy within the Framework does not couch protection of the countryside in terms of 'strict control'. It is also clear, and accepted, that in applying Policy PV2 locations on the edge of Category A villages would be used and are therefore likely to be in open countryside locations. I consider that should a proposal satisfy Policy PV2, if there was any inconsistency between it and one of the Council's objectives, such as strict protection of the countryside (which in itself could be considered to not be on all fours with the Framework's absence of a blanket protection of the countryside), the policy should take precedence. This was a point conceded by the Council.
35. Overall, I consider the proposal would not materially undermine the Council's housing strategy or prejudice the achieving of a more balanced housing growth.

*Second reason for refusal*

*a) Character and appearance*

36. The appeal site extends to about 4.12ha comprising part of a grassed field used for hay-making located at the south-western edge of Ambrosden. Whilst somewhat irregularly shaped, it has a hedged frontage to Merton Road from which vehicular and pedestrian access would be taken. To its north it has a short boundary with a densely vegetated low embankment to a railway line running from Bicester to the Ministry of Defence depot at Arncott. It is

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<sup>14</sup> For example CD 6.03, APP/C3105/W/14/3001612 and CD 6.05, APP/C3105/W/16/3158925

bounded to its north-eastern side by a residential curtilage and by paddocks, whilst reedy remnants of ponds associated with the former Ambrosden Hall, and further agricultural land, lie to the north-west.

37. Amongst the criteria of CLPP1 Policy PV2 to which particular regard should be given in assessing development in villages such as Ambrosden is whether significant adverse landscape impacts can be avoided. This recognises some development on the countryside edge of settlements is likely to be necessary. It is axiomatic and almost inevitable that some harm will result from the change from open countryside to built development.
38. The application was accompanied by a Landscape and Visual Impact Assessment (LVIA). Within the context of the appeal the Appellant's landscape witness carried out her own assessment of the landscape and visual effects of the proposal to be read in conjunction with the LVIA. Additionally, in respect of the appeal, the Ambrosden Parish Council commissioned its own review of the original LVIA. I have had regard to all these together with the evidence produced on behalf of the Council.
39. In terms of landscape character, the appeal site lies within the Clay Vale Landscape Character Type<sup>15</sup>, and the Clay Vale of Otmoor as defined in the Cherwell District Countryside Design Summary<sup>16</sup>. The site is part of what was originally parkland associated with the demolished Ambrosden Hall. The sinuous area of reed and marshy land to the immediate north-western side of the site is the remnant of former parkland ponds. However, the historic and landscape connections and appearance of parkland have long since disappeared and in my view the appeal site does not possess any readily perceptible associated landscape or visual qualities. The site is not subject to any statutory or non-statutory designations for landscape character, quality or value. It is part of a pleasant but unremarkable rural landscape.
40. The Council suggests that development on the site would conflict with the criterion of PV2 relating to the consideration of whether the land is previously-developed or is of lesser environmental value. It is not previously-developed and the term 'lesser environmental value' is a relative one. The Appellant suggests that reference to 'lesser environmental value' was plainly aimed at plan-making where a comparative exercise could be undertaken. However, as the CLP Part 2 does not exist such an exercise is not possible. By reason of the site's absence of specific landscape quality designations, and not being Best and Most Versatile agricultural land, it is reasonable in the present context to consider it as land of comparatively lesser environmental value.
41. The proposal, in whatever eventual form it might take, would clearly have a completely transformative effect on the site itself by reason of the introduction of residential development and its associated components into a currently open field. However, I have no reason to disagree with the view of the Council's landscape witness who concurred with the Appellant's LVIA assessment that the landscape character of the site and surrounding area has a medium sensitivity, as does the townscape of the adjoining area. Further, the effect of the proposal on landscape and townscape character of the surrounding area would be 'moderate adverse' on completion. There would be potential for this

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<sup>15</sup> Oxfordshire Wildlife and Landscape Study

