



Appeal Decision

Inquiry opened on 29 April 2025

Site visit made on 9 May 2025

by Zoë Hill BA (Hons) MRTPI DipBLDGCON IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th December 2025

Appeal Ref: APP/C3105/W/24/3355576

Land west of Fringford Road, Caversfield, OX27 8TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates against the decision of Cherwell District Council.
 - The application Ref is 24/00245/OUT.
 - The development proposed is described as outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access.
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Decision

1. The appeal is allowed and outline planning permission is granted for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access in accordance with the terms of the application Ref: 24/00245/OUT and the plans submitted with it, subject to the s.106 Agreement and conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with only means of access to be considered at this stage and all other matters reserved for subsequent consideration.
3. The Inquiry opened on 29 April sitting also on the 30, the 1, 7, 8 and 9 May and 5 and 6 June 2025. Time was given for the s.106 Agreement to be submitted after the Inquiry closed, as agreed at the event. The s.106 Agreement is dated 26 June 2025.
4. During the appeal process it became apparent that the Environment Agency flood risk mapping had been amended. As a consequence, part of the site was identified as being at risk of surface water flooding. The appellant undertook further assessment which was consulted upon and became a topic for the Inquiry. This is addressed in main issue (f) as set out below.

Main Issues

5. The main issues in this case are:
 - (a) the extent of the housing land supply for this area and the implications of this; and,

- (b) the effect of the proposed development on the character and appearance of the surrounding area including the GAP; and,
 - (c) the effect on the setting of the RAF Bicester Conservation Area; and,
 - (d) whether or not the proposed development would preserve the Grade II* St. Laurence's Church having regard to its setting; and,
 - (e) the sustainability of the site in terms of its location; and,
 - (f) whether or not the site is suitable for development having regard to flood risk.
6. Having regard to all of the forgoing, and any other planning benefits or harms, the planning balance needs consideration to arrive at the decision.

Reasons

a) Housing Land Supply

7. There is no dispute between the parties that Cherwell cannot demonstrate a 5 year housing land supply (HLS). With that in mind the National Planning Policy Framework (the Framework) makes it clear at paragraph 11d) (with footnote 8) that the policies which are most important for determining the application are to be considered out-of-date. Thus, for decision taking this means granting permission unless certain circumstances arise.
8. The first (i) is that the application of the policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. In this case, having regard to footnote 7, two matters are of relevance, those relating to designated heritage assets and areas at risk of flooding. These matters are dealt with under other main issues.
9. The second (ii) is where any adverse impacts of allowing the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations and providing affordable homes, amongst other things; both of these matters are addressed within the other main issues.
10. The main parties agree that the base date for the 5 year HLS period is 1 April 2024 and that the annualised HLS requirement including the allowance for Oxford's unmet need and the 5% buffer is 1,871 dwellings.
11. In being able to arrive at the planning balance it is necessary to understand the extent of the shortfall in housing land supply. In this case the Council claim it is 2.3 years whilst the appellant claims it is 1.69.
12. The difference stems from the sites which the Council considers to be deliverable. Eleven key sites have been identified in this regard as set out in the Statement of Common Ground for Housing (SoCG-H).
13. The Framework sets out what 'deliverable' means in this context; in particular sites must be available now, offer a suitable location and be achievable with a reasonable prospect of delivery within five years.

14. A key point made by the appellant relates to the defined period for calculations. Essentially, that a base date is set and the figures should be based on that point in time. I agree with that view as new sites coming forward after that base date should not be counted unless a total recalculation is undertaken thereby creating a new base date. This is because adding new deliverable sites is only one side of the equation as other sites may be being lost from being deliverable, for instance because the land is used for other purposes or development stalls because of unanticipated problems. In this respect I concur with the views of my Inspector colleague in the 'Woolpit' decision¹.
15. The Council considers that where the need for housing has resulted in dwellings being allowed on appeal those dwellings should form part of the deliverable sites. However, for the reasons set out above they will form part of the supply when it is next calculated. I am aware that some planning authorities recalculate housing land supply more than annually but in this case it seems that those sites will form part of the data for the 5 year HLS starting on 1 April 2025, even if these dwellings could be delivered before 31 March 2029.
16. As a consequence, sites B (Land adjacent to Salt Way and west of Bloxham Road, Banbury) (60 dwellings), F (Land south of Green Lane, Chesterton) (110 dwellings) and G (Land east of Ploughley Road, Ambrosden) (100 dwellings) should not be included in the 5 year HLS until such a time as the whole supply picture is recalculated.
17. For the same reason, that is that matters changed after the base date, site A (Canalside Caravan Site, Banbury) (63 dwellings) should also be omitted.
18. Moreover, none of these sites are accompanied by clear and compelling evidence that there is a reasonable prospect of delivery within the next 5 years despite the Inspector's conditions shortening the time frame for development in the case of site G.
19. In terms of the remaining sites, for site C (Land opposite Hanwell Fields Recreation, Banbury) it is agreed that 78 dwellings should be included, having permission from 2021 for which reserved matters have been submitted by a housebuilder. Although the site can accommodate another 114 dwellings, for which outline planning permission was agreed in January of this year, that permission had not been issued while a s.106 was awaited. While the Council expects that the housebuilder will continue on the site once this permission has its legal agreement signed, there is no evidence besides the anticipation created by the 78 dwellings being built out that this will be the case.
20. Site D (Bicester 3 – South West Bicester Phase 2) is in a similar situation to the site above in that it has a resolution to grant planning permission but is being held up by an outstanding s.106 and a s.73 application to vary the outline permission to which it relates. No evidence was provided in respect of why the s.106 has taken over a year and not yet been resolved. Nor is there evidence to set out the likely progress of the s.73 application. As such, there is no certainty around the deliverability of the related 96 dwellings.
21. Site E (North-West Bicester) is a site identified as delivering 325 dwellings by the Council. Of these 123 are permitted by a reserved matters approval and a further

¹ Appeal Ref :APP/W3520/W/18/3194926 -East side of Green Road, Woolpit, Mid Suffolk (CD LS.12 para 67)

44 are the subject of a reserved matters application. The appellant accepts these dwellings are deliverable. The applicant for the remaining 158 dwellings is not a housebuilder. Positively, the Council indicate it is in pre-application discussions for this site. I understand the frustration of the Council that these discussions are confidential and therefore, again, there is no substantiated evidence that these dwellings will be deliverable within the 5 year supply period.

22. Site H (Land West of Yarnton) has yet to be subject of a reserved matters application. In terms of this site, the Council has a response to its proforma request on the status of sites. This indicates that there is no developer for the site but suggests delivery of 90 dwellings in 2026/7 which it has multiplied to 270 dwellings during the five year period. This seems overly optimistic without a developer, with reserved matters to obtain, conditions to discharge and all associated works required.
23. Site I (Land at Stratfield Farm, Kidlington) is another outline planning permission that is pending a s.106. Although an application has come forward to convert the farmhouse on site to four dwellings there is no evidence regarding the remainder of the site (some 50 dwellings).
24. Site J (Land East of the A44, Begbroke) is a very large site of some 1800 dwellings which, as with the site above, has a resolution to grant outline planning permission but is awaiting a s.106 agreement of considerable magnitude (with infrastructure items in excess of £16M, including highway works and a railway bridge). Details regarding this scheme's viability, which includes 50% affordable housing are not provided and therefore with the lack of any other evidence it is difficult to be reasonably assured that housing will be delivered on the site within the 5 year period. Whilst the number of dwellings anticipated by the Council within that period is modest at 50 there is little to be assured that even that level will be delivered.
25. Site K (Land east of Oxford Road, north Oxford) is also in the situation that an outline permission is awaiting a s.106 agreement which was on hold because of an objection from the Environment Agency which was withdrawn about a month before the Inquiry. The s.106 had, at that point, not been issued. However, there is no information regarding detailed matters that would indicate development on site is likely to deliver the 100 dwellings which the Council seeks to include within the supply even if there is some hope of progress.
26. Taking sites C, D, E, H, I, J and K together there is little evidence to be convinced that development of the level indicated will arise. However, given the clear pressure for homes in this locality it may be that some of these sites do deliver within the five year period.
27. Removing the 333 dwellings which do not fit within the baseline date and significantly tempering those likely to be provided from the remainder of the list (some 838 dwellings) it seems to me a figure more closely aligned to that of the appellant would provide a more realistic position for evidenced housing land supply at the base date of 1 April 2024. However, I appreciate that this is an authority which is seeking to actively improve its housing land supply position. This is demonstrated by the Partial Review of the Local Plan, which provides for housing to help meet Oxford's unmet housing needs, which was adopted in September 2020. Indeed, sites H, I, J and K are all Partial Review sites. Taken together, these sites should have capacity for 3,260 dwellings of which the Council anticipated 470

