

Land off Berry Hill Road, Adderbury

Statement of Case

on behalf of Hollins Strategic Land LLP

November 2018



SECTION 78 TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY

HOLLINS STRATEGIC LAND LLP

AGAINST CHERWELL DISTRICT COUNCIL'S DECISION TO REFUSE

THE OUTLINE APPLICATION FOR:

Outline Application: Development of up to 55 dwellings with associated landscaping, open space
and vehicular access off Berry Hill Road

AT

LAND OFF BERRY HILL ROAD, ADDERBURY

STATEMENT OF CASE

LPA Ref: 17/02394/OUT

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1.0 Introduction

- 1.1 This Statement of Case has been prepared by Nexus Planning on behalf of Hollins Strategic Land LLP (**“the Appellant”**) in support of a planning appeal against Cherwell District Council’s (**“the Council”**) decision to refuse planning application ref: 17/02394/OUT (**“the Appeal Application”**) for:

“Outline Application: Development of up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road” (**“the Appeal Scheme”**)

at:

Land off Berry Hill Road, Adderbury in North Oxfordshire” (**“the Appeal Site”**).

- 1.2 A draft Statement of Common Ground (SoCG) has been prepared and submitted with the Appeal. This sets out the areas of agreement and dispute between the parties. It is anticipated that a Final SoCG will be agreed between the parties and submitted during the course of the Appeal.

Justification for Inquiry Procedure

- 1.3 The Appellant has prepared a justification for the Appeal to proceed by way of Inquiry which is now contained in Appendix A.

The Appeal Application

- 1.4 The Appeal Application was submitted to the Council on 28th November 2017 and was registered as valid on the 1st December 2017 under Local Planning Authority (LPA) reference 17/02394/OUT.
- 1.5 The original application was submitted for ‘up to 60 dwellings’ and was accompanied by the following documents:

Document Name	Author	Reference
Covering Letter	Nexus Planning	28 th November 2017
Application Form and Certificates	Nexus Planning	28 th November 2017
CIL Form	Nexus Planning	28 th November 2017
Planning Statement (including Affordable Housing Statement; draft Heads of Terms)	Nexus Planning	28 th November 2017

Location Plan		
Proposed Site Access Plan	Croft Transport Solutions	(1899-F01 Rev A – Appended to Transport Statement)
Design and Access Statement	Nexus Planning	28 th November 2017
Extended Phase 1 Habitat Survey Report	REC Limited	103828EC1R1
Flood Risk Assessment and Drainage Management Strategy	Betts Hydro	HYD250_BERRY.HILL.ROAD_FRA&DMS
Utility Statement	UCML	H084
Desk-based Geo-Environmental Assessment	Betts Geo	17HSL004/DS
Landscape and Visual Appraisal	Peter Brett Associates	40939-3001
Transport Statement	Croft Transport Statement	1899ts.1
Tree Survey	AWA Tree Consultants	AWA1949
Topographical Survey	JLP Surveying	S17-452
Illustrative Masterplan	Peter Brett Associates	40939-3002-01

Additional information submitted during the determination period

- 1.6 Additional information was submitted during the application determination period and the following is a summary of the documents that now comprise the Appeal documentation, including an explanation of where this superseded information previously submitted.
- 1.7 On the 29th January 2018, a Biodiversity Impact Assessment Calculation and associated Parameters Plan were submitted following discussion and agreement with the Council’s Ecologist.

Revised/ Additional information submitted on 29th January 2018		
Document Name	Author	Submitted to Supersede
Biodiversity Impact Assessment Calculations and Biodiversity Illustrative Masterplan	19.01.2018 – Rec Ltd	N/A

- 1.8 In response to matters raised about the proposed Illustrative Layout, the Layout was revised and additional information submitted on the 28th February 2018, as follows. The revised layout increased

open space provision and opened up views through the site. This resulted in reducing the number of dwellings to 'up to 53'.

Revised/ Additional information submitted on 28th February 2018		
Document Name	Author	Submitted to Supersede
Covering Letter	Nexus Planning (02.03.2018)	N/A
Illustrative Masterplan	The Urbanists (ref: 1697-URB-GA-90-001-B)	Peter Brett Associates (Ref: 40939-3002-01)
Illustrative Masterplan Wider Context	The Urbanists (ref: 1697-URB-GA-90-003-B)	N/A
Heritage Statement	Kathryn Sather & Associates	N/A
Design and Access Statement	Nexus Planning – February 2018	Design and Access Statement – November 2017
Access Plan	Proposed Site Access Arrangement - Croft Transport (ref: 1899-F01-B)	Proposed Site Access Arrangement contained in Transport Statement Appendix. (ref: 1899-F01 Rev. A)
Landscape and Visual Addendum	Viridian Landscape Planning (ref: 2713)	N/A

- Illustrative Masterplan & Illustrative Masterplan Wider Context** (The Urbanists) – A revised Illustrative Masterplan (Ref: 1697-URB-XX-XX-GA-990-001-B) was submitted in response to comments from the Local Planning Authority (in a letter dated 22nd January 2018) relating to matters raised by Historic England regarding views of the spire of the Church of St. Mary's and comments made by planning officers regarding general design matters. The revised Illustrative Layout resulted in a reduction in the number of dwellings proposed from 'up to 60' to 'up to 53'.
- Heritage Statement** (Kathryn Sather & Associates) - This was submitted in response to comments made from the Local Planning Authority (dated 22nd January 2018), which reiterated the consultation response submitted by Historic England in respect of views of the spire of the Church of St. Mary's, a Grade I listed building and its setting. The submitted Heritage Statement therefore assesses the contribution the site makes to the significance of the Church and the Adderbury Conservation Area.

- **Design and Access Statement** (Nexus Planning) - This was submitted in response to comments made by the Local Planning Authority that the Illustrative Layout represented a suburban style of development that did not respond to the historic character of Adderbury.
- **Access Plan** (Croft Transport) – The Amended Masterplan proposed to situate the vehicular access to the site further east along Berry Road, as shown on the revised access plan. This was amended to open up views through the site and retain any fleeting view through the site to the Church from Berry Hill Road.
- **Landscape and Visual Addendum** (Viridian Landscape Planning) – In post-application discussions, it was agreed with the Landscape Officer that Viridian Landscape Planning would produce Landscape and Visual Impact tables based on the predicted effects from the viewpoints assessed in the original LVA, as well as from additional viewpoints requested by the landscape officer including those which address the impact on views of the Church of St Mary’s.

1.9 A further response to comments from the Local Highway Authority was also formally submitted as an application document on 8th March 2018.

Additional information submitted on 8th March 2018		
Document Name	Author	Submitted to Supersede
Response to Highway Comments – February 2018	Croft Transport Solution	N/A

1.10 Following further discussion with Council officers, and a meeting on the 11th April 2018, a third Illustrative Masterplan was submitted on the 1st May 2018. This sought to further respond to comments received in respect of the design of the site. This resulted in a scheme layout of ‘up to 55’ dwellings. The increase is due to the introduction of smaller terraced dwellings as part of incorporating a wider housing mix reflecting the character of dwelling stock in the settlement. The application was determined on the basis of this third Illustrative Masterplan showing ‘up to 55’ dwellings. A further response to the Oxfordshire County Council highways comments was also formally submitted as an application document on the 1st May.