<sup>16</sup> Supplementary Planning Guidance, June 1998



- to decrease by year 15 with the maturation of landscaping and the weathering of the built development.
42. In terms of the landscape and visual impact evidence produced at the inquiry, the Council's concern centred on the visual aspects of the proposal. There is agreement as to the selection of viewpoints used within the LVIA. The relatively low-lying and well vegetated landscape near the site means that views are generally limited when seen from far- and middle-distance locations. Impact on the few possible far- to middle-distance views from the south would be negligible. Impact on views from closer at hand along bridleway 295/4, about 1.5km to the south-east, would in my judgement be only slightly adverse. This is as a result of distance, existing vegetative screening, that which could be incorporated into the development, and the already present appearance of roofscapes of dwellings within the village<sup>17</sup>.
43. From along footpath 295/7, about 500m to the south-west, oblique views are possible across the site over field hedging for a length of about 80m. There are current views of the tower of St Mary's, which is seen in conjunction with the roofscape of housing. Although at the detailed design stage it may be possible to retain views of the church, the extension of built development closer to the viewer would, in my opinion, result in a moderate adverse impact even at year 15.
44. When approaching Ambrosden from the south-west along Merton Road the site is screened by existing vegetation almost until it is reached, when there are direct oblique views across it. The DFP suggests the incorporation of a sustainable drainage system (SuDS), open space and a children's play area towards the site's frontage which would serve to maintain views of the tower of St Mary's from the road. There would be substantially adverse impacts on views in the early stages of development until landscaping matured and the proposal became assimilated.
45. There would be impacts for residential receptors in Jasper Row to the opposite side of Merton Road who currently have views across the open farmland. However, separation and detailed design could ensure that, other than alteration of views for private individuals, there would be no detriment to overall living conditions.
46. The development would result in a significant extension of the village to its south-western side beyond the single-track railway line that crosses Merton Road via a level crossing, pushing the built edge further into the open countryside. It is certainly the case that the part of Ambrosden to the south-western side of the railway line is currently less developed than the main body of the village.
47. However, from my site inspections it is my view that the railway line does not represent a clear physical or visual demarcation or barrier that suggests further development beyond it would be ill-related or poorly connected to the overall village structure. Housing that presently exists to the south-western side of the line clearly has the appearance and feel of being an integral part of the village, with the railway line not forming a disjointing element. There has been the recent in-depth development of Ambrosden Court to the southern side of

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<sup>17</sup> Impact on views of the Church of St Mary the Virgin in terms of its setting are considered below

Merton Road and a recent permission for an additional five dwellings to the rear of Home Farm Close.

48. I am mindful of the comments of the Inspector who determined the appeal against the refusal of permission for the Ambrosden Court development<sup>18</sup>. In his decision allowing the appeal (which concerned an application that was in outline) he expressed the view that the proposal would cause a moderate amount of harm to the appearance and character of the countryside, and some local landscape harm. The Council subsequently approved the appropriate reserved matters and the development has been completed.
49. The development clearly appears as a new element in respect of which weathering and nascent landscaping have not had chance to soften its impact. Nonetheless, I consider Ambrosden Court has now to be viewed as an existing, appropriate and acceptably-designed component of the village. I have no reason to suppose that the Council would not be able to exercise similar appropriate control over the details of layout, overall design and landscaping for development on the appeal site. In this regard the Parish Council has criticised the nature of the landscaping as shown on the Appellant's FDP. However, this plan is for illustrative purposes only and as landscaping is a reserved matter the Council would have control over this should the development proceed.
50. In my view, the village is now as much defined in terms of its character by the development that has taken place in the second half of the 20th century and that which has occurred very recently. This is largely estate housing that has spread out from the historic village core near the Church of St Mary the Virgin. In terms of scale and nature, a development of up to 84 dwellings, complemented by appropriate landscaping and open space, would not be at odds with the overall character of the village. This is particularly bearing in mind the recent approvals at Springfield Farm (89 dwellings), Church Leys Farm (85 dwellings) and Ambrosden Court (45 dwellings).
51. The Council suggests that the abrupt and stark transition from what is described as an 'urban' to a rural environment at the south-western end of the village is part of local distinctiveness. I am not convinced that this is a particularly beneficial characteristic that necessarily needs to be respected by new development or one which would be undermined if the proposal went ahead. Nor do I consider that Ambrosden possesses any other particular individual element of distinctiveness with which the proposed development would materially conflict. Through detailed control, the opportunity exists to provide a development with an appropriate and fitting layout, appearance and landscaping.
52. I do not share the Council's concern that if developed in accordance with the illustrative FDP, with the likely set back of housing from Merton Road (to accommodate the SuDS, play area and the maintenance of views of St Mary's Church tower), this would be an uncharacteristic feature. It may not be a current feature of development to the south-western side of the railway line. Nonetheless, the set back of residential development behind open space is clearly an established element within Ambrosden as a whole and its replication therefore would not be an overtly alien feature.