coming forward within the current five year period – albeit I am not convinced for the reasons above.

28. That said, this Authority, through the Partial Review, is actively trying to increase its HLS in a meaningful way and is awaiting active uptake of the sites it is releasing. I also understand the frustration that it is difficult to demonstrate the likelihood of development coming forward particularly given that discussions around future development of sites is often undertaken on a confidential basis.
29. Nonetheless, I am in no doubt that HLS is a very serious matter in this appeal even on the Council's optimistic calculations of 2.3 years. The appellant's calculation of 1.69 years is not unreasonable, for the reasons set out above, and indicates a much more difficult situation at least in the current five year period and one which is unlikely to be resolved so that a five year supply could be demonstrated soon. This is the case even when acknowledging that some of the recent appeal decisions have been allowed on the basis of the 'tilted balance' and the need to bolster HLS in this location in the hope of realising the delivery of homes.
30. Thus, the significance of the extent of shortfall is a relevant matter in this appeal. Thus, the shortfall of three or more years adds yet more weight in favour of the proposed development within which there is already a tilted balance in its favour because of the national imperative of housing delivery.

b) Character and appearance of the surrounding area including the effect on the landscape and gap between settlement areas

31. Caversfield was a manorial complex with a church and associated parish. The village of Caversfield, however, is located in the main to the east of Fringford Road, and is relatively unusual in that it is primarily associated with the development of RAF Bicester after WWI.
32. The appeal site, of some 7 ha, is to the west side of Fringford Road, and can be characterised as a roughly rectangular, largely flat, area of grassland used mainly for equine paddocks. It is situated between the historic location of the Caversfield manor complex and the village of Caversfield. The site includes a farmhouse and equine buildings along with a yard. It has access from both Fringford Road and Aunt Ems Lane. The boundary with Aunt Ems Lane is predominantly marked by a hedge containing trees. To the southern side of the main site access (the proposed access route) the boundary nearest Fringford Road lies mainly behind the four dwellings that front that road, whilst the remainder is situated behind a boundary wall and planting. The boundary to the north-west is wooded and adjoins Caversfield House, whilst the north-east boundary is fenced adjoining neighbouring agricultural land. There is a public footpath running approximately east-west across this adjoining countryside from which views of the site can be obtained.
33. The site falls within the Wooded Estate lands in terms of the County Landscape Character Area and at District level the Oxfordshire Estates Farmlands. This area is characterised as woodland and mixed farmland, much associated with estates of the eighteenth century. The site is in proximity to both the development of the urban fringe of Bicester and the RAF Bicester airfield. The 2010 Landscape Sensitivity Study (LSS) specifically addressed this site which ascribed this wider area moderate landscape sensitivity but low visual sensitivity due to screening. Whilst identified for character restoration, a moderate capacity to accept residential development was accepted in the southern part of this area with a high capacity

for informal recreation or woodland with a strong emphasis on maintaining a buffer around the hamlet of Caversfield, particularly noting the need to protect space around Home Farm and the Church.²

34. Saved policies C15 and C33 of the Cherwell Local Plan 1996 (CLP 1996), taken together, set out that the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them. This includes retaining any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure.
35. Saved CLP 1996 policy C8 seeks to resist development beyond built up limits. Whilst the intention of protecting the countryside is clear this policy is at odds with the Framework given the land supply situation in this area and, as such, it can only be accorded limited weight, other more specific policies referred to above are of greater weight given they do not relate to such an 'in principle' objection outside of built up limits.
36. Saved CLP 1996 policies C23 and C28 deal with detail rather than specific matters which are not of such relevance for this application which has been accepted in outline with all matters reserved except access.
37. The Cherwell Local Plan 2011-2031 (CLP 2011-2031) ESD13 seeks that development respects and enhances local landscape character, securing mitigation where there is damage. Amongst other things, it aims to resist proposals that would cause and undue visual intrusion into the open countryside that are inconsistent with local character.
38. I appreciate that the Emerging Local Plan to 2042 (ELP) includes policy COM13 which relates to Settlement Gaps that it seeks to maintain. The listed Gaps include the Gap between Bicester and Caversfield. There is no dispute that the ELP is in its very early stages, having been submitted to the Planning Inspectorate in July of this year³, and therefore currently is not afforded material weight.
39. Fringford Road marks the western edge of Caversfield Parish. I saw that when leaving Bicester, Fringford Road, despite the footway adjoining the highway, appears as a route largely through countryside. Where it runs through Caversfield village, the development of which is on the Bicester airfield side save for a handful of properties, substantial tree and hedge screening reinforces that rural, verdant, character. In this respect the character of the area has changed little since the appeal decision of May 2014 for development of the appeal site⁴.
40. The B4100 to the eastern edge of Caversfield Parish separates the former Manorial complex of manor house with church and the farmhouse. However, the existing 'parkland meadow' at the farm creates a visual link to the church and land opposite, particularly heading from Bicester. Notably, the B4100 forms the western boundary of the eco-town 'Elmsbrook'. Thus, land between the B4100 and Fringford Road, is largely open and provides a sense of separation between settlements. In plan form it is apparent why this land would be assessed as having a gap function given the limited development it contains. The appellant however contends that the physical attributes of the site when seen from the ground paints a different picture due to its

² Reference is also made to a connection with an adjoining area in terms of emergency landing for RAF Bicester and I note aviation is dealt with as a separate issue.

³ The submission was advised to the Inspector and appellant for information after the close of the Inquiry

⁴ Appeal Ref: APP/C3105/A/13/2208385 (CD P.1.)

topography wherein it is not particularly visible due to land form and existing hedgerow and tree features.