Revised/ Additional information submitted on 1st May 2018		
Document Name	Author	Submitted to Supersede
Illustrative Masterplan	The Urbanists (ref: 1697-URB-GA-90-001-D)	The Urbanists (ref: 1697-URB-GA-90-001-B)
Further response to Highways Comments – April 2018	Croft Transport Solutions	N/A

1.11 The application was determined on the basis of the above documents.

Decision

1.12 The application was refused on 25th May 2018 for the following five reasons:

"1) The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury as well as Cherwell District Council's ability to demonstrate an up to date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan Part 1. The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupier would be highly reliant on the private car for day to day needs. The proposal is therefore unacceptable in principle and contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework."

"2) The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village (beyond the Adderbury Settlement Boundary as defined in the Draft Adderbury Neighbourhood Plan Referendum version - 2014 - 2031) causing significant urbanisation and its visual impact on the rural character and appearance of the locality, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the setting of the Church of St Mary and the harm stemming from the proposals are not considered to be outweighed

by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8, C27, C28 and C33 of the Cherwell Local Plan 1996, Policy AD1 of the Draft Adderbury Neighbourhood Plan Referendum version - 2014 - 2031 and Government guidance contained within the National Planning Policy Framework.”

“3) The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on the site in a manner that would respect its context, enhance the built environment and properly respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C27, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.”

“4) The submitted Drainage Strategy does not provide sufficient certainty to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems can be appropriately accommodated to deal with the sustainable discharge of surface water. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.”

“5) In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan (2011-2031) Part 1 and the advice within the National Planning Policy Framework.”

2.0 The Appeal Site and Its Surroundings

- 2.1 A detailed description of the site, the surrounding area and the history of the Appeal Site is contained in the SoCG. A summary is provided below.

The Appeal Site

- 2.2 The Appeal Site is adjacent to the village of Adderbury, in the Adderbury, Bloxham and Bodicote ward. The site is approximately 4 hectares and is broadly rectangular in shape. The site rises gently to the south and currently comprises land used for horse grazing including a paddock, with some areas of hardstanding and stables in the east of the site. Along the boundaries there are areas of scrub, boundary trees and hedgerows. The primary access into the site is currently via a field gate and track off Berry Hill Road to the south.
- 2.3 The northern boundary of the site is formed by a hedgerow containing mature trees along which beyond is an unmanaged overgrown Public Right of Way. Beyond is land associated with a pumping station. Sor Brook is located beyond this, approximately 100 metres to the north of the site boundary and accessible via a Public Right of Way. The eastern edge of the site is bound by a combination of hedges and trees beyond which is an accessible Public Right of Way, an agricultural field and then the A4260. The southern boundary of the site is formed by Berry Hill Road. Along the southern boundary is a fence, line of trees and hedgerows and a ditch. The site lies to the immediate east of existing residential properties which front along Berry Hill Road.

Surrounding Area

- 2.4 The site is located adjacent to the existing built up area of Adderbury, to the south west of the village. The centre of the village is concentrated in the vicinity of High Street, approximately 650 metres to the north east of the site. Adderbury has a population of around 2,800 and benefits from a range of everyday facilities and services as described below, as well as excellent public transport links to nearby destinations, including the market town of Banbury (approximately 5 kilometres to the north) and Oxford City Centre (approximately 35 kilometres away to the south).

Accessibility

- 2.5 Vehicular and pedestrian access into the site is currently via a field gate off Berry Hill Road to the south.

- 2.6 The site is accessible on foot and by public transport. The nearest bus stop is located approximately 400 metres to the north-west of the site at the junction of Horn Hill Road and Berry Hill Road. The Transport Statement assesses accessibility and confirms the nearest bus stops to the site provide up to 2 services in peak periods to the higher order settlements of Banbury, Kidlington and Oxford City Centre. Banbury is just a 16 minute bus journey and Oxford City Centre is a 59 minute bus journey from the site. Stagecoach confirms this service to Oxford City is improving due to demand and increased patronage on the route.
- 2.7 Banbury train station is located approximately 7.5 kilometres away and can be accessed by public transport in under 30 minutes, by cycle in approximately 25 minutes or in 14 minutes by private car. The station is served by the Chiltern Main Line, offering 7 services per hour to destinations such as Birmingham (approximately 50 minute journey time), Oxford (approximately 20 minute journey time) and London (approximately 65 minutes direct).

Local Facilities

- 2.8 Adderbury village benefits from a range of everyday facilities and services as well as good public transport links to nearby destinations, including the major town of Banbury approximately 6 kilometres to the north. The following provides a summary of these facilities and services.

Retail

- 2.9 There is a range of shops within walking distance of the site. The nearest convenience store to the site is the 'Taste Buds Food Shop' in Adderbury, which lies approximately 1,530 metres walking distance from the centre of the site. Within Adderbury are a range of additional services, including a post office, a motor garage, a hairdresser, two public houses and Adderbury library. The centre of Adderbury is accessible via Berry Hill Road. The development will also link with the existing Public Right of Way to the north and east of the site which connects directly into the centre of the village, bringing the majority of local facilities within 800 metres walking distance of the site.
- 2.10 The higher order settlement of Banbury offers a wide range of retail and leisure services, including Castle Quay Shopping Centre and several supermarkets. Banbury town centre is located approximately 6.3 kilometres from the site to the north and is accessible via a 16 minute bus journey.

2.11 Adderbury therefore provides a number of local shops and services within walking distance of the site. It is well connected to surrounding towns offering a wide range of retail facilities and services.

Open Space

2.12 The site is located approximately 1,010 metres from The Lucy Plackett Playing Fields to the north which provide formal recreation green space in the form of playing fields, a football pitch and a children's play area. These can be accessed on foot in less than 15 minutes. In addition to this a children's play area associated with a recent residential development lies approximately 650 metres to the north-west of the site and is accessible in around 6 minutes on foot. Again, the Public Right of Way to the north west of the site provides an even more direct connection bringing the Playing Fields within 600 metres walking distance of the site.

2.13 Banbury Westend Lawn Tennis & Squash Club is approximately 1,600 metres to the north of the site and is accessible through a 20 minute walk. This site provides outdoor sports provision for the residents of Adderbury and surrounding areas.

2.14 A number of footpaths in the surrounding countryside provide further opportunities for informal recreation.

2.15 The site therefore has good access to local open space and green space.

Employment

2.16 There are a number of sources of employment within an accessible distance of the site. Twyford Mill Estate, approximately 250 metres to the east of the site, provides employment opportunities. There is no footway link at present from Berry Hill Road to the employment area. It is proposed to implement a new footway link as part of the application proposals. Local services and amenities within the village and in nearby Banbury, including retail and leisure facilities such as pubs and restaurants, also provide local employment opportunities.

