

Appeal Reference APP/C3105/A/11/2150619**Grounds of Appeal****Introduction**

This appeal is lodged following the decision of Cherwell District Council at its Planning Committee meeting on 11 August 2011 to refuse planning permission for 82 dwellings on land at Cotefield Farm, Bodicote, near Banbury, Oxfordshire.

Reasons for Refusal

Cherwell DC issued the decision notice under reference 11/00617/OUT on 12 August 2011. It included two reasons for refusal as follows:

- "1 The proposed development would be contrary to policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore the development would increase the outward spread of the village intruding into the unspoilt countryside surrounding the village, neither preserving nor enhancing the Area of High Landscape Value, contrary to Policy C13 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan.*
- 2 In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development, including affordable housing, open space/play space, off-site playing pitches, education facilities, library facilities, fire infrastructure and transport measures will be provided, which would be contrary to Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011."*

In respect of the first reason for refusal, it is considered that Policy H13 of the adopted Cherwell Local Plan and Policy H15 of the Non Statutory Cherwell Local Plan 2011 no longer provide an appropriate framework for the provision of housing in Bodicote in the light of the current planning horizon of 2026, the housing requirements set in the South East Plan, and the Council's intentions for meeting those requirements as set out in the Draft Core Strategy.

It follows in our opinion that Policy H18 of the adopted Cherwell Local Plan and Policy H15 of the Non Statutory Cherwell Local Plan 2011 should no longer be applied to proposals which are needed to meet housing requirements and which are appropriate in all other respects.

Furthermore we consider that the site of the proposed development and the landscaping scheme proposed as part of the application would not result in adverse effects on the Area of High Landscape Value and thus would not be contrary to

Policy C13 of the adopted Cherwell Local Plan and Policy EN34 of the Non Statutory Cherwell Local Plan 2011. In any event the designation of Area of High Landscape Value to which Policy C13 of the adopted Cherwell Local Plan relates was not carried forward into the Non Statutory Cherwell Local Plan 2011.

In respect of the second reason for refusal, the appellant is willing and able to begin discussions with the Council on the scope and content of a Section 106 agreement as soon as is appropriate and indeed included draft heads of terms in the Planning Supporting Statement which accompanied the planning application.

DC/sm

1 September 2011