

**REBUTTAL TO
SIBFORD ACTION GROUP**

Blue Cedar Homes

Land South of Faraday House, Woodway Road, Sibford Ferris

APP/C3105/W/22/3298098

Introduction

1. This Rebuttal Statement has been prepared in response to the statement prepared by the Sibford Action Group (SAG) in respect of the above appeal. Other separate Rebuttal Statements have been prepared in response to statements submitted by the Planning Authority, Parish Council and other third parties.
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.

Summary

3. The statement submitted by SAG covers the same issues they raised at the appeal in respect of the adjacent site to the south in 2019. Despite covering all of the issues at the appeal, they have ignored the Inspector's conclusions and comments and sought to run the exact same issues in the current appeal.
4. SAG's evidence is flawed in that they acknowledge that the Council cannot demonstrate a 5 year supply of deliverable housing land in the District and that paragraph 11(d) of the NPPF is engaged. However, nowhere do they undertake a proper assessment of the harm against the perceived benefits. SAG simply do not undertake the exercise. Given that they have employed a planning consultant, the appellant would have expected them to understand that such an exercise needs to be carried out. Accordingly, they have not questioned the balancing exercise undertaken by the appellant and so that evidence stands as unchallenged by SAG and indeed any other party.

Council's Decision

5. The fact that the Planning Committee refused the application against the Planning Officer's recommendation does not get away from the fact that the planning officer conducted a proper assessment of the proposals and concluded in his professional view that having regard to the relevant policies in the Development Plan and all other material considerations, that planning permission should be granted. That was the correct assessment and recommendation.

Background

6. SAG consider these appeal proposals to be a Phase 2 to a much larger extension of the settlement. Firstly, the appellant has no land interest in any other land in the settlement, neither do they have any interest in the proposals that have been allowed for 25 dwellings to the south of the appeal site.
7. The Action Group makes reference to a Phase 3. As stated, this is totally unrelated to the appellant's interests. It is not an allocation and planning permission would be required. As a planning consultant prepared this statement, it is suggested that he should have known the context better than is portrayed, particularly with regards to a 'Call for Sites'.
8. At no time has the appellant ever stated that planning permission should be granted for the site on the basis of the adjacent site being granted permission. The merits of the appeal proposals are clearly set out in the appellant's statement and subsequent rebuttal. The appeal decision is a material consideration in the determination of these proposals.
9. It is also totally incorrect to comment that the Development Plan policy context has somehow changed since the 2019 appeal decision.

Development Plan

10. The appellant has set out clearly their comments in their Statement of Case and rebuttal to the Council's statement. There is no need to repeat these comments here. The only comments made will be to pickup inaccuracies or errors.
11. SAG acknowledge that there is no 5 year land supply in the District. However, what their statement does not acknowledge is that various housing policies are out of date, Policy BSC1, Policy Village 1 of the CLP 2015 and saved Policy H18 of the CLP 1996.

The Action Group seem to consider that these policies have the same weight as if a 5 year supply of housing land supply existed. This is totally incorrect and misleading.

Unsustainable & Unsuitable Location for Older Residents

12. The Sibfords is a Category A settlement. The appellant's original Statement of Case and rebuttal deals with this in detail and the reasons why it is identified as such. The Action Group appear to want to ignore the Development Plan when it suits them and at other times rely on its policies albeit not understanding that a number of policies are out of date.
13. A detailed Transport Assessment prepared by experienced transport consultants was submitted with the appeal application. This concluded that the appeal site represented a sustainable location. This conclusion was not questioned or criticised by the Highway Authority. Furthermore, there is no reason for refusal which indicates that the appeal proposals do not constitute sustainable development. If the appeal site to the south is considered to represent a sustainable location, then this must equally apply to an adjacent site. SAG simply want to ignore the comments of the 2019 appeal inspector as it does not suit their argument.

Reason for Refusal 2

14. SAG makes reference to harm to the landscape. Firstly, this does not feature in the reason for refusal and the Action Group are attempting to introduce a new issue. Furthermore, they have not carried out their own landscape and visual impact assessment to justify their comments, unlike the appellant. Indeed, they do not query or question the methodology or conclusion of the appellant's LVIA. The comments of the Action Group are without any technical landscape analysis or input but amount to mere assertions.
15. The appeal site is not identified within any statutory landscape designation. The 2019 appeal inspector concluded on the land to the south of the appeal site that: - (paragraphs 24-34 appeal decision)

“Sibford Ferris is a linear village extending northwards along Hook Norton Road before turning east above the Sib valley. The village's linear character means that its rural landscape prevails with the village being a subservient element. For example, the well treed Sib valley restricts views between the

Sibfords reducing the impacts of the settlement pattern on landscape. Over the last 20 years new housing has been integrated into the existing settlement pattern in a sensitive way.

The appeal site's boundaries are formed by hedges on each side apart from the southern edge which is open to the remainder of the arable field. The site sits on top of a broad ridge above the Sib valley and further away, to the south the Stour valley. When viewed from the south and west across both valleys the appeal site appears as an extension to arable fields. The line of trees on the western edge of the Sibford School is a critical boundary to the edge of the settlement. The site has no statutory or non statutory landscape designations.

The adopted policies ESD 13 and ESD15 included in the CLPP1 seek to both protect landscapes and to ensure that new development responds positively to an area's character through creating or reinforcing local distinctiveness. These policies are underpinned by the 'saved' policy C28 of the Cherwell Local Plan (1996) designed to ensure that new development is sympathetic to its rural context and high value landscapes.