41. I observed that the landscape of the appeal site is distinguished from the agricultural fields to both the north and south because in recent times it has been in an equestrian use. Before that, mapping and local history indicates its use as having been former parkland associated with Caversfield House. Notwithstanding the nuance of equestrian use, the key character of the land is as being rural land that is largely undeveloped.
42. The boundary trees along both Fringford Road and along the B4100 when travelling towards Bicester screen the site at a distance. At closer proximity to the proposed site entrance on Fringford Road the proposed development would become evident. Whilst additional screening would begin to screen the proposed dwellings, the new access road would be a notable change in rural character to the west side of Fringford Road by introducing a road access layout and the houses beyond would be seen or glimpsed even if the curved road layout and planting be successfully implemented. Moreover, associated highway works would exacerbate the visual intrusion of the proposed access.
43. Whilst walking along the footpath in the field to the north of the site there would be a marked change when seen where, rather than obtaining open views of rural character, one would see a suburban housing estate, albeit with screening and open spaces.
44. The proposed illustrative layout (not a reserved matter but one which could be secured by conditions and the s.106 Agreement) provides an open parkland area to the side adjoining Caversfield House. As such, about half the length of the development site along Aunt Ems Lane would remain open, although deeper into the site the housing would be markedly nearer to the Caversfield House boundary.
45. The south-west boundary with Aunt Ems Lane is formed of a hedge with some tree planting. Nonetheless, it is apparent that the proposed dwellings would be seen beyond the hedge. I appreciate that drivers travelling at speed would be focused on the road, but passengers in cars, those using bicycles or on foot would undoubtedly be aware of the proposed dwellings and the change in character of the area. Proposed planting would soften this effect in time but, given the access routes it would not fully screen the proposed dwellings although it would soften their visual impact.
46. Proposed highways works to upgrade this lane, including providing a footway, would render this route less rural in appearance, and so change the existing character. However, this would equally suggest greater use by walkers and cyclists and so increase the numbers observing visual impacts of housing on the rurality of the area such that harms and benefits would be balanced.
47. In addition, travelling from Bicester on the B4100, views would be different to those shown in the montage because of recent highway works. Because of the gently rolling topography and road layout, there would be glimpsed views towards the site, and particularly so on approaching the Home Farm area. At this point there are likely to be views in which the proposed dwellings would be seen shortly followed by views of the Elmsbrook eco-town. This would extend the perceived area of built development and reduce the sense of separation between settled areas. In this regard the sequential views would have a marked impact in terms of creating a

character of sporadic development which might well become seen as a coalescence of settlements. However, as accepted by the Council during the Inquiry even with this scheme coalescence would not have been reached because of the proposed new open parkland meadow area within the appeal site combined with the existing church and Caversfield House complex.

48. On this issue I conclude that the proposed development would harm the character and appearance of the area and detract from its landscape character by eroding the sense of space and rurality leaving Bicester on Fringford Road and in glimpsed views from the B4100. It would detract from the rural character of Aunt Ems Lane and views from the public footpath to the north.
49. Whilst the scheme is for fewer houses than proposed in 2014, and an area of open parkland meadow would be created, the housing proposed and associated highway works would diminish the quality of the landscape and would conflict with Policy ESD13 as well as saved SLP policies C15 and C33. However, this would be relatively localised given the existing landscape character and form, and the proposal, albeit in outline, would provide for tree planting and landscape enhancement works and create an open parkland meadow space area which would be secured through the s.106 Agreement. Thus, whilst there is policy conflict and visual harm I accord this harm moderate weight against the proposal in the planning balance.

c) *Heritage Assets: The setting of the RAF Bicester Conservation Area*

50. The RAF Bicester Conservation Area is described in detail in its Conservation Area Appraisal (CAA) which dates from 2008. It sets out that English Heritage considers that 'better than any other military airbase in Britain, the layout and fabric relating to pre 1930s military aviation...it comprises the best-preserved bomber airfield dating from the period up to 1945...It also comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920s Home Defence Expansion Scheme'. This statement encapsulates what is important about the Conservation Area, although the appraisal goes into great detail.
51. Skimmingdish Lane, which has a junction with Fringford Road almost opposite the appeal site entrance, runs to the airfield and from it are the areas developed for accommodation, including the married quarters, and associated recreational facilities of the domestic site. The technical site was situated on the east side of the next main road out of Bicester (Buckingham Road). The Conservation Area encompasses the technical site, the airfield, Skimmingdish Lane and much of the domestic site, that being nearly all of the built development to the south-west of Skimmingdish Lane and the historic elements to its north-eastern side. Thus, the Conservation Area's boundary is directly opposite the appeal site.
52. In terms of the setting of the Conservation Area, I heard about the importance of the rural approach to RAF Bicester from Fringford Road, including to the Commanders House at the Junction of that Road with Skimmingdish Lane. I also heard that it is likely that, historically, Caversfield House was used to billet officers visiting or serving at the airfield. Whilst there was no substantiated evidence to confirm this association, I note it was also a matter raised as a consideration in the 2014 appeal and, in any event, not beyond the bounds of reasonable probability.

53. In terms of views, the key views are those over the flying field and the formal routes within the technical site. However, on entering and exiting Skimmingdish Lane there is a distinct perception of arriving/leaving somewhere different to a traditional village. More generally, the largely rural and open character of the land to many of the Conservation Area's boundaries (excepting that on the Bicester side of the ring road) reinforces this sense of separation. In this respect the largely undeveloped nature of the appeal site is part of a setting that reinforces that difference in use and so contributes to the defined character of RAF Bicester. In this regard the CAA seeks respect for the visual relationships with the adjacent countryside. I note that in the 2014 appeal, the Inspector considered that the separation between the proposed housing and Conservation Area was such that its isolated character would be largely preserved, and would make little or no impact on the features of the Conservation Area.
54. There is no statutory protection for setting of conservation areas, but it is a consideration required by the Framework which is clear about the requirement to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal and, indeed, afford great weight to the conservation of DHA and their setting. Considering the Conservation Area as a whole and noting the magnitude of its own significance, any change arising from the proposed development would be modest. Nonetheless, it would in my view cause some harm to the setting of the Conservation Area in terms of the approach/exit on Skimmingdish Lane at the point where the Commander's House is sited albeit at an angle to the road rather than as a tighter-knit point of entry. This would undoubtedly be exacerbated by the works proposed within the highway as identified by the Council which would have an urbanising effect through the safety works and upgrading of footways.
55. CLP 2011-2031 Policy ESD15 covers a large range of issues but amongst those seeks to conserve, sustain and enhance designated and non-designated heritage assets which this proposal would fail to do given the harm identified.
56. I note CLP 1996 Policy 23 relates to development in Conservation Areas so does not apply here.
57. This is a matter to be considered in the general planning balance rather than being one which relates to a statutory duty in terms of effects on heritage assets, but nonetheless it is a matter of considerable weight by virtue of the Framework. In any event, it would amount to less than substantial harm and at the lower end of that spectrum of harm. That said, given modest weight I ascribe to the harm, I consider it amounts to no more than moderate weight against the scheme in this respect.

d) Heritage Assets: Listed Buildings and Caversfield House

58. There are no listed buildings on the appeal site. However, there are a number of listed buildings within the vicinity and upon which the proposed development could cause effect their significance by virtue of development within their setting.
59. The listed buildings which are of relevance in this case are the Church of St Laurance and Home Farm.

