



**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL AGAINST CHERWELL DISTRICT COUNCIL'S DECISION TO REFUSE  
PLANNING PERMISSION**

**IN RESPECT OF A PLANNING APPLICATION (20/00964/OUT) FOR  
OUTLINE PLANNING PERMISSION FOR THE ERECTION OF UP TO 8  
DWELLINGS IN THE DOMESTIC CURTILAGE OF THE BEECHES**

**AT  
THE BEECHES, HEYFORD ROAD, STEEPLE ASTON,  
OXFORDSHIRE, OX25 4SN**

**APPELLANT:  
MR ADRIAN SHOOTER**

**REBUTTAL STATEMENT**

**FEBRUARY 2021  
LPA REFERENCE. 20/00964/OUT  
GM/10100**

## 1.0 INTRODUCTION

1.1 Framptons have been instructed by Mr Adrian Shooter (the Appellant) to prepare this rebuttal statement to respond to the statements made by third parties in respect of the appeal (3261087) on land at The Beeches, Heyford Road, Steeple Aston.

## 2.0 SUBMISSIONS

2.1 Three statements have been received by third parties, the Mid-Cherwell Neighbourhood Plan Group, CPRE and a neighbour. The three statements stress concerns in respect of the following matters:

- Policy Villages 1
- Policy Villages 2
- MCNP policy PD1
- Settlement Area
- Previously Development Land
- Loss of biodiversity
- Traffic Impact

2.2 This rebuttal addresses the above matters.

### **Cherwell Local Plan Policy Villages 1**

2.3 Policy Villages 1 identifies that Steeple Aston is a Category A village. This identification as a Category A village anticipates that minor development, primarily, infilling and conversions will be considered suitable as such settlements are considered to be larger and to have a range of facilities sufficient to support such development. The Cherwell Local Plan itself did not seek to define, in map terms, the built-up area boundary.

### **Cherwell Local Plan Policy Villages 2**

2.4 Policy Villages 2 deals with the distribution of growth across the rural areas and specifically anticipates that a total of 750 homes will be delivered at category A villages. It states *“this will be in addition to the rural allowance for small site “windfall” and planning permission for 10 or more dwellings as at 31 March 2014”*.

2.5 The policy goes on *“sites will be identified through the preparation of Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission”*.

2.6 A recent committee report, in respect of another proposal at Kidlington, has set out the following with regard to Policy Villages 2:

*“9.15. The Council’s most recent AMR (December 2019) sets out that 953 dwellings have been identified for meeting the Policy Villages 2 requirement which are sites with either planning permission or a resolution to approve and are identified, developable sites. This is made up of 582 dwellings either complete or under construction, 333 dwellings with planning permission and 38 dwellings that are considered developable (this 38 is made up of two sites – one with a resolution for approval and one for which the planning permission has lapsed).*

*9.16. In recognition that not all sites will necessarily be developed or will not necessarily deliver the full number of dwellings granted, a 10% non-implementation rate has been applied to sites with permission but on which development has not yet started. This reduces the 333 dwellings (i.e. those with planning permission but not implemented) reported in paragraph 9.15 to 300 dwellings. This would give the number of dwellings identified under Policy Villages 2 either completed, under construction, with planning permission or developable as 920 dwellings. There was also a further resolution for approval granted for a site at Fritwell at the December 2019 Planning Committee for 28 dwellings, which would be additional to the 920 dwellings.*

*9.17. Five appeal decisions have been received over the past year which have considered the application of Policy Villages 2. These are for sites at Launton, Ambrosden, Bodicote, Sibford Ferris and Weston on the Green. The first four were allowed, and the numbers approved at those four sites are included within the figures. The key conclusions resulting from the Launton, Bodicote, Weston on the Green and Sibford Ferris appeals can be summarised as:*

- *The Policy Villages 2 number of 750 dwellings has not been ‘delivered’ yet.*
- *The number of 750 has development management significance in terms of the Local Plan strategy.*
- *Not all dwellings approved might be delivered (hence the Council’s inclusion of a 10% non-implementation rate in the most recent AMR)*

- *The number of dwellings proposed must be considered as to whether that number would undermine the strategy of the Local Plan*
- *There is no spatial strategy to the distribution of the 750 houses allocated in the rural areas under Policy Villages 2 beyond distribution to the Category A villages.*
- *Assessment of the sustainability of the settlement in question is required, and indeed this has been a primary consideration in a number of appeals relating to major housing development at Category A villages, with appeals at Finmere, Fringford and Weston on the Green having been dismissed, in each case the sustainability of the settlement being a key issue.”*

2.7 As set out in the Statement of Case, recent appeals (Weston on the Green – 3233293; Sibford Ferris - 3229631; Bodicote – 3222428; Ambrosden - 3228169; and, Launton – 3188671) have confirmed that the 750 homes figure provided under Policy Villages 2 is not a cap, ceiling or limit (para 10 of Bodicote Appeal and para 11 of Ambrosden appeal).

