



Appeal Decision

Inquiry held on 12, 13, 14, 15, 18, 22, 27 March 2024

Site visit made on 26 March 2024

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/C3105/W/23/3327213

Land off Ploughley Road, Ambrosden, Oxfordshire

- 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 Archstone Ambrosden Ltd, Bellway Homes and Rosemary May against the decision of Cherwell District Council.
 - The application Ref 22/02866/OUT, dated 9 September 2022, was refused by notice dated 14 July 2023.
 - The development proposed is up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.
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Decision

1. The appeal is allowed and planning permission is granted for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure in accordance with the terms of the application subject to the Ref 22/02866/OUT dated 9 September 2022 subject to the conditions in the conditions annexe.

Preliminary Matters

2. The above description of development was amended prior to the Inquiry with the deletion of the pedestrian access to West Hawthorn Road¹. The Appellants also confirmed that the development would not exceed 120 dwellings. I have considered the proposal accordingly.
3. The application was submitted in outline except for the details of the access onto Ploughley Road which are considered as part of the appeal proposal. A Framework Plan and Parameter Plans covering land use, scale, density and access were submitted for consideration at this stage and have informed my decision. An illustrative landscape strategy plan was also submitted, however I have only considered this as titled, showing one possible approach rather than a definitive basis.
4. A Section 106 Agreement was signed on 19 April 2024. This makes provision for affordable housing, open space including a play area and drainage, highway matters, education, recreation, improvements to the community hall, health

¹ As confirmed in the Statement of Common Ground dated 27 February 2024

services, public art, community development including employment skill training and waste management. The Council accept that this resolves their concern in the second reason for refusal. I consider the provisions of the agreement later.

Main Issue

5. Aside from the second reason for refusal above, the only other reason for refusal relates to the impact of the development on the landscape on the approach to Ambrosden due to the location and scale of development and its poor and incongruous relationship with the existing settlement. This is encapsulated into the single main issue as the effect of the proposal on the character and appearance of the area.

Reasons

The effect of the proposal on the character and appearance of the area

6. Policy Villages 2 (PV 2) of the Cherwell Local Plan 2011-2031 (Part 1) Adopted 20 July 2015 (LP), allows for development at Category A villages subject to particular criteria. The most pertinent criterion is 'whether significant adverse landscape and impacts could be avoided'. The third criterion, whether the development would contribute to enhancing the built environment, was also the subject of debate at the Inquiry. Both parties agree that the proposal would not conflict with the other criteria.
7. Policy ESD 13 of the LP seeks opportunities to enhance the character and appearance of the landscape particularly in urban fringe locations and respect local landscape character. Proposals will not be supported where they would cause undue visual intrusion into the open countryside or cause undue harm to important natural landscape features and topography. It also seeks to protect the settings of settlements.
8. Policy ESD 15 of the LP relates to the character of the built environment and seeks to protect local distinctiveness including local topography and landscape features.
9. Policy H18 of the earlier Cherwell Local Plan, adopted in 1996, seeks to prevent development in the countryside unless essential for agriculture or other existing undertakings.
10. The WYG consultants study² on behalf of the Council for Category A Villages finds that the west of the village is considered to be of highest sensitivity due to its historical references. This is the opposite side of the village to the appeal site.
11. The Cherwell Landscape Sensitivity Assessment³ was produced by consultants on behalf of the Council for the Local Plan evidence base. The BICS 4 area covers the western, northern and eastern environs of the village, including the appeal site. This found some potential for change, based on dwellings assumed to be up to 3 storey. It also recommends avoidance of development on higher ground, including a ridge which forms a continuation of Blackthorn Hill to the north. The BICS 3 area is further to the north around Blackthorn Hill and its environs. It notes the presence of the hill as a distinctive feature and

² Cherwell District Council Category A Villages Village Analysis March 2016 page 14

³ The Environment Partnership September 2022 Part B

- recommends the avoidance of prominent and open slopes where development is likely to have localised visual prominence.
12. Both parties acknowledge that the appeal site lies outside any designated or valued landscape.
 13. The site is in the National Character Area of Upper Thames Clay Vales, and the more detailed Oxfordshire Wildlife and Landscape Study shows part of the site lies within the 'Clay Vale' landscape characterisation⁴ which is noted for its flat low lying land form. This character area includes land between the appeal site and the nearby environs of Bicester.
 14. The other part of the site lies within the 'Pasture Hills' landscape characterisation in the above study which the Council suggests is rare. It is characterised by prominent rising land standing out from the surrounding landscape. The rising land initially forms a ridge within the village but extends substantially thereafter into the countryside and eventually heightens to form the top of Blackthorn Hill. However, this Pasture Hills area is not wholly undeveloped countryside with the ridge being traversed by several roads, a railway line, housing, and an HGV vehicle storage/maintenance yard. The appeal site is a relatively small component of this Pasture Hills landscape area compared with the rest of the village⁵.
 15. The appeal site reflects this rising land characteristic of the Pasture Hills landscape area where the land rises towards a broad ridge which is confirmed in the LVA⁶, but not the other characteristics, including small fields, small wooded copses and a sense of remoteness with no settlements, rather consisting of several large grass fields, only a scattering of individual trees within the field boundaries and adjoining residential areas at West Hawthorn Road and nearby Briar Furlong.
 16. The proposal has the potential to affect the character and appearance of the area including its effects on the field pattern, tranquillity, the gap between Bicester and Ambrosden, the access, the perception of the topographical setting of the village and views into and across the site.
 17. Both parties agree that 'the proposal would be unlikely to form a clearly identifiable component of views beyond 600m of the appeal site boundary⁷' and so any potential effects of the proposal would be localised. There is no public access onto the appeal site itself and it is largely experienced from two public areas: Ploughley Road and an adjacent hard surfaced footpath/cycleway and a bridleway near West Hawthorn Road.
 18. One side of the appeal site follows Ploughley Road and its adjacent hard surfaced footpath/cycleway. Ploughley Road continues beyond, up to its junction with the A41, which leads towards the nearby Graven Hill and the periphery of Bicester. This side of the appeal site has a hawthorn hedge beside the footpath/cycleway which limits some of the views particularly in summer⁸. Where the site is discernible it is experienced together with the adjacent fields, which are pleasant but not distinctive. A notable characteristic is the sense of

