

CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

Appeal by Land & Partners against the decision by Cherwell District Council to refuse outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and drainage.

Appellant	:	Land & Partners
Appeal Site	:	OS Parcel 4300 North of Shortlands and South of High Rock Hook Norton Road Sibford Ferris OX15 5QW
LPA Reference	:	18/01894/OUT
Planning Inspectorate Reference	:	APP/C3105/W/19/3229631

1. Site Description and Proposed Development

- 1.1 Information regarding the site description and the proposed development can be found in the Committee report submitted with the Council's appeal questionnaire, and therefore will not be repeated in this Statement of Case.

2. Relevant Planning History Relating to the Appeal Site

- 2.1 The relevant planning history for the appeal site ("the Site") is outlined in the Committee report.

3 Reasons for Refusal

3.1 Planning permission for the development was refused for the following reasons:

- 1 *By reason of its scale and the relative sustainability of Sibford Ferris, and taking into account the number of dwellings already permitted across the Category A villages, and Cherwell District Council's ability to demonstrate a five year housing land supply, which exceeds the requirement for a 3 year housing land supply, the proposed development is considered to be unnecessary, disproportionate, undesirable and unsustainable development that would undermine the housing strategy in the Cherwell Local Plan Part 1 which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. This would be contrary to Policies ESD1, Villages 1 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 *By virtue of its extension beyond the built limits of the village on a greenfield site and in an area of Grade 2 (very good) agricultural land and its visual impact on the rural character and appearance of the locality, the proposed development would cause unacceptable harm to the character and appearance of the area, open rural countryside and rural edge of village setting, failing to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.*
- 3 *In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC10 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.*

The full decision notice and the case officer's committee report were sent with the Council's Questionnaire.

4 Relevant National and Local Planning Policy and Guidance

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained

and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD12 – Cotswold Area of Outstanding Natural Beauty (AONB)
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 – Transportation funding

- TR7 – Development attracting traffic on minor roads
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

Other Material Planning Considerations:

- National Planning Policy Framework ('NPPF')
- Planning Practice Guidance ('PPG')
- Cotswolds AONB Management Plan
- Sibfords Community Plan 2012 ('SCP')
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Developer Contributions SPD (February 2018)
- Cherwell Residential Design Guide (July 2018)
- Housing & Economic Land Availability Assessment 2018 ('HELAA')
- Housing Land Supply in Oxfordshire: Ministerial Statement of 12th September 2018
- Annual Monitoring Report ('AMR') December 2018

5 THE COUNCIL'S CASE

- 5.1 This appeal statement sets out the Council's case in this appeal.
- 5.2 This appeal statement solely focuses on the reasons for refusal and does not cover the aspects of the development which the Council considers to be acceptable as these matters are common ground between the parties and are assessed in the submitted Committee Report.

Refusal Reason 1: Principle of Development

Cherwell District Council's housing strategy

- 5.3 The Council's housing strategy is set out in Policy BSC1 of the Cherwell Local 2015. In addition to the 2,288 houses outside of Banbury and Bicester either completed or approved

by 31 March 2014 it allocates a further 2,350 houses in the rest of the district, of which 1,600 will be at RAF Heyford.

- 5.4 Essentially it has a strong urban focus with considerable levels of growth being directed to the main settlements of Banbury and Bicester, seeking to reduce the need to travel generally and with particular regard to reducing dependency on private cars. This is to reverse a trend of considerable growth in the rural areas which occurred prior to the adoption of the Local Plan in 2015. Supporting paragraph B.88 states, “we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth”.
- 5.5 Set in this context, the Council’s housing strategy for the rural areas, i.e. outside of Banbury, Bicester and RAF Heyford, is contained within the Policies ESD1, Policy Villages 1 and Policy Villages 2 of the Cherwell Local 2015 and Saved Policy H18 of the Cherwell Local Plan 1996. The rural housing strategy seeks to constrain growth to within the built up limits of settlements under Policy Villages 1. It also includes an allocation of 750 dwellings to be delivered at Category A villages over the plan period until 2031 subject to the consideration of a number of criteria under Policy Villages 2. This approach is considered to be wholly in accordance with the revised NPPF to ensure growth is delivered in the most sustainable manner. It was found sound by the Inspector examining the Local Plan and has been supported by all Inspectors at subsequent appeals.