2.17 The site is therefore well served by employment opportunities.

Education

- 2.18 Christopher Rawlings Church of England Primary School is located approximately 1,680 metres to the north-west of the site or approximately a 21 minute walk. Further primary schools are located in the nearby villages of Bloxham, Deddington and King's Sutton.
- 2.19 The nearest secondary school to the site is The Warriner School in Bloxham which is located approximately 5.8 kilometres west of the site. Adderbury is also served by Route 1 of the Oxford Schools' Bus Partnership Ltd, which is operated by and runs from Middleton Cheney to Oxford. This allows children in the village to access a large number of schools, including Gosford School in Kidlington and d'Overbroeck's (Years 7-11 and Sixth Form), Oxford High School (Senior and Junior), Magdalen College School, Headington School and Rye St Antony.

Health

- 2.20 The Deddington Health Centre is located approximately 3.3 kilometres to the south of the site and is easily accessible by a 3 minute drive or in 13 minutes via the S4 bus route. A further health centre and dentist can be found in nearby Bloxham, with additional health facilities including opticians and pharmacies can be found in Banbury approximately 6 kilometres north of the site.
- 2.21 Horton General Hospital in Banbury is located approximately 6.1 kilometres to the north of the site and is the nearest hospital with accident and emergency facilities.
- 2.22 The site is therefore well placed for access to key health services.

Planning History

- 2.23 The site has been used for agricultural purposes up to the present day and as such its planning history is limited.
- 2.24 In 2006 an outline application for 5 No. detached dwellings, two terraces of 6 No. affordable housing with new access, screened parking and an associated area (ref: 06/00712/OUT) for the portion of the site immediately facing onto Berry Hill Road was rejected by the District Council. It was subsequently dismissed on appeal (ref: APP/C3105/A/06/2032232) on the grounds it would be incompatible with the character of the existing dwellings and detrimental to the visual amenity of the area. The appeal proposal was for ribbon development fronting onto Berry Hill Road. It therefore took an entirely

different form than the appeal application and was considered in 2007 under a significantly different planning policy context both at the national and local level.

2.25 Within evidence, the Appellant will also refer to planning application and appeal decisions of relevance to the consideration the Appeal Scheme.

3.0 The Appeal Scheme

3.1 The Appeal Application seeks outline permission for:

“Outline Application: Development of up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road”

3.2 All matters are reserved for consideration other than means of access. The following plan was submitted for approval:

- Proposed Site Access Plan - Plan 3 appended to Transport Assessment (Croft Transport Solutions)

3.3 The defining characteristics of the Appeal Scheme are set out in the submitted draft SoCG. It is highlighted that the proposals will provide:

- Up to 55 dwellings, at a mix of types, tenures and sizes;
- Affordable dwellings (at up to 35%, equating to 19 dwellings based on a 55 dwelling scheme);
- A scheme that delivers more smaller dwelling units to include 3 bed family homes and entry level starter homes
- Safe vehicular and pedestrian access to the site off Berry Hill Road;
- Associated landscaping, including an area of public open space;
- Enhancing highway safety and sustainability through provision of a new footway on the northern side of Berry Hill Road, between the site access and the junction of Berry Hill Road and Horn Hill; ;
- The provision also of a new footway extending south-east of the site access around the corner of the A4260 Oxford Road and a new crossing and pedestrian refuge on the A4260 Oxford Road;
- The retention of most existing trees and hedgerows and provision of new landscaping including new tree and hedge planting; and

- Ecological mitigation and enhancement including the integration of a Green Infrastructure Network within the site and opportunities to provide a net gain in biodiversity.

3.4 The Appellant will work with the Council with a view to submitting an agreed s106 agreement in advance of, or during the Public Inquiry. This will secure contributions to mitigate impact of local infrastructure as a result of the Appeal Scheme.

4.0 Planning Policy

- 4.1 The Appellant will refer to the adopted and emerging planning policies along with other material considerations that are considered to be of relevance to the Appeal Scheme. The Appellant will also consider the degree of weight that should be attached to the planning policies and material considerations set out below as well as national guidance in the form of the **National Planning Policy Framework ('the Framework')** and the **Planning Practice Guidance ('the PPG')**.
- 4.2 The following statutory provisions and policies are of particular relevance to the consideration of this Appeal.
- 4.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Adopted Development Plan

- 4.4 The Development Plan for the area comprises the **Cherwell Local Plan 2011-2031** (adopted July 2015), the **Saved Policies of the Cherwell Local Plan** (adopted November 1996) and the **Adderbury Neighbourhood Plan** (made 16 July 2018). In addition to this, the **Partial Review of Cherwell Local Plan 2011-2031 (Part I)** and the **Emerging Cherwell Local Plan (Part II)** are material considerations.
- 4.5 In accordance with paragraph 213 of the Framework, adopted Local Plan policies should be given weight according to their degree of consistency with the Framework. Evidence prepared on behalf of the Appellants will assess the weight to be afforded to the policies within the adopted Development Plan. This is considered in further detail in Section 5.
- 4.6 The following development plan policies are considered relevant to the Appeal, albeit according to their degree of consistency with the NPPF, in accordance with paragraph 213 of the Framework, which will be considered in evidence.

Relevant Cherwell Local Plan (Part 1) Policies

- 4.7 The following core spatial policies:
- Policy Villages 1; Policy Villages 2; and

4.8 The following development management policies:

- Policy PSD1; Policy BSC1; Policy BSC2; Policy BSC3; Policy BSC4; Policy BSC10; Policy BSC11; Policy BSC12; Policy INF1; Policy ESD1; Policy ESD2; Policy ESD3; Policy ESD6; Policy ESD7; Policy ESD8; Policy ESD10; Policy ESD13; Policy ESD15; Policy ESD17.

[Adderbury Neighbourhood Plan 2014-2031](#)

4.9 The Neighbourhood Plan for Adderbury was made by Cherwell District Council on the 16th June 2018, as a result of the successful referendum held on the 21st June 2018. When the application was originally submitted, the Plan had not yet been through examination, and therefore was afforded very limited weight in decision making.

4.10 The Neighbourhood Plan is now therefore a material consideration in the consideration of the Appeal Scheme and attracts significant weight. Policy AD1 is the primary policy consideration in respect of the development proposals. Other policies will be referred to in evidence where appropriate to do so.