⁴ Also illustrated in WYG 'Study for Cherwell DC' Figure 2-2

⁵ Nicola Brown Proof of Evidence Appendices Figure NB4

⁶ Paragraph 2.5 of the LVA

⁷ Paragraph 2.3 Statement of Common Ground Landscape and Visual Matters

⁸ Photo viewpoints 5-7 Ben Connolley Appendices to Proof of Evidence

open landscape, but this expanse is in part curtailed by the houses at West Hawthorn Road on the skyline, and Briar Furlong which extends the village along Ploughley Road.

19. The Framework Plan shows new housing would be set back from Ploughley Road and dedicated space is identified for frontage landscaping, sufficient for large trees to mature, which would filter and soften the views of the new housing. The open space would extend from the side of the appeal site adjacent to Ploughley Road and continue around to the Bicester facing side; the open space would be prominent on the approach to Ambrosden from Bicester.
20. The Framework Plan also shows that the majority of the new housing would be set away from Ploughley Road, (and towards Briar Furlong and West Hawthorn Road), which would limit its prominence being further away from the viewer.
21. As the Council's Committee report concludes, the proposed development would also be seen against the backdrop of housing. In addition, the backdrop would include an HGV vehicle storage/maintenance yard, which due to the colours of the vehicles attracts attention, as I observed on my site visit. Against this backdrop the new housing would not look out of place.
22. The Ploughley Road views are different when the deciduous trees near West Hawthorn Road offer some screening and filtering, which softens the presence of the existing houses. Thus when the backdrop of the houses is then less obvious and consequently, the development would be more apparent. However, commensurately the field hedge along Ploughley Road, whilst heavily pruned⁹, has summer top growth which provides partial screening to those in vehicles as well as pedestrians and cyclists.
23. The Framework Plan also clearly shows that the open space would extend into the development areas, with opportunities for tree planting as well as reinforcement of the hedges on the site boundaries. The roads around the development are also shown as tree lined and the development can retain the important trees on the site¹⁰. These aspects would soften the form of the development. Indeed 45.77% of the appeal site¹¹ would be left as open space.
24. In addition, the proposal at the Ploughley Road and West Hawthorn Road edges of the development would be 20-30 dwelling/hectare¹² on average which would be a low density, thereby the extent and presence of buildings would be limited at these interfaces. Even the remainder of the development would be 30-40 dwellings/hectare, which would not be high. Moreover, the Appellants confirm that the proposed houses would not be higher than 2 storey, which would again limit their presence.
25. The Council argued that the development would harm the significance of the ridgeline and I note the 64.12 to 77.83m¹³ difference in land levels across the appeal site. Some development is shown on the rising slope, however from Ploughley Road, the houses at Briar Furlong encroach down the slope and the long linear line of houses on West Hawthorn Road are also prominent. Both of these undermine the impression of a rural hilltop, which would be compounded