Cherwell District Council’s housing land supply position

- 5.6 The Housing Land Supply Update July 2018 (**Appendix 1**) demonstrates the Council is also able to demonstrate a 5.2 year housing land supply. Further to the Written Ministerial Statement on the 12 September 2018 the Government has introduced further flexibilities in Oxfordshire and has stated that the tilted balance in paragraph 11 of the NPPF will only be engaged in Oxfordshire where a Council cannot demonstrate a 3 year supply of deliverable housing sites (**Appendix 2**). In this case the Council can clearly demonstrate in excess of 3 years land supply and therefore the presumption in favour of sustainable development outlined in paragraph 11 of the NPPF needs to be applied in that context and means approving development proposals that accord with an up to date development plan without delay. Paragraph 12 of the NPPF goes on to state that planning law requires development plans are the starting point for decision making and where a planning application conflicts within an up to date development plan permission should not usually

be granted. For the reasons outlined in this statement the proposal is considered to conflict with the Council's up to date development plan and should therefore be dismissed.

The scale of the proposal and the relative sustainability of Sibford Ferris

- 5.7 The Site clearly lies outside the built up limits of Sibford Ferris and has an attractive, undeveloped character and appearance so development of the Site is not supported by Policy Villages 1, which only relates to development within the built up limits of settlements. Policy Villages 1 does, however, contain a settlement hierarchy which categorises Sibford Ferris and Sibford Gower as Category A settlements when taken together.
- 5.8 As such Policy Villages 2 is relevant to the consideration of the Appeal and includes a number of criteria for applications for new housing development of 10 or more dwellings to be assessed against. One of these criteria is '*whether the site is well located to services and facilities*' to serve the needs of future residents.
- 5.9 There is considerable variation in the size and relative service provision/facilities of Category A settlements and also the relationship with the larger settlements of Banbury and Bicester. The Council considers that not all Category A settlements will accommodate growth under Policy Villages 2, hence the requirements of the policy to take account of whether sites are well located to services and facilities. Therefore, each proposal falls to be assessed on its own merits based on the circumstances at the time of determining the application.
- 5.10 There are 24 Category A settlements listed in Policy Villages 1. Sibford Ferris is one of the smallest, with 476 people at the time of the 2011 census, ranking only above Finmere in terms of population (i.e. 23rd out of 24 - see **Appendix 3**). Sibford Gower has a slightly greater population (508, including Burdrop) than Sibford Ferris and is 22nd out of the 24. Other than Sibford Gower, Sibford Ferris is the only settlement in the list of Category A villages which has been paired with another and yet both are of a similar size to Finmere (24th) and Weston on the Green (21st).
- 5.11 It must logically be deduced therefore that Sibford Ferris is only a Category A settlement by virtue of being paired with Sibford Gower. Otherwise there would have been no need for them to be paired together. There was some logic in doing so – Sibford Ferris has a food shop and post office but no primary school or GP surgery. Sibford Gower is the converse, though its GP surgery is in Burdrop, and Gower also has a public house, The

Wykham Arms. However, walking and cycling between the two settlements is, at best, challenging and for many, particularly for the elderly and for young families, not realistic. There is a footpath from Sibford Ferris to the edge of Burdrop (though one has to cross Hawks Lane part way down to stay on a footpath), but as one enters Burdrop the footpath finishes, and one has to walk on narrow roads from there to where the footpath starts again at Acre Ditch. At points along this stretch it is difficult if not impossible to see cars coming. In addition, that walk includes significant undulations. Further, the distances to amenities are noted: Future residents of the appeal development would have to walk 1.0km to the GP surgery at Burdrop, c.1.33km to the primary school in Sibford Gower and c. 1.57km to the public house. These amenities are not within walking distance on a flat route, let alone one with the constraints identified above. Only the village store, post office and bus stops are within walking distance (c.660m and c.475m respectively) of the appeal site.

- 5.12 Sibford Ferris has a limited bus service (five stops eastbound and four stops westbound) and very few employment opportunities. Some other Category A settlements (Bloxham and Adderbury) are closer to the Banbury and others contain a wider range of services and facilities to meet the needs of residents to reduce the need to travel. Furthermore, it is considered that given the distance and the nature of the routes (unlit, national speed limit routes with no footpaths) to settlements containing a wider range of services, such as Banbury, Hook Norton and Shipston on Stour, it would be not be convenient or attractive alternative to walk or cycle. Therefore, each case has to be assessed on based on its own merits.
- 5.13 It is noted that Planning Inspectors for other appeals in the district at Category A villages such as in Weston on the Green (APP/C3105/W/16/3158925), Finmere (APP/C3105/W/17/3169168), Cropredy (APP/C3105/W/17/3187461), Launton (APP/C3105/W/17/3188671) and Fringford (APP/C3105/W/18/3204920) (**Appendices 4, 5, 6, 7 and 8** respectively) gave significant weight to the relative sustainability of the settlement and the appropriateness of growth in these locations under Policy Villages 2 in coming to their decisions.
- 5.14 Overall when taking the above matters into account it is therefore considered the Site would not be well located to services and facilities contrary to the criteria of Policy Villages 2 and future residents would be left with very little alternative other than private car trips when accessing work, schools, shopping or medical visits and other routine services. The Council submits therefore that the proposal is contrary to the policy aim of directing most

growth to sustainable locations where dependency on the car can be reduced and conflicts with the criteria in Policy Villages 2 in this respect.

