



LAND & PARTNERS

Statement of Case

of

Land & Partners

OS Parcel 4300 North of Shortlands and South of High Rock Hook Norton
Road Sibford Ferris

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1. Introduction

- 1.1. This Statement has been prepared to support an appeal against the refusal of Cherwell District Council to grant outline planning permission for development on land to the west of Hook Norton Road, Sibford Ferris.
- 1.2. The application was submitted to the Council on 01 Nov 2018
- 1.3. The proposals were considered by the Council at the Planning Committee on 18th April 2019. The recommendation was to grant planning permission, however Committee Members resolved to refuse the application. The decision notice dated 30th April 2019 states three reasons for refusal and is attached as Appendix A.
- 1.4. It is proposed that a S106 legal agreement will be submitted for consideration as part of this appeal.
- 1.5. The case in summary is:
 - This proposal was found by the Council's planning officer to be in accordance with the relevant policies.
 - The proposal was recommended for approval having regard to all the relevant material considerations.
 - The proposal relates to the most sustainable category of village (Category A Service Village).
 - The 750 homes allocated to these villages relates to completed homes and has not been met.
 - This village has received none of the 750 homes allocated for the Category A Villages.
 - A need for affordable homes has been identified in the village.
 - The site has been found suitable in principle by the Council in the HELAA.
 - The development could improve the edge of the village in landscape terms.
 - There would be no harm to any heritage assets.
 - A range of benefits would result including all of the items development could deliver identified by The Sibfords Community Plan (Appendix B)



Figure 1: extract from illustrative layout

2. Site Description

- 2.1. This appeal relates to a parcel of land on the southern edge of Sibford Ferris in Cherwell District, approximately 9 miles west of Banbury. It comprises the northern part of a field in arable use measuring about 3.7ha and surrounding hedgerows.
- 2.2. To the north and east of the site lies residential development (medium/low density two storey housing), and Sibford School. To the south the site is bound by open fields and to the west the site is bound by Woodway Road which leads towards Hook Norton.
- 2.3. The Hook Norton Road runs adjacent to the eastern boundary of the site, whilst Woodway Road, a single track road runs along the western boundary. The north eastern corner of the site sits at a similar level to the neighbouring residential properties to the north but falls away to the west, north and south.
- 2.4. There are no footpaths or public rights of way within the application site.
- 2.5. The site is located within Flood Zone 1, an area which has the lowest possible risk from flooding.
- 2.6. The site is not subject to any environmental or landscape designations and lies outside the village Conservation Area.
- 2.7. A full description of the site location is provided in the Planning Statement which accompanied the application and which is submitted with the appeal documents.

3. Summary of the Proposal

3.1. The application is for outline planning permission with all matters reserved for subsequent consideration. The proposal is for up to 25 residential dwellings, with associated open space, parking and sustainable drainage.

3.2. The proposal is set out in further detail in the planning statement submitted with the application and included with the appeal.

3.3. The development area is confined to the north east of the field.

3.4. The proposal includes around 1.6ha of open space which addresses a substantial existing shortfall in the local area (identified in Policy Villages 4).

3.5. Benefits include:

- 35% (9) affordable houses with 50% having priority for those with a village connection.
- New Local Area Equipped Play Facilities.
- Delivering the 'missing link' in the public footpath network across the site.
- New allotments.
- New community orchard.
- New informal open space
- New woodland planting
- Delivering a net biodiversity gain (see Cherwell District Council's Ecology Consultee response).

4. Planning History

Previous resolution to grant consent

4.1. The north-eastern part of the site was the subject of an outline application in 2014, reference 14/00962/OUT, for six affordable local needs dwellings and two market sale dwellings with associated car parking and access road including the provision of open space and allotments. The application was recommended for approval and on 27th November 2014 the Planning Committee resolved to approve the application subject to the completion of a S106 agreement and various conditions. The application was withdrawn in 2016.

The Appellant's Case:

5. Reason for refusal 1

5.1. The first reason for refusal is on the grounds that the application would conflict with Policy Villages 1 Policy Villages 2 and Policy ESD1 of the Cherwell Local Plan.

