

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY**

**BLUE CEDAR HOMES LIMITED**

**In respect of**

**Refusal of detailed planning permission for erection of 6 one storey age restrict dwellings (55 years) for older people with access, landscaping and associated infrastructure**

**at**

**Land South of Faraday House,  
Woodway Road,  
Sibford Ferris**

D2 Planning Ref: 058/22  
LPA Ref: 21/04271/F

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May 2022

**D2**

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## 1. INTRODUCTION

- 1.1. This statement has been prepared to support an appeal against the refusal of Cherwell District Council to grant detailed planning permission for a residential development (age restricted to 55 years plus) on land to the south of Faraday House, Woodway Road, Sibford Ferris.
- 1.2. Prior to the submission of the planning application and in accordance with the advice in the NPPF (paragraphs 39-46), the appellants entered into pre-application discussions with the Planning Authority, at the end of November 2021. A copy of the Planning Authority's advice is attached at Appendix 1 and concludes that: -

**“This pre-application enquiry seeks advice on the development of an agricultural field with 6 detached bungalows which will be aged restricted in terms of use. The site is located outside the built form of the village and therefore is considered an area of open countryside.**

**Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11(d) of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.**

**The AMR 2021 highlights that the delivery of developments under ‘windfall’ developments over the plan period is now at a position where the total number of housing completions and the number of dwellings permitted at sites where development has commenced has exceeded 754 dwellings at 771. In my opinion, the fact that the figure has been exceeded is not a reason to refuse the application, but the impact of the development has to be taken into account. Plans and decisions should apply a presumption in favour of sustainable development.**

**Overall, it is considered that, in the absence of the necessary supply of housing land at this time, the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through**

**the development of greenfield land, on its own, would not outweigh the proposal's benefits. In light of current guiding national and local policy and based upon the Council's position in terms of housing land supply, it is considered that in this instance the proposal is considered acceptable."**

1.3. The Planning Officer clearly concluded that the appeal proposals could be supported and the site represented a logical development site, particularly as the Council could not identify a 5 year supply of deliverable sites, as well as the recent appeal decision on land to the south.

1.4. The appeal application was submitted on 23<sup>rd</sup> December 2021 and described as: -  
(Application No. 21/04271/F)

**"Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure"**

1.5. The application was accompanied with a range of supporting reports and plans which have all been submitted with the appeal proposals.

1.6. The application was reported to the Planning Committee on 7<sup>th</sup> April 2022. It was recommended that planning permission be granted subject to conditions (Appendix 2) and stated: - (paragraph 10.10)

**"Overall, it is considered that in the absence of the necessary supply of housing land at this time that the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through the development of greenfield land, on its own, would not outweigh the proposal's benefits. Given the above assessment and in light of current guiding national and local policy set out in the report, it is recommended that planning permission be granted in this instance."**

1.7. The appellants sent a briefing note to the members of the Planning Committee which included a briefing note from Leading Counsel. This again concluded that having regard to the relevant policies in the Statutory Development Plan as well as other material considerations, that the decision should be to grant planning permission. The briefing note is attached as Appendix 3.

1.8. The Planning Committee however disagreed with their officer's recommendation and resolved to refuse planning permission for the following reasons: - (Appendix 4)

**“1. By reason of its siting outside of the built limits of the settlement, and having regard to the number of dwellings delivered in the rural areas (770 dwellings completed at 31st March 2021), the proposal represents development in an unsustainable location, remote from key amenities, especially for elderly residents. Notwithstanding the Council's present lack of a five year housing land supply the proposal conflicts with Policy BSC1 of the Cherwell Local Plan 2011-2031 and saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework. This identified harm significantly and demonstrably outweighs the proposal's benefits of providing additional housing.**

**2. By reason of its scale, layout and design, the proposal would be out of keeping with the form and pattern of development in the local area, resulting in significant and demonstrable harm to the character and appearance of the area. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the National Planning Policy Framework.”**

1.9. This statement deals with the various issues arising out of the reasons for refusal. In particular it will deal with the Council's 5 year housing land supply position or indeed, the acknowledged lack of it. The Council cannot demonstrate a 5 year supply of deliverable housing land. There is a shortfall of 1,864 dwellings within the period 2021-2026 and 2,255 dwellings for the period 2022-2027. Clearly, the position of housing delivery is getting worse and is significant. This statement will then assess the planning balance that must be struck in reaching a decision on these proposals.

1.10. Furthermore, as the Local Planning Authority agree that they cannot demonstrate a 5 year housing land supply, paragraph 11(d) applies i.e. the tilted balance. Accordingly,

substantial weight should be given to the provision of housing and in particular, housing to meet the needs of elderly people in this instance.

- 1.11. There is a significant unmet need for elderly persons accommodation in Cherwell District. The appeal proposals offer the opportunity to directly respond to some of that significant unmet need in the area in a sustainable location. It is considered that the provision of such residential accommodation should be afforded significant weight in the determination of this appeal. This issue will be referred to later in this statement.
- 1.12. This statement will conclude that the balance to be struck should be finding in favour of the appeal proposals being allowed and detailed planning permission being granted.

## **2. SITE AND SURROUNDINGS**

- 2.1. The site relates to a parcel of land on the southern edge of Sibford Ferris, some 17km west of Banbury (9 miles). It comprises the northern part of a field in arable use measuring 0.94ha and surrounded by hedgerows.
- 2.2. To the north and east of the site lies residential development (medium/low density one and two storey housing). To the south is a site which has had residential development (25 dwellings) allowed on appeal (see planning history) and to the west the site is bound by Woodway Road. The site effectively forms part of the settlement of Sibford Ferris.
- 2.3. Sibford Ferris is a village located in north west Oxfordshire. At the time of the 2011 Census, the Parish of Sibford Ferris had a resident population of 476 people and 172 dwellings. Adjoining Sibford Ferris is Sibford Gower which had 508 residents and 230 dwellings in 2011. The Parish of Sibford Gower includes Burdrop and together these closely related settlements are known as The Sibfords.
- 2.4. The adopted Cherwell Local Plan 2011-2031 defines Sibford Ferris grouped with adjacent village Sibford Gower as a Category A Service Village. Category A Service Villages represent the most sustainable villages in the district.
- 2.5. Categorisation of villages for the Local Plan was based upon the findings of the Cherwell Rural Areas Integrated Transport and Land Use Study (2009). The 2009 study records Sibford Ferris/Sibford Gower as benefitting from a range of facilities including community facilities, nursery, public house, post offices, primary school, restaurant facilities and retail (food). Full details of the range of facilities and walking/cycling distances to/from the appeal site are included within the Transport Statement which was submitted with the appeal application. It also contains details of public transport etc.
- 2.6. The 2014 Village Categorisation report comprises Sibford Ferris/Sibford Gower with other villages in the District. Whilst the population of the settlement is approximately the medium of those classified as Category A, the level of services/facilities as listed above is extremely high. Over recent years the village has seen very little recent

development to continue to support the local facilities i.e. the appeal proposal to the south of the appeal site is the only recent development.