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<sup>18</sup> CD 6.02, APP/C3105/A/13/2206998

53. The proposal includes both a vehicular and a separate pedestrian access from the site onto Merton Road, and the Council considers the site would have poor connectivity with the village. It is the case that all car, pedestrian and cycle traffic would be funnelled onto Merton Road to access the rest of the village and its facilities. There would be a need to provide improved footpath linkage from the site to the village. It is also suggested that a footpath could be provided to the south-west to link the site with the existing public right of way 295/7. This is considered further below. Through detailed design I have no reason to suppose that acceptable levels of permeability within the site itself could not be achieved. In general, I do not consider the degree of connectivity of the site represents a significant drawback of the scheme.
54. Overall, I conclude that whilst inevitably rendering localised change the proposal, subject to subsequent careful attention to layout, design, external appearance and landscaping, would not have any significant adverse impact on the character and appearance of its surroundings. Opportunity would exist to provide an acceptable, fitting and suitably mitigated development that could contribute positively to this entrance to the village. As such, it would not conflict with these relevant criteria of Policy PV2 to which particular regard should be given. Nor would there be conflict with Policies ESD 13 or ESD 15.

*b) Impact on the significance of the Church of St Mary the Virgin*

55. It is an agreed position that the Grade II\* listed church is the only heritage asset which has the potential to be impacted upon by the proposed development. The church, dating in parts from the 12<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> centuries with restoration in the 19<sup>th</sup>, is stone-built with a three-stage tower to its western end. The proposed development would have no direct effect upon the church, being separated from it by over 300m. There would be no change in the experience and appreciation of the church from within its surrounding churchyard or from within Ambrosden.
56. However, it is an agreed position between the Appellant and the Council that there would be an impact on its significance as a result of change in its setting by reason of alterations of views of its tower from the south-west. There is further agreement that the proposal would result in less than substantial harm to the church's significance; the Council considering the harm to be minor whereas the Appellant considers the degree of harm to be very minor.
57. I consider that the heritage significance of the church derives principally from the architectural and historic interest of the physical fabric of the asset and the evidential, historic and aesthetic value contained as an example of a church originating in the early medieval period.
58. The church tower provides a landmark feature within the rural landscape. The Council considers its visibility reflects the social importance of religion in times past and the manner in which local communities used a prominent church tower to mark their presence in the landscape. At present there are clear views of the tower across the grassed appeal site when viewed from Merton Road on the approach to the village. It is also seen, as already noted above, from a limited stretch of footpath 295/7 to the south-west and, more distantly, from the bridleway 295/4. Whilst the agricultural surrounds to the village have some historic associative connection with the church, these connections are no longer discernible and make only a very minor contribution to the historic, evidential and aesthetic value of the heritage asset via setting.

59. The tower is currently seen rising above and between rooftops of housing to its western side and these comprise a major element of its setting, which has changed over time. The planning permission for five dwellings to the rear of Home Farm Close would introduce an additional foreground residential element. In order to maintain views of the tower on the approach into Ambrosden the FDP suggests the setting back of residential development within the site to form a visual corridor. This would be achieved through the imposition of a condition to ensure that this was secured at the reserved matters stage. Detailed design may also allow the positioning of dwellings to maintain some views from footpath 295/7.
60. I accept that the proposal would result in a more 'channelled' view of the church tower from Merton Road and this would be across a more developed foreground. However, any change that would be wrought would relate more to impact on its landmark significance rather than the heritage significance of the asset. I consider that the proposed development would result in a very minor impact on the overall heritage significance of the church as a result in change in its setting. Having regards to the Framework, this amounts to less than substantial harm and in my judgement would be at the lowermost end of less than substantial harm. In accordance with Framework paragraph 196, where there would be less than substantial harm this should be weighed against the public benefits of a proposal. This is carried out below in the overall planning balance and conclusions.

