

**REBUTTAL STATEMENT TO  
KIRSTY BUTTLE  
SIBFORD PARISH COUNCIL**

**Blue Cedar Homes**

**Land South of Faraday House, Woodway Road, Sibford Ferris  
APP/C3105/W/22/3298098**

1. This rebuttal statement has been prepared in response to the statement prepared by the above. The statement will not repeat comments that have been made in the rebuttal statement to the Planning Authority and Sibford Action Group's Statement of Case. However, when no comment has been made, this is not an indication that the appellant accepts the comments, it merely means that it has already been dealt with.
2. At the outset, the statement makes no reference to the Council's lack of 5 year land supply and the engagement of paragraph 11(d) of the NPPF. Clearly, this is an important consideration. Accordingly, the statement is predicated on a misleading position.
3. The following points are made: - (reference to paragraphs in the submitted statement)
  11. Residents may be against a development proposal but where proposals meet the relevant policy tests in the adopted Development Plan, then by law they should be allowed. This is the situation in this case.
  12. There is no suggestion of precedent being set. The appellant does not rely on precedent. This is a misleading statement.
  13. Comments already provided.
  14. Comments already provided.
  15. Comments already provided.
  16. There are no objections from the Council's Conservation Officer to the appeal proposals in terms of impact on the character and appearance of the

Conservation Area or indeed the setting of any designated or non designated heritage asset.

17. The design of the proposals has already been outlined in the appellant's original Statement of Case and elsewhere.
18. The reference to the SHLAA has already been dealt with by the appellant elsewhere.

## **Section 2 – Summary of SFPC's previous consultation**

These comments have already been dealt with. However, it is suffice to say that the Government's advice confirms that properties restricted to 55 years or older are classified as retirement properties. There is a need for this type of accommodation in Sibford Ferris and this has not been disputed by any party. Indeed, the Planning Authority recognised the need for this type of accommodation.

The dwellings proposed are bungalows. No overlooking will occur due to the scale, positioning, boundary treatment and distance between existing and proposed properties. This position is confirmed by the planning officer in his Committee Report at paragraph 9.65 where he stated: -

**“This application seeks planning permission for the development of the site with 6 detached bungalows. The site shares a common boundary with existing residential properties to the north and the east the boundaries of which are marked by a mix of open style fences and existing landscaping. As the layout of the development is for the bungalows to face towards the shared boundaries there is the potential that the development would result in a loss of privacy to the existing residential properties. However, the distance between the front of the nearest bungalow and the shared boundary is in the region of 14m with a further 20m before the rear elevation of the existing property. This distance together with the fact that the proposal is for a bungalow would ensure that an adequate distance**

**would be maintained to ensure that the development will not result in any significant loss of privacy or outlook or light pollution.**

**Given the above, it is considered that the development is acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers. The development therefore complies with the adopted Policies.”**

29. The Highway Authority raised no highway objection to the proposed development in terms of access (which has already been approved), parking provision, traffic generation or sustainability. Furthermore, there is no objection in respect of the appeal proposals adding to highway safety issues. Indeed no highway safety issues will occur.
30. The reference to three planning applications is inaccurate, misleading and extremely unhelpful.

#### **Annex B**

There is no objection from Severn Trent relating to drainage. The position has been clarified in the email from the Planning Authority dated 13<sup>th</sup> October 2022 which confirmed that the holding objection to the second application submitted to the Planning Authority had been withdrawn. In any event, there is no drainage objections from Severn Trent to the appeal proposals.

#### **Annex C**

The photograph has no date reference. No information has been provided about the accident and how it happened. In any event, the Highway Authority raised no objection to the proposals in respect of any potential impact on highway safety issues.

#### **Conclusions**

4. There are no comments raised by the Parish Council which would justify the appeal being dismissed. The Parish Council do not deal with the Council’s lack of 5 year land supply position and the engagement of paragraph 11(d) of the NPPF. Nowhere within their statement do they undertake a balancing exercise of the harm caused against the

benefits. Accordingly, they do not question the appellant's balancing exercise which concludes that planning permission should be granted as the benefits outweigh any harm.