- 5.15 In support of this conclusion, at a recent appeal in Finmere (August 2018), which is another of the smaller Category A settlements within the district with a similar level of services and facilities to Sibford Ferris, the Inspector concluded on the matter of principle by stating:

'It would provide this amount of housing in a location which has very limited access to shops, services and employment opportunities and access to these and other facilities would place heavy reliance on private cars. As a consequence, it would prejudice the aim of aligning the provision of rural housing with the sustainability of a location. In this way, the proposal is contrary to Policies ESD1 and Category Villages 2 and would not accord with the objective of the Framework to actively manage patterns of growth to make the fullest use of public transport, walking and cycling' (APP/C3105/W/17/3189420, Paragraph 9).

- 5.16 The appeal proposal would result in a significant scale of development in relation to the size of the existing village – a 19% increase in terms of number of households and approximately a 13% increase in population, based on 2.5 people per dwelling for those proposed here. The Council submits that the scale of the appeal proposal is disproportionate to that of the existing village.

The number of dwellings already permitted across the Category A villages

- 5.17 Policy Villages 2 states:

A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.

- 5.18 For sake of clarity:

1. The "total of 750 homes" relates to houses on large sites which are both permitted and completed between 1st April 2014 to 31st March 2031, a period of 17 years. It is a component of the 2,350 homes in the table at Policy BSC1. A house on such a site which was permitted before 1st April 2014 but completed afterwards is counted in the 1,760.

2. The “rural allowance” is the same as “windfall allowance of 754 homes” mentioned in paragraph C.272 and relates to completions (regardless of the date of the planning permission) from 1st April 2014 to 31st March 2031, a period of 17 years. Each site is typically developed with fewer than 10 dwellings. This figure appears in the table in BSC1. The rural allowance is not limited to Category A villages.
3. The “planning permissions for 10 or more dwellings” corresponds with 888 dwellings in rural areas mentioned in the second table on page 249 and refers to planning permissions that had been granted by 1 April 2014. The 888 is a component of 1,760 in the table at BSC1. The figure of 888 dwellings is not limited to Category A villages.

5.19 Ahead of publication of the Annual Monitoring Report (2019), expected in late 2019, the Council has published a table of residential completions and permissions for the district, with a baseline date of 31st March 2019 (**Appendix 9**). It shows:

- 7455 houses completed, of which 2765 are in the Rest of District.
- 6715 houses committed, of which 1129 are in the Rest of District.
- Total of 14,170 built or committed, of which 3894 are in the Rest of District (27%).

5.20 The Council has extrapolated housing provision at the Category A villages between 1st April 2014 and 31st March 2019, delivered via Policy Villages 2 (10 or more houses) (**Appendix 10**). Taking a cautious approach, the table discounts expired planning permissions and undetermined planning applications. Using paragraphs 14 and 17 of the Launton appeal as a guide, the following conclusions may be reached:

- Using a baseline of 31st March 2019, planning permissions have been granted for a total of 750 houses from 18 large sites since 1st April 2014, which means the Policy Villages 2 (PV2) requirement (750 houses) has been met.
- By 31st March 2019, there had been 271 completions from those sites.
- The proposed development would provide a further 25 dwellings taking the total permitted to 775 (750 + 25). The 750 figure in the policy would be breached.
- Since 31st March 2014, the delivery rate from PV2 sites has been 54 units per annum. If that rate continues, 750 homes will be delivered by 2028, three years before the end of the Plan period (2011-2031). Broadly the rate of delivery has been accelerating and this average figure takes account of the year 2014/2015 when only 2 houses were delivered.

5.21 The proposed development of up to 25 homes would prejudice the vision, strategy and objectives set out in the Development Plan, by:

1. Undermining efforts to focus growth (the “strong urban focus”) at Bicester and Banbury. To put the urban focus into context, the Plan strategy requires that only about one quarter of houses will be delivered in the rural area (“rest of district”), of which a major portion is the proposed new settlement of 1600 homes at RAF Upper Heyford.

2. Failing to limit growth in the rural areas.

3. Failing to strictly control development in open countryside. One of the Core Planning Principles at CLP paragraph B.96 is to “protect the intrinsic character and beauty of the countryside”.

5.22 In the appeal cases at Kirtlington (**Appendix 11**), Weston on the Green and Finmere, Inspectors consistently agreed that overprovision of the PV2 allocation could prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in individual settlements. Dismissing the appeal proposal is consistent with these earlier appeal decisions.

