

**TOWN AND COUNTRY PLANNING ACT 1990**

**AGAINST THE DECISION OF CHERWELL DISTRICT  
COUNCIL TO REFUSE PLANNING PERMISSION FOR**

**ERECTION OF UP TO 43 NEW HOMES, ACCESS FROM STATION ROAD  
AND ASSOCIATED WORKS INCLUDING ATTENUATION POND**

**AT LAND OFF RAILWAY HOUSE, STATION ROAD, HOOK NORTON**

**ON BEHALF OF GREYSTOKE LAND LTD**

**LPA REF: 21/0500/OUT**

**APPELLANT REF:**

**PF/10430**

**PINS REF**

**APP/C3105/W/21/**

**3278536**

**DRAFT STATEMENT OF COMMON GROUND**

**June 2022**

## 1.0 INTRODUCTION

- 1.1 This Statement has been prepared jointly by the Appellant and Cherwell District Council.
- 1.2 This Statement refers to the S78 Planning Appeal against the Council's decision to refuse planning permission for land at Station Road, Hook Norton (Ref: 21/00500/OUT) for:

*'The erection of up to 43 new homes, access from Station Road and associated works including attenuation pond.'*

- 1.3 An outline planning application was submitted on the 16<sup>th</sup> February 2021 and refused by Planning Committee on the 17<sup>th</sup> June 2021 by Notice dated 21<sup>st</sup> June 2021.

- 1.4 The formal plans on which the decision of the Council has been taken are as follows:

- Dwg No. 20147.201 Site Location Plan
- Dwg No. 22263-01 Rev C Proposed Site Access

- 1.5 The application submission included a full set of supporting information.

- 1.6 This Statement sets out agreed matters of fact and the agreed positions between the Council and the Appellant in respect of this appeal, comprising:

- a description of the site and surroundings;
- a list of relevant planning policies and other policy documents;
- a list of other material considerations;

- matters relating to site status and designation;
- technical and environmental issues;
- matters relating to the benefit of the scheme; and
- the statement summarises those areas of disagreement between the parties

## 2.0 MATTERS AGREED BETWEEN THE PARTIES

### Description of the site and surroundings

- 2.1 The site is 2.26 hectares and is located at land at Station Road, Hook Norton. The appeal site forms part of a larger field and is currently open to the eastern side of that field.
- 2.2 The site comprises arable farmland. The site is located outside the built up limits of the village of Hook Norton on the northern side of Station Road. There are existing residential properties to the south of Station Road (The Grange and The Sidings) and west of the site (Ironstone Hollow). Agricultural land lies to the north, west and east. The southern and western edges of the site are lower than the adjoining land levels with a difference of around 1.8 – 2.0m. Vehicular access is proposed off Station Road.
- 2.3 A public right of way runs along the northern edge of the site and a permissive footpath runs along the western side of the site. There are no public rights of way across the site.
- 2.4 The site is not located in a Conservation Area and does not contain any Listed Buildings.

### Accessibility

- 2.5 As a Category A village, Hook Norton has a range of facilities with the village centre focused around the Main Street/Queen Street junction. Facilities include:

- Village shop which includes a post office;
- a butchers shop;
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- The Sun Inn public house;
- Doctors Surgery;
- Dental Practice;
- Baptist Church;
- St Peters C of E Church;
- Fire Station; and
- a sports and social club.

2.6 A Church of England Primary School is located on Sibford Road, with secondary school facilities being provided at Chipping Norton School – both of which have sufficient capacity to meet the educational needs arising from this development.

2.7 The 488 bus route provides an hourly service between Banbury and Chipping Norton, with bus stops located either side of Station Road.

2.8 Overall, Hook Norton is one of the more sustainable Category A Villages and there is no disagreement between the parties as to the principle of residential development on the basis of the categorization of the village.

2.9 There is no up-to-date Housing Needs Survey for Hook Norton.

### **The Development Plan**

2.10 The starting point for the determination of this appeal is the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that:

*'If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

2.11 The Development Plan for the purposes of Section 38(6) comprises:

- Cherwell Local Plan 2011 – 2031 Part 1 (CLP 2015)
- Cherwell Local Plan 1996 Saved Policies (CLP 1996)
- Hook Norton Neighbourhood Plan (HNNP)(2015)

### **Cherwell Local Plan 2015**

2.12 The following CLP 2015 policies are relevant:

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- 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
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution of Growth Across the Rural Areas
- INF1: Infrastructure

## Cherwell Local Plan 1996

2.13 The following CLP 1996 policies are relevant

- H13: Residential development in category 1 settlements
- H18: New dwellings in the countryside
- C2: Development affecting protected species
- C5: Protection of ecological value and rural character of specified features of value in the district
- C7: Landscape conservation
- C8: Sporadic development in the open countryside
- C13: Areas of High Landscape Value
- C27: Development in villages to respect historic settlement pattern
- C28: Layout design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transport funding
- R12: Provision of public open space in association with new residential development.