60. The Church of St Laurence⁵ is a Grade II* listed building of medieval origins. The tower, the base of which is from the early middle ages, is a key feature on approach, when seen from the road (B4100), and from the Home Farm access. The sequence of building illustrates late C12 and C13 additions with restoration and rebuilding recorded in 1874 by Henry Woodyer. Of importance is its great age, architectural quality and communal value as a place of worship, memorials, and for many periods of its existence being a key part of recording local events including births, marriages and deaths.
61. The graveyard provides an immediate and intimate setting, which whilst distracted from by traffic at the front is remarkably peaceful to the rear where it adjoins the grounds of Caversfield House with its verdant tree cover. Beyond this immediate setting, the agricultural land and Home Farm, with the NDA Caversfield House (which replaces an earlier building destroyed by fire), provide evidence of all the components of a former manorial complex and the rural agrarian landscape within which the Church was built. This setting contributes to the significance of the listed building as a place at the heart of its rural Parish and from which revenues would have been raised to sustain its fabric and support its development, and to which it is connected through graveyard memorials.
62. Home Farm is a Grade II listed building from C17 and extended in C18/19. Constructed of limestone on a 3 bay plan with large projecting gable chimney's it is a farmhouse of moderate status. As with the Church, the remaining agricultural use and land, it having formerly been part of an extensive agricultural landholding, is important in understanding the function of the farmhouse as a place of land management, employment and, thus, community activity in social history terms. This, along with its grouping with the Church and Caversfield House, contribute to the understanding and significance of the farmhouse as a heritage asset, albeit evidence suggests the farm was tenanted by the 1840's.
63. Although a rebuilding of the lost manorial dwelling, the current house still has the appearance of being the epicentre of the manorial complex and still expresses an architectural presence to justify this. As such it can reasonably defined as a NDA and particularly so in combination with the remaining ancillary buildings and fragmentary garden.
64. From the evidence before me and following the site visit, I share the view expressed by my colleague in the 2014 appeal decision that the wealth of historic remnants at Caversfield House, in terms of the site layout and extent of survival of historic structures within its grounds, represents a significant heritage asset. In terms of understanding that asset there is a clear interrelationship with the Church and Home Farm, and with the lodges, the gardens, ponds and tree belts, and the remains of the former parkland which is apparent from the map regression, which in parts is still in situ. Despite the wooded edge to the current ownership boundary and notwithstanding the proposed open parkland meadow space area, there would be a distinct and suburbanising impact upon the setting of this historic NDA and the designated asset group.
65. This group of historic buildings should therefore be read together. The undeveloped existing 'meadow' at the farm complex entrance, remaining open former agricultural land, the churchyard and tree cover around the church, the garden of Caversfield

⁵ I note that some of the historic mapping and documents (old and new) refer to St Lawrence, however, I shall use St.Laurence as this is what the Church uses and is used in the list description.

House including its built structures and ponds and the appeal site all contribute to the setting of the complex. However, it has to be acknowledged that the road between the two listed buildings, which is well trafficked by vehicles that are often travelling at speed, acts as a barrier, partly severing this group.

66. Given the proposed development is to the east side of the B4100 and to the south-east of the Church and away from Home Farm, visual effects on Home Farm would be limited. Of greater impact would be the further erosion of open land in the vicinity of the farm, for instance when seen in this area given the value this setting adds to the significance of the farmhouse, church and house group.
67. Unlike the 2014 scheme, there is a proposal to create an open parkland meadow area alongside the wooded boundary with the curtilage of Caversfield House. This would result in a lesser impact upon the setting of this group of heritage assets than might have occurred with the earlier scheme had it been allowed. Nonetheless, the illustrative layout indicates a likely suburban housing layout of culs-de-sac, taking up a large part of the depth of the site at one side and coming relatively close to the boundary. There would be associated noise and disturbance from the comings and goings of the occupiers of the proposed dwellings, and domestic paraphernalia and planting. In all it would impinge on the setting of this group of historic assets. This would exacerbate the effects of development within the wider area.
68. I agree with both of the main parties that there would be harm to the settings to both of the designated listed buildings and to the NDA Caversfield House. I therefore conclude on this matter that the proposed development would fail to preserve the setting of the Grade II* St Laurence's Church and Home Farm, contrary to the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990. The main parties acknowledge that there would be a degree of harm. I consider that this would be towards the lower end of the spectrum of 'less than substantial harm'⁶. Even though the harm is categorised as such, this is a matter of considerable importance and weight and needs careful consideration in the planning balance.
69. The harm to the NDA would be a relatively low level of harm but this would nevertheless also need to be considered in the planning balance as the Framework requires.
70. CLP 2011-2031 Policy ESD15 covers a large range of issues but amongst those seeks to conserve, sustain and enhance designated and non-designated heritage assets which this proposal would fail to do given the harm identified.
71. The harm identified would also result in conflict with CLP 1996 Policy 33 which is essentially a gap policy which identifies the importance of gaps in maintaining the proper setting for a listed building or in preserving a view or feature of recognised or historical value. The supporting text, amongst other things, explains that where the existing pattern of development is loose-knit there will often be a compelling case for it so remain so for aesthetic, environmental or historical reasons.
72. In concluding on the heritage assets to the Caversfield House side of the site, I find that the harm is at the lower end of the spectrum of less than substantial harm. This is even when ascribed considerable importance and weight. This in my view, would amount to moderate harm in the planning balance.

⁶ As described in the language of the Framework and PPG

73. Although the proposed development, in my opinion, amounts to less than substantial harm, this does not amount to less than substantial planning objection. I am also mindful of my statutory duty which makes this a matter of considerable importance and weight. Given the harm is less than substantial the Framework requires that it is balanced against public benefits which I will do towards the end of this decision.

e) Locational Sustainability

74. The site is located at one extremity of the main body of 'modern' Caversfield which is, in effect a linear settlement associated with RAF Bicester, as such it is some distance from services and facilities such as schools, shops and medical facilities. Indeed, Caversfield in the CLP is identified as a category C village because of its limited facilities (a church and recreation facilities). The emerging Local Plan, whilst not indicating that facilities are improved, proposes that the Caversfield designation moves to category B villages on the basis of its proximity to a place with wider facilities. Nonetheless, even on the basis of such a categorisation, the emerging plan would limit development to small sites of less than 1ha to meet local needs. The adopted policy clearly conflicts with the Framework in terms of restricting housing development (as would also apply to the emerging policy) however, the aim to prioritise sustainable transport modes is also an objective of the Framework which is a material consideration in delivering development.
75. The Council indicate that the nearest facilities taken from the site entrance are those of Southwold Local Centre (shopping and community centre) at some 1.1km (0.7miles), Bure Park (shopping, hairdresser, pub, community centre, school) at some 1.4km (0.9miles), Elmsbrook (community centre and school) at some 1.1km (0.7miles), with Bicester town centre and its range of facilities at 2.9km (1.8 miles).
76. These distances are not unreasonable to walk. Manual for Streets (MfS) characterising walkable neighbourhoods as being those with a range of facilities within 0.8km but accepts up 2km is likely to be that with the potential to replace vehicular trips. Although it must be noted that additional distance will be added by virtue of the walk to the site entrance from within the site. However, even with the proposed new footways required as part of the offsite works, these would not particularly attractive walking routes, given that in parts they run alongside busy roads but with limited natural surveillance that can provide a sense of security, despite new crossing facilities for the busy A4095. The attractiveness of routes for use is a factor which MfS accepts is likely to reduce the likelihood of walking. Additionally, the distance is such that walking children to school (with the necessary return trip) or a return trip carrying heavy shopping is unlikely to be a much-used alternative to that of the private car.
77. However, Caversfield is less than 3km from the centre of Bicester. Thus, cycling opportunities between the site and Bicester are well within cycling distance using a route for which there are some cycle provisions, including crossing points over a route without unduly steep inclines. Moreover, the associated highway works would improve provision for cyclists. Therefore, this mode of transport is more likely to be adopted than walking, particularly as a means of access to work or sports facilities.
78. Whilst funding for bus routes cannot be guaranteed indefinitely (although support is sought by the Highway Authority through financial contributions), it is apparent that the existing services, the X5 runs every 30 minutes on Monday to Saturday and

hourly on Sundays and the 500 runs hourly Monday to Saturday. Whilst the latter service is nearer the X5 would require a walk of some distance (nearly 1km) so making it less attractive it does provide travel further afield which might increase its use. In addition, the Bicester Bee provision and proposed new bus stop with shelter (part of the off-site highway works) would result in better provision for future occupiers of the site and nearby residents. The regularity of these services is sufficient that buses might well be used as an alternative to the private car for some types of trips.