5.23 In the case of Launton appeal, in the context of “750 homes will be delivered to Category A villages”, the Inspector focused on completions and found that the annual rate of completions would, if continued, not be sufficient to produce 750 houses over the Plan period (paragraph 17). He therefore concluded that to permit a site of 72 houses would not, at that time, breach either PV2 or the overall strategy (paragraph 19). He considered that the reasoning in the earlier decision letters no longer applied as July 2018 was not ‘early in the plan period’ (paragraph 18).

5.24 While it is obviously the case that 750 houses have not yet been built on PV2 sites (one would hardly expect this) the position has clearly moved on since the Launton decision. Concerns raised in the earlier decision letters are again applicable, the concern which influenced the Launton Inspector has been addressed and his reasoning does not dictate that this appeal must be allowed.

5.25 Paragraphs 17 and 20 of the Launton Decision Letter state:

“The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principle towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location.”

In any event, there is evidence to demonstrate that housing delivery is strengthening. That it is focussing in the main towns of Bicester and Banbury and the strategic allocation and that the contribution from the more sustainable villages (category A villages) in the rural area to the overall delivery of housing is achieving the plans overall need in a manner consistent with the strategy”

- 5.26 On 31st March 2019 (Appendix 9) there were 14,170 built or committed homes, of which 10,276 were in Bicester and Banbury (72%) and 3894 in the Rest of District (27%). This demonstrates that the overall strategy of the Plan to deliver most housing to the urban area of Bicester/Banbury is currently succeeding (the Policy BSC.1 ratio is 76%/24%), as it was when the Launton appeal was determined. However, that will not necessarily be the case during the second half of the Plan period if significantly more housing is delivered to Category A settlements than is allocated by Policies BSC1 and PV2.
- 5.27 The Launton development (72 homes) would not have resulted in the total number of houses *permitted* under PV2 exceeding the 750 figure (see the Inspector’s paragraph 14). The present proposal would take the total to 775 (750 + 25). The 750 figure in the policy would be exceeded and a material exceedance is significant in policy terms.
- 5.28 There have been two more years of monitoring since the Launton decision. The PV2 750 target spans 17 years, with a “start date” of 1st April 2014 and “end date” of 31st March 2031. Given the need to secure planning permission after 31st March 2014, a time lag in constructing houses on large sites at Category A villages for the first few years was likely, and indeed occurred. The 103 completed houses referred to in the Launton decision letter comprise 2, 69 and 32 houses respectively each year up to March 2017. Now there is a robust picture of houses completed and committed in Category A villages, with 271 houses completed up to 31 March 2019, 168 of those in the last 2 years. The average annual rate of completions is now higher than 2017 and this gives confidence that 750 houses will be built by 2031. Indeed, at the present rate (54 dpa):
- 750 homes at Category A villages via PV2 will be built by 2028, three years before the end of the Plan period (2011-2031).
 - By March 2031, 912 homes would be built, the 162 excess being a significant amount.
- 5.29 Moreover, the delivery rate is likely to increase again because:
- There are a large number of committed homes (479), which are likely to be constructed within the next 5 years (by 2024).

- 311 of the 479 committed houses are on sites where development has already commenced.
- The 479 figure does not include two PV2 sites with a resolution to grant planning permission for 31 homes between them (*note the Launton decision was based on an AMR figure of 664 houses that included resolutions to grant*).
- More planning applications for housing under PV2 are likely to be submitted in the next 12 years. If the rate of housing delivery in Category A villages continues as expected, granting those future applications risks an imbalance in the distribution of housing to rural areas. Even so, in cases where there is strong local need and hitherto little recent housing, planning permission for more homes via PV2 may be forthcoming later in the Plan period.

5.30 The 750 dwellings allocated under Policy Villages 2 is not a ceiling or maximum, but neither is it a minimum and it is described in the policy as a “total”. The 750 figure is embedded in the policy and it has an important strategic purpose (the “strong urban focus”), otherwise no figure would have been used in the Plan. Building significantly more than 750 houses on PV2 sites in the Plan period would undermine the sustainable growth strategy in the Development Plan and conflict with policies BSC1 and Policy Villages 2. As noted by the Planning Inspector at Finmere (Appendix 5) the corollary of that is to avoid unconstrained growth in less sustainable locations.

5.31 Given only 271 homes have, by 31st March 2019, been completed (delivered) out of a total of 750, Policy Villages 2 is not *currently* in breach. Nor will this aspect of PV2 (the 750 total) be in breach if the appeal is allowed and 25 houses on the appeal site are immediately completed. However, immediate completion will not occur. If the appeal is allowed, 25 houses will be added to the ‘pot’ of committed sites. 479 houses are already in that pot, and to date only one PV2 permission (for 17 dwellings at Arncott) has lapsed – the overwhelming pattern is for PV2 permissions to get implemented. It is noted that the Appellant at paragraph 5.14 of its statement cites an application at 81-89 Cassington Road that features in the Council’s 2018 Annual Monitoring Report. This permission was not issued and is not counted in the Council’s figures for PV2 permissions set out in this Statement of Case. It is also noted that in the same paragraph the Appellant refers to the Cassington Road and Arncott sites as being “just two examples by way of illustration”. The Council submits that there are no other examples, and that all other permitted Policy Villages 2 sites have come forward or are coming forward.