*Third reason for refusal - whether the proposal makes adequate provision for necessary infrastructure directly arising from its development*

61. The signed s106 UU by the Appellant and landowners provides obligations to both the Council and to the County Council. Those to the Council include the provision of contributions towards: the extension / enhancement of Bicester Leisure Centre and the expansion and / or upgrade of the Whitelands Farm Sports Ground at Bicester; the improvements / expansion of the existing community facilities at Ambrosden Village Hall or towards the development of Graven Hill Community Centre; and waste and recycling bins for each dwelling. A further obligation would secure a scheme for the establishment of a Management Company Structure to be approved by the Council for the purposes of managing and maintaining the proposed open space and SuDS within the appeal site.
62. The UU secures the provision of 35% of the dwellings as affordable units through the need for the agreement of an Affordable Housing Scheme. This would include details of numbers, type, tenure, location and phasing of the housing, the arrangements for the transfer of the affordable housing to a Registered Provider, arrangements to ensure the provision is affordable for both first and subsequent occupiers, and allocation arrangements.
63. Provision is made to ensure that either a Biodiversity Offsetting Scheme is agreed and implemented or that a Biodiversity Contribution is paid. The former would be a scheme to ensure the development does not result in any biodiversity loss and would include a management plan for the provision and maintenance of offsetting measures for not less than 30 years. The latter would be towards the costs of enhancement and long-term biodiversity within the vicinity of the site.

64. Obligations to the County Council include the payment of financial contributions towards: improvement of the bus service between Oxford and Bicester, including increasing the frequency of service; capacity enhancement of the junction of Ploughley Road and the A41; the expansion of permanent capacity at the Five Acres Primary School in Ambrosden; and the costs of monitoring the Travel Plan, which is to be submitted pursuant to an attached condition, and the other obligations to the County.
65. The Council has submitted a compliance statement in respect of the obligations, which includes an appended compliance statement from the County Council. I am satisfied that the above obligations are necessary to make the development acceptable in planning terms. They are all directly related to the development, are fairly and reasonably related in scale and kind to it and are designed to mitigate the development where appropriate. The obligations therefore comply with the requirements of Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and comply with the tests set out in paragraph 56 of the Framework and advice in National Planning Practice Guidance.
66. The Council's compliance statement notes that the Council's Developer Contributions Supplementary Planning Document expects residential development to contribute towards the provision of additional health care infrastructure generated by population growth where there is insufficient existing capacity, well located to serve the development. At the inquiry local concern was expressed about the future of the currently-limited opening of the doctors' surgery in Ambrosden. However, whilst the Oxfordshire Clinical Commission Group was consulted on the application, no comments were received from it. The Council indicates that, as such, it could not justify a request for contributions towards health care infrastructure in the locality.
67. The UU also includes a contribution of £40,000 towards the cost of provision of a footpath link between the appeal site and footpath 295/7 to the south-west of the site. This is to improve the site's connectivity to the existing public rights of way network, and countryside generally, for recreational purposes given that there is no existing footpath linkage alongside Merton Road from Ambrosden.
68. The County Council considers such a contribution fulfils the CIL tests. Cherwell Council considers this not to be the case. It is concerned that there are too many uncertainties regarding its delivery (given the 400m - 500m length of connection, the possible need for third party land, and the possible need for planning permission, which might be resisted because of fears of 'urbanisation'). Whilst I acknowledge these concerns, in the context of the appeal the Council has expressed concerns generally about the appeal site's connectivity.
69. In my view, the proposed link would be a necessary element to promote walking and recreational activity for occupiers of the proposed development. It would accord with the Framework's exhortations to improve sustainable modes of transport and recreational access. As such, I have taken this obligation into account and it too fulfils the requirements of the CIL regulations.
70. Given the above, I am satisfied that the proposal makes adequate provision for the necessary infrastructure arising from its development.