- 2.7. The Sibfords are therefore one of the most sustainable rural settlements in the District with a range of services and facilities within walking/cycling distance of the proposed development site. Indeed, the appeal Inspector who allowed the appeal on the adjacent land to the south, also came to the conclusion that Sibford Ferris was a sustainable settlement and that the adjoining site was a sustainable development site.



### 3. SITE HISTORY

#### Appeal Site

- 3.1. There have been no planning applications on the appeal site apart from the appeal application.

#### HELA

- 3.2. The appeal site was put forward as a potential development site in the HELA (SF005). The relevant extract is attached as Appendix 5. The HELA concludes that: -

**“This is considered to be a potentially deliverable site for about 20 dwellings in the next five year period subject to satisfying access being achieved and careful design and layout to achieve a satisfactory relationship with the existing dwellings in the vicinity.”**

- 3.3. The appeal proposals fall squarely with the conclusions of the HELA. There is no objection to the proposed access. The appellant worked carefully with the Planning Officer to propose a design that he could support. Furthermore, there are no objections with regards impact on residential amenity.

#### **OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire OX15 5QW**

- 3.4. On 23<sup>rd</sup> December 2019, an appeal was allowed for the construction of up to 25 dwellings on the above site. This site is immediately to the south of the appeal site. The Inspector concluded that: - (Appendix 6) (paragraphs 46-49)

**“The appeal proposals are consistent with the essential thrust of the housing policies included in the adopted CHLPP1. In particular, they are consistent with ESD1 and in line with policies PV1 and PV2. Set against this is the number of dwellings included in extant permissions in the Category A villages across the District which exceeds the 750 dwellings included in policy PV2. However, I do not consider that the appeal proposals represent a material exceedance to this figure given its modest size and they would not undermine policy PV2 and the basis of the local plan. Furthermore, the scheme includes a quantum of affordable units compliant with policy.**

**In addition, the scheme includes other features including a path across the site improving permeability, allotments and local play facilities. These key into some concerns identified in the non-statutory Sibford Action Plan (2012) and are consistent with adopted policies in the CHPP1. I have already identified the obligations included in the completed section 106 agreement which through contributions would improve local highways, restrict speeds into the village along Hook Norton Road and support active lifestyles through contributions to the facilities of the local secondary school and the Sibford School. In addition, 25 new households would go some way to support local services.**

**Whilst the proposed schemes location on the edge of the village does form a limited extension to its current settlement pattern this must be seen in the context of this site set close to Margaret Lane House. The integrity of the landscape character is not compromised by the scheme. The character of the landscape means that the scheme's visual impacts are reduced. Its most sensitive southern boundary can be adequately mitigated through landscaping. The details of this can be determined at reserved matters stage.**

**Taking into account all these matters I conclude that the appeal is allowed and outline planning permission is granted subject to the conditions included in the attached schedule.”**

- 3.5. On 24<sup>th</sup> September 2021, a Reserved Matters application was submitted pursuant to Condition 1 of planning permission 18/01894/OUT and details relating to layout, scale, appearance, landscaping, access and providing for 25 dwellings (Application No. 21/02893/REM). At the time of preparing this appeal, the application had not been determined (Appendix 7). However, it is worth noting that the proposals are for:-

Proposals

- The proposals include the provision of a range of house types, including 1, 2, 3, 4 and 5 bedroom dwellings.

Layout

- The proposed development will be accessed from a single new access point on Hook Norton Road. Dwellings located on the eastern boundary of the site have been designed to provide an active frontage on Hook Norton Road, mirroring existing properties on the opposite side.
- Within the development, dwellings have been designed to be loosely arranged around the central green, which functions as the focal point of development.

Housing Mix

- A range of 1, 2, 3, 4 and 5 bedroom dwellings are proposed across all tenures. The proposals include flatted units, terraced, semi detached and detached dwellings. Affordable housing will be tenure blind in appearance. A tenure mix of 66% affordable rent and 33% shared ownership is proposed.
- The proposals include a range of house types, displaying a mix of formal and informal architectural detailing to respond to the individual character of the surrounding area. The proposed housing mix delivers a variety of house sizes, from larger detached dwellings located to the west and south, and pairs of semi-detached dwellings and two smaller flatted units located to the north east of the site.

Materials

- A range of materials are proposed across the development which reflect the appearance of existing properties within The Sibfords. Materials used include iron stone, brickwork, soft pink and off white render and further details are provided in the table below: -

Dwelling Number	Materials
1 & 2 (flats over garage)	Brickwork
3-12 (terraced dwelling)	Off white render

Dwelling Number	Materials
13-14 (semi detached dwelling)	Natural ironstone
15 (detached dwelling)	Soft pink render
16-19 (detached dwelling)	Natural ironstone
20-21 (semi detached dwelling)	Off white render and ironstone
22 (detached dwelling)	Off white render
23-24 (detached dwelling)	Natural ironstone
25 (detached dwelling)	Off white render

- All dwellings will have slate roofs and garages will be timber framed with corrugated metal roofing. Materials choice has been informed by the requirements of the Cherwell Design Guide.
- Boundary treatments throughout the site differ, from low level hedging and estate railings on the site's frontage with Hook Norton Road, to more formalised hedging on the western most properties with gardens facing onto the open space. A number of properties throughout the development, including those near the main access road have low stone walls as boundary treatment.

- 3.6. On 15<sup>th</sup> October 2021, Condition 13 (archaeology) relating to Application No. 18/01894/OUT was discharged.
- 3.7. On 17<sup>th</sup> January 2022, Condition 5 (access) relating to Application No. 18/01894/OUT) was discharged.
- 3.8. On 16<sup>th</sup> March 2022, an application to discharge Condition 6 (Travel Plan) and Condition 10 (Construction Management Plan) relating to Application No. 18/01894/OUT was submitted (Application No. 22/00787/DISC). At the time of preparing this statement, it had not been discharged.