5.32 Completion of the appeal proposal within the next five years, in combination with 479 other committed, deliverable houses, would result in the Policy Villages 2 total of 750 homes being completed (delivered) on the ground many years before 2031. There is no strategic need for the grant of planning permission for large sites at Category A villages at the present time. Furthermore, it is important to operate PV2 so as to achieve a wide spread between the PV2 villages (see below) and this will be difficult once all headroom has been exhausted.

5.33 Policy Villages 2 supporting paragraph C.270 states:

“The Local Plan must set out an approach for identifying the development of new sites for housing across the rural areas to meet local needs in sustainable locations and to meet the strategic targets set in ‘Policy BSC 1: District Wide Housing Distribution’.”

5.34 There are 24 Category A villages. Some so far have delivered few or no houses (e.g. Deddington, Steeple Aston and Cropredy). In order to protect and support the district-wide housing strategy it is undesirable for the 750 homes total to be significantly exceeded. The opportunity for Category A villages to meet local housing needs would become more difficult if they are unable to do so via Policy Villages 2 during the second half of the Plan period. In other words, by giving due respect to the strategic importance and role of the 750 homes total, there is now little scope for other Category A settlements to meet their needs from 2019 to 2031, including affordable housing needs, without undermining the strong urban focus of the Development Plan.

5.35 The Council is therefore in a strong position regarding this rural housing allocation at a relatively early point in the plan period and in recent appeals Inspectors have agreed that this reduces the weight that should be given to the benefits of the new housing proposed under Policy Villages 2. Recent inspectors have noted the following:

*‘Based on the housing land supply position and the large percentage of houses already built or granted permission in Category A villages against the 750 total in Policy Villages 2, there is no pressing need for the proposed development in terms of housing delivery.’ (para 31 of APP/C3105/W/17/3187461 for 37 dwellings in the Category A village of Cropredy) (Full copy of decision at **Appendix 6**)*

'It is agreed that, as set out in Policy Villages 2 of the LPP1, villages such as Kirtlington are able to accommodate limited additional housing of the scale proposed and that this could mean sites adjacent to the settlement boundary such as the appeal site. However, the housing needs of the District are currently being met and over 75% of the housing allocated through Policy Villages 2 has already been approved. This therefore reduces the weight to be afforded to this matter' (para 13 of APP/C3105/W/17/3178077 for 10 dwellings in the Category A village of Kirtlington)

'I concur with the Council's view that, although the 750 allocation should not be viewed as a maximum, this puts the Council in a strong position in relation to finding sites for rural housing at this early stage in the life of the CLLP1 and there is no pressing need for the development in terms of housing delivery.' (para 8 of APP/C3105/W/17/3189420 for up to 25 dwelling in the Category A village of Finmere)

5.36 Given the above, it is considered that weight that can be attributed to the new housing is reduced, and that the poor access to services and facilities in the village and surroundings area, outweighs the economic benefits associated with the new housing.

5.37 In conclusion on matters of principle the Council submits that there is not overriding need for the appeal scheme on housing delivery grounds given the strong housing land supply of the Council and the progress made towards granting consent for the 750 dwellings under Policy Villages 2. Given the limited services and facilities in Sibford Ferris, alongside the distance and links to other settlements with a wider extent of services and facilities, the provision of 25 dwellings on the Site would amount to an unsustainable form of growth and would be odds with rural housing strategy in contained in policies ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan and advice in the NPPF which seek to assign growth to the most sustainable locations where dependency on the car can be reduced. It would also reduce the flexibility of the Development Plan to respond to future identified housing needs in other Category A settlements where sufficient services and facilities may exist. The principle of the development is therefore considered to be unacceptable.

Policy Villages 2: Site specific criteria

5.38 The final part of Policy Villages 2 introduces 11 criteria for considering sites at Category A villages. The appeal proposal performs poorly in respect of these criteria and, on balance, it represents unsustainable development.

“Whether the land has been previously developed land or is of lesser environmental value;
The appeal proposal fails. The land is not previously developed land nor of lesser environmental value.

Whether significant adverse impact on heritage and wildlife assets could be avoided;
Pass.

Whether development would contribute in enhancing the built environment;
Fail. Refusal reason 2.

Whether best and most versatile agricultural land could be avoided;
Fail. Refusal reason 2.

Whether significant adverse landscape impacts could be avoided;
Neutral. Refusal reason 2. The Council submits the proposal would cause unacceptable harm to the character and appearance of the area, open rural countryside and rural edge of village setting, but stops short of asserting adverse landscape impacts,

Whether satisfactory vehicular and pedestrian access/egress could be provided;
Pass.

