

Pre-Hearing Note

APPEAL REF: APP/C3105/W/21/3278536

North of Station Road, Hook Norton Easting (x) 436204 Northing (y) 233632

Appellant: Greystoke Land Ltd

Local Planning Authority: Cherwell District Council

Background

1. A one-day hearing relating to the above appeal will take place at 1000 on Tuesday 14 June 2022 at Council Chamber, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA. It will be conducted by Mr M Russell BA (Hons) DipTP MRTPI, who is the Inspector appointed by the Secretary of State for Housing, Communities and Local Government to determine the appeal. Whilst it is very likely that the hearing will be finished within one day, it would be helpful if the parties ensured that they were also available the next day just in case things overrun.
2. The hearing will be conducted as a fully face-to-face in-person event with the main parties present. However, the local authority should have arrangements in place for the event to be held fully virtually or for a hybrid event (part face-to-face/part virtual) should pandemic restrictions change.
3. The purpose of this pre-hearing note is to explain how the event will operate in a fair, open and transparent way and what should be done to ensure it runs smoothly. **Several tasks are set out in this note which should be actioned.**

Format

4. The Inspector will start the event in the usual way by running through several preliminary matters. A preliminary agenda is at the end of this note, but it could well change. The Inspector will issue a final version shortly before the event.
5. The hearing will be run as a structured discussion with the Inspector asking a series of questions in respect of the main issues. All parties who so wish, will be given an opportunity to speak. The Inspector will ensure there are regular breaks. These will probably take place between discussions on the main issues and are likely to be every hour or so.

Late Evidence

6. It is not anticipated that there will be any need for additional documents to be handed up during the hearing. You should review your cases promptly to ensure that is the case. The parties are reminded of the ramification in terms of any new or late evidence from an award of costs points of view.

Additional Information including Statement of Common Ground

7. The Inspector notes that a joint Statement of Common Ground (SoCG) has not been provided by the main parties. This was due by 13 January 2022 (as set out in the hearing start letter dated 9 December 2021). In order to assist the Inspector in preparing for the hearing, it is requested that the parties work together to provide a final joint version of an SoCG which addresses the following matters:
 - The statement of cases provided by the main parties suggest that there is common ground that the Council cannot currently demonstrate a five-year housing land supply. The SOCG should set out the up-to-date position in this regard and whether or not this is agreed. Confirmation of the Housing Delivery Test measurement for the area and any up-to-date housing land supply information / monitoring reports in this respect should also be provided.
 - A focus on areas of disagreement.
 - List of relevant development plan policies, adoption dates and their current status
 - Include the agreed list of drawings, documents and supplementary letters.
 - The inclusion of, without prejudice, an agreed list of suggested conditions (with full suggested wording thereof). This should include the express agreement of the appellant to any suggested pre-commencement conditions.
8. Reason for refusal No.2 on the Council's decision notice relates to the absence of a planning obligation to meet requests made for infrastructure and affordable housing contributions. Requests from the Council for payments of money towards infrastructure could not be dealt with by planning condition and could only be secured by way of a planning obligation. The evidence before the Inspector suggests that the appellant would be willing to enter into a planning obligation, however this has not been provided. If the appellant intends to submit a planning obligation, at least a draft version should be submitted no later than Tuesday 7th June 2022. A completed planning obligation would then need to be provided by 13th June 2022.
9. The Inspector notes the list of potential contributions listed at paragraph 2.31 of the appellant's statement of case. The main parties should work closely together to discuss whether or not that list covers all the Council's requested infrastructure requirements. For example, the consultation responses received by the Council during the planning application process included a request for a 'Public realm/ Public Art contribution of £9,632'. This is not listed by the appellant and it is not clear whether the Council would be seeking such a contribution.
10. Within the documents provided, the Inspector also notes mention of the Council's Developer Contributions Supplementary Planning Document. Please could a copy be provided.
11. In the event that a planning obligation is to be submitted, the Council should prepare a CIL Compliance Statement setting out how each of the obligations requested meet the relevant tests for planning obligations set out in the Framework and the CIL Regulations. This should be provided at the same time as the SOCG, and it would be preferable for this to be agreed with the appellant. However, if any aspects are not agreed, the areas of agreement and disagreement should be set out in the SOCG.

12. Please also provide a list of the expected attendees representing the main parties as well as confirmation from the council as to whether any third-parties have expressed a desire to attend the hearing including by virtual means if necessary.
13. In order to ensure the smooth running of the hearing, the Inspector would appreciate the above documents and information asap and by **no later than Tuesday 7th June 2022.**

Site Visit

14. The Inspector will need to visit the appeal site. It is likely that the site visit will be undertaken on the day once the hearing has been closed. However, this depends on the length of the hearing discussions. The Inspector intends to undertake an Access Required Site Visit. The appellant will need to arrange access to the appeal site for the Inspector and the time/date will be discussed at the hearing prior to the closing. The Inspector reserves his position in terms of whether he will also visit the appeal site in advance of the hearing, albeit only viewing the site/surroundings from public land.

Provisional Main Issues

15. The Inspector provisionally considers that the main issues are:
 - (i) The effect of the proposal on the character and appearance of the area including landscape character; and
 - (ii) Whether the development would make adequate provision for affordable housing and any other necessary infrastructure requirements arising from the development.

Provisional Agenda

1. Introduction, opening formalities and points of clarification.
2. The effect of the proposal on the character and appearance of the area including landscape character; and
3. Whether the development would make adequate provision for affordable housing and any other necessary infrastructure requirements arising from the development.
4. Any other considerations – including, if any, additional comments to be made by other interested parties.
5. Planning conditions (without prejudice).
6. Applications for costs.
7. Arrangements for the site visit and closing.