

**APP/D3125/W/23/3331279 – Land South of Burford Road, Minster Lovell**

**LPA Ref: 22/03240/OUT**

**Landscape Specific Statement of Common Ground**

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**Introduction**

In line with discussions within the Case Management Conference (CMC) held on 20 December 2023, and following the exchange of Evidence, this document seeks to provide clarity on, and narrow, the grounds of disagreement between the parties in respect of landscape and visual matters.

This document has been jointly prepared by **Chris Wood** (CW) as the Witness for the Local Planning Authority (West Oxfordshire District Council, 'the LPA') and **Charles Mylchreest CMLI** (CM) as Landscape Witness for the Appellant (Catesby Estates Ltd.). It has been agreed by both parties and is provided to aid the Inspector in narrowing the areas of disagreement.

In this respect, the document seeks to clearly set out those areas pertaining to landscape and visual matters where the appeal parties agree and/or disagree. It covers the following key areas, which are considered pertinent to the Landscape cases being presented:

- Effects upon Landscape and Settlement Character;
- Effects on Landscape Fabric and Features; and
- Effects upon Visual Amenity, including suggested Representative Viewpoints.

It also provides additional detail on areas of agreement, and includes/seeks agreement on a selection of Representative Viewpoints to be used for the assessment of impacts; these are those used to inform the Landscape and Visual Appraisal (LVA) supporting the Outline Planning Application (OPA). Provided at **Appendix EDP 1** are the viewpoints agreed as reference points for this SoCG (drawing edp7754\_d006a from the LVA).

These are agreed on the basis they provide a generally representative sample of publicly accessible views from the surrounding area and capture a representative range of the landscape and visual receptors.

**General Effects and Context – Areas of Agreement**

With respect to the general extent and context of the proposed development, and the methodology used to assess it and the levels of effects identified above, it is **agreed** that:

1. It is agreed that the landscape and visual appraisal undertaken by The Environmental Dimension Partnership Ltd (EDP) as part of the outline planning application for the proposed development could be argued to be proportionate for the scale of development proposed and follows an acceptable methodology.
2. The site is located beyond the settlement boundary of Minster Lovell but lies adjacent to the western edge of the settlement. The northern part of its eastern boundary adjoins the recently constructed Bovis Homes housing estate; and the southern part of the eastern boundary adjoins the late 20<sup>th</sup> century housing development on Ripley Avenue. The site is

bounded to the north by Burford Road, with open countryside within the Cotswolds AONB/ National Landscape beyond, initially the southern banks of the Windrush river valley. The northern part of the western boundary adjoins the curtilages of the detached dwellings The Lodge, which faces onto Burford Road and Repeater House, which is set away from the road; and the southern part of the western boundary adjoins an access road that leads to the White Hall Farm farmstead. Further west there are mainly open fields but interspersed with occasional development, including a covered reservoir and the Ting Tang Lane traveller site. The southern boundary adjoins open countryside, interrupted by the main A40, some 900m from the site.

3. It is agreed that the development would be perceived as a visible extension of the settlement edge in a range of local views – this being limited to views from nearby dwellings (east and west) and fields (not publicly accessible) and from Burford Road; and in longer views in which the Bovis Homes development and/or other parts of the village are visible, including EDP Photoviewpoints 7, 11 and 12, depending to some degree on the time of year.
4. The LPA's evidence principally relies upon the adverse effects on visual receptors "close to the site" on Burford Road (including representative PVPs 1 and 2 as shown at **Proof Plan CM 7**), and "longer views from the [North] [including VPs 7, 11 and 12]".

The LPA does not refer to the effects on any other of the representative viewpoints. Furthermore, although it considers that some longer views from the north might be adversely affected, as confirmed above, the LPA does not allege that there would be harm to the AONB or its setting as a result of these proposals.

[It is noted that paragraphs 9.83 and 9.84 of the evidence of Mr. Wood erroneously referred to "views from the south". These paragraphs should have referred instead to "views from the north". This was explained in an email to the Appellant on 6th February. As corrected, the LPA's evidence does not refer to views from the south being adversely affected.]

The LPA's email of 6th February also explained to the Appellant that bullet one of 9.83 should refer to the "western" end of the Holloway Lane estate (not the "eastern" end).

5. In respect of receptors on Burford Road, the Appellant's assessment is generally accepted, save for the fact that the LPA considers the visual sensitivity of passengers and walkers is higher than estimated in the LVA. The LPA did not produce a formal assessment in respect of these assessments in its evidence.
6. The LPA's evidence did not formally assess any of the other representative viewpoints in its evidence, noting that this is essentially a subjective matter for the Inspector to weigh up having visited the VPs personally, noting that this will be in winter (as stated at paragraph 4.48 of the LPA's proof). Notwithstanding the above, the LPA considers that it would be appropriate, in the round table session, to consider the effects on the longer views from the north [PVPs 7, 11 and 12], as well as on Burford Road (PVPs 1 and 2) and any other viewpoints of interest to the Inspector.