*Other matters*

71. Having regards to the site's location in relation to services and facilities, there is agreement between the Appellant and the Council that it is within walking distance of local facilities in what is a sustainable settlement. However, the Council's planning witness suggests that it is not *well* located as per the relevant criterion in Policy PV2. It is my view that certain facilities are within what, for most, would be ready and reasonable walking distances of the site (post office, hairdresser's, village hall, public house, parish church), whilst others are more distant but easily cyclable.
72. Walking distance from the centre of the appeal site to the nearest bus stops on Ploughley Road (to gain access to a wider range of services, facilities and employment) would be about 800m. However, the walk is level and through a generally pleasant village environment (as opposed to a potentially busier urban one where reasonable walk distances are generally assumed to be lower) that would make use of the bus a not unrealistic option as an alternative to use of the car. The proposal includes provisions to promote sustainable travel. These include the commitment to improve the footpath which would link the development back into the village, a contribution towards bus services, the provision of a Travel Plan and electric vehicle charging infrastructure. Overall, I consider the proposal to be in general compliance with the relevant PV2 criterion.
73. Traffic and transport-related matters did not form part of the Council's reasons for refusal, other than in regard to the absence of a mechanism for securing mitigation and the encouragement of use of sustainable modes of transport. However, these issues were a concern of the Parish Council and a number of local residents who submitted representations.
74. In response to detailed criticisms made on behalf of the Parish Council, the Appellant produced a Technical Note response. The Appellant's transport consultant also attended the inquiry to answer queries and requests by the Parish Council in respect of highways matters. The County Council, as highway authority, has reviewed both the details submitted with the original application, which included a Transport Assessment, and the Technical Note response. This resulted in the conclusion of a SoCG with the Appellant in which it is agreed that all transport and highways matters have been addressed and resolved. A separate SoCG with Cherwell Council also confirms the proposal would have no adverse impact on the safe and efficient operation of the highway network, subject to suitable conditions and obligations.
75. A particular raised concern is the nature of the footpath link along Merton Road into the village. The application plans provide for the footway to be extended from the site to join that existing adjacent to No. 66 Merton Road. The existing footpath to the northern side of Merton Road is of variable quality in terms of surfacing and width. However, as a result of the relatively low pedestrian flows along it, together with those which would be generated by residents of the proposed development, this is not an issue raised by the highway authority.
76. Nonetheless, as pointed out by certain residents, and as I saw on my visits, there exists a narrowing 'pinch point' in the footway adjacent to Holly Tree Cottage caused by the presence of telegraph poles. There is concern that these present difficulties for those with mobility aids and for pedestrians with pushchairs or prams.

77. In accordance with condition No. 12 attached to the permission Ref. 13/00621/OUT<sup>19</sup>, a scheme for their removal should have been submitted to the Council and should have been implemented prior the occupation of dwellings on what is now the completed Ambrosden Court development. The Council confirmed at the inquiry that this matter was the subject of enforcement investigations. This would seem to be the likely means by which this matter could be resolved. However, a similar condition to that which was imposed on the above permission could be included on a permission for the present proposal, subject to there being no necessity for a scheme for removal if this had already occurred prior to first occupation.
78. From the detailed evidence provided and subject to the provisions of the s106 UU, and the imposition of appropriate conditions discussed below, I have no reason to conclude differently to either the Council or the local highway authority that the proposed development would be acceptable in terms of highway capacity and safety.
79. Potential flooding and drainage issues are other matters of concern that have been raised by local residents. The application was accompanied by a detailed Flood Risk Assessment. A further Technical Note on flood risk and drainage issues was produced in the context of the appeal. A SuDS drainage scheme is proposed to manage excess runoff from the development and maintain runoff to pre-development rates, with surface water attenuation provided to accommodate a 1 in 100-year event plus 40% climate change allowance. Subject to appropriate mitigation the proposed development would be at minimal risk from flooding and would not increase flood risk elsewhere. The Council has agreed in a SoCG with the Appellant that drainage matters are capable of being controlled via approval of reserved matters, by condition and / or via planning obligations. I have no reason to disagree.
80. Concerns have been raised regarding increased light pollution. The Council's Environmental Health Officer has raised no objections to the proposal. A suitable condition could require the provision of an appropriate lighting design at the reserved matters stage. This could ensure that not only is extraneous light minimised but also that it would not be harmful to the local bat population.
81. I have noted the synopsis of the survey results amongst village residents carried out by the Parish Council. However, there is no detail as to who the respondents were and to what extent they are representative of the village population. The response rate of 66 is relatively low and not indicative of widespread concern about the proposal.

#### *Conclusions and the planning balance*

82. In terms of the Council's housing strategy and distribution of housing growth there would be no conflict with the thrust and intent of Policy PV2. There would be some limited degree of landscape and visual impact resulting from the transformative nature of development on this edge of settlement site. However, the proposal would not cause undue visual intrusion into the open countryside, would not be inconsistent with local character, or harm the setting of Ambrosden. It would therefore not conflict with Policy ESD 13. Control that

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<sup>19</sup> CD 6.02, APP/C3105/A/13/2206998

could be exercised at the reserved matters stage could ensure there should be no conflict with Policy ESD 15.