[Development Plan policies referred to within the Reason for Refusal](#)

4.11 Reason for Refusal 1 relates to the principle of development, beyond the built up limits of the village and within open countryside. It specifically refers to the following Cherwell Local Plan Part 1 policies, which the Appellant will also make reference to within evidence:

- Policies ESD1, SLE4 and Policy Villages 2
- Saved Policy H18 of the Cherwell Local Plan 1996

4.12 Reason for Refusal 2 relates to the visual impact of extending the settlement of Adderbury beyond the defined Adderbury Settlement Boundary and the perceived harm upon the rural character and appearance of the locality. It is also stated that the development would result in 'less than substantial' harm to the setting of the Church of St Mary. It specifically refers to the following policies:

- Cherwell Local Plan Part 1 Policies ESD13, ESD15 and Policy Villages 2;
- Saved Cherwell Local Plan Policies C8, C27, C28 and C33.
- Adderbury Neighbourhood Plan Policy AD1

- 4.13 Reason for Refusal 3 alleges that insufficient detail is contained within the submitted Design and Access Statement and indicative layout to establish a basis for future detailed proposals at the site. Policy ESD15 of the Cherwell Local Plan Part 2 is referenced, as well as Saved Policies C27, C28 and C30.
- 4.14 Reason for Refusal 4 refers to the submitted Drainage Strategy and claims that insufficient certainty is provided that Sustainable Urban Drainage System principles can be applied in respect of the Appeal Scheme. Policy ESD7 of the Cherwell Local Plan Part 1 is also referred to.
- 4.15 Reason for Refusal 5 refers to the absence of the completion of a satisfactory Planning Obligation, specifically referring to the following policies:
- Policy INF1, PSD1, BSC2, BSC9, BSC11 and ESD7 of the Cherwell Local Plan Part 1;

National Planning Policy

National Planning Policy Framework ("the Framework")

- 4.16 The Framework sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this Appeal. The application was determined on the basis of the original 2012 Framework, which has now been replaced with the updated July 2018 version. The following is a summary
- 4.17 The National Planning Policy Framework ('the Framework') sets out the Government's planning policies and how these are expected to be applied. At **Paragraph 7** it confirms that the purpose of the planning system is to contribute to sustainable development.
- 4.18 It identifies at **Paragraph 8** that there are three overarching objectives to sustainable development:
- a. **Economic**, building a strong, responsive and competitive economy;
 - b. **Social**, supporting strong, vibrant and healthy communities; and
 - c. **Environmental**, protecting and enhancing the natural environment and built and historic environment.

4.19 It confirms at **Paragraph 10** that a presumption in favour of sustainable development lies at the heart of the Framework. **Paragraph 11** of the Framework sets out that at the heart of the document is a presumption in favour of sustainable development. For decision taking this means:

“-Approving development proposals that accord with an up-to-date development plan without delay; or

-where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

4.20 The specific policies and considerations that relate to the core land use principles are outlined in the 17 Chapters of the Framework. The Chapters relevant to the application proposals are:

- Chapter 4: Decision making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

4.21 In order to foster the delivery of sustainable development, local authorities are encouraged in **Paragraph 38** to approach decisions on proposed development in a positive and creative way. Local authorities are encouraged to work proactively with applicants to secure developments that will

improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 4.22 The Framework places an emphasis on delivering a sufficient supply of homes through both plan making and decision taking. **Paragraph 59** outlines the Government's objective of significantly boosting the supply of homes and states that to do so it is important that a sufficient amount and variety of land can come forward where it is needed. Local planning authorities should support opportunities to deliver affordable housing. **Paragraph 73** requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. **Paragraph 78** states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.23 **Paragraph 91** outlines the ways in which planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles. **Paragraph 98** states that planning decisions should protect and enhance public rights of way and access.
- 4.24 **Paragraph 102** sets out the transport issues that should be considered from the earliest stages of plan-making and development proposals. **Paragraph 103** states that the planning system should manage growth in support of these objectives and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. **Paragraph 108** states that development should ensure appropriate opportunities to promote sustainable transport modes can be taken up, safe and suitable access to the site can be achieved for all, and that any significant impacts from the development on the transport network can be mitigated. **Paragraph 109** states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'. **Paragraph 110** states that within this context, applications for development should give priority first to pedestrian and cycle movements and, as far as possible, to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other transport services.
- 4.25 Chapter 11 relates to making effective use of land. **Paragraph 118** states that planning policies should take opportunities to achieve net environmental gains – such as development that would enable new

habitat creation or improve public access to the countryside. **Paragraph 119** calls on local planning authorities to take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs. **Paragraph 123** states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions ensure developments make optimal use of the potential of each site.

4.26 **Paragraph 124** establishes the importance of high quality design as a key aspect of sustainable development that creates better places to live and work and helps to make development acceptable to communities. This is further emphasised by **Paragraph 127** which states that *“decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other space) and support local facilities and transport networks.*
- f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

4.27 **Paragraph 170** recognises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution of land instability, and where appropriate, remediating derelict and contaminated land. It states that plans should identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks including the hierarchy of international, national and locally designated sites of importance for biodiversity, according to **Paragraph 174**.

4.28 In respect of conserving and enhancing the historic environment, **Paragraph 189** states that applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. **Paragraph 190** then requires an assessment to be undertaken that establishes the impact of a proposal on a heritage asset, taking account of the available evidence.

National Planning Practice Guidance (PPG)

4.29 The National PPG supplements the guidance within the Framework and is also a material consideration in the determination of this Appeal. It will be referred to as necessary.

Community Infrastructure Levy (CIL) Regulations (2010)

4.30 Section 122(2) of the CIL Regulations states that planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

4.31 Regulation 123 limits the 'pooling' of s106 funding for infrastructure provision.

Other Material Considerations

Cherwell Local Plan 2011-2031 (Part 2) – Development Management Policies and Sites

4.32 The Council are currently preparing the Part 2 Local Plan, which will sit alongside the Part 1 Local Plan, and will identify smaller, non-strategic sites for development and development management policies

to support the strategic policies of the Part 1 Local Plan. The Council undertook an Issues Consultation on the Local Plan Part 2 from January to March 2016.

- 4.33 It is understood that preparation of the Part 2 Plan is currently on hold pending further details related to the Local Plan Part 1 Review (detailed below) and will not progress in line with the latest Local Development Scheme (LDS) (November 2017). A new LDS is to be produced and released around September 2019.
- 4.34 The Plan is therefore at a very early stage of preparation and carries limited weight in respect of the Appeal Scheme.

Partial Review of Cherwell Local Plan 2011-2031 (Part 1) – Oxford’s Unmet Housing Need

- 4.35 The Inspector conducting the examination into the Local Plan (2015) at Cherwell agreed to allow the Local Plan to proceed on the basis that the Council would undertake a Partial Review of the Local Plan once the unmet need from Oxford was apportioned. On the 26th September 2016, the Oxfordshire Growth Board agreed an apportionment of Oxford’s unmet housing need to the Oxfordshire districts, including 4,400 homes to Cherwell (2011-2031).
- 4.36 On the 17th July 2017, the Council launched a consultation on the Proposed Submission version of the Partial Review. The Proposed Submission plan seeks to direct the unmet need towards the part of Cherwell District most closely related to Oxford. It focuses development on a geographic area extending north from Oxford to south Kidlington, along the A44 corridor to Yarnton and Begbroke, and up to Woodstock in West Oxfordshire and proposes the release of mostly Green Belt land to accommodate development.
- 4.37 The Appellant will refer to both the emerging Local Plan and its associated evidence base documents and provide evidence as to the weight to be afforded to the emerging plan, in accordance with paragraph 213 of the Framework. With regard to paragraph 014 of the PPG, the Local Plan is still at an early stage, with the development strategy and allocation of sites yet to be established.
- 4.38 In the Proposed Submission Local Plan the Council recognises the need to accommodate unmet need from Oxfordshire within Cherwell, with a vision and objectives set out as to how to achieve the vision. A Spatial Strategy for North Oxford, Kidlington and the A44 Corridor includes Policies PR1 to PR5. Policy PR1 states that Cherwell has agreed to provide for 4,400 dwellings of Oxfordshire’s identified unmet

needs by 2031. The requirement for Cherwell District Council to take a proportion of Oxfordshire's unmet need is a material consideration which carries significant weight.