5.2. Policy Villages 1 identifies Sibford Ferris/Sibford Gower as a Category A (Service Centre) Village, which is the most sustainable category of village. The Sibfords were given this status as they have more services and facilities than many other settlements in the District.

The justification to the policy states at paragraph C255 of the Local Plan Part 1 (LPP1) that the categorisation has taken into account:

- population size;
- the number and range of services and facilities within the village (shops, schools, pubs, etc.);
- whether there are any significant known issues in a village that could be materially assisted by an increase in housing (for example to maintain pupil numbers at a primary school);
- the accessibility (travel time and distance) of the village to an urban area by private car and public transport (including an assessment of any network constraints);
- accessibility of the village in terms of walking and cycling;
- local employment opportunities.

5.3. The sustainability of the village has already been assessed, consulted on, examined and confirmed through the Local Plan Part 1. The officer's report to committee on this proposal refers to The Sibfords as "one of the more sustainable Category A villages."

5.4. Policy Villages 1 informs Villages 2 which provides a rural allocation for sites of 10 or more dwellings at the most sustainable category A villages.

5.5. Policy ESD1 sets out that growth should be distributed to the most sustainable locations as defined by the local plan. This proposal is in accordance with the strategy as this is one of the more sustainable villages.

5.6. As set out in the following paragraphs this reason for refusal is not justified as more homes can be permitted in this village without any policy conflict. The evidence supports the development of this site and that it is a sustainable location.

5.7. It is notable that the Council's Planning Policy team raised no objections to the proposal. This is recorded in the Planning Officer's Report to Committee.

Development will help to sustain the services, facilities and bus service within easy reach

5.8. The Sibfords boast recreation facilities, a primary school, nursery, independent school, shop/post office, GP surgery with dispensary, public house, church and Quaker meeting hall. There are bus links to the larger centres of Banbury and Stratford upon Avon (4 no. pick-up times west-bound and 5 pick-ups east-bound). There has been no significant recent development in the village and the proposal will help to support the existing facilities.

5.9. The planning officer in his report states:-
"the site is considered to be adjacent to one of the more sustainable Category A villages, as identified within the Development Plan. Due regard must therefore be had to the fact that village is considered sustainable in respect of the services and facilities, and access to such - including the regular bus service - that it has to offer, and further that the proposed development would look to support existing facilities, including the local shop and primary school."

The 750 dwellings figure from Policy Villages 2 is not a ceiling.

5.10. The policy allocates 750 dwellings to the Category A Villages including The Sibfords. This is to be met on sites of 10 or more dwellings.

5.11. The first reason for refusal refers to the number of dwellings out of the 750 allocation which have already permitted at the Category A Villages. However, the 750 figure is not a ceiling or a maximum as confirmed in multiple appeal decisions¹. The Inspector's report on the Local Plan refers to 'around' 750 dwellings.

5.12. Appeal decisions (see Appendix C) confirming 750 is not a maximum include:

- **Land off Lince Lane, Kirtlington (3001612):** *"The Parties agreed that the figure of 750 was not a ceiling or maximum but neither is it a minimum figure."*

¹ See appeals in Chesterton 3130576; Kirtlington 3001612; Launton 3188671; Weston on the Green 3158925.

- **Land north of Green Lane and east of The Hale, Chesterton (3130576):** Paragraph 13 *“The Local Plan Inspector referred in his report to “around 750 homes in total”, and clearly the 750 figure is not an absolute maximum.”*
- **Banbury Road, Finmere (3169168):** *“...750 is not to be regarded as an upper limit...”*
- **Blackthorn Road, Launton (3188671):** Paragraph 18: *“The 750 figure is not an upper limit...”* and paragraph 14: *“Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103.”*

Only 124 homes completed under Policy Villages 2 according to the AMR

5.13. The Launton appeal states that the 750 figure refers to dwellings delivered. The actual level of delivery is substantially below the 750 figure, at 124 in the 2018 Annual Monitoring Report (AMR). As a land supply issue this figure is obviously in flux but at the time of submitting the appeal the latest AMR states a figure of 124. The AMR is included at Appendix D.