2.8 Policy Villages 2 allows for development outside the built-up limits of settlements where certain criteria are met. The criteria are as follows:

- Whether the land has been previously developed land or is of lesser environmental value
- Whether significant adverse impact on heritage or wildlife assets could be avoided
- Whether development would contribute in enhancing the built environment
- Whether best and most versatile agricultural land could be avoided
- Whether significant adverse landscape and impacts could be avoided
- Whether satisfactory vehicular and pedestrian access/egress could be provided
- Whether the site is well located to services and facilities
- Whether necessary infrastructure could be provided
- Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period
- Whether land the subject of an application for planning permission could be delivered within the next five years
- Whether the development would have an adverse impact on flood risk.

2.9 As concluded in the statement of case, it is considered that the proposals satisfy the criteria set out at Policy Villages 2.

### **MCNP Policy PD1**

2.10 Policy PD1 of the MCNP provides a series of criteria for residential development outside any settlement areas of the villages. This criteria is:

- a) The site should be immediately adjacent to the settlement area
- b) The site should not be the best and most versatile agricultural land and the use of previously developed land is particularly likely to be acceptable.
- c) The development should conserve and, where possible, enhance the landscape.
- d) The development should conserve and, where possible, enhance the special interest, character and appearance of the conservation areas and the significance of other heritage assets (see Appendix K: Heritage and Character Assessment).
- e) The development should not give rise to coalescence with any other nearby settlement. This particularly applies to Steeple Aston and Middle Aston.

2.11 As concluded in the statement of case, it is considered that the proposals satisfy the criteria set out at Policy PD1.

### **Settlement Area**

2.12 This site is immediately adjacent to the built form and settlement area of Steeple Aston, as identified in the MCNP.

2.13 It is readily apparent both in plan form and on the ground that this criterion is met. Indeed, as much is acknowledged in the second sentence of paragraph 8.17(a) of the officers delegated report, which sets out that *“Whilst the red outline boundary of the application site sits adjacent the settlement boundary at the north-eastern corner of the site, the development site significantly extends beyond the western edge of the settlement boundary”*.

2.14 The officer’s suggestion that the effect of a tree line within the site would mean that the location is *“somewhat divorced from the existing pattern of residential development”* is not a criterion within the policy and is considered irrelevant.

## Previously Developed Land

- 2.15 Policy BSC 2 of the Cherwell Local Plan sets out that *“housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations”*. The site is previously developed land (which has been agreed at pre-application discussions and also in the officers report at para 8.17b) and is therefore consistent with Policy BSC 2. The Framework (paragraph 117) also confirms that *“Planning policies and decisions should promote an effective use of land in meeting the needs for homes...”* it also considers that this should be done *“in a way that makes as much use as possible of previously-developed or ‘brownfield’ land”*.
- 2.16 The extent of the previously development land can be seen on the ‘Site Survey - Built Development to be removed’ plan (document CD B3).

## Loss of Biodiversity

- 2.17 The Ecological Impact Assessment (EIA) (CD A5) undertook a Phase 1 Habitat survey as well as assessing the site for protected and priority species. The woodland and hedgerows are likely to be indirectly impacted through increased noise and light disturbance, however a number of recommendations have been made in the EIA which will ensure that the development avoids impacts to protected species and off-sets biodiversity loss. All other habitats on Site were either considered to have negligible value to ecology or were not due to be impacted by the proposed development.
- 2.18 A landscape strategy (drawing no. 7140/ASP3) (CD A14) has been produced to maximise the biodiversity opportunities on site. It is proposed that any detailed application should follow this landscape strategy.
- 2.19 Proposed biodiversity enhancements include:
- Existing planting on western boundary to be enhanced with proposed native tree and shrub planting;
  - Proposed posted rail fencing to maintain 3m buffer to site boundary;
  - Ornamental planting to front of properties to provide visual and ecological value;

- Proposed area of open space planted with native tree and shrub planting to encourage biodiversity; and,
- Feature specimen Beech tree to be planted to connect existing entrance Beech and site name.

2.20 The submitted Biodiversity Impact Assessment (CD A5) and subsequent DEFRA Biodiversity Metric Calculation (CD G1) confirms that the proposals would achieve a net biodiversity gain, as set out below:

- Habitat units +0.80 (+18.95%)
- Hedgerow units +1.54 (+98.26%)

### **Traffic Impact**

2.21 The Transport Statement accompanying this application (CD A10) demonstrates that access, both vehicular and pedestrian, can be provided at this site. The Access Plan (drawing no. 20388-02) demonstrates vehicular access can be satisfactorily be delivered. The development will be served from an existing improved access road into the site.

2.22 The Transport Statement also demonstrates that a footpath connection can be provided to join up with the formal footpath which currently exists along Heyford Road. This will provide a formal footpath link to the village. It is proposed that two crossings will be provided, one close to the entrance of the site and a second which crosses back over Heyford Road to join the formal footpath.

2.23 The Transport Statement concludes that the development impact is minimal and will have no material adverse impact on the local highway network.



### 3.0 CONCLUSIONS

- 3.1 It is considered that the matters raised in the submitted statements by third parties have been addressed in the statement of case and in this rebuttal.
- 3.2 As set out in the Statement of Case, the Appellant submits that the proposal is one that clearly should be permitted. It comprises in a modest and appropriate scale of development, on previously developed land adjacent to a Category A village and where there are no technical objections to withhold consent.
- 3.3 In addition, it will be submitted that the LPA has failed to have proper regard not only to the terms of the application but a proper interpretation and application of policy and which has led to the refusal of a sustainable development which would make efficient use of brownfield land.