⁹ As evident on my site visit

¹⁰ Page 28 Design and Access Statement

¹¹ Paragraph 10 Further Addendum to the Planning Statement of Common Ground

¹² Page 39 Design and Access Statement

¹³ Page 31 Design and Access Statement

- by the proposal as it involves some development on the same rising slope. The proposal would be contrary to the BICS 4 recommendations in respect of the topography, although that study envisaged 3 storey high development rather than the 2 proposed here, and this BICS 4 area extends substantially beyond the appeal site comprising the most defined and perceptible part of the ridge.
26. This loss of topographical appreciation would not be wholly remedied by new landscaping as trees could not, even when mature, obscure the proposed houses but nonetheless the new planting would soften and fragment their extent.
27. However notably, the majority, most rural, narrowest and highest parts of the ridge (towards Blackthorn Hill), forming the Pasture Hills area, are visually separate and distanced from the appeal site¹⁴. Indeed, the south western part of the Pasture Hills area is largely covered by buildings, (forming part of the Ambrosden village), of which the appeal site is an extremely small part. Consequently, the proposed houses would be on the least sensitive part of the ridge and Pasture Hills area. I therefore find that the impact of the proposal on the topography as experienced from Ploughley Road would be limited.
28. Aside from the approach to Ambrosden, the appeal site is also seen and experienced as part of the converse view along Ploughley Road as one exits the village, where it forms part of a countryside foreground to views of the wooded Graven Hill, but this is partly spoilt by the backdrop of Symmetry Park which is an extensive business park with bulky buildings up to 18m high¹⁵. Moreover, the setback position of development, frontage planting and open space would conserve this view.
29. Ambrosden is separated from the nearest extent of Bicester formed by residential development at Graven Hill and the commercial buildings at Symmetry Park. In addition, the Bicester 2 and Bicester 12¹⁶ site allocations will bring development closer. Whilst the proposed new houses in this appeal scheme would extend the village in that direction, substantial segregation would still remain and indeed the A41 also forms a perceptible demarcation. Moreover, the appeal proposals show that a new area of public open space would be provided with the opportunity for specimen tree planting, with ample room for them to flourish and create a distinctive sense of place. This would be a buffer to soften the visual presence of Symmetry Park and provide a denoted barrier, particularly once the new trees have become well established. Consequently, I do not find that the proposal would undermine the gap between Ambrosden and Graven Hill/Symmetry Park.
30. The proposal would lead to the movement of cars onto and off the appeal site from Ploughley Road. However, this has significant vehicular movement, being a through road close to Bicester¹⁷, and the proposal would be experienced in that context and the nearby A41. Consequently, I do not find that there would be a significant loss of tranquillity from Ploughley Road.
31. The appeal site stretches away from its Ploughley Road frontage north eastwards around Briar Furlong and West Hawthorn Road and is experienced from an adjacent bridleway. This is well used judging by its worn surface and

¹⁴ Nicola Brown Proof of Evidence Appendices Figure NB4.

¹⁵ Page 15 Addendum to Planning Statement of Common Ground

¹⁶ Webster Proof of Evidence Appendix 3

¹⁷ Clarkebond Transport Assessment

links the village with open countryside leading to Blackthorn Hill albeit with a crossing of the A41.

32. The bridleway is initially enclosed between houses and their gardens on both sides, lined with timber fences, but thereafter the houses cease, firstly on the side of the appeal site, which is seen through gaps in the boundary hedge, and then latterly on the other side, opposite the appeal site, when the bridleway is within discernible countryside with open views on both sides.
33. The initial part of the bridleway between the fences is not particularly attractive. Nonetheless the Council refer to the kinetic views¹⁸, channelled by the fence line, then the glimpses through the appeal site hedge and thereafter unrestricted outward views. These views have a foreground of grass fields and in the distance Graven Hill and its wooded summit, both of which are pleasant, however the full spectrum of the views includes Symmetry Park. This is both distracting to the eye and obtrusive, and even beyond Symmetry Park, a metal clad warehouse building is discernible on the skyline as another tier of development.
34. The proposal would reinforce the boundary hedging along the appeal site frontage with the bridleway which would when mature largely screen the new houses. The glimpsed views from the bridleway would be curtailed, but these are more evident beyond the appeal site, and are more significant as the viewpoint is not beside fencing and the rear elevation of houses. There would be a loss of some of the glimpsed views across the appeal site, but these are not important as the views from the bridleway become more apparent and significant beyond the appeal site. Notably the WYG study for the Council does not highlight the significance of these outward views in its analysis¹⁹, but does denote other such outward views elsewhere in the village.
35. The Council had concern that the development would harm the significance of the ridge. The aspect from Ploughley Road was considered earlier and the bridleway is also a relevant consideration being on the ridge. However, the houses on West Hawthorn Road and Briar Furlong are prominent alongside the bridleway and undermine the perception of the ridge. Indeed, I find that the ridge is more pronounced away from the enclosure of the fence and houses, where the bridleway is open on both sides so that the slopes are readily experienced; this point is away from the appeal site.
36. The bridleway would be close to the edge of the development but furthest away from the main access and movement of vehicles, so its tranquillity would not be impaired.
37. I find that from the bridleway the proposed development would be perceptible but would not materially harm the significance of the ridge.
38. In terms of both Ploughley Road and the bridleway, the Council had concern about the extent of housing and its spread, being development in depth. However, I find that the village has no notable pattern of development, and it is evident that its form is largely derived from twentieth century development²⁰. A similar conclusion was reached in 2019 by the Inspector considering an appeal for 84 dwellings at Merton Road on the other side of the

¹⁸ The experience of a sequence of views usually leading to a building or feature