Not all existing commitments will proceed

5.14. The 2018 Annual Monitoring Report (AMR) states that 746 homes are deliverable and developable. This includes a site in Yarnton for 16 homes as a commitment towards the 750 homes in Category A villages. The application at 81-89 Cassington Road has since been withdrawn². An application for business units on the same site has been submitted and is pending consideration at the time of writing³. In addition, a site at Arcott Hill Farm, Buchanan Road, Arcott is expected to contribute 17 homes, however the planning consent⁴ lapsed in 2013. There is insufficient evidence that these sites will come forward within the plan period and that they are deliverable in terms of the definition in the NPPF. These are just two examples by way of illustration.

5.15. Taking into account the permission for 10 apartments at 139 Oxford Road Kidlington (18/O1388/F), granted since the 2018 AMR was published, the total committed would come to 723. At the time of submitting the appeal there is headroom for 25 homes to be permitted without exceeding the 750 home figure, which nevertheless is not a ceiling.

² 13/00330/OUT

³ 18/O2160/F

⁴ 12/O1003/REM

No significant permissions granted in The Sibfords under Policy Villages 2, despite it being “one of the more sustainable” Category A villages.

5.16. In 2015 an appeal⁵ in Kirtlington was dismissed on the grounds that provision of 95 homes in one location at that early stage of the local plan period would leave little scope for development in the other Category A villages either in terms of numbers or timing and would thus not be in accordance with the housing strategy for the villages as set out in the Local Plan. The Sibfords have seen no significant development in the plan period, and as stated in the officers report The Sibfords are one of the more sustainable Category A villages within the district given the services and facilities available within the village group. This is an example of a village which the strategy gives scope to grow. The Officer comments in his report: *“It is notable that the majority of the more sustainable Category A villages have received new development under Policy Villages 2; only the Sibfords, Steeple Aston and Deddington are yet to receive any development within the plan period.”*

Not a material exceedance of the 750 figure

5.17. As the 750 is not an upper limit, it would require a significant material exceedance, to justify a conclusion that the policy was being breached. This was established by the Inspector considering the appeal at Launton (3188671). 25 homes would not amount to a material exceedance of the Policy Villages 2 figure. If uncertain sites are discounted then there would not be an exceedance as a matter of fact.

5.18. The strategy would not be undermined by this modest development. The provision of up to 25 homes in one of the more sustainable villages which has not received any development under Policy Villages 2 would not undermine the policy or lead to unconstrained growth in less sustainable locations, as confirmed in the officer’s report to committee.

5.19. The officer’s report states at paragraph 10.5: *“750 dwellings is not a ceiling and the actual delivery of dwellings under this policy currently falls below 750, and in officers’ opinion to permit a modest development of 25 additional dwellings at one of the three main Category A settlements not to have received development under*

⁵ Kirtlington 3001612

Policy Villages 2 would not be so significant to the extent that it would undermine the Council's overall spatial housing strategy."

Need for housing identified in The Sibfords has not been met.

5.20. A Housing Needs Survey was carried out in March 2010 followed by a Register of Interest in December 2013. That report highlighted 10 individuals which had a local housing need and 9 with a local connection to the parish. The Sibfords have not seen any recent significant new residential development and it is likely that there remains a need for affordable housing within the village. The development will include 35% (9) affordable homes and the Council's nominations policy requires that half of these are prioritised for those with a village connection.

Site assessed as suitable by the Council

5.21. The site's suitability for development was established in the Housing and Economic Land Availability Assessment (HELAA), which identified the site as having potential for residential development (HELAA204). Whilst this document referred to 10 dwellings, it is a high-level assessment and the more detailed information presented with the application has been assessed by the landscape and heritage officers who have no objection. The scheme is confined to the north and east of the site as recommended in the HELAA (Appendix E).

Availability, suitability and deliverability of other sites in The Sibfords

5.22. Only one other site in The Sibfords was identified as suitable, adjacent to the application site and in a separate ownership with no current proposals for development. This is the most appropriate direction for growth in The Sibfords.

