

**REBUTTAL TO LPA's  
STATEMENT OF CASE**

**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 Planning Authority in respect of the above appeal. Other separate Rebuttal Statements have been prepared in response to statements submitted by Sibford Parish Council, Sibford Action Group and others.
2. The appellant has set out in detail their case in their original Statement of Case. This Rebuttal Statement is not intended to repeat comments made in that statement merely refute issues where appropriate.

**Paragraph 1.3**

3. It is helpful that the planning officer has confirmed that the application was recommended for approval. Clearly, the professional view of the planning officer having regard to the relevant policies in the statutory development plan and all other material considerations was that the appeal proposals were acceptable and that permission should be granted. That remains the appellant's view. Indeed, the statement does not say that the planning officer's professional view has changed from his original recommendation.
4. It is worth noting that the application was reported to the Planning Committee on 7<sup>th</sup> April 2022. This was the last Planning Committee before the local elections took place in the District.
5. It should be noted that there is no objection in respect of drainage from Severn Trent. Despite third party comments to the contrary, there is no objection from Severn Trent and that remains the situation. The position has been clarified by the Appeal Officer of the District Council in an email dated 13<sup>th</sup> October 2022 (attached).
6. The reference to the appellants submitting a duplicate planning application is correct. It was an attempt to avoid unnecessary time and delay with an appeal. Clearly, this has

not happened and shows the inability of the Planning Authority in taking a positive view of proposals. The continual refusal of planning applications which are recommended for approval demonstrates why the Council's housing land supply position is so chronic.

### **Paragraphs 2.1-2.3**

7. The Planning Officer accepts at paragraph 2.3 that there is no development plan document or indeed other document that defines a settlement limit to the Sibfords. The appellant has set out in their original Statement of Case why they believe that the proposals now form part of the settlement particularly with the development being allowed to the south of the appeal site (see Appendix 6 of Statement of Case). This site is more related to the settlement of Sibford Ferris than the agricultural land/countryside beyond, being enclosed on two sides by existing residential development and a road on the other side.

### **Paragraph 2.4**

8. The Sibfords are a Category 'A' settlement in the adopted up to date Development Plan Document. Such allocations are identified for minor development and the appeal proposals fall within that category. The Planning Authority accept that the appeal proposals represent minor development. This assessment was carried out by the Planning Officers in preparing their Local Plan and considered acceptable by an independent Inspector at Examination. It cannot now be changed as some seem to suggest. The only way the designation can be changed is through the review of the Local Plan. These settlements have been categorised based on: -

**“Villages have been categorised based on the following criteria:**

- **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.”**

**Paragraph 2.5**

9. It is helpful that the Planning Authority accept that they cannot demonstrate a 5 year supply of deliverable housing land in the District. The housing land position is that the Council only has, at best, a 3.5 year supply. This is a shortfall of some 2,255 dwellings, an increase in the shortfall from 1,864 dwellings (see paragraph 1.30 of original statement). This shortfall can only be described as significant and accordingly paragraph 11(d) of the NPPF is engaged. Furthermore, the Planning Authority have not undertaken the balancing exercise that is required to be undertaken in terms of the benefits outweighing any harm. They simply assess the ‘harm’ that would be caused. This is an incorrect approach. The appellant has undertaken the exercise and if properly undertaken then the only rational solution that can be reached is that the benefits far outweigh any harm.
10. There is a reference to the effect that six elderly persons bungalows will have on the settlement. However, no evidence is submitted to substantiate this harm.

**Paragraph 2.9**

11. It is helpful that the Planning Authority does not dispute the need for age restricted accommodation to meet an identified need. The planning officer’s report confirms that:- (paragraph 9.28)

**“Policy BSC4 of the CLP 2015 states that opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities. The Oxfordshire Market Position Statement highlights that there is a general need for housing for elderly people across the county. The development would provide age restricted housing (which can be controlled by a condition) and this is considered to be a benefit of the scheme that will need to be weighed in the planning balance.”**

12. Furthermore, the planning officer accepts that this would be a sustainable location for this form of development: - (paragraph 9.39).

**“Notwithstanding, an age restriction of 55 and above should not be taken to suggest that the residents of the bungalows would be unable to walk and / or cycle to places in and around the village. As with any new resident to the village aged 55 or above they would not necessarily be of an age which prevents them from walking and / or cycling as suggested by a number of objectors to the proposal who possibly see the suggestion of retirement bungalows as being occupied by elderly or frail residents which is not necessarily the case.”**

13. Indeed, the planning officer concludes in paragraph 9.40 of this Committee Report that the development would be a “natural extension to the western edge of the village” which would provide a further choice of accommodation in the village.