#### **4. APPEAL PROPOSALS**

- 4.1. A Design and Access Statement was prepared by BBA (Chartered Architects) for the appeal application. This describes the extent of the proposals and the form of development now being proposed.
- 4.2. The Design and Access Statement explains the evolution of the proposed development and states: -

**“A total of 6 dwellings are proposed which reflects the surrounding density of housing and enables the western area of the site to remain open, to retain the green landscape character at the edge of the village.**

**Each unit is proposed to be single storey and have 2 bedrooms, reflecting the intention of the provision of housing specifically for older people. Each of the dwellings would provide floor areas well above the national space standards, creating spacious homes suitable as retirement dwellings, with additional space for any adaptations that might be required.**

**Whilst it is recognised that the majority of buildings within Sibford Ferris are two storey, there are examples of single storey buildings within the street scene of Main Street in Sibford Ferris. In any case, the proposed development would provide accessible dwellings (Building Regulations part M4(2) compliant) which there is a lack of in the area. The comparatively lower ridge heights of the proposed dwellings will reduce the mass of the development when viewed from the countryside to the west and will ensure no amenity issues from surrounding neighbours.**

**M4(2) is an ‘optional requirement’ as defined by the Building Regulations. It will provide a higher level of accessibility that is beneficial to a wide range of people who occupy or visit the dwelling, and with a particular benefit to older and disabled people or those who require the use of a wheelchair.**

**Features will be included at design stage to allow common future adaptations.”**

- 4.3. Further information on the appeal proposals are available in the Design and Access Statement and will be referred to later in this statement.

4.4. The documents that accompanied the appeal application at the time of the Council's decision were as follows: -

- Completed Application forms and ownership certificate;
- Planning Statement by D2 Planning Limited;
- Design and Access Statement by BBA;
- Report on Need by Contact Consulting;
- Landscape and Visual Technical Note Report by Leyton Place;
- Transport Statement by Pegasus Group;
- Flood Risk & Drainage Assessment by Hydrock;
- Heritage Statement by Heritage Places Limited;
- Archaeological Evaluation by Red River Archaeology;
- Geophysical Survey Report by SUMO Geophysics Limited;
- Geotechnical and Geo-Environmental Assessment (Ground Investigation Phase 2) by South West Geotechnical;
- Arboricultural Impact Assessment prepared by Tyler Grange; and
- Ecological Appraisal by Malford Environmental Consulting.

**Plans**

- Red Line Boundary - 4349-03-02
- Site Plan – 4349-3-03Q
- Proposed Site Plan – 4349-3-04G
- Topographical Survey – 4918-1A
- Topographical Survey – 4918-1B
- Landscape Layout Plan – JWL-095.01 Rev B
- Plot 1 Elevations - 4349-3-15F
- Plot 2 Elevations - 4349-316F

- Plot 3 Elevations - 4349-3-17F
- Plot 4 Elevations - 4349-3-18F
- Plot 5 Elevations - 4349-3-19G
- Plot 6 Elevations - 4349-3-20F
- Plot 1 Illustrative Elevations - 4349-3-30D
- Plot 2 Illustrative Elevations - 4349-3-31D
- Plot 3 Illustrative Elevations - 4349-3-32D
- Plot 4 Illustrative Elevations - 4349-3-33D
- Plot 5 Illustrative Elevations - 4349-3-34D
- Plot 6 Illustrative Elevations - 4349-3-35D
- Plot 1 Floor Plan - 4349-3-40A
- Plot 2 Floor Plan - 4349-3-41B
- Plot 3 Floor Plan - 4349-3-42A
- Plot 4 Floor Plan - 4349-3-43A
- Plot 5 Floor Plan - 4349-3-44B
- Plot 6 Floor Plan - 4349-3-45B
- Materials Plan - 4349-3-53B
- Existing Nolli Plan – 4349-3-06
- Proposed Nolli Plan - 4349-3-07

4.5. During the determination of the application, the Planning Officer requested that the layout be amended to increase the amount of spacing between the proposed dwellings. An amended layout (Plan No.4349-3-03Q) was submitted which took these concerns into account. The Planning Officer confirmed that he considered the layout and design acceptable and this is reflected in the Committee Report.

4.6. The relevant consultation responses received in respect of the application can be summarised as follows: -

Highway Authority	No objection
Strategic Housing (Cherwell District)	No objection. There is a need in Cherwell for accommodation for older people and the proposed development will help to meeting this need. As there is no policy requirement for affordable housing, strategic housing has no further comments.
Archaeology	No objection
Severn Trent Water	No objection
Environmental Agency	No objection

4.7. Apart from third party objections there were no statutory objections to the appeal proposals during the determination of the application. It is accepted by the Council that the appeal proposal would meet a clear identified need for this form of residential accommodation in the District. There are no objections regarding lack of need for this type of accommodation. Indeed, the level of need was identified in the report prepared by Contact Consultancy which accompanied the appeal application. That report concluded that: -

**“Both national and local policies direct attention to the challenges presented by an ageing population. The newly published White Paper on Social Care, discussed in Section Three**

**Taking the various forms of sheltered and retirement housing offered either to rent or to buy there appear to be currently around 2,278 units of accommodation. To achieve comparability this supply has been expressed as a ratio to the size of the population of older people in the district.**

**Various thresholds have been used but that which is generally recognised as having the greatest relevance is that for the number of people 75 years of age**



**or older. There are around 172.58 units of any type in any tenure per thousand of the population in this age category in Cherwell.**

**This compares with benchmark figures derived from the data base of the Elderly Accommodation Counsel, which is the source relied upon by the Department for Communities and Local Government. These provide a national average ratio of provision of 125.5 per thousand of those 75 years of age and over.**

**A less comfortable picture emerges when we compare the available accommodation in Affordable or Market categories with the population of older people in each main category of tenure. With just 754 units of retirement housing of all types for sale for a population of homeowners of 75 years of age or more of approximately 11,266 the ratio of provision for retirement housing for sale per thousand is 66.9.**

**The comparative figure for those 75 years of age or more who are in rented tenures the ratio per thousand is 788.0 (1,524 units for approximately 1,934 persons 75 years of age or more in tenures other than home ownership.)**

**It is clear from the levels of home ownership in succeeding cohorts that the level of those in old age who are homeowners will be maintained. The majority of those entering old age as homeowners will wish to maintain that tenure and there are sound economic arguments for the individual and for the public purse to support that.**

**To enable older people to exercise that choice, to meet the needs of older people for specialist accommodation in their tenure of choice, and to encourage older people to make a capital investment in their accommodation in old age the local authority needs to facilitate increased leasehold provision of suitable accommodation.**

**Cherwell follows, but substantially exceeds the national trend toward owner-occupation as the dominant tenure for older people. Around four out of every five older people in Cherwell are home-owners.**