79. Further afield, the bus could be used to connect to the rail network providing for extensive travel. Indeed, given the traffic in the wider area the rail system is likely to be valued and used. In this sense the site is well located for general travel. However, this is not the same as being sustainable in terms of local activities in which many are unlikely to be deterred from using the private car particularly for trips involving heavy shopping or taking children to school especially in inclement weather.
80. This site is, on balance, located where it can be accessible by means other than the private car. It may not be optimal and would not represent an easily walkable environment such that there would be some conflict with SLP policy C5. However, there would be opportunities to use alternative modes of transport so, on balance, I find this is a matter on which I conclude the location is not desirable because of its accessibility but neither is its remoteness or lack of access facilities so poor as to be determinative rather, the benefits and disbenefits balance each other out.
81. Thus, in terms of this issue I consider the location of the site to be largely neutral in the planning balance given the plusses and minuses of the travel modes I have set out.

f) Flood Risk

82. During the application process local residents expressed concern about drainage of the site and risk of flooding. This concern was subsequently recognised during the appeal process through the Environment Agency's release of updated flood risk maps. The revised maps identified surface water flood risk of mid and high risk levels in locations similar to the areas of the site towards its south west corner about which neighbours were expressing concern. Indeed, at the site visit I observed the residents' attempts to deal with surface water by means of shallow ditches.
83. The appellant, on becoming aware of the updated mapping undertook a sequential test which was consulted upon⁷ and submitted an addendum to the Flood Risk Assessment (FRA) to address the Exceptions Test.
84. The Framework, supported by the Planning Practice Guidance (PPG), sets out that the Sequential Test should be used in areas known to be at risk of flooding. However, this is not necessary where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future.

⁷ A 21 day clear period was provided due to a gap in inquiry sitting dates

85. At the Inquiry it was clarified that the site is of a size that development of the proposed 99 dwellings, for which layout is a reserved matter, could avoid the areas identified as being at risk of flooding and that access would be safe, with flooding of the existing access onto Aunt Ems Lane not being an issue as it is not intended as a regular means of access to serve the site. In these circumstances the site specific FRA could be refined such that neither the Sequential Test nor the Exceptions Test is necessary.
86. The appellant, in undertaking a Sequential Test, sought to identify suitable sites over 2ha allowing consideration of a number of parcels to deliver the development and the area of search extended to the whole of Cherwell. This approach reflects advice within the PPG and neither the Council nor the Environment Agency have raised any objection to it on this basis.
87. The Sequential Test content was not contested and concluded that in most instances the sites identified were not available or could not accommodate the scheme proposed along with its proposed POS. Other sites were discounted for clearly articulated reasons. There were no alternative sites to which this development as a whole could be directed which would have a lesser risk of flooding. Only one site was identified as being available with low flood risk and that site is identified as being suitable for 73 dwellings. That single site, therefore, could not accommodate the development proposed on its own and no other site was identified as suitable to 'pair' it with. As such, sub-dividing the site would not be a practicable alternative. Therefore, the Sequential Test can be considered as met.
88. The situation in Cherwell is one where the Council is promoting, for allocation purposes, sites which have a risk of flooding in order that the housing need in the District can be met⁸. The Framework is clear that sites allocated in the knowledge of flood risk that have been subjected to sequential testing will not need to be retested. It is, therefore, apparent that a degree of pragmatism is necessary within this District in terms of its use of sites with surface water flood risk.
89. As explained by the appellant, the nature of the surface water flood risk identified is such that it could be managed through an appropriate drainage scheme. This would result in flood risk on the site being managed and this would benefit local residents as the current flood risk would be managed through the site's development.
90. Moreover, the appellant seeks, through the uncontested FRA addendum, to set out that the Exceptions Test should also be considered met because a comprehensive drainage system would be provided were the development to be allowed. The Lead Local Flood Authority (LLFA) does not challenge this but seek that the drainage scheme be secured through a condition.
91. In this case the built development could be provided outwith the flood risk areas. Moreover, there are no suitable alternative sites that are available such that the Sequential Test is met. Further, the Exceptions Test part b) set out in the Framework at paragraph 178 is met by virtue of an engineered solution being able to provide for the development being safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, would reduce flood risk overall. Exceptions Test part a) requires being able to provide wider sustainability benefits to the community that outweigh the flood risk. To a large

⁸ The Sequential Test records several allocated site where there is a flood risk present

extent removing the existing risk for local residents would do this and should I determine that the appeal be allowed in order to meet housing need in a sustainable way this would be definitely so.

92. It is also worthy of note that as this scheme relates to an outline application and could be developed avoiding the flood risk areas, were I to allow the appeal thereby establishing the principle of development, there would be opportunity for the appellant (or subsequent developer) to address this matter during reserved matters or in a subsequent new application should they consider it necessary. In proposing conditions it is sought that the medium and high food risk areas be kept free from housing utilising this area for less intensive purposes such as natural environment / wildlife purposes. This appears to be a reasonable approach to drainage and site character. This would not impinge on the proposed access and whilst impacting on two areas of proposed housing within the illustrative scheme, would not, as the appellant acknowledged, prevent the development proposed as described in the application. The development precluded would not include works for drainage purposes where agreed with the Local Planning Authority (see condition 25).
93. In any event, I am satisfied that flood risk of itself does not provide a compelling reason to resist development on this site were it to be acceptable in other respects.

Other Matters

94. Local residents remain concerned about highway safety. However, on the basis of the evidence before me and given the Highway Authority's lack of objection to the scheme it seems to me that the proposal, whilst leading to additional traffic on the highway network in the vicinity of the site, would not result in material harm to either the free-flow of traffic or highway safety. The proposal includes provision for highway upgrade works which would enhance highway safety.
95. The flying field at RAF Bicester is still in use for flying and concern has been expressed regarding Aviation Safety. However, there is no evidence of harmful events occurring in the vicinity of the site. In terms of flying, all aircraft need to navigate safely, keeping contact with air traffic control. In the case of this site the circuit flown will remain the same and would avoid houses having the same buffer path. This does mean precision flying, as at present, to meet the avoidance of built up areas which satisfies CAP 793⁹.
96. The appeal site is not suitable for emergency landing due to fences, but the land to the opposite side of Aunt Em's Lane and to the north would remain as larger open fields and so would continue to serve as potential emergency landing space as at present. Having in mind the evidence before me from the Appellant's expert witness I am satisfied that the CAP regulations would not indicate reason to withhold planning permission in this case.
97. I appreciate that being close to an airfield means there will be some potential risk from aircraft and that the proposed housing would narrow the housing free corridor. However, a corridor would remain and the position regarding open fields would be unchanged in terms of glide to land areas (in the event of engine failure). On balance therefore I do not consider the remaining active use of the airfield would

⁹ Civil Aviation Authority CAP793: Safe Operating Practices at Unlicensed Aerodromes

justify the refusal of planning permission, should the proposal be acceptable in other respects.

98. In terms of ecology, unlike many of the other sites which are assessed by the LSS, this site was identified as having a low sensitivity. Whilst that may have changed, and I saw for instance buzzards feeding on the site, this reduced sensitivity is not a matter to which I would add significant weight in favour of the scheme as other matters are much more significant in this case. However, BNG creation of at least 10%, with a 70% increase in hedgerows, is a matter that should garner positive weight in the planning balance.