83. Less than substantial harm would result to the significance of the listed church of St Mary the Virgin as a result of change to its setting. This would be very minor harm given the intention to maintain a visual corridor so that the church tower would remain visible on the south-western approach to the village. Nevertheless, considerable weight and importance should be attached to harm arising to listed buildings resulting from a change in their setting in accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Having regards to paragraph 196 of the Framework, when a development would lead to less than substantial harm to the significance of a heritage asset the harm should be weighed against the public benefits of the proposal.
84. Having regards to such benefits, the Appellant points to the scheme's provision of 35% (up to 30) of the proposed dwelling units as affordable housing. This follows from the requirement of CLPP1 Policy BSC3, the Local Plan noting that that Cherwell district has a high level of need for affordable housing<sup>20</sup>. No evidence of a specific need for affordable housing in Ambrosden has been provided. Nonetheless, the need within the district should be seen within the context of a locally widening gap in the ratio of house prices to earnings.
85. Within the district the lower quartile house price is more than eleven times lower quartile annual earnings<sup>21</sup>. This is higher than for England as a whole (7.29) and greater than the South East region (10.51). The affordability ratio has increased more rapidly in the district than in Oxfordshire over the CLPP1 plan period and it is apparent that market housing is increasingly unaffordable for many. As such, even though the proposal would simply be policy-compliant in regard to the quantum of affordable housing, I give significant weight to this provision in helping to address what is clearly a district-wide need.
86. I accord moderate weight to the benefit of the market housing element of the proposal against the Government's national objective of significantly boosting the supply of homes<sup>22</sup>. More limited weight is also attached to the economic and financial benefits that would arise through construction spending and the direct and indirect job creation which could result, and the generation of household expenditure which would support the local economy.
87. Some local scepticism was expressed at the inquiry as to whether the additional residents of the proposal would contribute to sustaining the vitality of the village. However, it is my view that there would be some potential benefits arising from the support and additional spending and patronage of existing village facilities.
88. The appeal site has little present ecological value. Through the scheme's ability to provide open space and landscaping a positive contribution to biodiversity could result, as could the opportunity recognised in the Flood Risk Assessment for betterment in terms of runoff rates. I attach modest weight to these aspects.

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<sup>20</sup> Paragraph B.104

<sup>21</sup> Mortgages typically being capped at 4.5 times annual salary

<sup>22</sup> Framework paragraph 59

89. Through the s106 obligations financial contributions would be made to bus service provision, highway improvements, education and community facility provision. However, as these directly stem from the proposal itself these are neutral benefits.
90. I consider that the potential benefits of the proposal outweigh the less than substantial harm to the significance of the heritage asset of St Mary's that would result from change in its setting. There would be accord with the relevant criterion of Policy PV2 in that there would be no significant adverse impact on this heritage asset.
91. Overall, the proposal would accord with the CLPP1 and would comply with the economic, social and environmental overarching objectives of sustainable development as set out in the Framework<sup>23</sup>. For these reasons, and having considered all other matters raised, I consider the proposal to be acceptable and that the appeal should be allowed.

#### *Conditions*

92. The Appellant and the Council discussed draft conditions during the inquiry, culminating in an agreed set presented towards its close. I have considered these against the tests for conditions as set out in paragraph 55 of the Framework, amending where necessary for accuracy and consistency.
93. In addition to the usual conditions relating to the necessity for approval of reserved matters, and the specification of plans to which the permission relates, a condition is appropriate limiting the maximum number of dwellings to 84, for the avoidance of doubt and to ensure a satisfactory form and density of development. Also, to ensure a satisfactory form and standard of development compatible with the surroundings and one which is made secure, conditions are necessary limiting the ridge height of dwellings, the provision and implementation of a landscape management plan, and the need for an application for Secured by Design accreditation. For the same reason and as referred to above, I shall impose a condition in order to protect views across the site of the tower of St Mary's to preserve its significance as an important heritage asset.
94. In the interests of highway safety, a condition is required to ensure the access to the site is constructed before the first occupation of dwellings. I shall impose a condition requiring the submission of a scheme for the removal of telegraph poles adjacent to Holly Tree Cottage. This is to ensure the removal of the footway obstruction and improve pedestrian access. Submission of a scheme would only be required if the poles had not already been removed prior to the commencement of development. To promote sustainable travel choices the approval and subsequent operation of a Residential Travel Plan is required, as is a condition requiring that each dwelling is provided with ducting to allow for the future installation of electrical vehicle charging infrastructure.
95. A condition is necessary requiring the approval and subsequent implementation of a surface water drainage scheme, to ensure adequate drainage and sufficient capacity to accommodate the development. To ensure the protection of breeding birds a condition is required to time limit removal of trees and

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<sup>23</sup> Framework paragraph 8

hedgerows, and a condition is needed requiring the agreement of a lighting strategy to prevent light pollution and to protect bats. Similarly, to safeguard the protected species of Great Crested Newts, a condition is needed to ensure mitigation measures identified in the Appellant's Great Crested Newt Mitigation Strategy are implemented.

