

SUMMARY

PLANNING PROOF OF EVIDENCE

Prepared by: David Hutchison

Section 78 Appeal by: Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles and A L C Broadberry

OS Parcel 1570 Adjoining and West of Chilgrove Drive and Adjoining and North Of, Camp Road, Heyford Park

Date 7th November 2023 | Pegasus Ref: P23-2074

PINS Ref. APP/C3105/W/23/3326761

Proposal

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access





Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
RO01v1	07/11/2023	DH		



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1. PERSONAL BACKGROUND

- 1.1. My personal background and qualifications is set out in my Proof of Evidence and so I don't repeat it again here.

2. SUMMARY & CONCLUSIONS

2.1. My Proof of Evidence has been prepared on behalf of on behalf of Dorchester Living (DL). It relates to a Planning Appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of OS Parcel 1570 Adjoining and West of Chilgrove Drive and Adjoining and North of, Camp Road, Heyford Park (the Appeal Site).

2.2. Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles and A L C Broadberry (the Appellants) lodged an appeal on 27th July 2023 following the decision of Cherwell District Council (the Local Planning Authority) to refuse an Outline Planning Application (LPA ref. 21/04289/OUT) for a proposed development comprising:-

“Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.”

2.3. I present the planning policy evidence on behalf of Dorchester Living and this concentrates on the following issues:-

Issue 1 The principle of development

Issue 2 Whether this speculative development at Heyford Park is appropriate with particular reference to Policy Villages 5

Issue 3 The emerging Cherwell Local Plan Review 2040

The Overall Planning Balance

2.4. My main findings can be summarised as follows:-

Issue 1 The principle of development

1. This is the wrong development at the wrong time.
2. I accept that Heyford Park is a sustainable location for carefully planned and coordinated development.
3. However Policy Villages 5 encapsulates what the Development Plan regards as being sustainable development at Heyford Park and the proposals do not accord as a matter of principle, nor in substance.
4. A further 230 dwellings on the appeal site is not necessary to meet the required housing numbers allocated at Heyford Park or to fulfil its role in the spatial strategy. Planning permissions are already in place to meet and exceed the planned requirement of approximately 2,361 homes.

5. Speculative development that is outwith Policy Villages 5 should be approached with great caution. Heyford Park is unique. It should not be viewed as an “ordinary residential led development” which can simply expanded in an unplanned and uncoordinated manner.
6. The adopted Local Plan does include some “limited,” but carefully selected areas of greenfield land for development in locations that would be “complementary to the approved development.” The appeal site is not one of the selected areas.
7. The appeal site does not adjoin existing development at Heyford Park. The land to the west would need to be built out before that could be the case. As things stand today, the appeal site would represent a detached and isolated enclave of development, poorly related to the rest of Heyford Park.
8. The land to the west now has planning permission but it has not been designed to integrate with the appeal site. Furthermore, the appeal site does nothing to integrate with the consented land to the west.
9. It would in affect be a large cul-de-sac of 230 dwellings served by a single point of access off Camp Road. It would not enable a “high degree of integration”, provide the necessary connectivity or “maximise the potential for walkable neighbourhoods” or represent “high quality design” overall as required by Policy Villages 5.
10. The proposals also fail to provide for a well-designed, ‘soft’ approach to the urban edge as required by Policy Villages 5.
11. The evidence of Mr Frisby explains that the Appellants have failed to demonstrate whether the highways impact of their development can be adequately accommodated on the local highway network in terms of highway capacity and safety; nor have they identified any stand-alone mitigation.
12. If the Appellants rely upon the mitigation that is to be provided by others then they should be proposing proportionate contributions and if the appeal is allowed, restrictions should be imposed to ensure that mitigation is in place for when it is needed, as envisaged by Policy Villages 5.