## Hook Norton Neighbourhood Plan

2.14 The following HNNP policies are relevant

- Policy HN – CC1: Protection and enhancement of local landscape and character of Hook Norton
- Policy HN – CC2: Design
- Policy HN – CC3: Local distinctiveness, variety and cohesiveness
- Policy HN – CC4: Resource efficient design
- Policy HN – CC5: Lighting
- Policy HN – COM2: Public rights of way
- Policy HN – H1: Sustainable housing growth
- Policy HN – H2: Location of housing
- Policy HN – H3: Housing density
- Policy HN – H4: Types of housing
- Policy HN – H5: Provision and retention of affordable housing
- Policy HN – T1: Access and parking
- Policy HN – T2: Non-car transport

2.15 The Council's reasons for refusal of outline planning application 21/00500/OUT refer to the following policies:

- Policy C28 of the CLP 1996
- Policies Village 2, ESD13 and ESD15 of the CLP 2015
- Policy CC1 of the HNNP



2.16 It is agreed that the RfR do not identify conflict with any other policies.

2.17 Notwithstanding the above, the Council now identifies two additional conflicts with policy. It considers there to be conflict with policies H1 and CC3 of the HNNP. However, provided the development is built in two phases of about 20 dwellings each, five or more years apart, the Council regards conflict with HNNP policies H1 and CC3 is limited. The Inspector will need to have regard to these policies in coming to a decision on the appeal.

#### **Other material planning considerations**

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- National Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 2010 (HRS)
- Equalities Act 2010 (EA)
- National Design Guide (2019)

#### **Housing Land Supply**

2.18 The Council's latest position on 5 Year Housing Land Supply, as reported in the 2021 Annual Monitoring Report (AMR), is that Cherwell District presently has a 3.5 year supply for the five year period (2022-2027) commencing on 1 April 2022.

2.19 the Housing Delivery Test for Cherwell, the current figures dated 2021 and show the following:

Number of homes required:

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Statement of Common Ground	9	June
Land off Railway House, Station Road, Hook Norton		2022
On behalf of Greystoke Land Ltd		

2018 - 2019 = 974

2019 – 2020 = 881

2020 – 2021 = 650

Total number of homes required:

2505

Number of homes delivered

2018 – 2019 = 1489

2019 – 2020 = 1159

2020 – 2021 = 1192

Total number of homes delivered

3840

Housing delivery test 2021 measurement:

153%

Housing delivery test 2021 consequence:

None

2.20 Having regard to the Council’s current housing land supply position, i.e. less than a 5-year housing land supply, the most important policies are out of date and paragraph 11d of the NPPF is engaged.

2.21 It is agreed that the provisions of NPPF paragraph 14 in relation to Neighbourhood Plan areas (and the requirement to demonstrate a 3YRHLS) do not apply in this case on the basis of when the Hook Norton Neighbourhood Plan was adopted.

2.22 148 homes (market and affordable) have been granted planning permission at Hook Norton between 1st April 2011 and 30th June 2021. All 148 houses have been completed. Of these 148 houses, 46 are affordable homes.

## Consultees

2.23 There are no objections to the proposal from the following statutory consultees:

- Cherwell District Council Environmental Health Officer
- Environment Agency
- Internal Drainage Board
- Thames Water
- Oxfordshire County Council Highways
- Oxfordshire County Council Education
- Oxfordshire County Council Archaeology
- Cherwell District Council Building Control
- Cherwell District Council Recreation and Leisure
- Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust
- Oxfordshire County Council Drainage (LLFA)

### **The Officer Report to Committee and the Principle of Development**

2.24 The application was reported to Committee with a recommendation for approval at section 11 of that report.

### **Landscape and Visual Impact**

2.25 It is agreed that the site is not subject of any landscape designation.

2.26 Pursuant to NPPF para 174, it is agreed that it is not part of a designated valued landscape.

2.27 It is agreed that the site is not within either an Area of Outstanding Natural Beauty or a National Park, nor is it within the Green Belt.

2.28 It is agreed that the Council could not meet its housing requirements through development of brownfield sites alone and to this extent it is reliant on the development of appropriate

greenfield sites to meet its housing requirement.

