

<u>Consultee</u>	<u>Date Sent</u>	<u>Expires</u>	<u>Reply</u>
Piddington Parish Council	20.07.2020	10.08.2020	24.08.2020
Adult Social Care OCC	20.07.2020	10.08.2020	
Campaign To Protect Rural England Oxfordshire	20.07.2020	10.08.2020	07.09.2020
Ecology CDC	20.07.2020	10.08.2020	
Economic Development CDC	20.07.2020	10.08.2020	
Environmental Health CDC	20.07.2020	10.08.2020	31.07.2020
Gypsy and Traveller Services OCC	20.07.2020	10.08.2020	
Landscape Services CDC	20.07.2020	10.08.2020	31.07.2020
Licensing CDC	20.07.2020	10.08.2020	
Oxfordshire County Council Single Major Planning Applications Team	20.07.2020	10.08.2020	20.07.2020
Planning Policy CDC	20.07.2020	10.08.2020	03.09.2020
Strategic Housing CDC	20.07.2020	10.08.2020	27.07.2020
Thames Valley Police	20.07.2020	10.08.2020	
Thames Water	20.07.2020	10.08.2020	
Drainage OCC - Lead Local Flood Authority	28.07.2020	18.08.2020	
Local Highways Authority OCC	28.07.2020	18.08.2020	17.08.2020
MOD Property – Planning Team			20.02.2019

Matthew Chadwick, Senior Planning Officer
Cherwell District Council
Bodicote House, Bodicote
Banbury
Oxon
OX15 4AA

7 September 2020

Dear Mr Chadwick

Ref : 20/01122/F and 20/01747/F Change of use of Land to 18 Traveller Pitches with associated operational development

CPRE Oxfordshire object to planning applications 20/01122/F and 20/01747/F for the change of use of land at Widnell Lane, Piddington, to provision of 18 traveller site pitches. Although these are two separate applications, as they are on adjoining sites, we believe that consideration of them together better reflects their impact. We support the objection raised by Piddington Parish Council.

Cherwell District Council sets out the criteria for determining the suitability of sites for location of travelling sites in their current local plan (Policy BSC 6). The applications meet the geographical criteria of being within 3km of a category A village (Arncott), but as stated by Piddington Parish Council, Arncott is not the most sustainable category A village. Neither health and education provision (criteria a and b within policy BSC 6) is available at Arncott with the nearest full time GP surgery and secondary school located over 5 miles away in Bicester.

With regards to other criteria, there is a question mark over the degree of flood risk (criteria c). Whilst the developers have claimed that the area is an area of low flood risk, this is challenged by the Parish Council as the site is within 1km of the River Ray floodplain and the proposals from the developers in relation to pitches and circulation areas could exacerbate any flood risk further.

There is the potential of noise from the nearby Piddington Training Area (criteria e) which will impact on the provision of a satisfactory living environment (criteria g) along with the relative remoteness of the proposed traveller site pitches, which are some distance from the village. There is also a question mark over the grading of the land (criteria h) and the Council should satisfy itself that it is not at least of grade 3 (good quality) since the National Planning Policy Framework advises against development on this level of grade of land.

Questions have also been raised regarding the adequacy of the current number of traveller sites within Cherwell District Council (criteria j) with the developers claiming that this application is meeting an unmet need. However Cherwell's Planning Policy team have concluded that there is "sufficient supply of gipsy and traveller pitches based on the most up to date evidence".

Cherwell District
CPRE Oxfordshire
c/o 20 Blythe Place
Bicester
Oxfordshire OX26 2GH

Telephone 07527 068114
E Mail ndolden@btinternet.com
campaign@cpreoxon.org.uk

www.cpreoxon.org.uk

working locally and nationally to protect
and enhance a beautiful, thriving
countryside for everyone to value and
enjoy

The Planning Policy For Traveller Sites (PPTS) states that new traveller sites should not be sited in open countryside. The proposed sites are 1km outside of the nearest settlement in open fields. Additionally it states that planning authorities should ensure that the scale of traveller's sites should not dominate the nearest settled community. Given that the proposed application could increase the population of Piddington by over 20%, it is difficult to argue that this would not be the case if these applications are approved.

The CPRE recognise that 6 pitches have already been approved on appeal but it is the scale of the increase which is of concern. This is reflected in the many letters of objections from village residents.

The Cherwell District Council's local plan policy in relation to villages (C254) states that "unanticipated development within the built up limits of a village is of an appropriate scale for that village" and does not exacerbate travel in private vehicles. These applications, if approved, will inevitably lead to an increase in traffic use with safety and environmental impacts for Piddington residents.

Villages play an important part in preserving the countryside and this is recognised in Cherwell District's Policy on Local Landscape Protection and Enhancement (ESD 13). Developments should respect local landscape character and avoid undue visual intrusion into the open countryside and be consistent with local character. The proposed sites are a prominent residential landmark in open landscape but visible from Widnell Lane and are at odds with the rural character of the area.

There is not enough information included in the planning applications on their impact on the biodiversity of the site (criteria f Policy BSC6). It is a requirement of the Cherwell District Plan (ESD10) that all applications should demonstrate a biodiversity gain and this appears to be absent from the applications. Some of the surveys in relation to the original site have not been updated and it cannot be confirmed that protected species have not moved on to the sites. The proposed sites are close to the river Ray catchment area which is area rich in wildlife and itself susceptible to pollution.

The siting of 18 pitches in Piddington will have a marked impact on the local settlement affecting open countryside. Since it fails to meet the majority of criteria in Policy BSC6 we object to these applications. We believe that there are likely to better options available within Cherwell and it is our view that the Council should take the opportunity presented within the reprise of the Local Plan to identify more appropriate traveller sites to meet the likely future need.