Whether the site is well located to services and facilities;
Fail. For the reasons set out in this statement, the site is not well located to services and facilities.

Whether necessary infrastructure could be provided;
Pass.

Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;
Pass.

Whether land the subject of an application for planning permission could be delivered within the next five years;
Pass.

Whether development would have an adverse impact on flood risk.”

Pass.

Refusal Reason 2: Impact on character and appearance of area

- 5.39 *By virtue of its extension beyond the built limits of the village on a greenfield site and in an area of Grade 2 (very good) agricultural land and its visual impact on the rural character and appearance of the locality, the proposed development would cause unacceptable harm to the character and appearance of the area, open rural countryside and rural edge of village setting, failing to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.*
- 5.40 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, and that the creation of high quality places is fundamental to what planning should achieve. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 127 highlights that development should:
- function well and add to the overall quality of the area
 - be sympathetic to local character and history
 - establish and maintain a street sense of place using the arrangements of street and spaces to create attractive and distinctive places.
- 5.41 Paragraph 130 states that permission should be refused for development of poor quality that fails to take the opportunities available for improving the character and quality of an areas and the way it functions.
- 5.42 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*
- a. Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*

b. Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”

5.43 Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

a. Cause undue visual intrusion into the open countryside;

b. Cause undue harm to important natural landscape features and topography;

c. Be inconsistent with local character;

d. Harm the setting of settlements, buildings, structures or other landmark features;

e. Harm the historic value of the landscape.”

5.44 Saved Policy C28 of the Cherwell Local Plan 1996 has been cited in the second refusal reason but relates more particularly to detailed proposals, i.e. matters of layout, design and external appearance.

5.45 In accordance with the paragraph 126 of the NPPF that Council has also adopted the Cherwell Residential Design Guide SPD (July 2018) (**Appendix 12**). In this respect the site lies within Ironstone Downs area where most villages are small and either linear or nucleated in form. positioned in valley locations either on the valley sides, at the head of the valley or on the brow of the hill, and are generally only visually prominent where the valleys are open and wide. It also notes new development should avoid responding to the wrong context, for example taking precedent from poor quality development, and should focus on the positive elements of an area. It goes on to note that new development should follow the historic pattern of growth and development of individual sites as discrete housing estates, off a single main access with little connectivity should be avoided (section 4.6).

5.46 The appeal proposal would result in the development of a greenfield site, and the loss of what is presently open, rural countryside. Even the highest quality housing development of this scale would have an urbanising effect on the site and its immediate surroundings.

- 5.47 The village is characterised by linear development with various offshoots (closes) that each comprise a small handful of houses. The exception to this is the Cotswold Close development on the east side of the Hook Norton Road, opposite the appeal site.
- 5.48 The appeal proposal would result in a cul de sac development of substantial size relative to that of the existing village and by virtue of its scale and location would result in significant harm to the character and appearance of the area and to the setting of the village and would cause undue visual intrusion into the countryside.
- 5.49 It is particularly important to note that the appeal site is categorised as Grade 2 (very good) agricultural land, and therefore the proposal would lead to the loss of the best and most versatile agricultural land. This counts significantly against the appeal proposal. That much of Sibford Ferris/Sibford Gower/Burdrop may be surrounded by Grade 2 agricultural land does not justify its loss.
- 5.50 In addition, it is important to note that while the site was identified within the 2017 Housing and Economic Land Availability Assessment (HELAA) as having potential for new residential development, the HELAA concluded that development should be confined to the north-eastern corner of the site, and to a development of 10 dwellings.
- 5.51 The reason for this limit to the number of dwellings developable at the site was the potential for visual intrusion into the open countryside and detrimental impacts on the surrounding valued rural landscape. There are significant views of the site from the adjacent public rights of way and distant views appreciable from across the valley north of the site. The HELAA identifies this visual and landscape impact as a constraint to the developable area of the wider site.
- 5.52 The appeal proposal extends further to the west than the HELAA assessed as acceptable and the layout and pattern of development would not be consistent with the characteristics of Sibford Ferris.
- 5.53 The Council submits that the additional 15 dwellings proposed here extends the built form beyond that north-eastern corner to an extent which is demonstrably harmful to the character and appearance of the area and the rural edge of village setting.