Where adherence to these policies is not possible proposals will not be permitted if they cause undue visual intrusion into the countryside, impact on its natural landscape and topography and be inconsistent with local character. These policies are consistent with several of the criteria included in policy PV2 which seek amongst other matters, to avoid adverse landscape impacts of new development and to avoid development on the best and most versatile agricultural land.

Although the site lies outside the Cotswolds Area of Outstanding Natural Beauty (AONB) its landscape context is shaped by this. Furthermore, the site lies in Character Area 13 of the Oxfordshire Wildlife and Landscape Study defined as an area of 'Rolling Village Pastures' and close to another landscape type, 'Wooded Pasture Valleys and Slopes'. The nature of this rolling landscape interspersed with hedgerows and copses means that views into the site from its immediate boundaries are limited compared to those from further away. For example, the proposed area of housing would be

difficult to see from Woodway Road due to the slope the land and height of the hedge.

The appeal site would create a new pattern of development as an extension to the southern edge of the village. The indicative drawings identify that development would be set in the north east corner of the site with housing of 2.5 storeys which steps down towards the middle of the site to 1.5 storeys. Within the appeal site the extent of development would be limited and when set against existing development at Margaret Lane House (part of the Sibford School), it would extend the village envelope by only a small area. The suggested height parameters are important in reducing the visual impacts of the scheme from surrounding receptor points.

Whilst there are differences in approach to their respective landscape studies both the Appellants and the SAG identify a range of receptor points from which to gauge the impact of the scheme on landscape and visual character. However neither study include montages of the proposed development or images of what the site could look like after 1 and 15 years – critical points in the ‘life’ of a development.

Having visited several of the receptor points and considered the views included in both reports in detail I conclude that potentially the two most sensitive receptor points are from the west from the Cotswolds AONB and from the south. From the former I consider that the integrity of the landscape would not be compromised by this development. This is in part because within the appeal site the dwellings would be set close to existing housing and only marginally extend the pattern of development to just south of Margaret Lane House which forms part of the Sibford School.

Furthermore, the line of trees along the boundary of the Sibford School along Hook Norton Road would still be the dominant landscape feature when the site is viewed from the west. For these reasons I consider that the proposals would not have an ‘urbanising effect’ on the site and its surroundings as the Council have stated.

From my own observations I find that the appeal site is most prominent when viewed at just over 1km away from the south along D’Arcy Dalton

Way. This is particularly important given that at this point the appeal site would not have a natural edge to its southern boundary. However, the scheme does include mitigation along this edge in the form of tree planting. The Appellants Landscape and Visual Appraisal recognises that the proposed scheme would be contained within the existing landscape. The concentration of development at the north east corner of the site and its relative low density would reduce its intrusiveness.

The National Design Guide 2019 builds on Chapter 12 of the National Planning Policy Framework (NPPF) 2019 which requires, amongst other matters, that new development reflects its landscape context and setting. Having viewed the site from a number of receptor points I consider that its low density combined with the extent of proposed planting belts would ensure that the proposal could be ‘accommodated’ within its context.

On this issue I conclude that the proposals would not cause unacceptable harm to the landscape setting of the Cotswolds AONB and the setting of Sibford Ferris. For these reasons I consider that the proposed scheme would not be in conflict with saved policies C28 of the Cherwell Local Plan (1996) and ESD 13, ESD 15 and PV1 and PV2 of the CHPP1.

16. All of the above conclusions equally apply to the appeal proposals which will sit comfortably into the site as they are single storey dwellings. SAG attended that Hearing but simply ignored the Inspector’s comments and conclusion.
17. In line with the advice in the NPPF, the appellant worked with the Planning Authority to prepare a suitable design and layout for the site. A pre-application enquiry with the Planning Officer was undertaken. On the issue of design and layout, even at the early stage, the officer concluded: -

“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.”

18. The views of officers were carried forward in the Officer's subsequent Committee Report. It is suffice to say that regardless of the design, appearance and layout, the Action Group would oppose development simply for the sake of opposition.

Strategic Housing Land Availability Assessment Update (2014)

19. The appellant does not over-emphasise the importance of the Council's Strategic Housing Land Availability Assessment 2014. The phrase 'over-emphasise' is that of SAG, not the appellant.
20. The SHLAA is an important document in the Council's assessment and delivery of sustainable housing sites particularly where no 5 year land supply exists. It is also particularly important in the context of Category A settlements where there are no settlement limits and policy is permissive towards additional development. SAG simply misunderstand its importance and context. What is of relevance is that the site was put forward in a Call for Sites and the Council's own assessment concluded the appeal site to be suitable and deliverable for residential development.
21. The Action Group has included an appeal decision at Fringford Cottage, Main Street, Fringford. This appeal decision has no relevance to the current proposals because: -
- i. The development was for a larger scheme than the current appeal proposals.
 - ii. The appeal site relates to the listed building or its setting and so Section 66(i) of the Planning (Listed Building & Conservation Areas) Act 1990 was relevant. That is not the case here.
 - iii. The Council could demonstrate a 5 year land supply unlike the current agreed position where the Council has a significant housing land supply shortfall i.e. over 2,500 dwellings.
22. It is interesting that the Action Group make reference to an appeal that is not relevant but ignore the more recent appeal on the site immediately adjacent to the appeal site in 2019 which they attended and believe does not represent an important material consideration.

Conclusion

23. In conclusion, the statement prepared by the Action Group fails to address the important issues raised by the appeal site. Just like the Planning Authority's Statement it carries out no balancing exercise of the harm against the benefits, unlike the

appellant. This statement raises nothing that should dissuade the Inspector to allow the appeal and grant planning permission.