### **Heritage**

2.29 It is agreed that there would be no harm to heritage assets if the appeal was to be allowed.

It is agreed that the site does not contain any designated heritage assets and is not located in a Conservation Area, nor does the site include a Listed Building.

### **Impact on Residential Amenity**

2.30 It is agreed by the Parties that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and for future occupiers, with acceptable details to be secured at Reserved Matters stage. As such, the development would be in compliance with saved Policy C30 of the CLP 1996.

### **Transport and Highway Safety**

2.31 The proposed highway works consist of the provision of an access off Station Road.

2.32 Information was submitted with the application, including a Transport Statement and full details of the access. Approval for access is being sought at outline stage.

2.33 Oxfordshire County Council as Local Highway Authority has raised no objection to the appeal proposal subject to conditions and contributions as part of a S106 agreement.

2.34 It is agreed between the Parties that the proposal is acceptable in terms of highway safety and potential impacts on the local road network.

### **Ecology and Biodiversity**

2.35 There is no objection to the principle of development on ecological or biodiversity grounds. The proposals are in accordance with CLP 2015 Policy ESD10.

### **Pollution and Contamination**

- 2.36 It is agreed between the Parties that the proposed development is considered acceptable with regard to pollution and contamination.

### **Drainage and Flood Risk**

- 2.37 It is agreed between the Parties that the appeal site is located within Flood Zone 1 and there are no objections to the development on drainage and flood risk grounds.
- 2.38 The proposed development is considered to be in compliance with Policies ESD6 and ESD7 of the CLP 2015.

### **Sustainable Construction**

- 2.39 It is agreed between the Parties that, although no information is provided at this stage with regards to the final design – and, hence, sustainability measures to be used on the site – the imposition of a condition to secure the sustainability credentials of the development would ensure the development can comply with the sustainable construction aspirations of Policy ESD3 and Section 14 of the NPPF.

### **Infrastructure**

- 2.40 It is agreed that there is no objection based on any lack of infrastructure in the area. It is agreed that the impacts of development on local infrastructure can be addressed through planning obligations

### **Benefits**

- 2.41 It is agreed that biodiversity enhancement is a benefit of moderate weight.

### 3.0 PLANNING OBLIGATIONS

3.1 The following obligations, required to make the development acceptable, will be secured by a completed Section 106 agreement.

- Provision of 35% affordable housing on site
- Payment of a financial contribution towards Community Hall Facilities in the locality
- Payment of a financial contribution towards Outdoor Sports Provision in the locality
- Payment of a financial contribution toward Indoor Sports Provision in the locality
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development
- Payment of a financial contribution towards the improvements to the 488 bus service in the village.
- Payment of the Council's monitoring costs.
- Payment towards Public Art

#### 4.0 CONDITIONS

4.1 Draft conditions agreed between the Council and the Appellant are at CD AS23

#### 5.0 MATTERS NOT AGREED

5.1 The main areas of disagreement between the Parties relate to the following:

5.2 Whether or not the proposed development would cause unacceptable harm to the visual amenities of the rural landscape and open countryside contrary to saved Policy C28 of the Cherwell Local Plan 1996, Policies Village 2, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy CC1 of the Hook Norton Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.

5.3 There is dispute between the parties as to the level of harm to landscape and visual amenity and whether the adverse impacts in this regard would significantly and demonstrably outweigh the benefits of the proposal.

5.4 Whether the development is capable of complementing and enhancing the character of Hook Norton through sensitive siting, layout and high quality design at the Reserved Matters stage.

5.5 Whether the site is adjacent to the built-up limits of Hook Norton.

#### **Weight given to benefits of the development:**

5.6 Market housing. The appellant gives substantial weight. The council gives significant weight

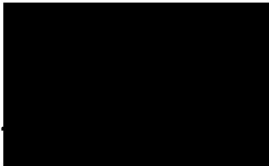
5.7 Affordable housing. The appellant gives substantial weight. The council gives significant weight

5.8 Economy. The appellant gives moderate weight. The council gives limited weight.

**Whether the proposals represent sustainable development**

- 5.9 Whether adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits identified, when assessed against the policies of the Framework as a whole.



Signed: ..........

Name: .....DAVID HUTCHISON..... Date:.....8<sup>TH</sup> JUNE 2022... ..

For Pegasus and on behalf of Greystoke Land Ltd

Signed: ..........

Name: ...ANDREW MURPHY..... Date:.....8<sup>TH</sup> JUNE 2022... ..

For and on behalf of Cherwell District Council