Yours sincerely,

Nick Dolden



N Dolden
Cherwell District, CPRE

Copies to: Sir David Gilmour, Chairman Cherwell District CPRE
Helen Marshall, CPRE Director

Rachel Tibbetts

From: Matthew Chadwick
Sent: 20 August 2020 11:10
To: DC Support
Subject: FW: RE: 20/01747/F

Matthew Chadwick BA(Hons) MSc
Principal Planning Officer – General Developments Planning Team
Development Management
Place and Growth Directorate
Cherwell District Council
Direct Dial: 01295 753754

Website: www.cherwell.gov.uk
Find us on Facebook: www.facebook.com/cherwelldistrictcouncil
Follow us on Twitter: @Cherwellcouncil
<https://planningregister.cherwell.gov.uk/>

My usual working hours are: Monday to Friday, 8:30am to 5:00pm.

Coronavirus (COVID-19): In response to the latest Government guidance and until further notice, the Planning Service has been set up to work remotely, from home. Customers are asked not to come to Bodicote House but instead to phone or email the Planning Service on 01295 227006: planning@cherwell-dc.gov.uk. For the latest information about how the Planning Service is impacted by COVID-19, please check the website: www.cherwell-dc.gov.uk.

From: Jan Southgate <Jan.Southgate@Cherwell-DC.gov.uk>
Sent: 18 August 2020 08:31
To: Matthew Chadwick <Matthew.Chadwick@Cherwell-DC.gov.uk>
Subject: RE: 20/01747/F

Matthew

My only comment on this application is that it would require a Caravan site License if the planning is approved. This can be applied for by contacting the Council's Licensing team.

Regards

Jan Southgate
Environmental Health Officer
Cherwell District Council
Direct Tel: 01295 227906
jan.southgate@cherwell-dc.gov.uk
www.cherwell-dc.gov.uk
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-----Original Message-----

From: Neil Whitton <Neil.Whitton@Cherwell-DC.gov.uk>

Sent: 31 July 2020 14:50

To: Matthew Chadwick <Matthew.Chadwick@Cherwell-DC.gov.uk>

Cc: DC Support <DC.Support@cherwell-dc.gov.uk>

Subject: 20/01747/F - Land South Side Of Widnell Lane Piddington

Environmental Protection has the following response to this application as presented:

Noise: One of the caravans stationed on each pitch shall be a static caravan or mobile home, and that static caravan or mobile home shall comply with the specification of paragraphs 4.8 and 4.9.4 in British Standard BS 3632:2015 – Residential park homes – Specification.

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No external lighting shall be installed on the site, other than in accordance with a scheme, including details of the position, height and type of lights, which has been submitted to and approved in writing by the Local Planning Authority.

If you wish to deviate from the suggested conditions then this should be discussed with the officer making these comments to ensure the meaning of the condition remains and that the condition is enforceable and reasonable.

NB: Please note my new working pattern below, I will only respond on the days appropriate to the email content Mon – Weds: Environmental Protection, Thurs – Fri: Health Protection and Compliance

Kind Regards

Neil Whitton BSC, MCIEH
Environmental Health Officer
Environmental Health and Licensing
Cherwell District Council
Tel - 01295 221623
Email - Neil.Whitton@cherwell-dc.gov.uk

<http://www.cherwell.gov.uk/>

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Rachel Tibbetts

From: Matthew Chadwick
Sent: 03 August 2020 10:52
To: DC Support
Subject: FW: 20/01747/F - Land South Side Of, Widnell Lane, Piddington

Matthew Chadwick BA(Hons) MSc
Principal Planning Officer – General Developments Planning Team
Development Management
Place and Growth Directorate
Cherwell District Council
Direct Dial: 01295 753754

Website: www.cherwell.gov.uk
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From: Tim Screen <Tim.Screen@Cherwell-DC.gov.uk>
Sent: 31 July 2020 16:20
To: Matthew Chadwick <Matthew.Chadwick@Cherwell-DC.gov.uk>
Subject: 20/01747/F - Land South Side Of, Widnell Lane, Piddington

Hi Matt

In order to minimise visual and landscape harm the existing site boundary trees and hedgerows are to be retained and maintained at their mature heights (a minim of 3 m for the hedgerows). There is no hedgerow on the eastern boundary. I recommend the planting of a hedgerow to the entire eastern site boundary with individual Oak and Field Maple trees. The hedgerow to be set out in a double staggered row, 50 cm between rows and 45 cm between each plant. The plants are to be supplied as 80 -100 cm, and planted with spiral rabbit guards with cane supports. A mulch matt is required for each plant to conserve ground moisture and restrict competitive weeds. The hedgerow material is to be 40% native Blackthorn and 60% native Hawthorn. The native hedgerow and trees must be maintained to ensure this landscape feature is established. Hand weeding, watering in periods of dry weather, and replacement planting in the planting season (Oct – Mar) where there are deaths and damage within the planting.

Regards

Tim

Tim Screen CMLI
Landscape Architect
Environmental Services
Cherwell District Council

 Direct Dial 01295 221862 Mobile 07854 219751

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**Defence
Infrastructure
Organisation**

Ministry of Defence
Marlborough Lines, Ramillies Building, Floor 1,
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Hants,
SP11 8HJ

Mobile No: 07770 334601
E-mail: jon.mason856@mod.gov.uk

Matthew Chadwick
Planning Officer
Development Management
Place and Growth Directorate
Cherwell District Council

24th September 2020

Dear Sir,

Ref: 20/01747/F - Change of Use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing

I write further to the submission of the above mentioned planning application which proposes a Material Change of Use of land to use as a residential caravan site for 6 no gypsy / traveller families, each with two caravans, including associated development.

It is noted that this application follows earlier applications and appeals for similar development on land to the east and it is apparent the current proposal now includes additional land to accommodate an additional 6 pitches.