6. Reason for refusal 2

6.1. This refers to harm to the character and appearance of the area. However the proposals would cause no harm to heritage assets and according to the planning officer the proposal reflects the more characteristic parts of the village. The reason refers to harm to the edge of the village but the planning officer states it could improve this edge of Sibford Ferris.

No harm to heritage assets

6.2. The Council's Conservation Officer considers the scheme ***"will not harm the character of the conservation area or the setting of any Listed Buildings and as a result the significance of the heritage assets will not be harmed in line with chapter 16 of the NPPF."*** There is therefore no conflict with Policy ESD 15 referenced in the reason for refusal, which concerns The Character of the Built and Historic Environment.

In terms of character and appearance, the Conservation Officer comments further that: ***"the properties fronting the site appear to address the road in a similar way to the properties opposite and green space is proposed to maintain a 'green' edge to the village."***

No objections from Cherwell's Landscape Officer

6.3. According to the Report to Committee, the Landscape Officer commented that ***'...the indicative structure planting on the southern and western boundaries, with the appropriate native tree groupings, hedgerow and thicket species, will, over time contribute and reinforce the existing attractive 'tree-scape' across the entire village when experienced from the PRow...'***; and further that in maturity such planting would integrate the site into the village setting and mitigate the existing built edge of Cotswold Close and Margaret Fell House of Hook Norton Road. This assessment is contrary to the reason for refusal and the proposal is in accordance with Policy ESD 13 concerning local landscape protection and enhancement.

6.4. The Council's landscape architect agrees with the opinion of the appellant's landscape architect as presented in the LVIA, and the potential for improvement is consistent with the Category A Villages Analysis undertaken by WYG for Cherwell District Council. This points out that the Conservation Area does not extend to areas south of Sibford Ferris which are characterised by modern residential development and the school which are not of heritage interest.

The proposals could enhance the edge of village setting

6.5. The Report to Committee states ***“Officers consider that the proposals, whilst only in outline form, have the potential – if developed in accord with the indicative layout – to not only be reflective of the more positive elements and character of the village but also to enhance the edge of village setting, through quality landscaping, providing a more gradual transition from the built form to the rural open countryside”***

This assessment demonstrates that the proposal in accordance with ESD 15 which expects development to complement and enhance the character of its context, and C28 from the 1996 Local Plan which is concerned with layout along with other matters such as materials which are reserved for future consideration.



Figure 2: extract from Landscape Strategy Plan

No poor quality agricultural land in the village is suitable for development

6.6. The second reason for refusal refers to the quality of the agricultural land. Almost all the land to the south and east of Sibford Ferris is Grade 2 agricultural land, including the proposal site. To the north of Sibford Ferris in the valley between the Sibfords the agricultural land quality is poorer but the landscape is much more sensitive, forming part of the conservation area. The land around Sibford Gower is mainly Grade 3 but is also more sensitive in landscape terms than the proposal site. This site and a smaller adjacent site is the only land found suitable for development in the 2018 HELAA. Furthermore, the proposals include allotments and a community orchard so the land will still be used partly for food production and this will be for the use of the community, reducing food miles.

7. Reason for refusal 3 - Section 106 Agreement

- 7.1. A draft heads of terms was submitted which commits to the necessary provisions and financial contributions. A S106 agreement is being negotiated to agree to these.

8. Other material considerations

The Sustainability Trap

8.1. The Taylor Review 2008 warned of rural communities which are 'protected' from development losing facilities and amenities as the population grows older and affordable homes for younger families become unavailable. Census data shows that three quarters (74.9%) of households in The Sibfords have at least 2 spare rooms, and that the population is aging. The provision of a mixture of affordable and market homes in Sibford Ferris will benefit the sustainability of this village and its rural community.

The Sibfords Community Plan identifies this broad location around the site as the most popular for development.

8.2. The Sibfords Community plan identifies a range of needs and preferences of village residents. The appellants have put together the proposals to meet the aspirations of this plan, which is a material consideration in favour of the proposals.

8.3. Location "F1 Hook Norton Road" is the most popular choice for any new development with 76% of respondents having a strong preference. The Plan states "*The implication of these figures is that villagers would be more prepared to see new housing on the Hook Norton Road, and on the roads leading to the B4035. They wish to protect the view across Wheathills and the Sib Valley between the villages.*" This site is the only available site adjoining the village along Hook Norton Road. An extract of the Community Plan is provided at Appendix C.