¹⁹ Figure 2-1C Village Analysis 2017

²⁰ Pages 12-13 Design and Access Statement

- village²¹. Whilst this proposal would be an extension of the village, the new open space would be likely to create an attractive landscaped approach into the village and would also soften the existing housing.
39. Both parties accept that the field pattern on and around the village is not historic having been reorganised during the 20th century. There is also no discernible pattern as the fields have varying sizes and shapes without significant features. In addition, Symmetry Park has limited the expanse of the surrounding fields.
 40. Additionally, both parties agree that the existing site's hedges are 'gappy', and the proposal would reinstate and reinforce them and create a new hedgerow. In overall terms the length of hedgerows would be increased. Consequently, in terms of the field pattern the proposal would not be harmful.
 41. The Council did not express particular concern at the Inquiry about the impact of the proposed access, except for the loss of hedgerow²², which would spoil the continuity of the Ploughley Road frontage. The proposal would also lead to the loss of some category B and C²³ trees²⁴ on that frontage to allow for visibility splays, however, these would not be notable specimens and the Council's specialist officer had no objection at the planning application stage. The hard surfaces of the access would be experienced in conjunction with Ploughley Road, the access would be a very narrow point in the foreground for outward views and sited away from the ridge, all of which would limit the impact. Consequently, I find that the proposed access would cause very limited harm.
 42. Aside from the proposed access, the existing trees being within the field boundaries, would be capable of being retained and incorporated into the completed development, with the exception of some category U trees which are insignificant.
 43. As I noted earlier, the south western part of the Pasture Hills landscape area and the ridge is covered by buildings, as the village spreads considerably away from and down the ridge on the opposing side of the appeal site. The topographical significance of the village setting is harmed by this considerable spread of the existing housing over the Pasture Hills landscape area. Whilst this would be compounded by the proposal, that harm would be limited, reducing once the new landscaping matures to soften and filter views.
 44. Overall, I find that the proposed houses and access would result in limited harm to the character and appearance of the area reducing to very limited after 15 years once the new landscaping is well established.
 45. Policy PV 2 distributes growth across the rural area, accepting that additional development is necessary. This policy is worded to give 'particular regard' to various criteria, one of which is 'whether significant adverse landscape and impacts could be avoided'. Thus, PV 2 allows for development leading to some harm and as I have found above the harm arising would be limited/very

²¹ Paragraph 50 APP/C3105/W/19/3228169

²² The Council suggest 62m, the Appellant 54.3m: Further Addendum to Landscape Statement of Common Ground

²³ Criteria provided in BS 5837:2012: Cat A high quality, Cat B moderate quality 20yrs life expectancy, Cat C low quality, Cat U in poor health

²⁴ Paragraph 2.9 Arboricultural Impact Assessment EDP

limited, so significant adverse landscape and impacts would be avoided. I therefore find that the proposal in this respect would comply with PV 2.

46. Policy PV 2 also has a criterion whether the development would contribute to enhancing the built environment. The submitted Framework and Parameter Plans provide a well-conceived basis to design a sensitive reserved matters scheme which would potentially enhance the setting of the surrounding buildings. For the same reason the proposal would not be in conflict with Policy ESD 15 which expects new development to complement and enhance the character of its context through sensitive siting, layout and high quality design.
47. Policy ESD 13 seeks to avoid harm to the setting of settlements and not be inconsistent with local character. In these aspects the proposal would be conflicting. However other criteria include whether the proposal would cause undue visual intrusion to open countryside and whether undue harm to important landscape features or topography. The reference to undue is similar to the use of significant in PV 2 as considered above. In addition, important is used, and as also above I have not found that the landscape features or topography are important, on either the appeal site or its setting or in combination, because of the surrounding houses. The policy also seeks opportunities to secure the enhancement of the character and appearance of the landscape. The proposal does this in part by the restoration/reinforcement of hedges, new tree planting and creation of landscaped and managed public open space, all of which would enhance the appearance of otherwise undistinctive fields. Other criteria include the avoidance of harm to the historic value of the landscape and tranquillity, against which the proposal would not conflict. I find when taken as a whole the proposal would comply with ESD 13.
48. Policy C15 of the adopted 1996 Local Plan does allow for the protection of gaps between development in general. Additionally, the Inspector examining the subsequent 2015 Local Plan found that no other policy was warranted on the gap between Bicester and Ambrosden. The Council's case officer's report despite asserting landscape harm, found no conflict with Policy C15, and I similarly find accordance, as the gap would not be prejudiced by this proposal.
49. The proposal conflicts with Policy H18 of the adopted 1996 Local Plan but that was prepared in the context of PPG7²⁵ and pre-dates the Framework which permits a balanced judgment to be made on the effects. Consequently, I give this conflict very little weight.
50. In respect of the effect of the proposal on the character and appearance of the area, I therefore find that the proposal would comply with the above Development Plan policies.

Other matters

51. Several local residents comment about the surface water run off problems in the village and the potential from this development. However, this proposal was the subject of a Flood Risk Assessment, which showed the site is in a flood zone 1. The assessment includes a drainage strategy, whereby the water run-off from the hard surfaces would be held on the site, equivalent to its greenfield state, so that it would not exacerbate flood risk elsewhere. In

²⁵ Planning Policy Guidance Note 7 now superseded

addition, the site is generally lower than much of the village. The Lead Local Flood Authority had no objection and I similarly concur.

52. There was concern about the importance of the site for various species and its rich biodiversity. The site and surroundings have been the subject of an ecological appraisal in September 2022, involving on site surveys including bats birds, reptiles, butterfly and flora as well as consideration of protected and noted sites and species in the local area. The site is largely poor semi-improved grassland with native hedgerows, broadleaf trees and ditches. The surveys found that the trees and grassland offered low suitability for bat foraging and roosts. Badgers and hedgehogs were not found. Great crested newts have been found in the vicinity but whilst not confirmed on the appeal site itself, the hedgerows could provide suitable habitat. Whilst the development would need a newt license, the Framework Plan shows that dedicated and connected habitat alongside the hedgerows can be provided and managed thereafter appropriately. New drainage ponds, swales and particular grassland management would also increase habitat opportunity²⁶. Scrub, tree and wildflower planting would also support a wide range of species. The appraisal and its recommended mitigation measures were accepted by the Council's specialist officer. In addition, a potential biodiversity net gain was also demonstrated. I therefore find no harm to protected species or habitat.
53. Concern was raised about the additional traffic arising from the development and the impact on safety on the busy village roads. The proposal was the subject of a Transport Assessment which was considered favourably by the County Highways Officer. The access has been considered safe with visibility demonstrated in accordance with required standards for vehicles entering and leaving the site as well as pedestrians and cyclists on the adjacent path. In addition, the level of traffic arising was considered not to jeopardise safety along the road network including the A41 junction or the roads within the village.
54. Many of the responses commented on the amount of recent development in the village. Concern is made about the resulting pressure on infrastructure and services. However, each development is expected to contribute to the necessary facilities for everyday living to meet the additional demand arising from the new occupants. I consider the provisions for these 120 proposed dwellings below and the planning policy implications in terms of the extent of development latterly.