Planning Obligation

- 5.54 The final reason for refusal relates to the absence of a legal agreement to secure the infrastructure required to support and mitigate the impacts of the proposed development. In this case Policy BSC10 and BSC11 of the Cherwell Local Plan 2015 requires the provision of open space to support new housing growth. In accordance with 'Table 7: Local Standards of Provision' of the Cherwell Local Plan Part 1 (2015) the proposal requires a local area of play (LAP) (100sqm activity zone with 400m buffer) and contributions to the maintenance of on-site trees, hedgerows and drainage features. Policy BSC3 requires the provision of 35% affordable housing as part of the development. In accordance with the Developer Contributions SPD (2018) (**Appendix 13**) financial contributions are required towards the provision of refuse/recycling bins for the development, and towards improvements to off-site indoor and outdoor sports facilities and new community facilities or the improvement/expansion of existing facilities where there is insufficient space capacity in existing appropriate facilities.
- 5.55 The County Council is also requesting financial contributions in respect of public transport infrastructure and a traffic regulation order re alteration to the speed limit on Hook Norton Road.
- 5.56 The Appellant has approached the Council with regard to a draft Section 106 agreement in an attempt to address this reason for refusal. The Council considers it likely that progress will be made in this regard and the parties may be able to agree planning obligations that would be required in the event of the appeal being allowed. In the meantime, however, the 3rd reason for refusal stands.

Planning Balance

- 5.57 The purpose of the planning system is to contribute to the achievement of sustainable development which means pursuing the economic, social and environmental objectives in mutually supportive ways. The planning system should also be genuinely plan led.
- 5.58 The proposed development would result in some modest social and economic benefits associated with the provision of 25 dwellings on the Site.

- 5.59 However, these matters are not considered to outweigh the conflict with the Development Plan and the Council submits that significant environmental harm that would result from the development. As outlined within this statement the principle of development would conflict with the Council's rural housing strategy in that future occupants would have poor access to services and facilities and be highly reliant on the private car to meet their day to day needs. It would therefore not manage growth in a manner to reduce the need to travel and the proposal would conflict with Policy ESD1 and Policy Villages 2 in this respect.
- 5.60 It would also result in the loss of a mainly greenfield site that is Grade 2 (very good) agricultural land and would result in significant visual harm to the locality and detrimentally impact on the character and quality of the natural and built environment and would fail to reinforce local distinctiveness. The proposal would result in the loss of open rural countryside and the erosion of the rural setting of the village.
- 5.61 Furthermore, the proposal would not adequately provide for the necessary infrastructure to off-set the impacts of the development. The Council therefore submits that when assessed as a whole the proposed development conflicts with the Development Plan and there are not considered to be any material considerations which outweigh this conflict.
- 5.62 For the above reasons, the Inspector is respectfully requested to dismiss the appeal.

Appendix 1: Housing Land Supply Update July 2018

Appendix 2: Ministerial Statement on Housing Land Supply in Oxfordshire

Appendix 3: Category A Settlements

Appendices 4 – 8 and 11: Appeal decisions

Appendix 9: Table of residential completions and permissions for the district, with a baseline date of 31st March 2019

Appendix 10: Housing provision at Category A villages up to 31st March 2019

Appendix 12: Cherwell Residential Design Guide (2018)

Appendix 13: CDC Developer Contributions SPD (2018)

Appendix 14: Suggested draft conditions

Officer: Nathanael Stock

Dated: August 2019

Appendix 2: Ministerial Statement on Housing Land Supply in Oxfordshire

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2018-09-12/HLWS924/>

My Rt. Hon Friend, the Secretary of State for Housing, Communities and Local Government (James Brokenshire) has today made the following Written Ministerial Statement.

In March this year the Government committed to the Oxfordshire Housing and Growth Deal, to support ambitious plans to deliver 100,000 homes by 2031. The Oxfordshire-wide Joint Statutory Spatial Plan to be adopted by 2021 will be supported by £215 million of funding to help deliver more affordable housing and infrastructure improvements to support sustainable development across the county.

Paragraph 217 of the National Planning Policy Framework sets out that the Government will explore potential planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered. Such freedoms and flexibilities are to be considered by the Government on a case by case basis. In this instance the Government has worked closely with the authorities in Oxfordshire to agree planning freedoms and flexibilities that will support the ambitious plan-led approach through a Joint Spatial Strategy and the Housing Deal.

As part of the Housing Deal, Oxfordshire sought flexibility from the National Planning Policy Framework policy on maintaining a 5 year housing land supply. This policy supports the delivery of housing by ensuring sufficient land is coming forward to meet housing need. However, we recognise the ambitious plans in Oxford to deliver above their housing need in the long term. The Government wants to support this strategic approach to supporting housing delivery through joint working. We have therefore agreed to provide a short term flexibility which will support the delivery of the local plans for the area and ensure that the local authorities can focus their efforts on their Joint Spatial Strategy. The Government recognises that in the short term this will result in fewer permissions being granted under paragraph 11 of the National Planning Policy Framework but the Government believes that it is important to support these ambitious plans that will deliver more housing in the longer term.

Having considered the responses from a local consultation, which closed on the 12th July 2018, I am today implementing a temporary change to housing land supply policies as they apply in Oxfordshire.