[Strategic Housing Market Assessment \(2014\)](#)

4.39 The Strategic Housing Market Assessment for Oxfordshire (2014) is the most up to date evidence of OAN at the point of lodging the Appeal. It indicates that the full OAN for housing in Cherwell District Council over the Local Plan Period of 2015-2025 should be 1,142 dwellings per annum (2011-31). The SHMA also establishes the need for 264 affordable units per annum to be accommodated within Cherwell.

4.40 The latest available evidence in respect of local housing needs will be referred to where appropriate to do so.

[Housing Land Supply Update \(July 2018\)](#)

4.41 The Appellant will refer to the Council's latest published Annual Monitoring Report (AMR). At the time of lodging this Appeal, the latest evidence published by the Council is contained within the July 2018 Housing Land Supply Update and takes into account all housing completions and permissions as at 31st March 2017. Within the Statement the Council claim to be able to demonstrate a 5.2 year housing supply for the period 2017-2022 and a 5.4 year housing land supply for the period 2018-2023, with a 5% buffer applied.

4.42 Evidence is to be submitted by the Appellant in respect of housing land supply.

[Housing Land Supply in Oxfordshire: Written Ministerial Statement](#)

4.43 Paragraph 217 of the Framework allows for the Government to continue to explore with individual areas the potential for planning freedoms and flexibilities where this would facilitate an increase in the amount of housing that can be delivered.

4.44 On the 12th of September 2018 the Secretary of State implemented a temporary change to Housing Land Supply policies in Oxfordshire to allow the authorities to focus their efforts on producing their Joint Spatial Strategy. For the purposes of decision-taking under paragraph 11(d), footnote 7 of the Framework will apply where the authorities in Oxfordshire cannot demonstrate a three year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

4.45 Any implications of the emerging Joint Spatial Strategy and the work being undertaken by the Oxfordshire Growth Board will also be considered within evidence.

[Strategic Housing Land Availability Assessment \(SHLAA\) Update \(2014\)](#)

4.46 The southern section of the Appeal Site was identified in the latest SHLAA (2014), under Site Reference AD005. The Appellant will demonstrate that the entirety of the site is suitable, available and achievable now.

5.0 Case for the Appellant

5.1 The Reasons for Refusal are provided again below for ease of reference:

"1) The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury as well as Cherwell District Council's ability to demonstrate an up to date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan Part 1. The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupier would be highly reliant on the private car for day to day needs. The proposal is therefore unacceptable in principle and contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

2) The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village (beyond the Adderbury Settlement Boundary as defined in the Draft Adderbury Neighbourhood Plan Referendum version - 2014 - 2031) causing significant urbanisation and its visual impact on the rural character and appearance of the locality, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the setting of the Church of St Mary and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C8, C27, C28 and C33 of the Cherwell Local Plan 1996, Policy AD1 of the Draft Adderbury Neighbourhood Plan Referendum version - 2014 - 2031 and Government guidance contained within the National Planning Policy Framework.

3) The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for

the future detailed consideration of the development proposed. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on the site in a manner that would respect its context, enhance the built environment and properly respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policies C27, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

4) The submitted Drainage Strategy does not provide sufficient certainty to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems can be appropriately accommodated to deal with the sustainable discharge of surface water. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

5) In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan (2011-2031) Part 1 and the advice within the National Planning Policy Framework.”

5.2 For consideration, the first Reason for Refusal can reasonably be broken down as follows:

- i. **Matter 1:** *The site is outside of the built limits of and is within the open countryside and as such is considered unsustainable development which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth;*
- ii. **Matter 2:** *The site location is unsustainable, distant from local services and facilities available within Adderbury;*

5.3 The second Reason for Refusal can also be broken down as it covers separate and distinct matters:

- i. **Matter 3:** *the development poorly integrates with existing built development and the extension beyond the built limits of the Village causes unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness;*
- ii. **Matter 4:** *The proposals would result in 'less than substantial' harm to the setting of the Church of St Mary and the harm arising would not be outweighed by any public benefits.*

5.4 The third Reason for Refusal relates to design principles and constitutes **Matter 5**, whilst the fourth Reason for Refusal relates to the drainage strategy, which is considered as **Matter 6**.

5.5 The fifth Reason for Refusal relates to the absence of a completed legal agreement to secure financial contributions to offset infrastructure impact. This is a technical reason for refusal arising from the absence of a S106 agreement to secure planning obligations at the time the Appeal application was determined. **Matter 7** will therefore deal with this Reason for Refusal.

5.6 **Matter 8** will then consider the overall Planning Balance.

5.7 Each of these matters will now be addressed in turn.

Matter 1: The principle of development of up to 55 dwellings outside of the built limits of Adderbury

Development outside of the built limit

5.8 In accordance with national policy, the Cherwell Local Plan 2011-2031 Part 1 (July 2015) seeks to boost significantly the supply of housing and direct development to sustainable locations. **Policy Villages 1** identifies Adderbury as a 'Category A' village and as such it is one of the most sustainable villages in the District. **Policy Villages 2** recognises that some growth needs to be directed towards the rural area and seeks to deliver around 750 dwellings in the 'Category A' villages.

5.9 The policy states that this will principally involve the identification of sites of 10 or more dwellings within or outside the built-up limits of those villages. The Policy also states that sites will be identified through the preparation of the Local Plan Part 2 (LPP2), through the preparation of Neighbourhood Plans and through the determination of applications for planning permission. It therefore explicitly

anticipates that sites will come forward via the submission of planning applications outside of the site allocations or neighbourhood plan process.