**The profile of the Cherwell in relation to the age of its population is currently very slightly below the national average but those 65 years of age will make up a quarter of the total population of the district by 2040. This will be a major factor in shaping future policy for housing, health and social care authorities.**

**Between 2020 and 2040 there will be 9,500 more people in the District who are 85 years of age or more and this will present a major challenge for health and social care agencies.**

**In the absence of an adequate supply of appropriate, contemporary accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.**

**The proposed bungalows meet the definition of the first type of specialist housing for older people in the PPG, that is to say: "Age-restricted general market housing". The PPG definition says: "this type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services."**

**Bungalows of the type proposed in this appeal do therefore appear any different to mainstream market housing - they are not built with visible adaptations, fixtures or fitting for older people as would be the case in a sheltered housing development. The only differences to market housing are not visible: they are for retired people (over 55) only and they are built to Part M4(2) so that they can be adapted. They are single storey so there is no need to fit stair lifts in the future if the circumstances of the occupiers change as they age.**

**They contribute to the range of provision for an old age population by offering to someone who is newly retired or approaching retirement that they can "age in place" for as long as possible, in line with the stated policy goals of both national government and the Welfare Authority (Oxfordshire County Council).**

**Indicators of need for specialised accommodation are projected to increase over time as the population of those in the highest age groups increases. Between 2020 and 2040 the number of those experiencing Mobility difficulties is projected to increase by over 61%.**

**An increase in the proportion of the population living into advanced old age also impacts on the demands made upon health services. There will be an increase in the numbers of those experiencing a long-term limiting illness with a higher rate of increase in the older age cohorts of around 97% for those experiencing the higher level of difficulty.**

**There is the predicted increase in those people aged over 55 likely to have a fall in Cherwell. From the baseline of 2020 to 2040 the predicted increase is shown to be around 55%..Coping with the consequence of avoidable falls has a major impact on hospital services generally but especially upon ambulance and accident and emergency departments.**

**The bungalow style accommodation proposed in this application are designed to meet and adapt to the needs and lifestyles of those approaching, and in old-age; supporting their independence for as long as possible in a safe and secure environment. Bearing in mind the caveats set out in the opening part of the preceding section we can recognise that by their design the proposed bungalows will offer some of the same benefits attributed to the forms of older persons' accommodation that include care and support services and are mainly the source of the findings detailed below.**

**In concept, delivery and continuing occupation a Blue Cedar home provides a form of specialised accommodation which meets a specific housing need among older people. In doing so, it gives rise to many significant planning and social benefits which in turn address national and local priorities, for example:**

- **An increase in retirement housing stock;**
- **A better choice for older people;**
- **A sense of community and security;**

- **A home that can be adapted over time to meet a changing lifestyle;**
- **Managed estate;**
- **Supports independent living with additional help and support.”**

**Comment**

- 4.8. The provision of elderly persons accommodation will meet a clear identified need for such accommodation whilst also enabling people to downsize and free up properties for other people to buy or rent. It is also in line with Government guidance on providing this type of accommodation as well as the Council’s own policy on retirement housing i.e. Policy BSC4 Housing Mix. This is an important consideration in the determination of these proposals as well as the fact that the proposals will go in a small way to help the Planning Authority to meet its 5 year housing land supply.

## 5. PLANNING POLICY CONTEXT

### Development Plan

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.
- 5.2. The development plan comprises the ‘saved’ policies of the Cherwell Local Plan 2011-2031 (Part 1) – re-adopted 2016 and the ‘saved’ policies of the Adopted Cherwell Local Plan – 1996. Relevant extracts are attached as Appendix 8.

### Cherwell Local Plan 2011-2031 (Part 1) 2016

- 5.3. Policy PSD 1 ‘Presumption in Favour of Sustainable Development’ advises that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 5.4. Policy Villages 1 ‘Village Categorisation’ identifies Sibford Ferris (The Sibfords) as a Category A village where minor development, infilling and conversion will be supported. Sibford Ferris (The Sibfords) as a Category A village is categorised as one of the more sustainable villages in the District because of its population and range of services.
- 5.5. Policy Villages 2 ‘Distributing Growth Across the Rural Areas’ seeks to deliver 750 homes across the rural areas, in addition to the rural allowance for small windfall sites. The policy applies to developments of ten or more dwellings and is subject to the site being considered against eleven separate criteria. The 750 housing provision is not a ceiling or target and this has been confirmed by numerous appeal inspectors.
- 5.6. Policy BSC 4 ‘Housing Mix’ advises that new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. There is an accepted need for retirement properties in the area and this proposal has been specifically designed to meet part of that need (see Need Report and Strategic Housing comments).

- 5.7. Policy BSC 1 ‘District Wide Housing Distribution’ seeks to deliver a varied choice of high quality homes across the District including 750 homes in the rural areas on windfall sites of 10 or more dwellings.
- 5.8. Policy BSC 2 ‘The Effective and Efficient Use of Land – Brownfield Land and Housing Density’ seeks to encourage the re-use of previously developed land in sustainable locations as well as ensuring the efficient use of land. The policy advises that in general, new housing should be provided at a net density of at least 30 dwellings per hectare, however the density of new housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites. The site is not on previously developed land but is located in a sustainable settlement. The proposed development would have a density of 15 dwellings to the hectare, this low density is considered to be an appropriate density for a rural village and to the site and its setting.
- 5.9. Policy ESD 3 ‘Sustainable Construction’ expects all new residential development to include sustainable design and construction technology to achieve zero carbon development in line with Government policy. Energy efficient measures can be incorporated into the proposed development.
- 5.10. Policy ESD 10 ‘Protection and Enhancement of Biodiversity and the Natural Environment’ sets out a number of ways to protect the natural environment of the District. This planning application gives full consideration to the protection of and enhancement of biodiversity and the natural environment and to this end the application is accompanied by an ecological survey and a tree survey. The findings of the ecological survey indicate that the development can occur without harming any protected species or habitats, or otherwise affect any habitats of note. The accompanying tree survey indicates that the development can proceed without causing harm to any important trees. Indeed, substantial additional tree planting is proposed as part of the proposals.
- 5.11. Policy ESC 13 ‘Local Landscape Protection and Enhancement’ expects development to protect the countryside, seeks to secure the enhancement of the character and appearance of the landscape and important natural landscape features from undue

visual harm; protect local character; not impact on areas with a high level of tranquillity; not harm the setting of settlements, buildings, structures, other landmark features or the historic value of the landscape.