**Paragraph 2.14**

14. The site is undeveloped at present. However, the Planning Officer does acknowledge: -
- i. A pre-application enquiry that was undertaken on the proposals which confirmed that the proposals could be considered acceptable. Indeed, with regards design and layout, the officer stated: -

**“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 development on the edge of the village.”**

There were no objections from the planning officer in respect of the design and layout of the proposals during the consideration of the proposals. Neither were there any objections from the Conservation Officer to the design of the proposed development.

- ii. The HELA which again confirmed that: -

**“This site is considered particularly developable site providing for about 20 dwellings in the next five year period subject to satisfactory**

**access being achieved, careful design and layout to achieve a satisfactory relationship with existing dwellings in the vicinity.”**

- iii. A satisfactory access has been achieved to the Highway Authority’s requirements. Indeed, the access already benefits from planning permission being granted.
- iv. The appellant entered into discussions with the Planning Officer regarding the design and layout of the proposals. This is all set out in detail in the planning officer’s report as follows: -

**“This application seeks planning permission for the development of an agricultural field for 6no, age restricted bungalows. The site is undeveloped land outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south and on which a reserved matters application is currently being considered. All three boundaries are marked by a mix of landscape features and the proposal would seek to retain and hence the landscape along these boundaries.**

**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 this 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 nor 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 development 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.”**

**Paragraph 2.19**

15. The Planning Authority appear to introduce an additional objection to the appeal proposals in this paragraph. Essentially, it implies that the development would result in visual intrusion. It is inappropriate of the Planning Authority to attempt to introduce an additional objection at the appeal stage and results in unreasonable behaviour. At no stage has the planning officer indicated that the appeal proposals would result in a development that would be visually intrusive for the following reasons: -
- i. The pre-application response for the proposals stated that: -

**“...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 development on the edge of the village.”**
  - ii. The planning officer concluded that the appeal site is visually contained within his Committee Report.
  - iii. The Planning Authority has had no regard to the conclusion of the appeal inspector with regards to the site to the south for 25 two storey dwellings. The inspector concluded that there would be no detrimental landscape impact particularly for views from the AONB.
  - iv. The Planning Authority has not carried out their own landscape and visual impact assessment to justify their assertions. Indeed, no objector has carried out



such an assessment. Furthermore, no one has questioned the methodology or conclusion of the application's Landscape Statement which concludes that the impact would be acceptable.

16. In conclusion, the Planning Authority did not object to the appeal proposals with regards to visual intrusion. This represents a new objection and is totally not justified. It represents unreasonable behaviour.

### **Conclusion**

17. As stated, nowhere does the Planning Authority undertake a balancing exercise of the benefits against the harm. If this exercise was undertaken as set out in the appellants original Statement of Case (see pages 36-40), then the only conclusion that can be reached is that the benefits far outweigh the harm and that planning permission should be granted. This is a significant flaw not only in the Planning Authority's evidence but other third party submissions.

### **Conditions**

18. There are no objections to the suggested conditions.

**From:** Submit Appeal <Submit.Appeal@Cherwell-DC.gov.uk>  
**Sent:** 13 October 2022 09:45  
**To:** east2@planninginspectorate.gov.uk  
**Cc:** dsdunlop@d2planning.co.uk  
**Subject:** APP/C3105/W/22/3298098: Land South of Faraday House

Dear Safia Kausar,

Following receipt of the third party comments regarding the above appeal, please find below clarification on Severn Trent comments on the application.

Third party comments raise the point that Seven Trent Water have lodged a holding objection to the re-submitted application which was correct until the applicant discussed and negotiated with Seven Trent Water revised drainage details. Seven Trent Water have stated in their email below that the holding objection can be removed. Following a formal re-consultation on the revised drainage details received from the applicant for the re-submitted application the Council is still awaiting formal comments from Seven Trent Water that the objection is removed but it is expected as stated below and that this will be received in the next few days.