Noise and Vibration

The MoD has consistently expressed concerns about the proposal for caravans in this location because of the potential effect of noise from its estate on the living conditions of future residents. Notwithstanding the outcome of the appeal in relation to the previous application these concerns remain extant and are likely to be exacerbated by the fact that the current application site includes land near to Piddington Training area and within approximately 200m of the boundary.

MOD has a lawful use of Piddington training area for military purposes 24 hours a day 365 days a year with no restrictions other than training area standing orders which permit the use of training aids including blank ammunition, explosives and battle noise simulators.

Training will vary according to operational need but the training area is used on an almost daily basis including weekends for Regular, Reserve and Cadet Forces.

MOD continues to optimise the size of its UK estate and as a retained site Bicester Garrison is likely to increase in intensity of use with a commensurate likely increase in the use of Piddington training area. As a result the effects of noise from Piddington training area are likely to increase as is the importance of the training area to defence.

It should be noted that MOD are exempt from action under the Environmental Protection Act for noise nuisance and in line with the 'agent of change' principle MOD will not accept responsibility for any future complaints regarding noise which may arise from activity within its estate.

Provision of Utilities.

Whilst MOD water and power assets are present nearby it cannot be considered as a provider and MOD are not obligated to, or are in a position, to provide a water or other utilities connection.

Further development of the MoD estate area.

As referred to previously MOD is reducing its Estate, and as there is a significantly large estate area to the North of the application site known as 'A' Site which has an extant military use. It is a possibility that this site could be utilised for additional Military requirements and it would be inappropriate of the MoD not to point out the possibility of future military development or intensified use of this site and resultant unknown type of activity that could be undertaken on this or Piddington Training Area as a result.

Yours sincerely

J Mason

Jon Mason

Senior Estate Surveyor

From: Shaikh, Noorjahan - Communities **On Behalf Of** Planning Consultations - E&E

Sent: 20 July 2020 15:47

To: Planning <Planning@Cherwell-DC.gov.uk>; Matthew Chadwick <Matthew.Chadwick@Cherwell-DC.gov.uk>

Cc: Planning Consultations - E&E Transport SODC Minor **Subject:** RE: Planning notification for application reference: 20/01747/F

Thank you for sending us the attached application for consultation. However, this application is less than a hectare and will be considered as a minor application.

Please forward it to the relevant officer for comments.

Thank you
Noor

COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

District: Cherwell

Application No: 20/01747/F

Proposal: Change of Use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing

Location: Land South Side Of Widnell Lane Piddington

Response date: 17th August 2020

This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

Application no: 20/1747/F

Location: Land South Side Of Widnell Lane Piddington

General Information and Advice

Recommendations for approval contrary to OCC objection:

IF within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via planningconsultations@oxfordshire.gov.uk) as to why material consideration outweigh OCC's objections, and given an opportunity to make further representations.

Outline applications and contributions

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

Where a S106/Planning Obligation is required:

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - TBC**
This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will adjusted to take account of the number of obligations and the complexity of the S106 agreement.
- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether an s106 agreement is completed or not.

Application no: 20/1747/F

Location: Land South Side Of Widnell Lane Piddington

Transport Schedule

Recommendation:

Objection for the following reasons:

- The proposals do not provide for safe and suitable access for all people, which is contrary to NPPF

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission planning conditions and informative as detailed below.

Key points

- The application is for 6 traveller pitches, each comprising one mobile home and one touring caravans
- Widnell Lane is unlit and has no pedestrian facilities.
- This application would increase the number of pedestrian movements along Widnell Lane, including by children, and therefore there is an unacceptable risk to pedestrian safety.

Comments:

Background

This site and application are very similar in nature to the adjacent field, which has recently been the subject of a refused permission (overturned on appeal) and an undecided application for enlargement.

Application no. 17/01962/F on the adjacent field was refused for two reasons – firstly, due to the lack of information regarding nearby noise generating uses and, secondly, because the proposed development was not considered to be a suitable or sustainable development. The appeal against this decision was allowed in October 2019. OCC, as the Local Highway Authority (LHA), did not object to the application and highway matters were not given as a reason for refusal.

More recently, on the same site, application no. 20/01122/F is seeking to double the size of the development by adding six more plots. In my response to this application I have taken into account the Inspector's comments regarding the sustainability of the location. However, the absence of a footway and streetlighting along Widnell Lane are considered to present a risk to the safety of vulnerable road users. The potential

doubling of the site would lead to a proportionate increase in the likelihood of a road safety incident, which is not considered to be acceptable.

The subject application (20/01747/F) is also for six plots, so would have an identical impact on road safety as 20/01122/F. Therefore, the proposals do not provide for safe and suitable access for all people, contrary to the NPPF.

Access

The Proposed Block Plan labels the access point from Widnell Lane as “Existing Access”, although none was evident when I made my site visit. I am happy that the visibility is at least as good as that available from the approved and partly constructed access to the adjacent field. As the application site is closer to the B4011 junction, it is likely that speeds in both directions will be slightly less, so the proposed access location is acceptable.

Any gates would need to be set back sufficiently to ensure that vehicles and trailers do not have to wait on the carriageway whilst gates are opened.

A bellmouth junction would need to be provided and this will require a S278 agreement with OCC to carry out the works on the highway.

Refuse collection

By reference to the OCC response to the adjacent site, I note that a full-size (11.6m long) refuse collection vehicle (RCV) will be expected to enter the site. The layout must be designed to allow the RCV to enter, turn in and exit the site safely in a forward gear. The Inspector for the appeal did not require a condition to demonstrate that these manoeuvres were possible, so I have not requested such a condition in the event of permission being granted.