7. As confirmed in paragraph 9.82 of its evidence, the LPA agrees that the chosen viewpoints are reasonably representative. The appellant did not at application stage ask if the LPA wished for any additional viewpoints to be considered; but during the course of determination of the application, the LPA did not ask for any additional viewpoint to be assessed. Nor is any additional viewpoint specifically identified in the LPA's evidence. The LPA's evidence has not assessed any other viewpoint.

Nevertheless, in its evidence, the LPA commented that it would have asked for one or two additional VPs to have been considered; and in progressing this LSoCG, the LPA has indicated to the Appellant that it would also like the Inspector to consider views from the north – referenced by the LPA as 7a on Worsham Road, just south of the cottage Stonefold (shown on the plan at **Appendix EDP 1** as the southern location 7), some 600m north of EDP PVP7; and 12a on the road between Swinbrook and Worsham Turn (shown on the plan at **Appendix EDP 1** as the northern location 7), some 300m east of EDP PVP12. The LPA has not produced, in evidence, a formal assessment of these views, but would like them to be discussed in the round table session.

8. As regards sensitivity of visual receptors, the parties agree that: (1) walkers on PRoWs within the AONB have very high sensitivity; and (2) users of minor roads in designated areas can be regarded as high sensitivity; and (3) high sensitivity should be attributed to private views from dwellings/ garden areas.
9. The LPA's evidence does not otherwise dispute or agree the Appellant's assessment in respect of residential receptors. There is no reason for refusal based on harm to residential amenity, and the LPA's evidence does not allege that any such harm would be caused.
10. It is agreed that the areas of open space form part of the wider residential development, and have been taken into account in the overall assessment of the landscape effects on the site.
11. It is agreed that the West Oxfordshire Landscape Assessment ('the WOLA') classifies the appeal site as 'open limestone wolds' landscape type ('LT') within the 'Upper Windrush Valley' landscape character area ('LCA'), with 'semi-enclosed valley-side farmland' on the upper slopes of the Windrush valley in the AONB to the north.
12. In this context, it is agreed that (as stated in CW PoE) *"landscape effects across a larger landscape receptor such as the whole of the Upper Windrush LCA or the AONB/ NL as a whole are likely to be limited due to the relatively small scale of the proposal compared to the much larger landscape receptor."*
13. The reasons for refusal do not refer to unacceptable impacts upon the CNL or the setting of the CNL.
14. It is agreed that the development as originally proposed would have comprised approximately 50% built development and 50% open space or landscaped areas. This was revised to approximately 55% and 45% respectively for the 134 dwelling scheme in front of this inquiry.

15. It is agreed that the principles established and illustrated on Drawing edp7754\_d011b 'Landscape Strategy Plan' contained within the LVA prepared by EDP would result in a net increase in significant vegetation within the site; and that reinforcing/ restoring the field hedgerows that bound the site in a traditional form would have landscape benefits. The proposed landscape strategy would also screen/ soften views into the site although not entirely [noting also that the layout and landscaping could be altered at RMs stage].
16. It is agreed that the Landscape Officer did not object to the application, although he made the following comments upon it:

*"The location and layout of the housing estate does not reflect or reinforce the linear settlement pattern or character of Minster Lovell/Charterville Allotments.*

*It is an unallocated site that extends into open countryside, within the setting of the AONB. It is within the Upper Windrush Valley Character Area and the Landscape Type of the site is 'open limestone wolds'. It exhibits characteristics typical of this landscape type. Elevated, open limestone wold landscapes are very visually exposed and particularly sensitive to development.*

*The principal factors that potentially threaten landscape quality in this area include the expansion of settlements into open countryside, the suburbanisation of rural settlements and roads and the visual intrusion of unsightly development and poor management of fringe areas (e.g. West of Witney). The northern boundary is particularly sensitive.*

*The site is relatively open in views from the B4047. Existing vegetation along the boundary is sporadic. Tree cover is predominately ash and so this cannot be relied upon to survive in the short to medium term. There is no hedgerow and only occasional scrub cover. This boundary will become more open and exposed.*

*The high ground along the Burford Road ridge is important in protecting views from within the AONB and from within and beyond the Windrush Valley. Consideration will need to be given to the potential visibility of housing development along the high ridge.*

*Views from the south are more limited. Housing development is likely to be visible, but at some distance.*

*However, views across the wider countryside, across the Windrush Valley, towards Leafield and Wychwood Forest, is likely to be punctuated by a modern housing development roofscape.*