S.106 Agreement

99. A draft s.106 Agreement was discussed during the Inquiry. This was subsequently engrossed and submitted. That s.106 provides for the following:
100. Affordable housing (in schedule 2) provision at 35% with specific requirement that 5% of this is wheelchair accessible, 70 % of it will be social rented housing (25 homes) and 30% shared ownership (10 homes). The housing mix (size of units) is set out as is that the units should be spread within the site and appear the same as the market housing. It also sets out that an agreement will be entered into with a Registered Provider, and sets out rules around the occupation of and ownership proportions of shared ownership the affordable housing. These provisions reflect a typical approach to affordable housing provision details and are reasonable and necessary.
101. Schedule 3 sets out provisions for Locally Equipped Area of Play (LEAP) providing a £233,234.42 (index linked) commuted sum (it also sets out monitoring payments) and setting out requirements for maintenance of the facilities in accordance with the (LEMP) including dealing with the sustainable drainage scheme (SUDS) works with a SUDS commuted sum figure also established. There are sums fixed for mature existing trees and new tree planting. Requirements are also set out regarding completion of these works and for their transfer to a management company.
102. Schedule 4 provides for Biodiversity Net Gain establishing a 10% gain, via management delivery and monitoring.
103. Schedule 5 sets out financial contributions for; medial facilities (£111,726.18); community hall facilities (£142,516.60); indoor and outdoor spot (£105,611.76 and £260,827.60 respectively); and public art (£28,966.05).
104. Schedule 6 relates to covenants with the County Council for Education (primary and nursery £957,747 and secondary £932,770 and SEND £65,700 although these sums include scope for different figures depending on specific circumstances), Rights of Way (£34,800); Public Transport (£135,338); and Strategic Waste Management (£11,350).
105. Schedule 7 sets out matters relating to off-site highway works including providing site access with a bus stop (and shelter and signage), a shared footway and cycle route from Fringford to the A4095 with crossing, a footway to the new bus stop, and a footway along Aunt Ems Lane between Fringford and the Church.
106. The s.106 also provides for monitoring fees that are reasonable and sets out clear trigger points for events and payments and dealing with interest.

107. I am satisfied that the sums arrived at are justified having regard to the CIL compliance statement.

Conditions

108. A full set of conditions was discussed at the Inquiry and agreed as meeting the tests for conditions. In the final draft there were some remaining issues which were minor in nature which I have corrected. Condition 6 is necessary to ensure adequate capacity in water infrastructure however, I should phasing on site be necessary this the Local Planning Authority to agree to rather than Thames Water; In condition 18, which is necessary in providing adequate pedestrian footways, I have required written approval from the Local Planning Authority where condition it was not clear about obtaining written approval; and, for condition 23 which is necessary in establishing a lighting strategy that provides for safety without harming ecology, I have clarified matters to ensure implementation.

109. Four conditions remained with disagreement between the main parties. First of those (condition 2), sought by the Local Planning Authority, proposes a shortened commencement period given the pressing need for housing delivery. The Appellant objected to this, seeking at most a lesser shortened period. In terms of the commencement period it seems to me that achieving early delivery is important in the context of the housing crisis in this location. Therefore, some shortening of the standard time condition periods would appropriate. However, only giving one year to commence post approval of the last reserved matter might be difficult given for example the need to comply with ecological matters which often have an annualised cycle. Therefore, the appellant's suggestion of shortening the standard period from three to two years rather than one seems appropriate, reasonable and necessary. Assuming prompt discharge of reserved matters, this should speed up much needed development.

110. Condition 8 is condition requiring an Archaeological investigation given proximity to heritage assets along with recording should features or artefacts of historic interest be found. The appellant sought that this should not include work associated with the highway footway off site works near to the Church. However, as this is a sensitive location and the works are required to serve the proposed development, I consider it reasonable and necessary to include them.

111. The appellant also questioned the need for condition 11 regarding habitat creation and enhancement given the provisions of the s106. However, there are some differences in purpose with a plan for habitat creation and management for 30 years in the interests of wildlife in the surrounding area being the focus of the s.106 and the condition also seeking visual improvement to the area. Thus, I shall impose the condition as being necessary and reasonable despite the overlap.

112. Condition 25 was discussed late in proceedings after the flood risk mapping change arose. Whilst condition 5 seeks to mitigate any flood risk (amongst other things) condition 25 seeks to use the existing area of flood risk to mitigate the risk and take advantage of this existing feature of the site for SUDS and habitat. This would also reflect local character and as such would support appropriate development of the site. Reducing flood risk and supporting local character are both reasonable and necessary in the context of this outline application.

113. In addition conditions are required in respect of: accord with approved plans (including story heights) to ensure the full details follow the outline plans (condition

3); a Construction Environment Management Plan is necessary and reasonable to manage the development and protect nearby residents, ecology and heritage assets (condition 4); foul and surface water drainage details and a capacity condition are necessary to reduce the risk of flooding and provide adequate drainage (conditions 5 and 6); a Tree Strategy is necessary in the interests of the surrounding environment and ecology (condition 7); A Landscape and Ecology Management Plan is necessary to protect habitats and the surrounding environment (condition 9); Landscaping Works are necessary to provide an acceptable environment and protect wildlife (condition 10).

114. A renewable energy strategy is necessary to accord with local policies on mitigating the impact of climate change (condition 12); accord with the Travel Plan is required in the interests of creating a sustainable development (condition 13); the requirement for fibre optic connection is required in the interests of sustainable development (condition 14); a condition requiring acoustic mitigation to protect from road noise is necessary in the interests of living conditions of future occupiers (condition 15); accord with air quality measures is also required in the interests of residential living conditions for future occupiers (condition 16); a condition is required to ensure that any land contamination is dealt with appropriately (condition 17); the requirement for a pedestrian footway for public access between the site and the northern boundary is required in the interests of pedestrian and highway safety (condition 18); further details in respect of access, drainage and visibility splays are needed in the interests of highway safety (condition 19); cycle parking facilities for each plot and electric vehicle charging points for the site are necessary in the interests of encouraging sustainable means of transport (condition 20 and 21); details of housing mix is required to accompany the reserved matters application to ensure an integrated community that is well designed (condition 22); a lighting strategy is necessary in the interests of minimising light pollution while providing for safety (condition 23); full details of formal play space and its management is required to ensure adequate play provision for the future occupiers of the site (condition 24).

115. Full reasons, including relevant policies, are set out in the conditions schedule proposed and discussed at the Inquiry¹⁰.

Planning and Heritage Balances

116. Out the outset it is clear that this decision is been taken on a 'tilted balance' basis because of the housing supply position in this area. I am also mindful that the location of the development and harms identified mean that there would be conflict with the development plan taken as a whole. However, the some of policies with which there are conflict are ones which are to be considered out-of-date because of the housing land supply position which restricts the weight I can place upon them.

117. Therefore, it is important to consider benefits and harms fully as the development should only be refused if any adverse impacts of allowing the proposed development would significantly and demonstrably outweigh the benefits. However, as a starting point and for clarity, having fully assessed the matters raised particularly in respect of heritage and flood risk, I find there are no compelling reasons to dismiss the proposal in terms of the application of specific policies in the Framework that protect areas or assets of particular importance.¹¹