Conditions

Access

Prior to commencement of the development full details of the site access bellmouth junction shall be submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the site until the site access junction has been constructed in accordance with the approved details.

Refuse vehicle tracking

Prior to commencement of the development, full details of the internal road and turning area including swept path analysis showing that an 11.6m long refuse collection vehicle can enter and leave the site in forward gear, shall be submitted to and approved in writing by the Local Planning Authority. There shall be no occupation of the site until the internal road and turning area have been constructed in accordance with the approved details.

Informative:

No works within the highway (including the verge) will be permitted unless a legal agreement for the works under S278 of the Highways Act 1980 is first entered into with Oxfordshire County Council as Local Highway Authority.

Officer's Name: Joy White

Officer's Title: Principal Transport Planner

Date: 14 August 2020

Application no: 20/1747/F

Location: Land South Side of Widnell Lane Piddington

Lead Local Flood Authority

Recommendation:

Objection

Key issues:

- Insufficient detail has been provided in relation to surface water management, flood risk, SuDS implementation to enable a technical assessment of the proposal.
- The area around Widnell Lane is noted to be subject to surface water flood risk.
- National and Local Standards for flood risk and sustainable drainage must be adhered to for a proposal of this nature and scale.
- Information needs to be submitted as per the below guidance.

Detailed comments:

An on the surface, sustainable surface water management strategy needs to be developed in accordance with the following guidance:

The [Sustainable Drainage Systems \(SuDS\) Policy](#), which came into force on the 6th April 2015 requires the use of sustainable drainage systems to manage runoff on all applications relating to major development. As well as dealing with surface water runoff, they are required to provide water quality, biodiversity and amenity benefits in line with National Guidance. The [Sustainable Drainage Systems \(SuDS\) Policy](#) also implemented changes to the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) to make the Lead Local Flood Authority (LLFA) a statutory Consultee for Major Applications in relation to surface water drainage. This was implemented in place of the SuDS Approval Bodies (SAB's) proposed in Schedule 3 of the Flood and Water Management Act 2010.

All full and outline planning applications for Major Development must be submitted with a Surface Water Management Strategy. A site-specific Flood Risk Assessment (FRA) is also required for developments of 1 hectare or greater in Flood Zone 1; all developments in Flood Zones 2 and 3 or in an area within Flood Zone 1 notified as having critical drainage problems; and where development or a change of use to a more vulnerable class may be subject to other sources of flooding.

Further information on flood risk in Oxfordshire, which includes access to view the existing fluvial and surface water flood maps, can be found on the [Oxfordshire flood tool kit](#) website. The site also includes specific flood risk information for developers and Planners.

Officer's Name: Richard Bennett
Officer's Title: Flood Risk Engineer
Date: 14 August 2020

From: piddington parishclerk
Sent: 24 August 2020 12:30
To: Planning
Subject: 20/01747/F

Good morning

I attach an objection to the above planning application on behalf of Piddington parish council.. There are currently 2 applications for sites in Piddington. i would be grateful if these applications could please be considered at the same planning committee.

Anne davies

Piddington Parish Clerk

**20/01747/F - OS Parcel 9635 North East of HM Bullingdon Prison,
Widnell Lane, Piddington**

**Change of use of land to a 6no gypsy / traveller site to include 6no mobiles,
6no tourers and associated operational development including hardstanding
and fencing**

**Piddington Parish Council objects to this application for the
following reasons:**

- **Permission already exists for 6 pitches on the same parcel of land; an application for a further 6 pitches (20/01122/F) on this site is yet to be determined, making 18 pitches in all with this application. The population of the site would be in the region of 108people. This would dominate the nearest settled community of Piddington which currently has a population of only 370.**
- **It would represent unsustainable development and would place undue pressure on the local infrastructure.**
- **The assessment of need is out of date, unsound and disputed and CDC has a more-than-adequate supply for the next five years.**

- **CDC has failed to identify suitable sites in its Local Plan and so exposes rural communities to speculative applications like this application.**

Background and site history

This is the fourth application in less than four years for Gypsy/ Traveller pitches on this parcel of land. 17/00145/F (16 pitches) and 17/01962/F (6 pitches) were both refused; the refusal of 17/01962/F was subsequently overturned at appeal allowing 6 pitches solely due to the perceived need. A further application 20/01122/F to build 12 pitches rather than 6 on the appeal site is currently under consideration. If both the current applications were to be approved, a total of 18 double pitches, ie potentially 36 units of accommodation, would be constructed about 1 km from a village of fewer than 150 households.

It is unclear from the names on the various applications whether this most recent applicant is in fact the same person, but on the assumption that he is, he should be required to demonstrate good faith by building, maintaining and managing the 6 pitches for which he has permission, to the high standard he has said he intends, before CDC should contemplate giving permission for further unnecessary pitches.

The only reasons given for the Inspector's decision to overturn the refusal for 6 pitches were that there was no current supply to meet some unspecified need and that CDC had failed to identify suitable sites in its Local Plan.

CDC has had a poor record in recent years of losing appeals on similar grounds against refusals for Gypsy/ Traveller sites. Apart from the huge waste of public money and human resources that could be better occupied, the real losers from this are the rural communities that are exposed to unsuitable, unsustainable and unnecessary development that would never be allowed if the system was working as it should.

Piddington Parish Council considers that this development would dominate Piddington, the nearest settled community

The Government Planning Policy for Traveller Sites (PPTS 2015) requires that consideration is given to the scale of sites with respect to the nearest settled community. Policy B par 10, sub paragraph d)

"Relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density."

Further, in section Policy C, relating to sites in rural or semi-rural areas and the countryside in par 14 says:

"When assessing the suitability in rural or semi-rural settings, the local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community."