Issue 2 Whether this speculative development at Heyford Park is appropriate with particular reference to Policy Villages 5

13. This is a case where the principle of development does not accord with the Development Plan.
14. It is not plan-led development. It is a speculative proposal on a site that is not allocated for housing (or indeed any other form of development). The site is also not within a defined settlement and nor is it previously developed land. It is unallocated greenfield land in the open countryside.
15. There is no policy that the Appellants can point to that positively supports this type of development in this location.

16. The proposals are not consistent with the Vision, Strategy and Objectives of the Local Plan which seek to focus the bulk of the proposed growth in and around Bicester and Banbury, limiting growth in rural areas and aiming to strictly control development in open countryside.
17. I accept that the Local Plan does identify a major location for growth at the former RAF Upper Heyford base to deliver 2,361 homes and the appeal site is located adjacent the allocation. However, the site is not part of the Local Plan allocation. It therefore gains no support from Policy Villages 5.
18. The appeal proposals also gain no support from Policy Villages 1, 2 or 3.
19. Policy H18 allows for certain types of housing in the countryside but the appeal proposals would not qualify as one of the types of development that will be permitted under that policy.
20. The proposals are in direct conflict with saved Policy C8. The Policy says that sporadic development in the countryside will be resisted. The supporting text says that the policy will apply to all new development proposals beyond the built-up limits of settlements.

Issue 3 – The emerging Cherwell Local Plan Review 2040

21. I recognise that the eLP proposes to allocate a further 1,235 dwellings Heyford Park as part of a planned expansion of the new settlement.
22. I also recognise that the appeal site is one component of a much larger preferred residential site allocation.
23. However the eLP is still at a very early stage in the plan making process. Consultation was ongoing at the time of writing this evidence and we can only speculate on whether the appeal site will even be allocated when the plan is finally adopted.
24. In the context of national policy at §48 of the NPPF, I would afford the eLP very little, if any weight in the determination of this appeal.
25. In any event the eLP carries forward Policy Villages 5 and the expectation that any additional development is planned for and carried out in a comprehensive and integrated way. The appeal proposals do not accord with those principles.
26. Furthermore, the additional land is not even proposed to come forward until after 2031 and work is ongoing with regards to the transport infrastructure and mitigation that will be necessary to support additional housing.
27. I do not see the eLP as a compelling reason to allow this appeal. If anything, it adds to my contention that one should be cautious about releasing land for development on an ad hoc basis now.

The Overall Planning Balance

28. The appeal proposals would not accord with the Development Plan when it is read as a whole. The level of conflict is serious and not trivial.
29. The most important policies are not out of date for reasons relating to housing land supply as the LPA claims to have a 5.4 year supply.
30. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted as per NPPF §12.
31. There are no material considerations that justify a departure from the Development Plan in this case.
32. I accept that the proposals would deliver a range of social, economic and environmental **benefits** which can be afforded varying levels of weight as identified below:-
 - a. Provision of Open Market Housing – Moderate/Significant
 - b. Provision of Affordable Housing – Significant
 - c. Economic benefits – Significant
 - d. Financial contributions towards off site infrastructure – Limited
 - e. Public open space – Limited
 - f. Other green infrastructure and biodiversity enhancements – Limited/Moderate
33. The potential residual adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:
 - a. Harm to the plan led process – Substantial
 - b. Traffic and transportation – Substantial
 - c. Poor design and lack of integration contrary to Policy Villages 5 – Substantial
 - d. Loss of countryside and landscape harm to the site itself – Moderate
34. Others are presenting evidence on issues such as heritage visual impact and this is likely to add further harms that weigh against the grant of planning permission.
35. Even in the tilted balance (if engaged) the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.
36. Whichever planning balance is applied, the proposals do not represent sustainable development and so this appeal should be dismissed.



Concluding Comments

- 2.5. Having undertaken a planning balance in the way that has been outlined, I reach the conclusion that the proposals do not represent an appropriate and sustainable form of development in this location and that there are compelling reasons that justify withholding planning permission.
- 2.6. In view of the foregoing, the Inspector is respectfully requested to dismiss this appeal.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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