¹⁰ ID3

¹¹ Framework paragraph 11 footnote 7

118. In terms of the benefits, the proposed development would deliver housing, including 35% affordable housing. This delivery is in a situation where housing land supply is currently poor and at least short on supply of 3 years and where there is a demonstrated need for affordable housing. Providing much needed homes, including affordable homes, attracts very significant weight.
119. In addition, the development would provide a boost to the local economy during development and following the occupation of the properties which I consider attracts moderate weight.
120. The proposed development would result in provision of ecological improvements in the form of the meadow. Indeed, the biodiversity net gain (BNG) would meet at least 10% and so should be afforded at least moderate weight, with the 70% increase in hedgerows increasing this weight.
121. The scheme would also provide for the mitigation of existing flooding as this would be necessary for the proposed development. However, it would also resolve existing adverse surface water flooding issues that are causing existing residents' difficulties. Thus, whilst needed for the proposed development, there would be an additional benefit, albeit modest benefit given this relates to garden land. I apportion modest weight to this outcome.
122. I also acknowledge that some of the site is previously developed land it being developed with equestrian buildings. However, aside from the area covered by the yard, house and buildings it remains as open land so there is only limited benefit arising from the proposed use insofar as it relates to previously developed land.
123. In terms of harms, there would be harm to the character and appearance of the surrounding area. This would be fairly localised due to the topography, given the proposed linear form extending to the east of Fringford Road towards the B4100 with its developments to its eastern side. However, it would result in a harmful loss of open land and a point at the edge of the urban fabric where separation between settlements is important. I have afforded this moderate weight.
124. The harm to the setting of the RAF Bicester Conservation Area is a matter to which I have afforded moderate weight. I have also afforded moderate weight to the harm to the heritage assets (designated and not) around the Caversfield House and Church complex. In terms of the heritage balance, I find the public benefits of delivering housing including affordable housing outweighs the harm identified.
125. I am mindful that the tilted balance applies here and that there are significant benefits of the proposed development. The harms are of important material weight too and particularly so given that once developed, this spatial relationship would never be regained, and the erosion of the setting to the heritage assets would be borne by all future generations. However, given that the proposed open parkland meadow area would provide some additional separation that can be secured, that the drainage issues would be resolved and the very significant weight to be afforded to the delivery of housing including affordable housing, in circumstances where there is a serious undersupply of housing land, I find the balance lies in favour of the scheme. It is important to recognise that given the harms identified the success of the scheme will lie in the reserved matters details requiring high quality development, including landscaping, and the height restrictions for the dwellings proposed as has been agreed, matters which will be controlled by condition or the s.106 Agreement.

Conclusion

126. For the reasons set out above and having had regard to the matters raised, I conclude on balance that the appeal should succeed.

Zoë Hill

INSPECTOR

INQUIRY APPEARANCES

FOR THE APPELLANTS:	
Miss S Hall	Barrister (Kings Chambers)
Mr B Pycroft (BA)Hons Dip TP MRTPI	Housing Consultant (Director, Emery Planning)
Mr J Parker MSc (Eng) MILT MCIHT	Highways Consultant (Director, Hub Transport Planning Ltd)
Mr J Bullock BA (HONS) DIP LA Chartered Landscape Architect	Landscape Consultant (Director, BLADE)
Ms G Stoten BA (Hons) PG Cert Res MCIfA FSA	Heritage Consultant (Executive Director, Pegasus)
Mr R Barnes BA(Hons), MA, MRTPI	Planning Consultant (Director, Planning Prospects Ltd)
Mr T Jenkins	Associate (Shoosmiths LLP)
FOR THE LOCAL PLANNING AUTHORITY:	
L Buckley-Thomson	Barrister (No.5 Chambers)
C Ford BA (Hons), MA, MRTPI	Team Leader – South Area Major Projects Team (Cherwell District Council)
C Cherry BSc (Hons), Dip TP, MRTPI	Planning Policy, Conservation and Design Manager (Cherwell District Council)
Dr D. Hickie BSc (Hons), MA, PhD, CMLI, CEnv, ASLA, MIEMA, IHBC	Heritage and Landscape Consultant - Heritage Matters and David Hickie Associates (on behalf of Cherwell District Council)
J White	Oxfordshire County Council (for the s106 session only)
R Oliver	Oxfordshire County Council (for the s106 session only)
INTERESTED PARTIES	
Cllr Shipway (speaking on behalf of Parish Council)	
Cllr Broad	
SR Hughes (speaking on behalf of the Anglican Parish of Bicester with Caversfield, St Laurence's District Church Council)	
Mrs J Kleinman	
Dr A Brooks	
Mr A Tennant	

INQUIRY DOCUMENTS

ID.1	Appearances on behalf of the Appellant
ID.2	Appearances on behalf of the Council
ID.3	Draft Conditions Schedule
ID.4	Opening Submissions on behalf of the Appellant
ID.5	Opening Submissions of behalf of the Council
ID.6	Notice of Public Inquiry & Site Notice
ID. 7	Statement & Photos - SR Hughes on behalf of the Anglican Parish of Bicester with Caversfield, St Laurence's District Church Council
ID.8	Statement – Mrs J Kleinman
ID.9	Statement - Dr A Brooks
ID.10	Statement – Mr A Tennant
ID.11	Cycle Network Plan
ID.12	Appeal Decisions submitted by the Council: Appeal Decision Reference APP/C3105/W/23/3331122 at 'Land South of Green Lane, Chesterton, Oxfordshire (Easting 455827, Northing 220960)' and Appeal Decision Reference APP/C3105/W/23/3327213 at 'Land off Ploughley Road, Ambrosden, Oxfordshire'.
ID.13	Letter from the Environment Agency (dated 10 March 2025)
ID.14	Appeal Decisions submitted by the Appellant: Appeal Decision Reference APP/C3105/W/24/3339370 at 'Land West of Bloxham Road, Banbury, Oxfordshire'.
ID.15	Draft s.106 Agreement
ID 16	Cllr Broad with accompanying photo and circuit pattern (The Bicester Aerodrome)
ID17	Statement – Cllr Shipway (speaking on behalf of Parish Council)
ID.18	Flood Risk Assessment
ID.19	Appeal Decision Reference APP/K2420/W/23/331709 at 'Land North of Shenton Lane, Market Bosworth, Leicestershire (Easting 440192 Northing 302649)'
ID.20	Bus Stop Plan

ID.21	Revised Consultation List along with Consultation Letters sent to both Civil Aviation Authority and Bicester Aerodrome Company on the 07.05.2025.
ID.22	Marked up wider view illustrative map for site visit
ID.23	Flood Risk Addendum prepared by MEC (ref. 27877-FLD-0102 Rev B)
ID.24	Sequential Flood Risk Assessment prepared by Planning Prospects
ID.25	Appellant's Note re: Appeal Decisions ID12 and ID14 by Ben Pycroft (Emery Planning)
ID.26	Technical Note 3 - Proposed Traffic-Calming by James Parker (Hub Transport Planning)
ID.27	Addendum Proof Of Evidence: Flood Risk by Robert Barnes (Planning Prospects)
ID.28	Appeal Decision reference APP/P4225/W/24/3346477 at 'Former Department of Work and Pensions Dcs Distribution Centre, Manchester Road, HeywoodOL10 2PZ'.
ID.29	Appeal Decision reference APP/D0121/W/24/3343144 at 'Land at Rectory Farm (North), Chescombe Road, Yatton BS49 4BZ'.
ID.30	Appeal Decision reference APP/D2320/W/22/3295556 at 'Land adjacent to HMP Garth and HMP Wymott, Leyland, Lancashire'.
ID.31	Draft Conditions Schedule V11 – Clean Version – Agreed Appellant and CDC
ID.32	Thames Water comments (dated 30 May 2025)
ID.33	CDC Land Drainage comments (dated 31 May 2025)
ID.34	EA comments (dated 15 May 2025)
ID.35	Alan Tennant – comments (dated 3 June 2025)
ID.36	Parish Council – comments and Social History document (dated 3 June and 4 June 2025)
ID.37	County Council response (dated 5 June 2025)
ID.38	Cllr Broad Letter (dated 14 May 2025) (shorted version and full version)
ID.39	Advisory Note Axten Aviation – Andrew Kilvington (dated 21 May 2025)
ID.40	Flood Risk response to Consultee comments (dated June 2025) by MEC
ID.41	Photographs (x11) provided by resident of Caversfield House.
ID.42	Third Parties Statement (6 June 2025)

ID.43	Draft Conditions Schedule V12 (circulated for discussion at 12.04pm on 6 June 2025, as part of conditions discussion on 6 June 2025)
ID.44	Closing Submissions on behalf of Cherwell District Council
ID.45	Closing Submission on behalf of Appellant

SCHEDULE OF CONDITIONS

1) No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

2) Application(s) for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three 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.

