

OPENING SUBMISSIONS ON BEHALF OF THE APPELLANT

1. The proposal before the Inquiry is for the grant of outline planning permission for 82 dwellings on land at Cotefield Farm, Bodicote. The original application was submitted on 12 April 2011 accompanied by a range of technical and environmental reports addressing a suite of issues associated with the suitability of the site. These included an examination of the development's impact in terms of highways and transportation and the necessary infrastructure required, together with a Design and Access Statement addressing issues associated with the accommodation of the proposed dwellings on the site and their disposition upon it. In terms of the environmental issues raised by the proposals, the application was accompanied by survey and assessment material related to landscape, ecology, flood risk, archaeology and arboricultural matters.
2. The evaluation of these issues, and the consultation associated with the application led to the matter being reported to committee on 11 August 2011. It is apparent from the committee report that, on analysis by the relevant consultees, no objections were raised in relation to the infrastructure requirements for the site and it was, for instance, concluded that in transport terms the site could be satisfactorily developed. No objections were raised in relation to ecology, archaeology or flood risk, subject to any necessary conditions to secure appropriate mitigation.
3. The proposals were recommended for refusal on the basis of two reasons. The first reason was the fact that the site was outside the

existing built-up limits of development at the settlement and that the Council enjoyed a five-year land supply of housing which did not required the site to be favourably considered. The second reason was that a satisfactory Section 106 obligation had not been provided.

4. So far as the second reason for refusal is concerned, there is now a completed Section 106 obligation in the form of an agreement with both the District Council and the County Council providing for all of the necessary and relevant elements of infrastructure associated with the impacts of the development. On this basis, it is anticipated that the second reason for refusal has been completely resolved and that, were the site to be granted planning consent, all of the necessary requirements for development have been secured in the provisions of the Section 106 agreement.
5. So far as the first reason for refusal is concerned, it is necessary, firstly, to understand the nature of the policies on which the reason for refusal depends and, secondly, the circumstances in relation to the Council's five-year housing land supply.
6. So far as the policies are concerned, the first reason for refusal refers to policies of the Local Plan and Non-Statutory Local Plan which pertain to countryside protection. These are policies which apply to all areas of countryside. So far as the Local Plan policies are concerned, they are now many years out of date, the Local Plan having expired in 2006. It had been the intention that the Non-Statutory Local Plan would take its place in the recognition that the Local Plan was no longer fit for purpose in terms of securing the meeting of development needs. In fact, the Non-Statutory Local Plan never reached the point of being adopted on the basis that it was overtaken by requirements for strategic environmental

assessment which it could not satisfy. These policies, therefore, are out of date and an inappropriate basis on which to plan for the district's needs.

7. The committee report was written and the decision reached at a time when the Council had been in receipt of two decisions on appeals at Chesterton and Adderbury, in both of which the Inspector had concluded that the Council had a land supply in excess of five years. However, at the time of the committee report the Council were awaiting a decision on an appeal at Talisman Road in Bicester. The outcome of that appeal, which became known after the decision had been reached, was that in fact upon testing at a Public Inquiry it was concluded that the Council did not have a five-year land supply and that therefore housing proposals had to be given favourable consideration.
8. In fact, the position has moved on further since that time in relation to five-year land supply considerations. On 6 December 2011 the Council approved an Annual Monitoring Report in which they concluded that they had a district-wide land supply of only 2.8 years for the period 2011–2016, or 2.9 year for the period 2012–2017 and a supply for those periods of 1.7 years in the part of the District in which the site sits. This is quite plainly a highly material change since the Council considered this application, and one which tells heavily in favour of the grant of planning permission. As a result of this position, on 6 February 2011 a Housing Land Supply Position Statement was presented to the Executive in an attempt to analyse and address the significant shortfalls in housing land supply. That, however, is a document which is of little weight in the determination of this appeal.

9. It follows that the concerns expressed by the Appellant at the time of the Council's decision have been borne out. The Council does not have a five-year land supply and, indeed, faces a serious shortfall in its housing provision. That calls for action and supports the grant of consent for the proposals before the inquiry. The site is beyond the existing built confines of Bodicote but immediately adjacent to it. It is adjacent not only to residential development but also to a garden centre, and existing industrial development further to the south east. There is significant existing development in the current setting of the site.
10. Bodicote as a settlement is one of the most sustainable settlements available in the district, and the proposals take advantage of the services, facilities and sustainable modes of travel available both to the village and also to the wider settlement of Banbury. Thus, the development will meet the current need for housing in an appropriate location and at a suitable scale. In addition to meeting overall housing land requirements, the proposals will assist in meeting the very substantial shortfalls in relation to affordable housing provision that currently afflict the district. Affordable housing for those who are unable to meet their own needs for a home accounts for some 40% of the development and is secured through the Section 106 agreement.
11. The first reason for refusal also refers to landscape policies. The Appellants produced in the context of the application a Landscape Assessment, and have produced evidence for the purposes of the appeal in relation to landscape and visual matters. That evidence demonstrates, measured against an appropriate methodology, that both the landscape and visual effects of the development will be acceptable. The site is

visually well contained and in an appropriate location to accommodate development.

12. On the basis of the evidence before the Inquiry, there is a critical need for further land to be identified to meet housing requirements. The appeal site is suitable and deliverable and in an appropriate location. In those circumstances, there is no sensible reason why it should not be brought forward in order to meet the requirements for housing land which are currently undisputed.

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