- 5.10 In this regard it is noted that the LPP2 preparation process has been paused and awaits the outcome of the LPP1 Partial Review, which will consider the overall housing requirement for Cherwell in line with the Joint Spatial Strategy being led by the Oxfordshire Growth Board that encompasses the six Oxfordshire Councils. An alternative housing requirement, and by association housing distribution, will therefore be in operation and relied upon to inform the continued preparation of LPP2 and so on this basis, this element of the implementation of Policy Villages 2 is rendered obsolete.
- 5.11 With reference to the made Adderbury Neighbourhood Plan, the Plan defines the built limits of the settlement but has not identified any Housing Allocations over and above existing commitments. As such, Policy Villages 2 still applies and in accordance with this policy, sites to meet the distribution of growth across Category A villages *'can be identified through the determination of applications for planning permission'* as is the case with the Appeal Scheme.
- 5.12 As recognised in several recent appeal decisions in the District, the most relevant of which will be referred to within the Appellants evidence, the 750 new dwellings referred to in Policy Villages 2 is not a maximum figure, and a limit is not imposed as to what proportion of the 750 should be accommodated within each Category A village, nor is there a restriction on phasing for its delivery. Part of the allegation in RfR1 is that the proposals *'would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth.'* This allegation will be addressed within evidence and it will be demonstrated that the overall housing delivery strategy advocated within Policy Villages 2 will not be undermined and that the proposals accord with Policy Villages 2. Reference will also be drawn to relevant appeal decisions and planning applications determined by the Council to justify this position.
- 5.13 The principle of housing development outside of the existing settlement limits in Adderbury is therefore in compliance with relevant development plan policies. Adderbury is one of the highest order Category A settlements and therefore one of the most sustainable locations for housing growth under Policy Villages 2. Policy Villages 2 states that in identifying and considering sites, regard will be had to specific criteria and it will be demonstrated within evidence that these criteria are fulfilled by the proposals.

Housing Land Supply

- 5.14 The Appellant is mindful of the Housing Land Supply in Oxfordshire: Written Ministerial Statement released on 12th September 2018 and the Council's latest claimed Housing Land Supply position of 5.2 years set out in the July 2018 Housing Land Supply Update. Nevertheless, the Appellant will carry out a review of the Council's claimed five year deliverable supply within evidence and advance their own five year deliverable supply calculations.
- 5.15 The Appellants evidence will establish whether the tilted balance set out at paragraph 11 of the Framework is engaged and irrespective of this the evidence will demonstrate that there is an urgent need to deliver additional housing in line with the Government's objective set out at paragraph 59 of the Framework.

Matter 2: Whether the site is well connected to the facilities and services located in Adderbury

- 5.16 Evidence will demonstrate that the Appeal Site is well connected to the facilities and services located in Adderbury. This will include a consideration of the distances between the Appeal Site and key facilities, demonstrating that they lie within a reasonable walking and cycling distance of the site. It will be demonstrated that Adderbury has a range of facilities and services, including bus services, such that it can accommodate additional residential development and is an appropriate location for new housing. This is reflected in its identification as a Category A Village under LPP1 Policy Villages 1.
- 5.17 It will be demonstrated that the Appeal Scheme is acceptable with regard to the accessibility and connectivity of the site for pedestrians, cyclists and public transport users.

Matter 3: Whether the development causes unacceptable harm to the character and appearance of the area

- 5.18 The Appeal Site does not lie within a local or national landscape designation. The application was supported by a Landscape and Visual Appraisal (Peter Brett Associates, 403939-3001), which concluded that the proposed development will integrate well with its surroundings, with extensive green infrastructure incorporated across the site to screen the development from wider views and ensure a soft new edge to the settlement. To respond to comments raised by the Landscape Officer during the

application determination period, a Landscape and Visual Addendum was prepared by Viridian Landscape Planning (Ref: 2713) that considered in more detail the predicted effects from representative viewpoints and also responded to the concerns raised in respect of views of St Mary's Church, and found limited landscape and visual effects.

5.19 Evidence prepared on behalf of the Appellant will demonstrate that the enclosed, relatively low lying, nature of the site together with the amount of surrounding tree cover and built form in the existing landscape will substantially restrict visibility of development and means that change in character of the site as a result of the development will not have a significant influence on the wider landscape character or setting of the settlement in this area.

5.20 The Illustrative Layout incorporates a number of elements which will integrate the development within the surrounding landscape context and demonstrate that it is typical in character to other developments that have been built recently in this area of Adderbury. As a result, any potential adverse landscape and visual effects associated with the proposals are significantly diminished. This is achieved by:

- A general scale, massing and form of development which is consistent with the character of recent development to the immediate north west;
- The incorporation of a curvilinear spine road, estate roads and shared driveways which will reduce the regularity of rooflines from any surrounding views;
- Leaving the northern part of the site undeveloped, protecting the shallow valley landform, providing separation from the Sor Valley and managing the area for landscape and ecological enhancement and providing publicly accessible viewpoints of the church where none currently exist;
- Provide a new view of the church from the south-west corner of the site, and open up the view from the existing gateway;
- The creation of significant landscaping wrapping around the southern and eastern edges of the proposed development that will create a soft transition from the edge of the built up area to open countryside and create significant opportunities for biodiversity enhancement.

5.21 Evidence prepared on behalf of the Appellant will demonstrate how the nature, scale and design of the proposal is considered to be in line with the adjacent built development such that it would not appear incongruous or out of character but rather would be experienced as a logical extension to the existing built edge.

Matter 4: Whether the proposals would result in harm to the significance and/or setting of the Church of St Mary and Adderbury Conservation Area

5.22 Evidence is to be submitted by the Appellant in respect of any heritage related implications arising from the development of the Appeal Scheme.

5.23 A Heritage Statement was prepared by Kathryn Sather & Associates in support of the application that assessed the contribution the site makes to the significance of the Church and the Adderbury Conservation Area. It describes how the Appeal Site does not make a contribution to the significance of the listed Church, as the site has no historic or visual relationship with the asset. There are views of the Church spire from within the proposal site, but these are limited from the south along Berry Hill Road, as the substantial boundary distorts the view. A view of the Church does exist from the current access opening, and this will be retained. The Appeal Site is not assessed as forming part of positive views of the Church by the Conservation Area Appraisal.

5.24 The Heritage Statement describes how the views of the listed Church from the south will be improved as a result of the design principles established for the proposed development and the view corridors created through the site.

5.25 In considering the impact of the proposed works on the setting and special interest of the Conservation Area, the Heritage Statement states that the area of open space to be provided to the north of the proposed development will provide further green space to the setting of the southern section of the Conservation Area. Instead of appearing as a non-traditional extension to the linear form of the historic core of the eastern side of the village, the green space dividing the proposed development from the Conservation Area will clearly define the boundary between the two areas. The location of the proposed development will not affect any positive views or vistas into or out of the Conservation Area. The treatment of the boundaries of the site aims to improve the quality and amenity value of the public realm in line with policies laid down in the Conservation Area Appraisal and the existing vegetation

around the perimeter of the site will be retained and enhanced where possible, to maintain the character of the street scene along this section of Berry Hill Road.

- 5.26 Although the specific design of the proposed development is to be confirmed at reserved matters stage, the Heritage Statement and the evidence to be provided by the Appellant will demonstrate that the development will not give rise to any harm to the significance or setting of any heritage assets.
- 5.27 The comments received from Historic England (dated 13th March 2018) on the revised scheme suggest that the potential for harm to a listed building is a matter the Council can deal with through reserved matters.