Policy H par 25 also states:

"Local planning authorities should very strictly limit traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community"

Recent officer reports to committee concerning this parcel of land have tended to interpret dominance as visual intrusiveness. While not indifferent to the appearance of the site, Piddington Parish Council's main issue is its potential effect on the community. Piddington is a rural village with its own culture and a strong community ethos. Should these two new applications be granted, this would increase the overall size of the development from 6 pitches to 18 pitches (2 caravans per pitch, 1 mobile and 1 static, so overall 36 caravans on site). If we assume an average of 6 residents/pitch this would result in a site population of 108 people. With a population of 370 in the whole quite extensive parish of Piddington, about 330 in the village itself, this equates to a population increase of nearly 30%, ie 23% of the resulting total population would be from the Gypsy/ Traveller community.

The 2011 census recorded 58,000 Gypsy/ Travellers in England and Wales or 0.1% of the total population. Increasing the Gypsy/ Traveller population of Piddington to 23% of the total population as compared with the national average of 0.1% would, in the opinion of the Parish Council, be contrary to PPTS 2015 Policies B (10) (d), C (14) and H (25) and constitute dominance of the settled community.

Piddington Parish Council maintains that the proposed development is unsustainable and would place undue pressure on the local infrastructure

Policy H paragraph 25 of the PPTS 2015 states:

“Local planning authorities should avoid placing an undue pressure on the local infrastructure.”

In terms of sustainability, the site for this new application, which is part of the same parcel of land as previous and current other Gypsy/ Traveller site planning applications 17/00145/F, 17/01962/F and 20/01122/F, the site was, and still remains, entirely unsustainable as laid down by the DCLG PPTS 2015, The National Planning Policy Framework and Cherwell District Council’s own Policy.

There are many aspects to this, including, but not limited to, greenfield development, flood risk, environmental and ecological impact, isolation, unsafe roads for pedestrians, lack of public transport and facilities.

Whilst Piddington is a Category C village, its only amenities being a church and a village hall, Arncott is the nearest Category A village, but in previous officer reports concerning this site it has been deemed one of the least sustainable Category A villages with only a small shop and lacking a school or health provision. There are no schools or doctors within 3km of the site and only 1 small shop at about 3km distant. The nearest primary school is 4km away in Ambrosden and is already full. The nearest GP surgeries in Brill and Bicester are closed to new patients - a known issue with the rapid development of Bicester and although there is a small surgery in Ambrosden it is open only 2 hours a week and is scheduled for closure in 2021.

Whilst the Planning Inspector’s report for 17/01962/F acknowledged the site was wholly unsustainable, he approved 6 pitches because of an (unverified) need. Any increase on this number of pitches under this application, or application 20/01122/F, would amplify the overall unsuitability, for example more flash flood run off, more school places and school transport required, no access to GP services. At the appeal the Inspector was assured by the appellant that 6 pitches was all that was required.

There is a wider sustainability consideration in that the Gypsy/ Traveller site at Oakview just outside Arncott parish, but in Buckinghamshire, also looks to Arncott as its nearest Category A village. The National Planning Policy Framework and the PPTS 2015 both require Local Planning Authorities to work collaboratively with neighbouring Authorities to ensure that sustainability issues are addressed.

It is difficult to understand how one Category A village, deemed by CDC as 'not the most sustainable of the Category A villages' owing to its very limited facilities can be expected to support 3 Gypsy/ Traveller sites, 19 pitches at Oaksvie Park, 6 pitches under 17/01962/F, potentially increased to 12 pitches under 20/01122/F, and a further 6 pitches under this application. All of these pitches are within 3km of each other. This is irrefutably not sustainable, nor in keeping with any policy requirement, and would most certainly place an undue pressure on the local infrastructure.

Piddington Parish Council disputes CDC's assessment of need on the following grounds:

- **It is based on the GTAA 2013 which is seven years out of date and was carried out prior to a change in definition. It has been superseded by the GTAA 2017, which takes account of the definition change.**
- **Two entire or partial sites where either travellers did not live or which were not designated specifically for their use have been erroneously included, both in the base for calculations of growth and overcrowding and as losses when they closed.**
- **Estimates of need for pitches are inherently uncertain owing to incomplete and flawed data about the travelling community.**
- **Estimates employing alternative official data imply that a majority of existing pitches are occupied by households who do not comply with the PPTS 2015 definition**

The GTAA 2013 utilised the definition then in force of a gypsy/ traveller for whom the local authority needs to plan. This definition changed in 2015 with the publication of the government document, Planning policy for traveller sites, (PPTS 2015), that clarified that, of those who had ceased to travel, only those who had ceased temporarily were to be included.

PPTS 2015 Annex 1:Glossary:

"1 For the purposes of this planning policy "gypsies and travellers" means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople"

The GTAA 2013 could not have worked to this definition, since it preceded it, but in fact it did not purport to work to the earlier definition either, as no attempt was made to identify whether the occupants of sites complied even with that definition, or apparently whether pitches were occupied at all.

The GTAA 2017 did work to the new definition, and did try to address the status of existing residents and vacant plots, difficult though those things are, because access tends to be denied to the private sites and residents are unwilling to be interviewed.

As one would expect, the GTAA 2017 showed a lower overall future need than the GTAA 2013, because those who have permanently ceased to travel need no longer be provided for on designated sites.

Successive Annual Monitoring Reports (AMR) have extrapolated the GTAA 2013 estimates, and more recently those in the GTAA 2017, taking into account planning permissions for new pitches and closures of sites in the intervening period.

Tables 21 and 22 below are extracted from CDC's AMR 2019.

Table 21 shows the net result of calculations based on the figures in the Local Plan Policy BSC 6, which itself was based on the GTAA 2013.

Table 22 is the corresponding extract based on the GTAA 2017.

