

Appellant's Response to LPA Statement and Third Parties

Town and Country Planning Act 1990

Appeal Reference: APP/C3105/W/22/3312196 **LPA Reference:** 22/01772/PIP

Proposal: Residential development of 2-3 dwellings

Address: Land to Rear of Bridge House, Main Street, Wendlebury, OX25 2PW

Appellant: Mr A. Jewson, SGJ Limited

Thank you for your letter dated 17 April 2023. The LPA's Statement and third party comments have been reviewed and the appellant responds as follows.

Response to paras 1.1-3.2 of the LPA Statement

- There is no defined village boundary of Wendlebury. The site has clear visual and physical connection with the village. Regardless of whether a development is a conversion or infilling or not, in designating Wendlebury as a Category C village, it is a village considered locationally sustainable and suitable for modest housing growth. Paragraph 79 of the NPPF states that

'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a nearby village.'

Wendlebury lies in close proximity to, and is accessible to, the large and expanding town of Bicester.

- The Council have made a sweeping statement at their 2.3 that *'there will be a reliance on a motor vehicle, which is not sustainable'*. Not only is this not agreed because the NPPF acknowledges at para 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making, but additionally the appellants have already provided evidence of the sustainability of the site which does not entirely rely on the private car and that a number of alternatives are possible e.g. bus, cycle, (refer to paras 4.6 – 4.8 of the Appellants Statement of Case and associated Appendices 6 and 7). The Council raise concern about the length of country road before the cycle path – but the majority of cars,

lorries etc will use the A41 rather than the country road, the country road forms part of National Cycle Route 51 and the feasibility of the use of bicycles should not be restricted to only using a cycle lane. The fact that part of the journey to the large, growing and sustainable Bicester is via cycle lane is of benefit over many cycle journeys taken by individuals up and down the country. It is also relevant that an increasing number of cars are now electric and technical details consent can condition that the new dwellings provide electric vehicle charge points.

- The Government's objective is to significantly boost the supply of homes (para 60 NPPF). Even if the Council has a 5 year housing supply (which was not the case at the time the appeal was lodged), that is not a maximum position. If the Inspector considers there is a minor technical conflict with Cherwell Local Plan Part 1 Policy Villages 1 and saved Local Plan Policy H18 which weighs against the proposal, it is considered there is no harm which would arise from that conflict, and the benefits of providing 2-3 houses, in a location that is considered sustainable, are sufficient to conclude that the location, land use and amount of development is acceptable such that permission in principle should be forthcoming.
- To reiterate, the site lies fairly central to Wendlebury which has some amenities and in close proximity to the large settlement of Bicester. There is no defined village boundary. It has been demonstrated that there need not be total reliance on the private car and there are alternatives e.g. by bus or bicycle. NPPF para 105 acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. The proximity of this site to the park and ride and so many shops, services and employment opportunities demonstrates that the site is not locationally disadvantaged. The site has a clear visual and physical connection with the village and the pattern of development would not be out of keeping with the locality and the evolution of the village which has been described in the submitted heritage report. The additional dwellings would bring social benefits with new housing to the village, economic benefits during construction and through spending in local facilities e.g. the pub, and the potential for environmental benefits such as the more efficient use of land and incorporation of renewables (subject to technical details consent stage).

Response to LPA para 4.1 Conditions

- The Planning Practice Guidance sets out that *'It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about*

what they expect to see at the technical details consent stage'. Paragraph: 020 Reference ID: 58-020-20180615

The content of the Council's para 4.1 is however understood.

Response to Third Parties

- A number of third parties have raised the matter of the Council's housing land supply. The development is considered acceptable for the reasons set out above.
- Impact on character and building line is addressed within the already submitted heritage assessment which describes the evolution of the village and the proposal is not out of keeping with the settlement pattern. There is no defined village boundary. The site is well related to the village having residential development to the west, south, equestrian uses to the east and the public house use and accommodation block to the north/north-west.
- The applicant's evidence of the sustainability of the site has been considered in the already submitted documents and briefly referred to above.
- Regarding flooding, the Inspector is referred to the already submitted Flood Risk Statement dated 17 November 2022 (Appendix 9 Appellant's Statement of Case) and the LPA officer report.
- Privacy would be dealt with at technical details stage however the site is considered large enough to provide adequate separation such that the proposed amount of development can be successfully accommodated.
- In respect of highways the appellant has entered into pre-application discussions with OCC Highways since the PIP refusal. Those discussions are at Appendix 8 of the Appellant's Statement of Case and OCC Highways were satisfied.

It is respectfully requested that the appeal be allowed.

Oakwood Planning Limited on behalf of appellant, 19 April 2023