Matter 5: Whether sufficient acceptable detail is provided in respect of the design principles to inform detailed proposals for the site

- 5.28 The Appeal Scheme was submitted in outline form and with the exception of access which is applied for in detail, all matters relating to layout, design, appearance and landscaping are reserved for consideration at a later stage.
- 5.29 A Design and Access Statement was prepared by Nexus Planning in support of the application that established a clear framework and justification of the design principles for the future development of the site and it will be demonstrated in evidence that the approach taken is consistent with the advice set out in Planning Practice Guidance.
- 5.30 Whilst this is not a plan being applied for in detail, the Illustrative Masterplan builds upon the framework provided by the Design and Access Statement in that it confirms that there is a realistic possibility of up to 55 dwellings being accommodated at the site in line with all known constraints, required mitigation measures and in the interests of good design. This was clearly demonstrated through the application determination period, as the masterplan was updated on two separate occasions to respond positively to comments received from statutory consultees in respect of the illustrative layout.
- 5.31 Evidence will be submitted demonstrating that the approach taken in respect of design is entirely consistent with PPG, the Framework and all relevant development plan policies and that sufficient details has been provided to adequately inform future detailed development proposals at the site.

Matter 6: Whether sufficient acceptable detail is provided in respect of the design principles to inform detailed proposals for the site

- 5.32 The Appeal site is located wholly within Flood Zone 1, and is considered to be at a low risk of flooding. Although Sor Brook is located 80 metres to the north of the site, the potential flood risk associated from this watercourse has been identified as low due to the difference in ground levels between the River and the site. In addition to this, the development site is considered to be at low risk from flooding associated with surface water, sewer, groundwater and artificial flood sources. As a matter of principle this is an appropriate location for residential development from a flood risk and drainage perspective.
- 5.33 The proposals are submitted in outline form and a Flood Risk Assessment and Drainage Management Strategy (Betts Hydro; October 2017) was submitted in support of the proposals. Evidence is to be submitted that will demonstrate that sufficient details have been provided at outline stage and that a suitable drainage strategy, in line with the drainage hierarchy, can be applied as detailed proposals for the site emerge.

Matter 7: Community and Infrastructure Contributions

- 5.34 The Appellant will work with the Council with a view to submitting an agreed s106 agreement in advance of the Public Inquiry. This will secure contributions to mitigate the impact on local infrastructure as a result of the Appeal Scheme.
- 5.35 It is envisaged that the completion of a legal agreement will be sufficient to overcome Reason for Refusal 5.

Matter 8: Planning Balance

- 5.36 Through evidence, primarily the assessment of Housing Land Supply, it will be established whether the 'tilted balance' under paragraph 11 of the Framework is engaged such that permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'* when assessed against the policies in this Framework.
- 5.37 The Appellants case is not however reliant upon the tilted balance being engaged. The following provides the basis of the overall planning balance as it relates to the Appeal scheme.

Principle of Development

5.38 As set out above, evidence is to be submitted that confirms the proposals comply with the requirements of LPP1 Policy Villages 2 and the overall housing strategy for Cherwell. It will be demonstrated that the degree of weight to be attached to this policy, and the Appeal Schemes compliance with it, far outweighs any perceived conflict with LPP1 Policies ESD1 and SLE4, Adderbury Neighbourhood Plan Policy AD1 and Saved Policy H18 of the Cherwell Local Plan 1996, which in this circumstance would attract only limited weight.

Sustainable Development

5.39 The Appeal Scheme comprises sustainable development in accordance with the definition set out in paragraph 8 of the Framework. Evidence will be presented to support this view.

An Economic Role

5.40 The Appeal Proposals will deliver a number of substantial economic benefits, which evidence will support, to which weight should be given in the determination of the Appeal, including:

- Investment in construction with wider benefits for the construction supply chain;
- Both full-time and part-time jobs generated directly and indirectly through the construction of the scheme, over an estimated build period of under 2 years;
- Increased household expenditure in the area as a result of new residents;
- Additional Council Tax revenue per annum for Cherwell District Council;
- Additional New Homes Bonus for Cherwell District Council.

5.41 The economic benefits outlined above are directly associated with the implementation of the Appeal Scheme and would secure both short and long term economic benefits for both Adderbury and the wider regional economy. These are significant beneficial impacts in favour of the application proposals.

A Social Role

- 5.42 Evidence will also refer to the following social benefits the Appeal Scheme will generate.
- 5.43 In the context of the need to boost significantly the supply of housing in line with the Government's objective set out at Paragraph 59 of the Framework, the delivery of up to 55 homes at the application site will make a positive contribution towards meeting the identified housing requirement for the Cherwell rural area and maintaining a 5 year housing land supply (or a 3 year housing land supply as currently applies in Cherwell).
- 5.44 The pressure for the Council to continue to release sites under Policy Villages 2 is heightened now that the preparation of the Local Plan Part 2 has been paused, which was one of the mechanisms identified under Policy Villages 2 to identify appropriate housing sites, alongside determining planning applications. Cherwell's commitment to accommodate a proportion of Oxford's unmet need and achieve an enhanced level of housing growth through the emerging Oxfordshire Joint Spatial Strategy add further weight to the social benefits of delivering new housing in suitable and sustainable locations such as Adderbury.
- 5.45 The provision of additional market housing is widely acknowledged as a key social benefit and in the context described above should weigh significantly in favour of the proposals.
- 5.46 In accordance with the adopted Local Plan Policy BSC3, the proposed development would provide 35% affordable housing (based on a scheme of 55 dwellings this equates to 19 affordable homes). This will help to meet the substantial need that exists for the delivery of additional affordable housing in Cherwell in order to meet the net annual requirement of 264 affordable units per annum established in the latest 2014 SHMA.
- 5.47 Other social benefits of the scheme include the incorporation of a significant quantum of open space and enhancements to existing landscaping on site, including the potential to deliver play areas on site.
- 5.48 The additional population created by the development and their associated expenditure will also help to sustain and enhance existing local shops and services in Adderbury.
- 5.49 Finally, the new jobs created by the proposals, both permanent and temporary, bring social benefits as well as the economic ones previously mentioned due to new or increased income that can provide wider social opportunities such as access to new or better goods and services.

5.50 The Appeal Scheme is therefore considered to accord with the second dimension of sustainable development and will deliver significant social benefits, in particular through the delivery of affordable housing in an area of identified need.

An Environmental Role

5.51 It will be demonstrated that the Council's claims in the Reasons for Refusal are unsubstantiated and that the Appeal Proposals are well-connected to local facilities so as to encourage the use of sustainable modes of transport, will not result in unacceptable harm to the character and appearance of the area, would not result in any harm to the significance or setting of heritage assets and sufficient detail is provided in respect of design and drainage principles to inform detailed proposals for the development of up to 55 dwellings at the Appeal site.

5.52 The Reasons for Refusal do not raise any objection to the impact of the Appeal Scheme in relation to highways, flooding, land contamination, air and noise pollution.