Table 21 – Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (Policy BSC 6)

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
k	Shortfall (g- i)	20	21

Table 22 – Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (GTAA, June 2017)

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
k	Shortfall (g- i)	2	3

The ridiculous discrepancy between two estimates purporting to represent the same thing is indicative of the unreliability of making these assessments of need, and suggests more than anything that anyone seeking to use them should be aware of how uncertain they are and extremely cautious about setting any such figures in stone as the basis for policy or decision making.

Moreover, there are issues concerning two sites that have been included in the baseline for the calculations.

Station Approach, Banbury was not a Gypsy/ Traveller site. No restrictive condition regarding occupancy was placed it at the time the original planning application was approved and when it closed, only non-travellers were living there.

When Planning Application 17/01233/OUT for development of the site was considered by Committee the officer wrote:

"8.12 Discussions with the County Council Gypsy and Travellers Officer have confirmed that none of the previous caravan pitch occupiers are Gypsies and Travellers, and that it may be some time since such occupiers have used the facility. Furthermore that permission granted in the 1970s was not specifically for or limited to such occupiers. In these circumstances your officers consider that a refusal based on the loss of this facility could not be sustained at appeal."

When an application 12/01368/F for a site at Mollington was considered at appeal APP/C3105/A/13/2196896 the Inspector remarked:

"27.However, the Council accepted that the Station Caravan Park in Banbury is not wholly restricted to occupancy by gypsies and travellers"

and in a similar case at Caulcott 13/01802/F, APP/C3105/A/14/2227894

"22. In regard to supply, the appellant excluded 10 pitches at "Station Approach" which are not subject to an occupancy condition whereas the Council included these"

It appears that CDC has known for some years that Station Approach was never a designated gypsy/traveller site, but persisted in including it as part of its supply, and when it closed, in counting it as a loss. Of course gypsies or travellers may have lived there from time to time, just as they can live in any sort of accommodation including, nationally, three quarters in conventional houses. That does not mean that every bricks-and-mortar house in the district counts as part of CDC's supply of Gypsy/ Traveller pitches, or as a lost pitch if it is demolished.

The Smith's site at Bloxham originally consisted of 20 pitches. In 2011 an application was made to expand the site by a further 16 pitches and permission was granted, with conditions.

The officer's report supporting the application included the statements:

"5.11 Although the level of need that will be identified by the new Needs Study [the upcoming 2012 GTAA] cannot be predicted, it is likely that household growth and 'concealed need' (for example, overcrowding) will create a requirement for new pitches. The draft PPS refers to an objective of increasing the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply."

and

"5.13 The additional pitches would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS."

It appears that the officer's support for the additional pitches was because they would fulfil an increased future need that was likely to be identified in the GTAA in 2012 and, very reasonably, planning permission was granted on this basis.

When the GTAA was produced in 2013 it explicitly treated the recently approved 16 pitches as if they were already part of the then current supply and occupied, and includes them in the base for its future-need calculation:

6.18 "..... This analysis assumes that all pitches described in Table 4.1 are occupied which includes sites with full planning permission"

When the whole site closed in 2016/17, planning permission had not been taken up and the 16 pitches had never been occupied or even constructed.

The inclusion of 10 pitches at Banbury (not specifically traveller pitches) and 16 pitches at Bloxham (non-existent) in a baseline of 70 pitches rather than 44 for calculating household growth and overcrowding, which are functions of people, not of plots of land, artificially inflated estimated need in the GTAA 2013. A similar argument applies to the GTAA 2017, but in this instance the error was only the inclusion of the 10 pitches at Banbury, as the permission for the 16 additional pitches at the Bloxham site had expired in 2014/15.

The Local Plan then incorporated the indefensible GTAA 2013 figures and all subsequent planning decisions have been based on these figures and the AMRs.

To make matters worse, when they are shown as losses of pitches from 2012 onwards in the subsequent Annual Monitoring Reports, the result is a gross exaggeration in the deficiency in supply, based on the GTAA 2013, of 26 pitches. Table 19 is extracted from the AMR 2019 and shows the two contentious sites and the effect when they are considered as losses.

Table 19 – Existing Supply of Gypsy and Traveller Pitches at 31 March 2019 (Policy BSC 6)

Site	Net Loss / Gain								Net Running Totals
	Supply at 31 March 2012	12/13	13/14	14/15	15/16	16/17	17/18	18/19	
Bicester Trailer Park, Chesterton	8	0	0	0	0	0	0	0	8
Corner Meadow, Fanborough Road, Mollington	4	0	5	0	0	6	0	0	15
Horwood Site, Ardley Road, Ardley	1	0	0	0	0	0	0	0	1
Land adjoining A34 by Hampton Gay and Poyle	8	0	0	0	0	0	3	0	11
Land South West of Woodstock Road, Yarnton	3	0	0	0	0	0	0	0	3
Lower Heyford Road, Caulcott	0	0	0	0	5	0	0	0	5
OS Parcel 3431 Adjoining And North East Of Blackthorn Road Launton	0	2	0	0	0	0	0	0	2
Smiths Caravan Park, Milton	36	0	0	-16	0	-20	0	0	0
Station Caravan Park, Banbury	10	0	0	0	0	0	-10	0	0
Summer Place, Blackthorn Road, Launton	0	0	0	0	0	0	2	0	2
The Stable Block, Farnborough Road, Mollington	0	0	0	0	0	5	0	0	5
Totals	70	2	5	-16	5	-9	-5	0	52

Unfortunately, at the appeal for the 6 pitches at the Widnell Lane site, the issue of need was agreed between CDC and the appellant as part of the Statement of Common Ground, so was not rigorously explored. A robust defence of the GTAA 2017 calculations was prepared by Steve Jarman of ORS for the appeal hearing, but was never used because it was considered irrelevant, as Cherwell and the appellant agreed that there was no 5-year supply, whether or not they agreed what that supply should be. The main reason that the appeal was allowed was the fact that there were no new pitches available within Cherwell to satisfy whatever future demand there may be, as CDC had not identified suitable sites as part of its Local Plan process

In the year since the appeal, 13 pitches have received permission. CDC's AMR 2019, published after 10 of these pitches were approved but before the remaining 3, showed a shortfall of 3 pitches in the five-year supply from 1 April 2020, based on the 2017 GTAA. A further 3 pitches have now been approved, so on this calculation there is no shortfall over the next 5 years, so there is no pressing need to grant permission for further pitches in a location where, to quote the Planning Inspector's report:

"41. given its conflict with Policies ESD 13, ESD 15 and C28 concerning the character and appearance of the area, it would conflict with the Development Plan considered as a whole."