96. To safeguard the recording of any archaeological remains within the site I shall impose conditions requiring the agreement and subsequent implementation of an Archaeological Written Scheme of Investigation. To ensure highway safety and the protection of residential amenity, agreement of a Construction Environment and Traffic Management Plan is required. Conditions relating to studies to identify whether there are potential contaminants within the site are required to minimise risk to those involved in construction and subsequent occupiers and in light of the past infilling of pond features.
97. Additional conditions have been suggested requiring details to be provided of services and energy infrastructure and the withdrawal of permitted development rights for the provision of above-ground fuel tanks. Having regards the former, I do not consider this to be necessary as such detail is covered by other legislation. In respect of the latter, I have been provided with no evidence to suggest that the exceptional withdrawal of this permitted development right under the Town and Country Planning (General Permitted Development Order 2015 is necessary.

*Philip J Asquith*

INSPECTOR



## **Schedule of Conditions**

### *Reserved matters*

1. Details of the appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following drawings:  
  
Drawing No. CSA/3888/107 (Site Location Plan)  
  
Drawing Number 18166-001 Rev A Access Design – Priority Junction & Emergency Access (Access Plan).
5. The number of dwellings hereby permitted shall not exceed 84.
6. No building on the site shall exceed 8.5m at ridge height, and no building at the edge of the development shall exceed 7.5 at ridge height.
7. Any reserved matters application relating to layout and / or landscaping shall maintain a visibility corridor that secures a view of the Church of St Mary the Virgin from Merton Road, in broad accordance with the illustrative Development Framework Plan Drawing No. CSA/3888/103/F.
8. As part of the reserved matters, a Landscape Management Plan, to include the timing of the implementation of the plan, long-term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscaped areas, other than privately-owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Landscape Management Plan shall be carried out in accordance with the approved details.

### *Highways and Travel Plan*

9. Prior to the first occupation of the development hereby permitted, the approved means of access as detailed on Drawing No. 18166-001 Rev A (Access Plan) shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken. The visibility splays shall be kept permanently clear of all obstructions in excess of 0.6m in height.
10. Prior to commencement of development a scheme for the removal of the two telegraph poles from the footway outside Holly Tree Cottage shall be

submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented in full before the first occupation of any of the dwellings hereby permitted on the site. Such a scheme shall only be required if both poles have not already been removed prior to the commencement of development.

11. Prior to the occupation of the first dwelling of the development hereby permitted, a Residential Travel Plan, including a Travel Information Pack, shall be submitted to and approved in writing by the local planning authority. Thereafter, the Travel Plan shall be operated and reviewed in accordance with the approved details. The approved Travel Information Pack shall be provided to each household on first occupation of each dwelling.

#### *Drainage*

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be retained as such thereafter.

#### *Ecology*

13. No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless the local planning authority has confirmed in writing that such works can proceed, or a recent survey (no older than one month) undertaken by a competent ecologist to assess nesting bird activity on site together with details of measures to protect the nesting bird interest on the site, has been submitted.
14. Prior to commencement of development, a lighting strategy for the publicly-accessible areas of the site, which includes details of light spill and which adheres to the Bat Conservation Trust Guidelines, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved strategy.
15. The mitigation measures regarding Great Crested Newts identified in the Great Crested Newt Mitigation Strategy produced by FPCR, dated July 2019, shall be implemented in full prior to commencement of development, except where the timing is stated otherwise by the Great Crested Newt Mitigation Strategy, and maintained thereafter.

#### *Design*

16. Prior to commencement of development above slab level, an application shall be made for Secured by Design accreditation for the development hereby permitted. The development shall not be carried out other than in accordance with the approved details prior to the occupation of any dwelling hereby permitted.
17. Each dwelling shall be provided prior to its first occupation with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling.

### *Archaeology*

18. Prior to commencement of development, a professional archaeological organisation acceptable to the local planning authority shall prepare an Archaeological Written Scheme of Investigation relating to the application site which shall be submitted to and approved in writing by the local planning authority.
19. Following the approval of the Written Scheme of Investigation referred to in Condition 18, and prior to the commencement of development (other than in accordance with the Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the local planning authority.