- 5.12. A number of policies have been ‘saved’ from the Cherwell Local Plan 1996. Of relevance to this application are policies which seek good design and the provision of safe access to new development, namely: -

Policy H18 No dwellings in the countryside

Policy C28 Layout, design and external appearance of new development

Policy C30 Design control

Policy C33 Retention of important gaps of undeveloped land

- 5.13. The only policies which the Planning Authority allege conflict with are Policies BSC1 and ESD15 of the Cherwell Local Plan 2016 and saved policies H18 and C28 of Cherwell Local Plan 1996.

### **National Policy**

- 5.14. The revised framework was published in July 2021 and sets out the Government’s planning policies for England and how they are expected to be applied. Plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means: -

- Approving development proposals that accord with an up to date development plan without delay.

- 5.15. Paragraph 11(d) states that: -

**“For decision-taking this means:**

**c) approving development proposals that accord with an up-to-date development plan without delay; or**

**d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

5.16. No footnote 7 policies are infringed by this proposal (paragraph 11 of the Framework).

5.17. Paragraph 60 of the Framework states that: -

**“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”**

5.18. Paragraph 69 recognises that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly.

5.19. Paragraph 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflect local needs. It specifies that: -

**“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”**

5.20. Paragraph 79 of the Framework goes on to state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities. The appeal proposals would accord with



this objective. The site directly adjoining the village, is in close proximity to existing services and facilities and would help to support the vitality of the village.

- 5.21. Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The appeal proposals would be designed to provide good quality environments for their users that promote health and wellbeing. The illustrative layout plan shows for example the inclusion of generous open space and with units sited so that they create positive private, shared and public spaces which contribute to social interaction.
- 5.22. Paragraphs 61 and 62 state that development plans should cater for the needs of a variety of sectors of the population as follows: -

**“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.**

**Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).** (emphasis added)

- 5.23. The NPPF emphasises a need for a deliverable supply of new dwellings to ensure demand is met. Paragraph 68 states that: -

**“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”**

- 5.24. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124).
- 5.25. Paragraph 127 advises that planning policies and decisions should ensure that developments: -
- “a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and**
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”**
- 5.26. Moreover, the DCLG published guidance in the National Planning Policy Guidance (NPPG) relating specifically to Housing for Older and Disabled People. Paragraph 001, which was revised in June 2019, explains that: -

**“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.” [emphasis added]**

- 5.27. The proposals are purpose designed for elderly persons and comply with Government advice in that regard. Furthermore, there is a recognised need for such accommodation from the Council (see comments from Strategic Housing Department).

**6. CASE FOR THE APPELLANT**

6.1. The main issue in respect of this appeal is as follows: -

- i. Whether the appeal proposals result in sustainable development;
- ii. Whether the appeal proposals would adversely impact on the character and appearance of the area; and
- iii. Whether there is significant and demonstrable harm which would outweigh the benefits.

**i. Whether the appeal proposals result in sustainable development**

6.2. The first reason for refusal is on the ground of that the application would not result in a sustainable development and would exceed the 750 dwelling allowance in the Local Plan for the rural settlements.

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

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

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

- 6.5. The sustainability of the village has already been assessed, consulted on, examined and confirmed through the Local Plan Part 1. The officer's report to Committee on this proposal states that these settlements i.e. The Sibfords are "one of the more sustainable Category A villages" as identified in Policy Villages 1.
- 6.6. Policy Villages 1 informs Villages 2 which provides a rural allocation for sites of 10 or more dwellings at the most sustainable Category A villages. The appeal proposal is for less than 10 dwellings and Policy Villages 2 is not applicable. However, Policy Villages 1 allows for minor development within settlements and the proposals for 6 dwellings fall squarely within the definition of minor development. The appellant disagrees with the Planning Officer's comments that the appeal site falls outside the settlement limits of Sibford Ferris. Firstly, there is no defined settlement limit for Sibford Ferris in the Statutory Development Plan. Secondly, the appeal site is surrounded on 3 sides by existing and approved residential development i.e. the site to the south where development will form part of the settlement. It is therefore considered that the appeal site also forms part of the settlement. Accordingly, the proposals comply with Policy V1 of the Local Plan.
- 6.7. Policy ESD1 sets out that growth should be distributed to the most sustainable locations as defined by the Local Plan. These proposals are in accordance with the strategy as this is one of the more sustainable villages in the District.
- 6.8. As set out in the following paragraphs, this reason for refusal is not justified as more homes can be permitted in the village without any policy conflict. The evidence supports the development of this site and that it is a sustainable location.
- 6.9. It is notable that neither the Council's Planning Policy team nor the Highway Authority raised any objections to the proposals. This is recorded in the Planning Officer's Report to Committee.

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

- 6.10. The Sibfords boast recreation facilities, a primary school, nursery, independent school, shop/post office, GP surgery with dispensary, public house, church and Quaker meeting hall. There are bus links to the larger centres of Banbury and

Stratford up Avon (4 pick up times west bound and 5 pick ups east bound). The only recent development in the village is the appeal proposal for 25 dwellings on the adjacent site. However, the proposals are for general open market housing rather than specialist elderly accommodation. The appeal proposal will help to support the existing facilities.

6.11. The Planning Officer in his report states: -

**“Notwithstanding the conclusions of the Inspector, Sibford Ferris is a Category A village as a ‘cluster’ with Sibford Gower and Burdrop, and across the three settlements there are a range of services that help residents meet their day to day needs. Taken together, these villages are somewhat more sustainable than some other Category A villages. That the Inspector considered the site to the south, a significantly larger development than the current proposal for 6 bungalows, to be sufficiently sustainable for residential development of this scale, is a material consideration in the assessment of the current application.”**

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

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

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

6.14. Appeal decisions (Appendix 9) confirming 750 is not a maximum include: -

- Land off Lince Lane, Kirtlington (Appeal Ref. 3001612) – “The Parties agreed that the figure of 750 was not a ceiling or maximum but neither is it a minimum figure”.
- Land north of Green Lane and east of The Hale, Chesterton (Appeal Ref. 3130576) – Paragraph 13: “The Local Plan Inspector referred in his report to “around 750 homes in total”, and clearly the 750 figure is not an absolute maximum”.

- Banbury Road, Finmere (Appeal Ref. 3169168) – “...750 is not to be regarded as an upper limit...”.
- Blackthorn Road, Launton (Appeal Ref. 3188671) – Paragraph 18: “The 750 figure is not an upper limit...” and Paragraph 14: “Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103”.

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

- 6.15. In 2015 an appeal (Appeal Ref. 3001612) in Kirtlington was dismissed on the grounds that provision of 95 homes in one location at that early stage of the Local Plan period would leave little scope for development in other Category A Villages either in terms of numbers or timing and would thus not be in accordance with housing strategy for the villages as set out in the Local Plan. The Sibfords have had only one development approved and that was on appeal. Other Category A settlements have had considerably more than 25 dwellings approved.