Planning Obligations

55. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 57 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. All parties agree to the provisions in the agreement and both the County and District Councils have provided CIL Compliance Statements. Policy INF1 and the Council's Developer Contributions SPD 2018 require development proposals consider the requirements new residents would have for transport, education, health, social and community facilities.

²⁶ Paragraph A6.15 of Ecological Appraisal EDP

56. The provision of 35% of the housing as affordable is necessary to ensure that the development provides for the needs of the community as a whole and help the social well-being of the village. This accords with Policy BSC3.
57. £132,240.96 would be provided for works to improve the capacity of Ambrosden village hall. This would increase its capacity commensurate with the number of the new residents arising from the development. This would ensure that the new residents have the facilities to support their health and well-being as well as encouraging community mixing, in accordance with Policy BSC12.
58. £242,043.60 would be paid towards formal outdoor sport. This would contribute to the provision of a new '3G' football facility at nearby Graven Hill. Provision of £96,572.16 is made for indoor sport which would be used towards improvements at Bicester Leisure Centre to meet the additional demand from these new residents. Provision of a play area on site is also needed for younger residents and is also the subject of an obligation. These measures would be in accordance with Policy BSC10.
59. £26,880 would be provided for public art to enhance the public realm on the development, thereby helping its distinctiveness and cultural identity, in accordance with Policy ESD 15. Provision is also made for the necessary maintenance of the public open space which as I have found above would enhance the character of the development.
60. £12,720 would be provided towards waste bins which would be necessary to ensure that this basic service is provided efficiently for the health and well-being of the community. Similarly, £11,275 would be provided for Strategic Waste Management which would assist in the expansion of household recycling for the good of the wider environment.
61. A contribution of £103,680 would be made towards the provision of GP surgery facilities in the area. As local residents commented at the Inquiry the GP facility at Ambrosden has recently closed and funding is necessary to help provision of this essential service as locally as possible. The written submission on behalf of the NHS Trust demonstrates the commitment to create a new facility in the locality.
62. The agreement also requires the proper laying out of the vehicular access which is necessary to ensure that safe and efficient access is provided as well as cycle track widening and traffic calming.
63. A £135,960 contribution would go towards bus services serving the village which would help the new residents access services and facilities without dependency upon private car. Similarly, £30,000 would go towards improvements to public rights of way and £1,558 is identified for Travel Plan monitoring.
64. £17,395.74 would be provided towards the employment of a community worker with a fund of £5,400 for community development. This would help the social integration of the new residents into the existing community and accords with Paragraph 97 of the Framework.
65. The agreement makes provision to expand secondary and special needs education to accommodate the new residents. A formula based on the basis of number of bedrooms in the dwellings is accordingly included in the provision.

66. The agreement requires a training and employment plan, which would secure the commencement of up to 6 apprenticeships. This would diversify opportunities thereby supporting social and economic prospects.
67. Both County and District Councils requested monitoring fees, based on their own calculations for their particular responsibilities in each obligation within the agreement as outlined in their respective obligations guidance. The obligations Ppg²⁷ allows for monitoring costs if proportionate and reasonable. The obligations would have to be checked by the Councils' staff throughout the progress of the development and payments would need to be requested, received, and actioned. Both Councils have particular responsibilities for overseeing the obligations and the funding. I therefore find that the monitoring fees are necessary and reasonably related to the proposal.
68. The above obligations are intended to mitigate the needs and impact of the intended occupants of 120 additional houses, to avoid placing undue pressure on the existing community facilities. The requirements were based on calculating the resulting new residents and the likely need for the particular facilities.
69. I am satisfied that each obligation below would meet the tests in that they are all necessary to make the development acceptable, directly related and fairly and reasonably related in kind and scale. Provision is also necessary to accord with the relevant Development Plan Policies and the Developer Contributions SPD. I therefore find that the obligations contained in the undertaking would be necessary and reasonable.