For the purposes of decision-taking under paragraph 11(d), footnote 7 of the National Planning Policy 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). This policy flexibility does not apply to the Housing Delivery Test limb of footnote 7 of the National Planning Policy Framework nor plan making policy in paragraph 67. If a local authority intends to fix their land supply under paragraph 74 they will still be required to demonstrate a minimum of five year supply of deliverable housing sites, with the appropriate buffer.

This statement is a material consideration in planning decisions and applies to those local planning authorities in Oxfordshire with whom the Government has agreed the Oxfordshire Housing and Growth Deal, namely Cherwell District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council. This statement applies from today and remains in effect until the adoption of the Joint Statutory Spatial Plan in each area, provided the timescales agreed in the Housing and Growth Deal are adhered to. I will monitor progress against these timescales and keep the planning flexibility set out in this statement under review.

Appendix 3: Category A Settlements

CATEGORY A VILLAGES RANKED BY PARISH POPULATION SIZE (2011 CENSUS)

Parish	Population Size	No. of dwellings (pro rata – minimum 10)
1. Kidlington	13723	235
2. Bloxham	3374	58
3. Adderbury	2819	48
4. Yarnton	2545	44
5. Ambrosden	2248	39
6. Deddington	2146	37
7. Bodicote	2126	36
8. Hook Norton	2117	36
9. Arncott	1738	30
10. Launton	1204	21
11. Kirtlington	988	17
12. Sibford Ferris/Gower	984	17
13. Steeple Aston	947	16
14. Bletchingdon	910	16
15. Chesterton	850	15
16. Begbrooke	783	13
17. Fritwell	736	13
18. Cropredy	717	12
19. Milcombe	613	10
20. Fringford	602	10
21. Wroxton	546	10*
22. Weston on the Green	523	10*
23. Finmere	466	10*
TOTAL	43705	752

*The actual pro-rata figure is less than 10

Appendix 14: Suggested draft conditions

1. No development shall commence until full details of the access, layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. In the case of the reserved matters, the final application for approval shall be made later than the expiration of three years beginning with the date of this permission. Each application shall demonstrate how the design and access principles shown on drawings 6426/SAP3/PP Rev. C - Parameter Plan and 6426/ASP4/LSP Rev. A - Landscape Strategy Plan have been used to inform the reserved matters.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development to which this permission relates shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement; Flood Risk Assessment; Arboricultural Impact Assessment; Ecological Impact Assessment; Archaeological Desk-Based Assessment; Flood Risk Assessment and drainage Strategy Report and drawings

labelled: 3361.101 - Concept Schematic, 6426/SAP3/PP Rev. C - Parameter Plan and 6426/ASP4/LSP Rev. A - Landscape Strategy Plan.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway shall be submitted to and approved in writing by the Local Planning Authority. The access shall be broadly in accordance with the positioning indicated on the approved plan 3361.101 - Concept Schematic, 6426/SAP3/PP and include details of layout, and vision splays. Thereafter, and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

6. Prior to the first occupation of the development hereby approved a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter and upon occupation the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: In the interests of sustainability, to ensure all residents are aware of the travel choices available to them from the outset and to ensure a satisfactory form of development and in accordance with Policies PSD1, SLE4 and ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, full details of a surface water drainage scheme for the site, detailing all on and off site drainage works required in relation to the development which shall be broadly in accordance with the drainage proposals set out in the submitted Flood Risk Assessment produced by JNP Group Consulting Engineers (unless otherwise agreed in writing), and which shall include a Sewer Modelling Assessment, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried other than in accordance with the approved scheme, until which time no discharge of foul or surface water from the site shall be accepted into the public system. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- SUDS (Permeable Paving, Soakaways, Infiltration devices, Attenuation Pond, Swales)
- Maintenance and management of SUDS features, to include a SuDS management and maintenance plan
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365 (To include comprehensive infiltration testing and annual monitoring and recording of groundwater levels across the site)
- Detailed drainage layout with pipe numbers
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a flood exceedance route plan)

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to comply with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP), showing how all habitats on site will be created,

managed and funded and to include details of a bat and bird box scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in strict accordance with the approved CEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme..

11. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Prior to or as part of the first reserved matters submission, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement should:

- be structured according to the energy hierarchy in ESD2 with information provided on each element of the hierarchy;
- inform and be reflected in the reserved matters;
- include a description of the development, number and type of residential units;
- Demonstrate sustainable construction methods as per Policy ESD 3; and
- Consider the use of renewable energy to supply the development.

Thereafter, the development shall be carried out in strict accordance with the recommendations and measures contained in the approved Energy Statement.

Reason: In the interests of sustainability, and to deliver low carbon development to mitigate the impacts on climate change, in accordance with Policies ESD1 to 3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.