8.4. This scheme for up to 25 homes delivers the benefits that were prioritised by local residents in the Community Plan, including, extra off-road parking, play areas, recreational facilities as well as new trees and planting. These benefits are detailed below.

Provision of Public Open Space to meet identified local need

8.5. Policy Villages 4 of the Cherwell Local Plan Part 1 states that in order to address existing deficiencies, 6.8 ha of amenity open space is required in the Rural North sub-area which includes Sibford Ferris. Sibford Ward is one of the priority areas for this to be met. Another 2.6ha of amenity open space is required to meet needs to 2026 in the sub-area. Also required to meet needs to 2026 are 5.3ha of natural/semi-natural green space, 2 cricket pitches, 1 mini-soccer

pitch and 2 junior pitches. This proposal will contribute 1.54ha of open space towards this requirement, as well as 0.22ha of allotments. A revised parameter plan (Revision D) is submitted with this appeal which corrects an error in the key setting out the areas of land uses.

Provision of play area

8.6. The Sibfords Community Plan identified that facilities provided as part of new development should include play areas (within the housing group).

Provision of allotments for wider community use.

8.7. 66 respondents to the Sibfords Community Plan said they would use a village allotment and there are no allotments currently available.



Figure 3: extract from parameter plan

Creation of new footpath to link existing routes

8.8. The new right of way would directly connect to the network of existing routes and provide an off-road route between the village and the countryside as an alternative to Woodway Road which has no footpath. The Sibfords Community plan identified that residents of Sibford Ferris would like to link or extend footpaths.

Biodiversity net gain

8.9. The Council's ecologist agrees that the proposals are likely to result in a "fair biodiversity gain". The orchard, allotments and open space with wildflower meadow will provide new habitats.

Additional jobs during construction and permanent inputs to the base economy

8.10. According to a report⁶ by Lichfields and the Home Builders' Federation, for every 50,000 homes built, approximately 75,000 direct jobs and 50,000 indirect jobs are supported, indicating that every 1 direct job supports 0.5 indirect jobs in the supply chain. This would suggest that the proposed development has the potential to directly support 37 jobs and support another 25 indirect jobs. A figure of 3.1 jobs per dwelling is quoted elsewhere in the report which takes into account the supply chain and induced effects. This would suggest the support of 77 jobs.

⁶ Lichfields and HBF (2018) The Economic Footprint of House Building in England and Wales, [Online] Available from: https://www.hbf.co.uk/documents/7876/The_Economic_Footprint_of_UK_House_Building_July_2018LR.pdf

9. Summary and Conclusion

9.1. Land & Partners were appointed to promote this site due to their record of high quality and sensitively designed schemes securing community benefits. Key points in favour of the scheme are as follows:

- Elements such as the footpath, open space, orchard and allotments contribute to existing amenities, respond to the aspirations in The Sibfords Community Plan and will help the development to become an integral part of the village;
- The proposal received no objections from conservation or landscape and all other statutory consultees either did not object or have withdrawn their objection;
- The scheme could enhance the edge of village setting.
- The Cherwell Planning Policy team did not object, indicating this proposal is in line with the spatial strategy;
- The proposal relates to the most sustainable category of village (Category A Service Village);
- The Sibfords have not seen any of the growth allocated to the group of villages in which they sit;
- A need for housing has previously been identified in the village;
- The proposal will provide 35% affordable homes.
- The proposal was found by the Council's planning officer to be in accordance with the relevant policies.
- The proposal was recommended for approval having regard to all the relevant material considerations.

9.2. Having worked to put together a proposal which delivers a range of benefits, Land & Partners was surprised and disappointed to see the application refused at committee. Having regard to the points made above, the proposal is in accordance with the development plan. The planning balance is in favour of the proposal considering that there was no harm identified by the Council's officers and the significant range of benefits. The reasons for refusal are not justified or consistent with the planning officer's assessment in the Report to Committee. For the reasons set out we request that this appeal is allowed.

Appendices

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