Not a material exceedance of the 750 figure

- 6.16. As the 750 figure is not an upper limit, it would require a significant material exceedance, to justify a conclusion that the policy was being breached. This was established by the Inspector considering the appeal at Launton (Appeal Ref. 3188671). 6 dwellings would not amount to a material exceedance of the Policy Villages 2 figure.
- 6.17. The strategy would not be undermined by this modest development. The provision of 6 dwellings in one of the more sustainable villages which has received only limited development under Policy Villages 1 would not undermine the policy or lead to unconstrained growth in less sustainable locations, particularly as the Council’s 5 year housing land supply is so dire i.e. more than 2,000 dwellings i.e. at 3.5 year supply.

Elderly need for housing identified in The Sibfords has not been met

- 6.18. There is a significant need for elderly persons accommodation in the District and The Sibfords. This is confirmed in the conclusions of the Contact Consulting report which accompanied the appeal application as well as the Council’s own Strategic Housing Officer who commented on the application proposals.

Site assessed as suitable by the Council

6.19. The site's suitability for development was established in the Housing and Economic Land Availability Assessment (HELAA), which identified the site as having potential for residential development (HELAA205). Whilst this document referred to 20 dwellings, it is a high level assessment and the more detailed information presented with the application has been assessed by the landscape and heritage offices who have no objection. The scheme is confined to the north and east of the site as recommended in the HELAA (Appendix 5).

ii. **Whether the appeal proposals would adversely impact on the character and appearance of the area**

6.20. This reason for refusal refers to alleged harm to the character and appearance of the area. However, the proposals would cause no harm to heritage assets and according to the Planning Officer, the proposal reflects the more characteristic parts of the village. The reason refers to harm to the edge of the village but the Planning Officer in his report states that the proposals could improve this edge of Sibford Ferris.

No harm to Landscape Character

6.21. At the outset, it is worth noting that a Landscape & Visual Technical Note was submitted with the appeal application. The Planning Authority did not query or object to its methodology or conclusions i.e. that there would be no adverse impact on the character and appearance of the site as follows: -

**“The proposed development is located to avoid impacts on landscapes and townscape elements which have a recognised value, such as:**

- **Those landscapes which benefit from a statutory protection such as National Parks and Areas of Outstanding Natural Beauty and their setting.**
- **Areas protected by a regional or local designations such as Areas of Great Landscape Value.**
- **Not within or near a Registered Historic Parks and Gardens;**
- **Not within or adjacent to a Conservation Area;**

**Furthermore, the landscape associated with the site has been examined at appeal and was not determined to be an NPPF ‘valued landscape’**



**Given the settled context and wooded character of the wider area potential visual effects are limited to a localised area, primarily the immediate environs to the east of the site.**

**The scheme has been informed by comprehensive, and detailed technical analysis across a range of disciplines. The team’s collaborative design approach has responded positively to the environmental requirements.”**

6.22. The technical note concludes that the site is not part of the open countryside and relates to the settlement. Accordingly, there are no justified reasons to refuse the application based on landscape impact. This was also the conclusion of the appeal inspector on the site to the south.

6.23. The Planning Officer concluded that the appeal proposals would not result in any adverse impact to the landscape character of the area. He stated: -

**“However, the site is relatively small and visually contained. Given the site’s location, bounded on two sides by residential development and an approved development on a third, and the single storey scale of the proposed dwellings, it is considered that the proposal would not result in a significant adverse impact on the landscape for this edge of village development..**

**Access can be achieved through the future residential development to the south with a direct access onto the Hook Norton Road which has outline permission and currently with an application for the reserved matters being considered.”**

6.24. The Council’s Planning Officer then went on to consider the design and appearance of the proposals on the character and appearance of the site and stated: -

**“The site is currently an area of agricultural land with no built form and as such the proposal to build 6 bungalows would result in a significant change in the character of this part of the village. That said the proposed development is for single storey dwellings, and the existing landscaping along the edge of the site which forms the edge boundary to the village would be retained and would form an effective screen to the development helping to soften the appearance and impact from outside the site. The existing**

landscaping would be a more effective screen for the current proposal than it would for two-storey dwellings, which would be visible from footpaths to the north and west.

Turning to the design of the bungalows themselves, the dwellings would be purely single storey with no accommodation provided within the roof space. Although it is accepted that the majority of dwellings within the village are of a two-storey design there are numerous examples of bungalows within the village and therefore the development of the bungalows on the site would not be out of character for the village. Indeed, it would be an appropriate design solution for this visually sensitive edge of village location.

In terms of layout the proposal is for a single access road feeding off the access road to serve the new residential development to the south of the site. Once within the site the access road would split into two private driveways one serving the north of the site and a second separate driveway to the south. The 6 bungalows would all front onto one of the private driveways in an arc form with the rear elevations all facing towards a central communal rear garden space.

Although the main area to the rear of the bungalows would be the communal landscape garden each bungalow would also maintain a small private rear garden area with privacy fencing between the plots.

Objectors to the application have raised the concern that the layout appears cramped and an over development of the site. Although it is accepted that on the initial layout the arrangement of the bungalows did have the appearance of a cramped form the applicant has addressed this point by moving the southern plots towards the western boundary thereby freeing up space between the plots. This moves the plots to the south closer to the western edge of the application site and would reduce the area of landscape buffer but not to a point which would result in the development appearing over dominant to warrant the refusal of the application. Furthermore, in order that no further extension of the bungalows or building within their curtilage is carried out under permitted development that could impact on

**the amenities of surrounding residents, members will see from the recommendation that two conditions are included that would remove the permitted development rights. These conditions would ensure that in the event that any further works are required that an application is submitted to allow for an assessment of the proposal before any works are carried out.**

**With regards to the materials to be used on the bungalows, the initial proposal was for the use of reconstituted stone, timber boarding and slate roof tiles. The use of reconstituted stone is not a material which would be acceptable in the village and that natural stone would be the only type of stone acceptable in this location. As a substitute to stone it is accepted that this part of the village also features several dwellings faced in brick and plain tiles. The applicant has instead suggested the use of a buff brick, but this too would not be in keeping with the surrounding area. Timber cladding is also shown on the submitted plans but is not a feature of residential dwellings in the area and for the same reasons as recon stone would not be appropriate. It is considered that the use of a good quality red brick and natural slate, both of which are also shown on the submitted materials plan, would be acceptable, and the use of appropriate materials can reasonably be required by condition of any permission given.**