An alternative view of the need for Gypsy/ Traveller pitches in the District can be obtained by considering data from the 2011 Census.

Table KS201UK shows the resident population of Cherwell District to be 142,000 of whom 105 self-identified as Gypsy/ Traveller/ Irish Traveller. This group is notoriously difficult to enumerate at the Census so this is certainly an underestimate.

The Office for National Statistics' Statistical Release, 21 January 2014: "2011 Census analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish Travellers in England and Wales?" says:

"5.1 The 2011 Census found that the majority (76%) of Gypsies and Irish Travellers in England and Wales lived in conventional bricks-and-mortar accommodation (house, bungalow, flat etc).....24% of Gypsies and Travellers in England and Wales lived in a caravan or other mobile or temporary structure."

If Cherwell is typical in this respect, then 25 self-identifying Gypsy/ Traveller/ Irish Travellers would have been found living in that sort of accommodation in the district at the time of the Census. If we allow for underestimation by doubling this, and allow, say, 3 residents to a pitch, itself also probably an under estimate, this accounts for 17 pitches. CDC's present supply is 52 and there are a further 13 current permissions for pitches.

Steve Jarman of ORS, who produced the GTAA 2017, wrote in his evidence for the appeal:

"28. At the time of the Oxfordshire GTAA, based on data from 1,800 interviews completed by ORS since changes to PPTS in 2015, it was suggested that 10% of unknown need should be considered and addressed through a criteria-based Local Plan Policy.

29. Since the Oxfordshire GTAA was issued, ORS have completed approximately 3,500 interviews and this percentage has risen to approximately 25%. This still shows that the majority of households that are interviewed across the country are settled and do not meet the planning definition of a Traveller."

When ORS carried out the GTAA 2017, of the 12 households they were able to interview, 6 were found to comply with the PPTS definition and 6 did not. Applying the latter percentage (25%) to the unknown part of Cherwell's 2019 existing supply implies that, of the 40 such pitches, only 10 would be occupied by households who actually complied with the PPTS 2015 definition, rising to 13 when the additional 13 pitches are occupied, plus, in each case, the 6 known to comply, which gives 16 rising to 19. This aligns quite well with the 17 derived from the Census data.

One can only conclude that a large proportion of CDC's supply of pitches that are supposedly restricted to Gypsies or Travellers, as defined in the PPTS 2015, is actually occupied by people who are neither or is vacant.

Of course these are both only rough estimates, but they are unlikely to be wrong by a factor of 4. The existing 52 pitches plus the 13 with planning permission should easily satisfy whatever legitimate need there is now and for many years to come.

Sadly, CDC has never had a well-founded idea of how many pitches are actually needed, and its estimates have always been based on flawed or incomplete data. That, allied to their reluctance to take account of how uncertain such estimates will always be, is why applicants have repeatedly succeeded at appeal. The loophole in the planning system, that allows pitches to be developed on unsuitable sites, to the detriment of rural communities, because of estimates of need that cannot be justified, will continue to be exploited.

Summary of objections

- **Permission exists for 6 pitches on the same parcel of land; an application for a further 6 there is yet to be determined, making 18 double pitches in all, with this application. This would dominate the nearest settled community of Piddington, which has fewer than 150 households.**
- **It would represent unsustainable development and would place undue pressure on health, educational and general infrastructure such as shopping and roads.**
- **There is adequate gypsy/traveller provision in Cherwell and therefore no need for additional provision in the next 5 years.**
- **CDC has failed to identify suitable sites in its Local Plan and so exposes rural communities to speculative applications of this sort and no further applications should be considered until the revised Local Plan addresses this issue.**

PLACE AND GROWTH INTERNAL MEMORANDUM

From: Planning Policy, Conservation and Design Team

To: Senior Manager – Development Management (FAO Matthew Chadwick)

Our Ref: Application Response **Your Ref:** 20/01747/F

Ask for: Heather Seale **Ext:** 7026 **Date:** 03/09/2020

APPLICATION FOR PLANNING PERMISSION PLANNING POLICY CONSULTATION RESPONSE

This response raises the key planning policy issues only.
All material planning policies and associated considerations will need to be taken into account.

Planning Application No.	20/01747/F
Address / Location	Land South Side of, Widnell Lane, Piddington
Proposal	Change of use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing
Key Policies / Guidance	<p><u>Cherwell Local Plan 2011-2031 Part 1</u></p> <p>Policy PSD1: Presumption in Favour of Sustainable Development Policy BSC6: Travelling Communities Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment Policy ESD13: Local Landscape Protection and Enhancement Policy ESD15: The Character of the Built and Historic Environment Policy Villages 1: Village Categorisation</p> <p><u>Cherwell Local Plan 1996 (saved policies)</u></p> <p>Policy C8: Sporadic development in the open countryside Policy C28: Layout, design and external appearance of new development</p>
Key Policy Observations	<ul style="list-style-type: none"> • Planning permission is sought for the change of use of land to a gypsy and traveller site comprising 6 pitches. It is noted in the Planning Statement that each pitch would accommodate one mobile home and one touring caravan. The proposals also include construction of a driveway through the site. • The application site is part of an agricultural field located about 1km west of the village of Piddington, approximately 1.5km to the east of Upper Arccott and approximately 3km from Ambrosden (as the crow flies). The B4011 lies approximately 165m to the west of the site and to the west of the B4011 lies HM Prison Bullingdon. • The adjoining site currently has planning permission for 6 pitches (application 17/01962/F). • There are several MoD sites in the surrounding area, including storage

units and Piddington Training Area, which, at its closest point, is located about 230m to the south-east of the application site on Widnell Lane.