Development Plan and Planning Balance

70. As I have found above in respect of the first reason for refusal, the proposal would not lead to significant adverse landscape and impacts and therefore complies with Policy PV 2. Similarly, it would comply with Policies ESD 13, ESD 15 and C15; whilst there is conflict with H18, that warrants only very limited weight.
71. Additionally, Policy BSC1 promotes a wide choice of high quality homes and Policy PV 2 allows for growth in Category A villages, which includes Ambrosden. The case officer's report considers that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. The close proximity to Bicester and the bus connections also add to its suitability for new growth.
72. Policy PV 2 foresees that 750 dwellings will be delivered at Category A villages but both parties at the Inquiry acknowledged²⁸ this is not a cap or ceiling to development. Indeed, it is apparent that this has now been exceeded and the Council is still supporting development in Category A villages, as demonstrated by the Planning Committee's favourable resolution on 21 March 2024 for up to 60 dwellings in Cropredy²⁹.
73. Nonetheless the Council at the Inquiry expressed concern that its exceedance could lead to affordable housing and/or infrastructure not being delivered through the implementation of larger allocated sites. However, this was not

²⁷ Paragraph 36

²⁸ Paragraph 7.11 Statement of Common Ground and Paragraph 61 Council Closing

²⁹ 23/00977/OUT Claydon Road Cropredy

demonstrated in clear evidence. Indeed, the Development Plan will require each site to provide affordable housing and contribute to services/facilities to mitigate its particular impact. Moreover, it is apparent that the implementation of larger sites has not been discouraged by Category A villages rather they have been delayed due to legal matters and highway modelling. Indeed, I do not find that the 120 dwellings proposed here would be large enough to compromise the other Cherwell sites awaiting development, which are considerably larger.

74. The Council also have well established commitments on potential residential sites near Kidlington to help meet the needs of the neighbouring Oxford City area and contribute towards addressing its housing shortage. These also have not been implemented yet due to legal agreements and need to resolve highway constraints. However, these are positioned near to Oxford on accessible routes and orientated towards that particular catchment. In addition, their implementation would be likely to be after the appeal site and the 120 dwellings in the appeal proposal would be relatively small. Consequently, I find that the proposal would not prejudice the sites identified for Oxford's needs.
75. Similarly, the Council suggested at the Inquiry that 100 houses was in excess of that allowable in Policy PV 2 as such a quantum was akin to a strategic site. However, the wording of the Policy has no such limit, and it would be wrong to interpret it by importing such a figure³⁰.
76. Ambrosden has had more recent development than many of the Category A villages. However, that does not in itself preclude the principle of this proposal, as the wording in Policy PV 2 does not require any particular distribution of development around the Category A villages. Indeed, each village will have its own particular constraints and opportunities. The Council's case officer concluded that the level of growth could be accommodated without harm to the overall strategy³¹. In addition, the decision notice does not find such harm and I similarly concur.
77. Other criteria in PV 2 include protection of heritage, ecology, retention of the best and most versatile agricultural land, safe access and sustainability. The Council had no concern against these other criteria in Policy PV 2 and I similarly concur.
78. Given the above, I find that the proposal would not conflict with Policies PV 2 and BSC1.
79. Both parties accept that the proposal would not harm residential amenity, heritage or highway safety so would comply with those particular policies. Similarly, the proposal would not harm protected species or their habitat and would lead to a net biodiversity gain.
80. As I found above the Section 106 agreement makes provision for affordable housing, social infrastructure, landscaping and open space, so the proposal would not conflict with those associated policies.

³⁰ *Tesco Stores v Dundee* [2012] UKSC 13, Paragraphs 18-19 and *R (Cherkley Campaign Ltd) v Mole Valley District Council and another* [2014] EWCA Civ 567 Paragraph 16

³¹ Officer report Paragraph 9.34

81. I note that the Local Plan is under review. No party suggested that in respect of this particular proposal, there is any significant or relevant policy change emanating from the Emerging Plan.
82. I therefore conclude that the proposal would accord with the Development Plan when taken as a whole.
83. The Inquiry considered housing land supply, in several respects. Firstly, whether under Paragraph 77 of the Framework, a 4 or 5 year land supply requirement applies, since the Council has not submitted a policies map at the Regulation 18 consultation stage of the Emerging Local Plan as referred to in Paragraph 226 of the Framework. Secondly the validity of the Council having separate housing land supply calculations for Cherwell District and its contribution to Oxford City's needs, although these are suggested as being integrated into one overall calculation in the Emerging Plan. Thirdly the deliverability of large sites and whether the Council is unduly optimistic in the light of their evidence. However, as I have found above the proposal complies with the Development Plan as a whole and it is not necessary for me to reach conclusions on the above.
84. In any event the delivery of new housing would be a benefit in terms of the economy and social needs. This site is projected to potentially be deliverable promptly³² and would be a helpful addition to local supply.
85. The new homes would be close and well located to the village facilities via Ploughley Road, even without the additional footpath connection at West Hawthorn Road. Local residents commented at the Inquiry that the village pub has limited opening hours and the hairdressers is currently not operating, which I noted is for sale; the occupants from the 120 dwellings would be likely to support these and other village services.
86. The proposal is for 35% of the homes to be affordable. The Council's HENA³³ shows 4,163 households were in 'unsuitable housing' in 2022. Equally the supply has not matched demand and 660 dwellings per year are needed for rent alone. The proposal would deliver up to 42 affordable dwellings which would be a significant help towards the local need.
87. The above benefits are substantial which add support to the proposal and its compliance with the Development Plan.

Conditions

88. Paragraph 56 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. There was considerable agreement on the wording of many of the conditions. However, the Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.
89. A condition is needed to confirm that the layout, scale, appearance and landscaping are details which are the subject of reserved matters. The details

³² Appendix 7 Housing Trajectory: Planning Proof of Evidence

³³ Housing and Economic Needs Assessment published jointly by Cherwell and Oxford City Councils to inform their Local Plans: Tables 9.5 and 9.33 and paragraph 9.21.

of the access were submitted as part of this appeal proposal and considered accordingly. The conditions on timing and approved plans help provide clarity and certainty. Similarly, a condition is warranted to confirm the maximum number of dwellings as the density of housing has been a consideration.