*The B4047, west of Minster Lovell, retains a very rural character. This would be adversely affected by the construction of housing development, new traffic access infrastructure, new roadside footpaths and signage.*

*If planning permission is to be supported some points to consider include;*

- *A woodland buffer of considerable width along the norther boundary to help retain the rural character of the B4047, to protect views from the AONB to the north and to accord with recommendations in the Landscape Assessment.*
  - *Set-back of developable area from northern boundary to accommodate woodland belt, providing sufficient space to avoid conflicts with residential properties.*
  - *Provide a meaningful wooded edge along the southern boundary.*
  - *Relocate main vehicular access as far to the east as possible, to avoid further unnecessary suburbanisation along Burford Rd. 2*
  - *Keep building heights as low as possible to avoid views of housing development on the skyline in views from the north and south.*
  - *Ensure deliverability of pedestrian/cycle connections across third party land.”*
17. Other than the suggested movement of the main vehicular access and subject to clarification of how and when pedestrian/cycle connections across third party land would be delivered; all the other matters raised could be addressed at reserved matters stage.
18. It is agreed that the units fronting Burford Road could be bungalows to reflect the neighbouring Bovis development, and this could be controlled through a Condition attached to any planning permission. This would represent a departure from the approach set out in the DAS, which informed the LVIA assessments, However, it would not generally increase the magnitude of visual effects from any of the identified viewpoints.
19. Following the provision of the Combined ZTV as Appendix EDP 1 of the Rebuttal PoE (document ref edp7754\_r006) the range of Representative Viewpoints provided in Appendix EDP 1 is still agreed to be generally acceptable.
20. It is agreed that in terms of landscape value, the site it is not a 'Valued Landscape' as per the provisions of Paragraph 174(a) of the 2023 NPPF. This does not mean it has no value.

### **General Effects and Context – Areas of Disagreement**

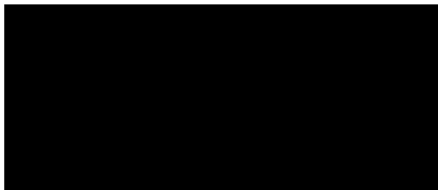
With respect to the general extent and context of the proposed development, and the methodology used to assess it and the levels of effects identified above, the following is **not agreed** and would therefore provide a suitable agenda for the landscape round table at the Inquiry:

1. The sensitivity of the site is not agreed, with the Council considering it – as a result of the contribution it makes to the setting of Minster Lovell – to be more sensitive than the Appellant. As a result, the level of effect upon the site landscape character as a result of the appeal proposals are also disagreed. The LPA consider (using the EDP methodology) that a medium/high sensitivity combines with a high to very high magnitude of change to result in a major/moderate level of effect. The Appellant considers a medium sensitivity combines with a high magnitude of change to result in a moderate level of effect.
2. It is disagreed whether the appeal proposals would result in *‘the loss of an area of green space that makes an important contribution to the character and appearance of the area’*, and whether, therefore, the appeal proposals would *‘respect the village character and local distinctiveness’* in the following respects:

- a. Whether it would impact the historic character of the village.
  - b. The extent to which the site would urbanise this location.
3. The extent to which any effects identified under bullets 1 to 3 would be mitigated through the proposed landscaping or the site's context is disagreed.
4. In relation to visual effects, the LPA does not agree the magnitude of changes (although it leaves this as a matter for the Inspector to assess); or the sensitivity of visual receptors, in relation to which it considers in particular that the sensitivity of passengers in vehicles is typically higher than for drivers, as they are not focussed on driving; and that the very high sensitivity assessed for walkers on PRoWs in the LVA should also apply to other public viewpoints that are likely to be used by leisure walkers or other visitors to the area who are interested in the natural beauty of their surroundings, including public roads used to access PRoWs and/or historic settlements; and the overall significance of effects in relation to passengers and walkers on Burford Road; and viewpoints to the north, including PVP EDP 7, PVP EDP 11 and PVP EDP 12.

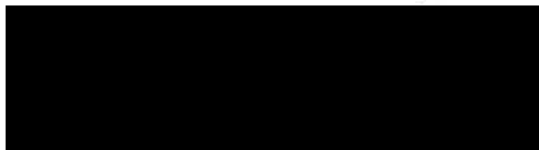
#### **Signatures of Parties**

Signed by **Charles Mylchreest**, on behalf of Catesby Estates Ltd.