- Piddington Training Area District Wildlife Site lies approximately 230m to the south east of the site.
- The Government Planning Policy for Traveller Sites (August 2015) will need consideration when taking into account need, impacts, alternative sites and personal circumstances and sustainability.
- Policy BSC6 of the adopted Cherwell Local Plan 2011-2031 provides that the District will provide 19 (net) additional pitches to meet the needs of gypsies and travellers to 2031.
- Policy BSC6 sets out a sequential and criteria based approach for identifying suitable locations for new traveller sites. The application site is located within 3km of Arncott which is a Category A village, one of the more sustainable villages in the District (Policy Villages 1).
- A Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) for Cherwell, Oxford, South Oxfordshire and Vale of White Horse Councils was published in June 2017. Since its publication the GTAA 2017 has informed the examination and adoption of Local Plans covered by the study's area.
- It identifies a new objective assessment of need for each authority based on the definitions of Gypsies and Travellers and Travelling Showpeople for planning purposes (Annex 1 of the Government's Planning Policy for Traveller Sites (PPTS, 2015)). It identifies a need for 7 additional pitches for households for Cherwell by 2031 that meet the planning definition.
- The Assessment also suggests that the overall need could rise by up to 12 pitches if further information be made available to the Council that will allow for the planning definition to be applied to the unknown households. These are households where it was not possible to distinguish whether or not they meet the planning definition. Additionally, a potential need for 8 pitches is highlighted due to the closure of a site (Smiths Caravan Park) therefore the need could increase by up to a further 20 pitches.
- The Assessment advises that for 'unknown' travellers 'it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not they meet the planning definition...' based on interviews that have taken place (para. 7.28 of the study).
- The AMR 2019 presents a 5 year land supply calculation based on the need identified in support of the adopted Policy BSC6 and a calculation based on the latest GTAA 2017.
- Since the preparation of the need evidence/study supporting adopted Policy BSC6, the Government set out planning policies and requirements for Gypsy and Traveller sites in 'Planning Policy for Traveller Sites' (PPTS, 2015). The GTAA 2017 is more up to date and consistent with national policy set out in PPTS 2015.
- The published five year land supply position for gypsies and travellers based on the GTAA methodology as reported in the 2019 AMR is 3.8

	<p>years for the period 2020-2025 commencing 1 April 2020 (shortfall of 3 pitches). This does not include an allowance for 'unknown' need but includes the potential need for 8 pitches arising from the Smiths site (a site that was previously included in the district's supply).</p> <ul style="list-style-type: none"> • The above calculation takes into account planning permissions for a total of 10 new pitches during 2019/20 (4 pitches at Summer Place, Launton, 6 pitches at Widnell Lane, Piddington). A separate permission for 3 new pitches was also granted towards the end of 2019/20 which follows the publication of the 2019 AMR (Land West of M40, Kirtlington Road, Chesterton). Inclusion of the 3 new pitches would mean that the Council can demonstrate a 5 year supply of gypsy and traveller pitches based on the most up to date assessment of need. • The aims of the PPTS 2015 include '.... To increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply'. It requires the maintenance of a five year supply and proper consideration of local environmental quality (such as noise and air quality) on the health and wellbeing of travellers. • The application site is likely to be subject to noise pollution from Piddington Training Area and health, safety and residential amenity issues along with the effects on the living conditions of future occupiers of the application site will need detailed consideration, particularly if young children or other vulnerable people are occupying the site (criteria e and g of Policy BSC6). • Policy ESD13 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD15 requires all new development to meet high design standards. Regard will need to be given to the visual impact and the effect of the proposed development on landscape character and to access and highways safety. • Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, by achieving a net gain in biodiversity, through supporting developments which incorporate features to encourage biodiversity. The site is an open agricultural field currently and the proposed development will replace the existing grass land with permeable hard surfacing.
<p>Policy Recommendation</p>	<p>There is currently a sufficient supply of gypsy and traveller pitches based on the most up to date evidence on need therefore there is no pressing need for additional land to be released at this time. Detailed issues to be considered include whether a satisfactory living environment could be secured and potential impacts on biodiversity and visual impact and effect on landscape character.</p>

Consultee Comment for planning application 20/01747/F

Application Number	<input type="text" value="20/01747/F"/>
Location	<input type="text" value="Land South Side Of Widnell Lane Piddington"/>
Proposal	<input type="text" value="Change of Use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing"/>
Case Officer	<input type="text" value="Matthew Chadwick"/>
Organisation	<input type="text" value="Strategic Housing (CDC)"/>
Name	<input type="text"/>
Address	<input type="text" value="Strategic Housing Officer Cherwell District Council Bodicote House White Post Road Bodicote Banbury OX15 4AA"/>
Type of Comment	<input type="text" value="Comment"/>
Type	<input type="text"/>
Comments	<input type="text" value="We have been asked to comment on this application, however, the proposal is for a gypsy and traveller caravan site comprising 6 pitches, rather than housing, therefore it does not require any affordable housing provision or contribution."/>
Received Date	<input type="text" value="27/07/2020 11:39:51"/>
Attachments	