90. Rather than the standard time periods for the submission of application(s) for reserved matters and commencement thereafter, it was discussed at the Inquiry whether this should be reduced. It was acknowledged that it might help demonstrate the site's deliverability. I find this would encourage the proposal's implementation and support its contribution to the 5-year housing land supply requirement, in accordance with Paragraph 77 of the Framework, and a condition is imposed accordingly.
91. A condition requiring the submission and approval of finished floor levels is necessary to confirm the modest height of the buildings as proposed, bearing in mind the sloping nature of the site.
92. A condition to investigate and potentially remediate land contamination is suggested. The field has been used for agriculture in the past and it is possible that some chemicals may have been used. This is warranted as a precaution to ensure the health of the new residents.
93. The submission and approval of the details of the surface water management are necessary to ensure that adequate provision is made to hold surface water run-off to prevent problems for the homes and roads in the vicinity. Other conditions on water piping, piling and separation from the water main ensure that future supplies are not prejudiced by the development. A condition is also necessary on foul water drainage to ensure that this essential infrastructure is in place.
94. The archaeological conditions would ensure that any significant remains are properly recorded. One is worded as pre-commencement out of necessity.
95. The condition on construction management is needed to ensure that the reasonable living conditions of local residents are maintained during the construction process. It is worded as pre-commencement to ensure that the required measures are in place from the outset. Similarly, an air quality impact assessment is necessary to ensure that the development does not harm health and well-being as required by the Council's Air Quality Action Plan.
96. A condition is necessary to ensure that provision is made for waste and recycling facilities so that each dwelling can be adequately serviced and additionally recycling is promoted to the benefit of the wider environment. The condition on external lighting is necessary to minimise light pollution and promote dark skies in accordance with Paragraph 191 of the Framework.
97. A condition is also needed to ensure that tree works, and tree protection measures, are undertaken to conserve specimens that significantly contribute to the character of the area.
98. The suggested condition requiring the submission of a landscaping scheme would duplicate the required submission in the reserved matters and has been re-worded to favour details to be submitted as part of the reserved matters. Whilst the landscaping details are a reserved matter, an additional condition is also needed on the management of the landscaping, which should include

timing of planting and any replacement of lost specimens. In addition, this would promote biodiversity on the site and ensure a net gain.

99. The condition on highway access is necessary to ensure the drainage and visibility are maintained for the benefit of the adjoining Ploughley Road. Similarly, a Construction Traffic Plan would ensure that construction does not jeopardise the safe and expeditious use of the highway network. In addition, a condition is warranted on traffic calming and cycle track widening in the interests of promoting accessibility for all users.
100. The condition on provision of electric charging points would ensure that unallocated parking spaces are adequately served in the interest of the efficient access for electric vehicle users and the wider environment.
101. The conditions requiring a renewable energy strategy and carbon reduction are not felt to be justified as energy efficiency is covered by the building regulations regime and the location of this site is not in an unsustainable location to warrant any additional efficiency measures. The suggested condition on water efficiency is warranted due to the water stress in the area. The condition to facilitate the provision of a fibre optic cable to each dwelling is necessary too in the interest of modern living.

Conclusion

102. I therefore conclude that the appeal should be allowed, subject to the conditions in the conditions annexe below and the Section 106 agreement.

John Longmuir

INSPECTOR

Appearances

For the Appellants

Sarah Reid Kings Counsel	Kings Chambers
Stephanie Hall	Kings Chambers
Elana Kaymer Second Six Pupil	Kings Chambers
Ben Pycroft BA(Hons), Dip TP, MRTPI	Director, Emery Planning
Jamie Roberts, MPlan, MRTPI	Associate, Tetlow King Planning
David Bainbridge MA(Hons) MRTPI	Planning Director, Savills
Ben Connolley, BSc(Hons), PGDipLA, CMLI	Director, Environmental Design
Amanda Brodie, Senior Associate	Gateley Legal

For the Council

Gary Grant Counsel	Kings Chambers
Nicola Brown BA(Hons) Bland Arch, Cert UD CMLI	Huskisson Brown Associates
John Goodhall MA MSc MRTPI	Director DLP Planning Ltd
Tom Webster BA(Hons) DipTP MRTPI	Principal Officer Cherwell District

Interested parties

Dawn Seaward	Chair Ambrosden Parish Council
Lynda Piggott	Local resident
Tony Read	Local resident
Theresa Honor	Local resident
Julian Honor	Local resident

Documents submitted at or after the Inquiry

INQ 1 Appellants opening
INQ 2 Council opening
INQ 3 Banbury FM: Straight answers on affordable housing targets
INQ 4 Affordable housing
INQ 5 Highway Officer comments Bicester Road, Kidlington 22/00747/OUT
INQ 6 Oxford Mail: 'Banbury Town Centre House to be used for social housing'
INQ 7 Statement of Common Ground update
INQ 8 Errata to Appellants' Planning Proof of Evidence
INQ 9 Committee report 21 March for Cropredy 23/0097/OUT
INQ 10 Note from Mr Pycroft on land supply in response to Council
INQ 11 Suggested conditions
INQ 12 Additional comments on behalf of the NHS
INQ 13 Council closing
INQ 14 Appellants closing
INQ15 Further addendum to the Landscape Statement of Common Ground
INQ16 signed Section 106 Agreement.