**Concern has been raised by some objectors that the development of the site would impact upon the character of the village and in particular reference to the impact on the Conservation Area has been raised. Although the development is located close to the Conservation Area officers note that the site is not located within or abuts the edge of the Conservation Area. The site is closest to the Conservation Area to the north of the site, but the existing dwelling of Faraday House is located between the site and the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a Conservation Area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.**

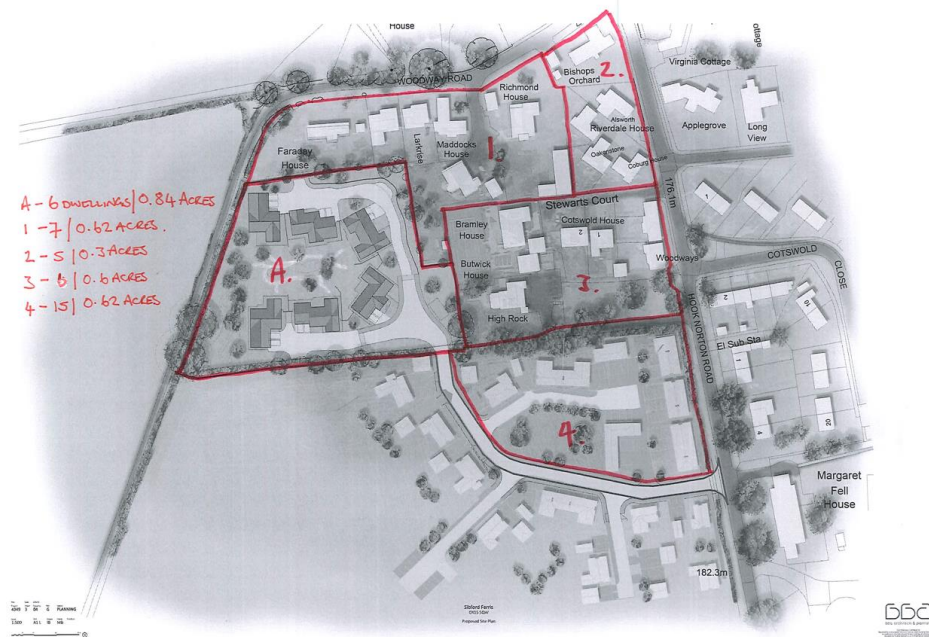
**In this instance it is considered that as the development is not located within nor abutting the Conservation Area the proposal would not result in any adverse impact upon the character of the Sibford Conservation Area.**

**Overall, subject to the use of appropriate materials, the proposal for 6 bungalows on this site is considered to represent an acceptable form of development in terms of design and appearance. The retention and enhancement of the landscaping boundary to the site would ensure that the appearance of the development would be softened and would not appear out of place nor overbearing on the edge of the village.**

**The layout of the development in the form of an arc around a central communal garden space is considered acceptable and with the additional landscape garden area will ensure that the setting of the development appears as a landscape led development. The applicant has increased the space between the plots to allow a layout which does not appear cramped. For these reasons it is considered that in terms of design and appearance the proposal represents an acceptable form of development and complies with the adopted policies.”**

6.25. Indeed, the appellant fully concur with the Planning Officer’s assessment for the following reasons: -

- The scale is restricted to 6 dwellings, and the adjacency of each is similar to the existing properties to the north and east of the proposed site.
- The design of the scheme reflects similar built bungalows in Sibford Ferris with gable elements to each.
- The density of the scheme is in line with the surrounding area. See below to divide each pocket of existing housing into similar sized groups.



- The design is centred around a communal landscaped area which is in keeping with the adjacent approved Gade Homes development and continues the landscape buffer alongside Woodway Road.
- The immediate local area has a varied mix of house types and sizes, there is no single pattern or type of development. The current mix includes terraced houses in Brick (Cotswold Close), semi detached housing in recon stone (Stewarts Close), detached bungalows in Brick (Back Lane), tile hung school accommodation (Hook Norton Road) and numerous examples of detached housing. There are many examples of bungalows in Sibford Ferris.
- The palette of materials proposed does not differ from those already found in the local area utilising stone, brick, and small areas of timber cladding. There are numerous examples of properties along Hook Norton Road, from which the proposed development will be accessed in brick the same colour as that proposed and as illustrated on the coloured elevations. The Gade Homes development (to the south) also incorporates brick on the Hook Norton Road and further use of brick throughout.

6.26. In view of the above, it can only be concluded that the appeal proposals would not adversely impact upon the character and appearance of the area.

**iii. Whether there is significant and demonstrable harm which would outweigh the benefits**

- 6.27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that proposals be determined in accordance with the development plan unless material circumstances determine otherwise.
- 6.28. There are a number of material considerations which must be taken into considering e.g. reference to paragraph 218 of the NPPF and also paragraphs 60 and footnote 8 of the NPPF.
- 6.29. This statement sets out the relevant policies within the statutory development plan and how these proposals are considered to meet them. Accordingly, it is the appellant's firm belief that the proposals are in compliance with all the relevant policies in the Development Plan.
- 6.30. Secondly, in accordance with paragraph 60 of the NPPF, there is a significant shortfall of housing land which the Council accept in their Planning Report as follows: -
- “Cherwell’s position on 5 year housing land supply is reported in the Council’s 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District can demonstrate a 3.8 year supply for the currently period 2021-2026 and a 3.5 year supply for the next five year period (2022-2027) commencing on 1<sup>st</sup> April 2022. The calculations also highlight that there is a shortfall of housing supply equal to 1,864 for the period 2021-2026 and 2,255 for the period 2022-2027. Although the current application is only for a small development of 6 bungalows, the proposals would make a contribution towards the provision of dwellings within the District.”**
- 6.31. In such circumstances, the guidance in paragraph 11(d)(ii) is clear that applications for housing should be granted unless: -
- “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

- 6.32. The second bullet point of paragraph 11(d) does not apply i.e. footnote 7. This site is not protected for its habitats importance (nor those sites listed in paragraph 180) nor is it designated a Site of Special Scientific Interest, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, National Park, or defined as Heritage Coast, irreplaceable habitats, designated heritage assets or areas at risk of flooding or coastal change.
- 6.33. Furthermore, with regards the first part of paragraph 11, the Local Planning Authority have not been able to demonstrate any significant and demonstrable harm in particular there are no objections to the development of the site in terms of unacceptable impacts on: -
- i. Ecological issues;
  - ii. Flooding or drainage;
  - iii. Archaeological designated and non designate heritage assets;
  - iv. Loss of valuable agricultural land; and
  - v. Highway safety.
- 6.34. The Council's allegations relate solely to: -
- i. Land outside the settlement limits;
  - ii. The 750 dwelling limit for Category A settlements; and
  - iii. Impact on the character and appearance of the area (despite the site being surrounded on three sides by existing and future residential development).
- 6.35. However, there are also a range of benefits which will be provided as part of the proposals and these are set out under the headings related to economic, social and environmental dimensions for sustainable development as outlined in the NPPF.