Kind regards

**Matthew Swinford**  
**Appeals Administrator**  
**Development Management**  
**Communities Directorate**  
Cherwell District Council  
Direct Dial 01295 221889  
[matthew.swinford@cherwell-dc.gov.uk](mailto:matthew.swinford@cherwell-dc.gov.uk)  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Follow us:

Find us on Facebook [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil)

Follow us on Twitter [@Cherwellcouncil](https://twitter.com/Cherwellcouncil)

My usual working hours are: Monday to Friday, 08.45am to 17:15pm.

Planning and Development services can be contacted as follows: Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk); Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk); Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk); Conservation - [design.conservation@cherwell-dc.gov.uk](mailto:design.conservation@cherwell-dc.gov.uk). For the latest information on Planning and Development please visit [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

**From:** Planning.APEast <[Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk)>  
**Sent:** 13 September 2022 18:37  
**To:** Wayne Campbell <[wayne.campbell@cherwell-dc.gov.uk](mailto:wayne.campbell@cherwell-dc.gov.uk)>  
**Subject:** RE: Land to east of Woodway Road, Sibford Ferris - Planning application 22/01733/F

**CAUTION:** This email originated from outside of the Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

ST Classification: OFFICIAL PERSONAL

Good Afternoon Wayne,

The holding objection can be withdrawn. I have spoken to the colleagues that have been in communication with the drainage engineers, and revised drainage proposals have been agreed. They are proposing to connect into the neighbouring development, they will need to gain permission from that developer and there is to be no increase in the pump rate.

Kind regards

Sylene Finnikin on behalf of [Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk)

*Asset Protection Waste Water East Midlands  
Asset Strategy and Planning  
Chief Engineer, Severn Trent Water*

**From:** Wayne Campbell <[wayne.campbell@cherwell-dc.gov.uk](mailto:wayne.campbell@cherwell-dc.gov.uk)>

**Sent:** 12 September 2022 14:45

**To:** Planning.APEast <[Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk)>

**Subject:** Land to east of Woodway Road, Sibford Ferris - Planning application 22/01733/F

Dear Sirs

I refer to your comments to this Council with regards to the above mentioned planning application and your reference **P-220725-36996**. Your comment raised a holding objection to the proposed development to allow for a better understanding of the drainage situation in this area.

Following a recent discussion with the applicant I understand that an agreement has been reached with the applicants drainage engineers and that Seven Trent have now agreed with the applicant that there is no objection to the proposal. Although I have no further information to consult with Seven Trent I seek confirmation that what the applicant is advising me is the case and that the holding objection raised by Seven Trent is withdrawn.

If this is the case please confirm and advise of any conditions Seven Trent would wish to see attached to any permission granted by this Council.

Many thanks

**Wayne Campbell MRTPI**  
**Principal Planning Officer – General Developments Planning Team**  
**Development Management**  
**Communities Directorate**  
**Cherwell District Council**  
Direct Line: 01295 221611  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)

Details of applications are available to view through the Council's Online Planning Service at

<http://www.publicaccess.cherwell.gov.uk/online-applications>

Instructions on how to use the Public Access service to **view, comment on and keep track of applications** can be found at <http://www.cherwell.gov.uk/viewplanningapp>

Follow us:

Facebook [www.facebook.com/cherwelldistrictcouncil](https://www.facebook.com/cherwelldistrictcouncil)

Twitter @Cherwellcouncil

My working days are: Monday to Thursday.

**Planning and Development services can be contacted as follows:**

**Development Management - [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk);**

**Building Control - [building.control@cherwell-dc.gov.uk](mailto:building.control@cherwell-dc.gov.uk);**

**Planning Policy - [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk);**

**Conservation - [design.conservation@cherwell-dc.gov.uk](mailto:design.conservation@cherwell-dc.gov.uk).**

This e-mail (including any attachments) may be confidential and may contain legally privileged information. You should not disclose its contents to any other person. If you are not the intended recipient, please notify the sender immediately.

Whilst the Council has taken every reasonable precaution to minimise the risk of computer software viruses, it cannot accept liability for any damage which you may sustain as a result of such viruses. You should carry out your own virus checks before opening the e-mail(and/or any attachments).

Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the Council to any course of action.

more about how we use and manage your personal data, please go to our [privacy notice](#).

This e-mail (including any attachments) may be confidential and may contain legally privileged information. You should not disclose its contents to any other person. If you are not the intended recipient, please notify the sender immediately.

Whilst the Council has taken every reasonable precaution to minimise the risk of computer software viruses, it cannot accept liability for any damage which you may sustain as a result of such viruses. You should carry out your own virus checks before opening the e-mail(and/or any attachments).

Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the Council to any course of action..