Conditions annexe

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of eighteen months from the date of this permission and the development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as '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.

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans:

- a) Aerial Red Line Plan – PL 02;
- b) Framework Plan – FP-01 Revision B;
- c) Site Access Sketch – 0007 revision P06;
- d) Parameter Plan - Land Use – 9600;
- e) Parameter Plan – Scale – 9601;
- f) Parameter Plan – Density – 9602;
- g) Parameter Plan – Access – 9603 Revision B;
- h) Aerial Red Line Plan – PL 02;
- i) Illustrative Masterplan; and
- j) Site Access Sketch – 0007 revision.

4. No more than 120 dwellings (Use Class C3) shall be constructed on the site.

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

6. 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.

7. As part of any application for reserved matters relating to layout, a detailed 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, including principles of future management, shall be 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 implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- a) a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- b) full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- c) a Flood Exceedance Conveyance Plan;
- d) comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- e) detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; details of

how water quality will be managed during construction and post development in perpetuity;

g) confirmation of any outfall details; and

h) consent for any connections into third party drainage systems.

8. No development shall commence until a detailed foul water drainage scheme for the site, including phasing details where required, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and subject to phasing details, before the development is first occupied.

9. There shall be no occupation beyond the 49th dwelling until confirmation has been provided that either: all water network upgrades required to accommodate the additional demand to serve the development have been completed; or a development and infrastructure phasing plan has been agreed with the Local Planning Authority to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

10. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

11. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

12. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

13. Following the approval of the Written Scheme of Investigation referred to in condition 11, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed 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 and approved in writing.

14. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents. Thereafter the development shall be carried out in accordance with approved CEMP.

15. As part of any application for Reserved Matters a detailed air quality impact assessment to identify the effect of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. This shall have regard to the Cherwell District Council Air Quality Action Plan.

16. No external lighting shall be installed other than that submitted and approved in writing by the Local Planning Authority.

17. The Reserved Matters submission for layout shall include details of proposed refuse and waste recycling facilities for each dwelling in that submission. The approved scheme for any individual building shall be implemented before that dwelling is brought into use and shall be thereafter retained.

18. As part of the Reserved Matters submission for landscaping, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS. Details must include:

- a) a management proposal is created for the groups in order to improve their visual contribution, and longevity, particularly when forming a screen between existing properties and the development;
- b) space afforded to the hedges/groups in order to allow future access for maintenance, and reduce likelihood of both above and below ground impact with proposed dwellings;
- c) shading arcs where properties sit to the north of retained trees/hedges; and
- d) a finalised plan to incorporate and improve retained groups/hedges surrounding the residential development.

19. The reserved matters application submission for landscaping shall include:

- a) details of the proposed tree and shrub planting including their species, number, sizes, positions and planting densities (where appropriate), and tree planting pits together with grass seeded/turfed areas;
- b) details of the existing trees and hedgerows to be retained, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
- c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps including the final surfacing thereof;
- d) details of SUDs features including proposals for lining features to retain water; and
- e) details of wildlife habitat creation of potential benefit to protected species.

20. No development shall commence on any phase until a Landscape and Biodiversity Management (LBMP) for that particular phase has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the timescales for the implementation of all hard and soft landscaping and

measures for the identification and replacement of any dead or diseased plants. Thereafter the LBMP shall be implemented in accordance with the approved details and shall be managed and maintained for a minimum period of 30 years.

21. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

22. Prior to their first occupation a Residential Travel Plan and Residential Travel Information Pack shall be supplied to each and every dwelling, produced in accordance with details submitted and approved by the Local Planning Authority.

23. Prior to commencement of the development hereby approved; a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out wholly in accordance with the CTMP. The CTMP shall include the following:

- a) the CTMP must be appropriately titled, include the site and planning permission number;
- b) routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site;
- c) details of and approval of any road closures needed during construction;
- d) details of and approval of traffic management during construction;
- e) details of the use of wheel cleaning/wash facilities for every construction vehicle leaving the site;
- f) details of appropriate signage to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions;
- g) the erection and maintenance of security hoarding;
- h) a regime to inspect and maintain all signing and barriers;
- i) the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading;
- k) the parking of contractor and visitor vehicles;
- l) details of site storage, compound, pedestrian routes;
- m) a before-work commencement highway condition survey;
- n) a methodology of informing local residents of deliveries, construction progress and contact details of the Project Manager and Site Supervisor responsible for on-site works;
- o) any temporary access arrangements; and
- p) details of times for construction traffic and delivery vehicles.

24. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling and serve 25% of unallocated visitor spaces has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the development of the dwelling it serves.

25. Prior to the commencement of the development hereby approved, full design details of the traffic calming features and cycle track widening (in accordance with the principles as shown indicatively on Clarke bond drawing no. B05927 CLK XX XX

DR C 0012 Rev. P02) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the traffic calming features and cycle track shall be constructed in accordance with the approved details.

26. The visibility splays for the access hereby permitted shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

27. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and thereafter shall continue to accord with such a limit thereafter.

28. As part of the Reserved Matters submission for layout, a strategy shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each property upon the completion of the infrastructure. The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

End of conditions.