3) Except where otherwise stipulated by conditions attached to this permission, the submitted Reserved Matters shall accord with the following plans and documents: Site Location Plan (ref. 501_L01), Framework Plan (ref. 501_P01A), Land Use Parameter Plan (ref.501_P02A), Access and Movement Strategy plan (ref. 501_P03A, Storey Heights Plan (ref. 501_P04A), Density Parameter Plan (ref.501_P05A) and Landscape & Open Space Parameter Plan (ref. 501_P06A).

4) 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 will include details of:

- a) A site walkover survey by a suitably qualified Ecologist and any updated surveys including mitigation;
- b) Risk assessment of potentially damaging construction activities and identification of any licences required;
- c) Details of measures necessary to protect biodiversity features;
- d) The measures to be taken to ensure construction works reduce the impact on neighbouring and nearby residents through detail of temporary fencing, lighting and construction compounds and management of activity through the construction of development;
- e) Details of the consultation and communication to be carried out with local residents;
- f) A Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed;
- g) Delivery, demolition and construction working hours;

Thereafter the development shall be carried out in accordance with the approved CEMP and CTMP.

5) No above ground development shall commence until a detailed Foul and Surface Water Drainage Scheme for the site and maintenance arrangements for the Scheme have been submitted to the Local Planning Authority and approved in writing. The Scheme shall include the following:

- 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 foul and 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;
- g) Details of how water quality and quantity will be managed during construction and post development in perpetuity;
- h) Confirmation of any outfall details; and
- j) phasing arrangements for the provision of SUDs.

The Scheme shall be implemented in accordance with the approved phasing arrangements and maintained in accordance with the approved details.

Prior to the first occupation of the development, a record of the installed SUDs and site wide drainage scheme including as built plans shall be submitted to and approved in writing by the Local Planning Authority.

6) No development shall be occupied 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 development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

7 a) As part of the first Reserved Matters submission a Tree Strategy, including timescales and associated plans, for the following shall be submitted to and agreed in writing by the Local Planning Authority:

- i) Identification of existing trees, shrubs and other vegetation to be retained,
- ii) A strategy for the ongoing management of existing trees within the development, and details of any required felling,
- iii) Details of tree protection measures in accordance with BS5837:2012 (or succeeding and/or replacement legislation) to be maintained throughout construction,
- iv) A strategy for implementation and retention of new and existing trees, tree groups, tree belts or hedgerows within the Development.

b) The development shall be implemented in accordance with the agreed Tree Strategy.

8 a) 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 and the area on the B4100 and Aunt Em's Lane, as shown in the top left of plan T21575_003_RevB 'Proposed footway and cycle improvements', which shall be submitted to and approved in writing by the Local Planning Authority.

b) Following the approval of the Written Scheme of Investigation referred to in part a), 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 within two years of the completion of the archaeological fieldwork.

9) No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include 'integrated provisions for biodiversity within the built environment'. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

10 a) As part of the first Reserved Matters submission a Scheme of hard and soft landscaping works shall be submitted for the approval of the Local Planning Authority. The submitted detail shall set out how this supports and is complementary to the principles set out in the submitted Design and Access Statement. These details shall include the following in relation to the submission:

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/ turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc);
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps;
- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described;
- Details of street furniture including bins, seating, dog bins, and boundary treatment;
- The eradication of Japanese knotweed or other invasive species on the site, if applicable;
- The replacement of trees proposed to be lost in site clearance works.
- Ground preparation measures to be adopted;
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme;
- Existing and proposed levels;
- Programme for delivery of the approved scheme.

b) The approved Scheme shall be implemented in accordance with the relevant approved programme for delivery and any trees or planting which form part of the agreed scheme which shall die or require replacement within the first 5 years after completion of the scheme, shall be replaced as soon as practicable in the first available planting season.

11) No development above ground level shall take place until details of the measures for habitat creation/enhancement and ongoing management and maintenance for at least 30 years to ensure that the approved habitat quality and condition is met post development, along with a full monitoring scheme has been submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to first occupation.

12) As part of any submission for reserved matters, full details of a Renewable Energy Strategy for the site demonstrating how the energy hierarchy will be followed including how energy use will be reduced through the use of sustainable design and construction measures, how the incorporation of renewable energy technologies including solar PV

shall be an integral part of the scheme, how water use will be minimised and how overheating will be avoided, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Strategy and where any part of the scheme relates to an individual dwelling, prior to the first occupation of that dwelling.

13) The development shall be implemented in compliance with the approved Travel Plan (Rev A) (prepared by Hub Transport Planning Limited (author BHB and approved by JP), 18/01/2024).

14) Each new dwelling, shall be provided with the necessary infrastructure to facilitate the provision of fibre optic cabling prior to its first occupation.

15) The development shall be carried out in accordance with the mitigation measures identified in the document titled Acoustics Assessment dated December 2023, prepared by MEC (Report Ref: 27877-ENV-0401).

16) The development shall be carried out in accordance with the mitigation measures identified in the document titled Air Quality Assessment dated December 2023, prepared by MEC (Report ref. 27877-ENV-0402).

17) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.

18) Above ground development shall not commence until details have first been submitted to and approved in writing by the Local Planning Authority of a pedestrian footway which would be accessible to the general public and future residents of the development between the site access and the northern site boundary. The details shall include the route, layout, width, surfacing and gates, together with a timetable for its implementation. Thereafter the pedestrian footway shall be implemented in accordance with the approved details and timetable.

19) Notwithstanding the submitted material or the drawings referred to at condition 3, no development shall commence unless and until full details of the means of the vehicular access between the land and the highway, including, position, layout, construction, drainage and visibility splays have been submitted to and approved in writing by the Local Planning Authority. Such full details for the vehicular access point shall be based on the location and geometry shown on drawing T21575 001 C. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

20) Prior to the first occupation of the development hereby permitted, details of covered on-plot cycle parking facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be

implemented in accordance with the approved details and each dwelling shall be provided with the on-plot cycle parking prior to its first occupation. Thereafter the cycle parking shall be retained and maintained for the approved purpose.

21) Prior to the first occupation of the development, a Scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve and retained as such thereafter.

22) Prior to the submission of the first application for the approval of Reserved Matters, the proposed housing mix strategy providing details of both the market and affordable housing mix, shall be submitted to and agreed in writing by the Local Planning Authority. The reserved matters submission shall accord with the approved housing mix strategy.

23) Prior to or concurrently with the submission of the first application for approval of Reserved Matters, a detailed Lighting Strategy, including the timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Strategy shall be implemented in accordance with the approved details. The details to be submitted shall include:

- i) Lighting for play
- ii) Lighting for public realm and walking and cycling routes
- iii) Areas of ecological areas where lighting will be prohibited.
- iv) A strategy for roads and development parcels.
- v) A strategy for mitigation to reduce light pollution during construction.

24) Any Reserved Matters submission which includes formal play facilities shall include full details including site levels, play features, seating, pathways, planting and landscaping relating to that play facility and a management strategy for it. The development shall thereafter be carried out and maintained in accordance with the approved details.

25) Notwithstanding the content of and provisions of the drawings referred to in the other conditions applied here no new build development, new access ways, land raising, or other potentially vulnerable elements, shall be located within areas identified as being at medium or high risk of surface water flooding within Appendix B to the Flood Risk Addendum 27877-FLD-0102 Rev B. This restriction shall not apply to the existing track from Fringford Road to the northern boundary of the site.