09 February 2024

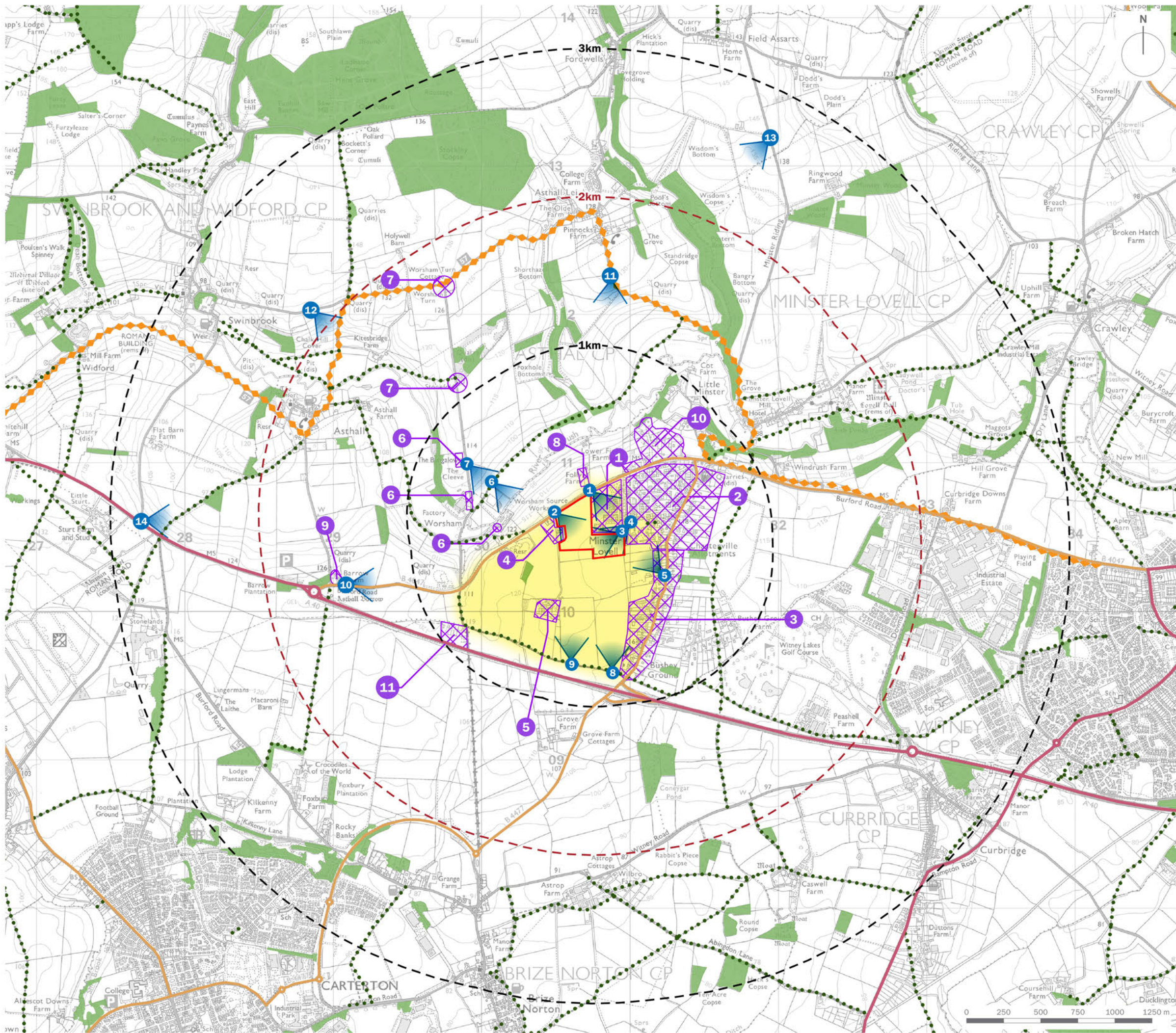
Signed by **Chris Wood**, on behalf of West Oxfordshire District Council as the LPA.



09 February 2024

**Appendix EDP 1**  
**Suggested Representative Viewpoints**  
**(edp7754\_d006a)**





- Site Boundary
  - Range Rings (at 1km intervals)
  - 2km Detailed Study Area
  - Public Right of Way (PRoW)
  - National Cycle Network
  - A Road
  - B Road
  - National Forest Inventory
  - Zone of Primary Visibility (ZPV)
  - Photoviewpoint Location
  - Residential Receptors
- Bovis Development
  - Minster Lovell
  - West side of Charterville Allotments and Bushey Ground
  - Repeater House, The Lodge and White Hall Cottages
  - White Hall Farm
  - Worsham
  - Stonefold and Worsham Turn
  - Folly Farm
  - Barrow Farm
  - Little Minster
  - Ting Tang Lane Caravan Park

client  
**Catesby Strategic Land Limited**

project title  
**Land south of Burford Road, Minster Lovell**

drawing title  
**Findings of Visual Appraisal**

date	25 OCTOBER 2022	drawn by	VMS
drawing number	edp7754_d006a	checked	sRP
scale	1:25,000 @ A3	QA	GYo