### *Construction Management*

20. Prior to commencement of development, a Construction Environment and Traffic Management Plan (CEMP), which shall include details of measures to be taken to ensure construction works do not adversely affect residential properties adjacent to the site, together with details of the consultation and communication to be carried out with local residents, shall be submitted to and approved in writing by the local planning authority. The CEMP shall include a commitment to deliveries only arriving at or leaving the site between 09.30 and 16.30. The development shall be carried out in accordance with the approved CEMP.

### *Potential Contamination*

21. Prior to commencement of development, a desk study and site walk-over to identify all potential contaminative uses on the site and to inform a conceptual site model, shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
22. If a potential risk from contamination is identified as a result of the work carried out under Condition 21, prior to commencement of development, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors, and to inform remediation strategy proposals shall be documented as a report undertaken by a competent person. This shall be in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

23. If contamination is found by undertaking the work carried out under Condition 22, prior to the commencement of development a scheme of remediation and / or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme and / or monitoring required by this condition.
24. If remediation works have been identified as necessary under Condition 23, the development shall not be occupied until the remediation works have been carried out in accordance with the scheme approved under Condition 23. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.
25. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

*(End of the conditions schedule)*

## **APPEARANCES**

### **FOR THE APPELLANT**

Jonathan Easton, of Counsel

instructed by Gladman  
Developments Ltd

He called

Robert Barnes BA(Hons) MA MRTPI

Director, Planning Prospects Ltd

Simon Blinkhorne BSc CMIHT

Odyssey

Evidence also provided at the round table session by:

Silke Gruner BHons CMLI

CSA Environmental

Hannah Armstrong BA(Hons) MSc IHBC ACIfA

Pegasus Group

Dr Suzanne Mansfield MCIEEM CMLI

Senior Ecology Director, FPCR  
Environment & Design Ltd

### **FOR CHERWELL DISTRICT COUNCIL**

Richard Langham, of Counsel

instructed by the District  
Solicitor, Cherwell District  
Council

He called

Andrew Murphy BA(Hons) MSc MRTPI

Director, Stansgate Planning  
Consultants Ltd

Evidence also provided at the round table session by:

Tim Screen BA(Hons) Dip LA CMLI AIEMA

### **INTERESTED PARTIES**

Maureen Cossens

Local resident

Mark Longworth

Chairman, Ambrosden Parish  
Council

Sheila Mawby

Local resident

Pam Newall

Local resident

Malcolm Cossens

Local resident

Trevor Furze

Furze Landscape Architects, on  
behalf of Ambrosden Parish  
Council



Dan Sames

Councillor, Cherwell District  
Council, Ambrosden and  
Bicester South Ward

For the round table session on obligations and conditions

Chris Nicholls

Oxfordshire County Council

Nathaniel Stock

Cherwell District Council

Tom Darlington

Cherwell District Council

**DOCUMENTS** (handed in at the inquiry)

1. Further draft Unilateral Undertaking
2. List of draft conditions
3. Complete copy of the Cherwell Local Plan 2011 – 2031
4. Appellant's opening statement
5. Council's opening statement
6. Mrs Cossens's statement
7. Schedule X: residential completions and permissions at 31/03/2019 (net)
8. Copy of the Appellant's transport response Technical Note
9. Copy of a letter from Mr Cossens, dated 18 June 2019
10. Compliance Statement in respect of planning obligations, Cherwell District Council
11. Statement of Common Ground on transport matters between the Appellant and Oxfordshire County Council
12. Copy of email dated 21 August from Simon Blinkhorne of Odyssey regarding position and qualifications
13. Copy of email from Mark Longworth regarding highway matters that Ambrosden Parish Council would wish to be taken into account should planning permission be granted
14. Updated list of draft conditions
15. Draft of suggested Condition No. 7
16. Updated draft Unilateral Undertaking and copy of Lasting power of attorney – property and financial affairs
17. Extract from a committee report on planning application 13/00344/Hybrid, land at Springfield Farm, Ambrosden
18. A3 bundle of photographs reproduced from Appendix C to Ms Gruner's proof of evidence
19. Council's closing submissions

20. Appellant's closing submissions

21. Copy of judgement; Bassetlaw District Council v Secretary of State for Housing EWHC 556 (Admin) [2019]

(Document submitted after the inquiry)

A. Signed and certified copy of a Unilateral Undertaking, dated 2 September 2019

Richborough Estates