#### Economic benefits

- 6.36. The inclusion of housing within the Ministerial Statement as an economic generator particularly post COVID is an important consideration for these proposals. This is enshrined in the NPPF, for example the importance of the economic role in paragraph 8.



- 6.37. Providing new housing in accessible locations would assist the local economy through construction jobs and jobs in the supply chain as well as retail sales for new domestic products such as carpets and white goods. The proposals would provide local employment opportunities which will create investment and jobs.
- 6.38. The Government has made it very clear in respect of growth for the key role that housing building has an important role in the economy. The NPPF addresses the economic role: -
- “...to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”**
- 6.39. In terms of the financial benefits, the following can be achieved by the development: -
- New Homes Bonus as well as additional Council Tax revenue.
  - Direct construction jobs during the period of development which would take up to 2 years plus indirect jobs.
  - Additional expenditure in the local area relating to leisure and retail facilities.
- 6.40. The site is of the right type and in the right place being free of technical constraints and in a sustainable location. It would support growth and give a boost to the housing land supply in this market area providing for elderly persons. In terms of infrastructure, there are no capacity issues relevant to the proposals.

### **Social Benefits**

- 6.41. The social dimension of paragraph 8 of the NPPF states: -

**“..to support strong vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.”**



6.42. With regards housing this is a bespoke scheme for the elderly which will meet an acknowledged and identified need. The dwellings can be conditioned to ensure that they are only available to people aged 55 plus. Accordingly, there is a pressing need for this type of development. A factor that is recognised by the Council's Strategic Housing Officer who states: -

**“No objection, 6 units is below the technical threshold for affordable housing. There is a need in Cherwell to accommodate older people and the proposed development will contribute to meeting this need. As there is no policy requirement for affordable housing, Strategic Housing have no further comments.”**

6.43. This represents a significant benefit which should be attributed significant weight particularly given the relevant policies in the adopted Local Plan regarding homes for the elderly. It would also free up family homes for other people in the local community to downsize.

6.44. The proposals would also help maintain and enhance the economic viability of shops and services in the Sibfords, particularly given the well documented issues with retailing on the High Street as well as helping the local economy to recover coming out of COVID.

#### **Environmental Benefits**

6.45. The third dimension of paragraph 8 of the NPPF is as follows: -

**“...to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”**

6.46. Whilst the development will utilise a part of green field land and the impact on the natural environment that such sites need to be released if specific housing needs are to be met. The site is well related to the existing built up area and relevant policies are permissive towards such sites coming forward. The remainder of the land will remain for recreational and landscape use.

- 6.47. The site is not identified within a valued or protected landscape. It has also been demonstrated how the development can be successfully assimilated into the landscape. The proposals are for 6 bungalows which the Planning Officer accepted would assimilate into the landscape. Indeed, the appeal Inspector accepted that two storey dwellings on the land to the south would assimilate into the landscape. There are no objections to the proposals based on flooding, drainage, historic setting (from Historic England or the Council's Conservation Officer), noise, air quality or cultural heritage i.e. archaeology. Furthermore, the site is not an area of protected open space, local green area in any development plan. In any event a significant area of vacant land would remain in perpetuity.
- 6.48. Furthermore, there are no adverse impacts on the ecology of the site or wider area and the site was specifically identified as being suitable by the Council in their HELA.
- 6.49. Indeed, benefits can be provided which include bat and bird boxes together with additional landscaping which would provide new habitats.
- 6.50. Finally, the development produces a high quality bespoke development with high quality local materials which were accepted by the Planning Officer.

### **Comment**

- 6.51. The proposals comply with the three strands of sustainability as outlined in the NPPF. The NPPF does not require proposals to be positive in all three strands of sustainability but the proposals do in fact meet the three strands. In view of the above, the alleged harm does not outweigh the substantial benefits provided by the proposals and therefore planning permission should be granted.

## 7. CONCLUSIONS

- 7.1. This statement has demonstrated that when all of the issues are considered and the correct planning balance is struck, that the appeal proposal should be allowed and that detailed planning permission should be granted. This was the conclusion of the Planning Officer who recommended that planning permission be granted.
- 7.2. There is a recognised and accepted need for elderly persons accommodation in Sibford Ferris which is not being met by any existing or proposed residential development. This development is bespoke to provide adaptable living accommodation specifically designed for the elderly.
- 7.3. Section 38(b) of the Planning & Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Planning Officer who assessed the appeal proposals concluded that the proposals were acceptable and that planning permission should be granted.
- 7.4. The appellant concurs with that view but believes that the appeal site complies with Policy Villages 1 in so far as The Sibfords are a Category A settlement where additional residential development is acceptable in principle for minor development. They also consider that the site lies within the defined settlement limits.
- 7.5. There is no dispute that the appeal proposal is for minor residential development. Furthermore, the appellant would suggest that given the lack of a settlement limit for Sibford Ferris that the appeal proposal would fall within the settlement given that the site is surrounded on three sides by existing and proposed residential development. The site represents a logical development to clearly defined and defensible limits and was considered acceptable for development within the Council's own SHLAA for up to 20 dwellings.
- 7.6. The Planning Authority accept that they cannot demonstrate a 5 year supply of deliverable housing land. The shortfall is significant and indeed even on the Council's own figures is only getting worse i.e. over 2,000 dwellings (3.5 year supply). In such circumstances, Paragraph 11(d) of the NPPF is engaged as the tilted

balance and significant and demonstrable harm must be demonstrated by the Planning Authority, this has not been done.

- 7.7. The site is well related to the settlement form and a proper analysis of the proposal concludes that the development complies with Policy BSC1 of the adopted Local Plan.
- 7.8. Detailed analysis of the proposals have been undertaken in terms of landscaping, biodiversity, archaeology, transport and drainage. All of these issues can be satisfactorily accommodated and would have no adverse impact on the character or appearance of the area.
- 7.9. The appeal decision to the south is a material consideration in the determination of these proposals, particularly as at the time, the Council could demonstrate a 5 year supply of deliverable housing land. The appellant consider that consistency in decision making is an extremely important point and given that the Council cannot now demonstrate a 5 year supply of deliverable housing sites.
- 7.10. Finally, there are a range of significant benefits attributed to the scheme which are set out in Section 6. These all weigh in favour of granting planning permission for the development. It is therefore requested that the appeal be allowed.