5.53 It will be demonstrated that the Appeal Scheme will give rise to a number of environmental benefits in the form of new areas of Public Open Space, Green Infrastructure corridors, and an opportunity to deliver net gains in biodiversity. The proposals also provide for a new footway on the northern side of Berry Hill Road, from the site access to the junction with Horn Hill Road and extending south-east of the site access and around the corner on the A4260 Oxford Road. It is also proposed to provide a new crossing point with a pedestrian refuge, dropped kerbs and tactile paving on the A4260 Oxford Road. These footway improvements represent a significant environmental benefit for the wider community.

Summary on Matter 8

5.54 It will be demonstrated that the Appeal Scheme comprises sustainable development as there are no adverse impacts of granting permission that would outweigh the many benefits and that development of the site would not be directly contrary to any specific policies contained in the Framework.

5.55 The Appellant will provide evidence that the Appeal Scheme would result in net benefits under each of the three dimensions of sustainable development outline under paragraph 8 of the Framework such that the overall planning balance lies strongly in favour of the Appeal Proposals.

6.0 Conclusions

- 6.1 It will be shown that the Appeal Scheme will not give rise to any material harm to interests of acknowledged importance. The Scheme will deliver a range of significant material benefits, most notably the contribution towards the provision of market and affordable housing in a sustainable location. Evidence will demonstrate that there is an acute and urgent need to accommodate significant additional housing in Cherwell, such that the provision of new housing carries substantial weight in the determination of the Appeal.
- 6.2 The Appellant will demonstrate that the Appeal Scheme constitutes sustainable development and is an appropriate location to deliver new housing. It will be demonstrated through an assessment of the Planning Balance that any adverse impacts of allowing the appeal proposals do not outweigh the many significant material benefits of doing so. The Appellant will therefore respectfully request that the appeal be allowed and that planning permission is granted.

7.0 Other Matters

Rule 6 Parties

- 7.1 It is unknown at the present time whether any interested persons will request Rule 6 status for the Appeal. The Appellant therefore reserves the right to refer to any other matters raised by any Rule 6 parties at a later date.

Planning Conditions

- 7.2 The Appellant will endeavour to agree with the Council a list of conditions (including reasons) in advance of, or during, the public inquiry.

Planning Obligations

- 7.3 The Appellant will work with the Council with a view to submitting an agreed s.106 agreement in advance of the public inquiry.

Core Documents

- 7.4 The Appellant, in conjunction with the Council, will agree a final list of Core Documents which may be referred to by all parties at the Inquiry.

Appendix A: Choice of Procedure

Justification for Inquiry Procedure

The Appeal is against the decision of Cherwell District Council's ("the Council") decision to refuse outline planning application ref: 17/02394/OUT for the development of up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road on Land off Berry Hill Road, Adderbury in North Oxfordshire.

The Appellant considers an Inquiry to be the only suitable procedure for the consideration of this Appeal. This document sets out the Appellant's justification for the Inquiry procedure, taking into account the criteria set out in Annexe K of the PINS guidance document "Planning Appeals – England", dated 5th August 2016.

1. Need for the evidence to be tested through formal questioning by an advocate;

It is anticipated the following are the key matters to be considered at appeal:

- i. Whether the principle of development is acceptable in consideration of all relevant development plan policies and other material considerations, including the Framework;
- ii. Establishing the extent of the housing land supply in the housing market area;
- iii. The accessibility of the site in relation to local facilities and services, including public transport;
- iv. Whether the development would cause undue harm the character and appearance of the area;
- v. Whether the proposals adversely affect the significance or setting of any heritage assets;
- vi. Whether a sufficient level of detail has been provided in respect of design matters; and
- vii. Whether a sufficient level of detail has been provided in respect of drainage matters.

These matters are considered technical and legal issues, and it is essential that they are thoroughly assessed by: a) the presentation of evidence by expert witnesses; and b) the testing of this evidence by an advocate through formal cross-examination. In particular as regards the weight to be applied to relevant policies in respect of the development plan policies and establishing the level of housing land supply, it is difficult to see how these matters can be properly assessed without cross-examination.

2. The issues are numerous and complex;

The Appeal will require the consideration of a large number of discrete issues, as well as complex issues such as the Council's housing land supply position and degree of shortfall that may exist. The complex issue of the weight to be afforded to the relevant policies in the Development Plan will also be central to the Appeal.

The areas of difference must be explored fully in the determination of the Appeal. These issues are complex and will need to be dealt with by technical evidence produced by experts. They will again require the relevant evidence to be tested by an advocate through cross-examination.

The evidence presented by both parties, including the data referred to, and the assessment methodologies and assumptions used to prepare the evidence will need to be fully explored in the determination of the Appeal and it is considered that these issues are more complex than can adequately be dealt with via a Hearing.

3. Substantial local interest

The Appeal Application has attracted 39 letters from local people and Adderbury Parish Council have also made representations.

The Appeal Scheme is plainly of significant interest to local people and the level of interest and a number of people who may wish to speak are likely to make this impossible to manage within the time and procedural constraints of a hearing.

Conclusion

For these reasons, and with specific regard to the criteria in Annexe K, the Appellant considers the Appeal should be heard by way of an Inquiry.

Appendix B: EIA Screening Opinion

Nexus Planning
Miss Helen Hartley
Eastgate
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Oxfordshire
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Please ask for: Caroline Ford

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Our Ref: 17/02394/OUT – 17/00089/SO

12 December 2017

Dear Miss Hartley

Application Ref 17/02394/OUT – 17/00089/SO

Location OS Parcel 9100 Adjoining and East of Last House, Adjoining and North of Berry Hill Road, Adderbury

Proposal Screening Opinion – Outline planning permission for up to 60 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road.

I write with regard to the above application, received on 28 November 2017 (validated on the 01 December 2017), which represented a formal request for a Screening Opinion under Regulations 6 and 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA). This letter constitutes a Screening Opinion of the Local Planning Authority of the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Summary of Determination

The Local Planning Authority considers that the proposal is Schedule 2 development by virtue of the proposed development being an Infrastructure Project (Schedule 2, section 10(b)). However, the proposal does not exceed the applicable thresholds and criteria in column 2 of Schedule 2 and the development is not within a sensitive area. It is therefore considered that this proposal **does not require** the submission of an Environmental Impact Assessment.

Reasons for Determination

The proposal does not result in development within a sensitive area defined at Regulation 2(1) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Furthermore, the proposal does not exceed the thresholds and criteria set out in column 2 of Schedule 2 (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. There is therefore no further requirement for screening and the proposal does not require the submission of an Environmental Impact Assessment.

This opinion has been made by an appropriately authorised officer at the Local Planning Authority. In accordance with the 2017 Regulations, a copy of this screening opinion has been placed on the Planning Register.

If you have any further queries, please contact the Case Officer Caroline Ford (Principal Planning Officer).

Yours sincerely



Head of Public Protection and
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