

12 January 2024
Letter - 12 January 2024



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Dear Alison,

Planning Appeal Reference: APP/C3105/W/23/3326761

Planning Application Reference: 21/04289/OUT

OS Parcel 1570 Adjoining And West Of Chilgrove Drive, And Adjoining And North Of, Camp Road, Heyford

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

On behalf of Richborough Estates, Lone Star Land Ltd, K and S Holford, A and S Dean, NP Giles and A L C Broadberry

Introduction

This submission is made on behalf of the Appellant to respond to the request from the Planning Inspector to receive comments from the parties about the implications to their respective cases of the changes under the revised National Planning Policy Framework.

This submission comprises:

- This letter
- Comments from Emery Planning
- Advice with attachments from Sarah Reid KC and Constanze Bell

These documents address the changes made to the Framework in so far as they relate to housing land supply. The Inspector is referred to the statement from Mr. Pycroft, and the advice from Leading Counsel in this respect, which is not repeated here.

In summary, Cherwell District Council remains subject to a requirement to demonstrate a five year housing land supply and cannot do so for the reasons set out by Mr. Pycroft, and because the Council does not have a policies map as required by paragraph 226, as confirmed in the attached advice from Leading Counsel.

However, even if this were not the case and the requirement were to demonstrate a four year housing land supply, the Council cannot demonstrate an adequate supply either for the reasons set out in Mr. Pycroft's statement.



The tilted balance contained in paragraph 11, and the revised footnote 8, means this is therefore a case where the Council cannot demonstrate “a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites ... and does not benefit from the provisions of paragraph 76” (noting the transitional arrangements in paragraph 224 and footnote 79, which are also dealt with in Mr. Pycroft’s submission).

Accordingly, and since (on the Appellant’s case), the tilted balance is not dis-engaged by the application of policies in the revised Framework that protect heritage assets, it also remains the case that the tilted balance in paragraph 11 continues to apply pursuant to the new provisions in the revised Framework.

The Appellant’s case remains that the proposed development complies with the development plan and hence planning permission should be granted. There are no material considerations which demonstrate otherwise.

Weight Under the Planning Balance

There continues to be a substantial shortfall in housing land supply and the need for additional housing is acute. Substantial weight should be given to this, whether assessment is made under five years or four years, as single calculation or separate calculations.

Even if, contrary to the Appellant’s case, the Council does have an adequate supply, the weight remains substantial for the reasons set out at paragraphs 148 – 151 of the Appellant’s closing submissions.

Weight under the planning balance is summarised within closing for the Appellant, at paragraphs 146 to 151, with agreement between the Appellant and the Council that weight to be given to the shortfall should be at the top of the scale.

We cannot see that there is any substantive reason for those judgments to change, having regard to the attached submissions from Mr. Pycroft in relation to housing land supply.

Whether the Appeal Site Forms a Suitable Location for Development Having Regard to National and Local Planning Policies

The revised Framework does not change the Appellant’s case that the appeal site forms a suitable location for development having regard to national and local planning policies. It remains the case as per the closing submission for the Appellant that there is plainly a need for additional housing land to come forward so that the acute shortfall can be addressed, and for a rolling supply of housing land to be maintained. Limited weight should be accorded to policies of restriction in these circumstances. A site located adjacent to an identified major location for growth, in a sustainable location, with limited development impacts, is exactly the type of site that the Council desperately needs.

The Appellant’s case as to the inconsistency between the restrictive and outdated policies of the Council’s development plan, and the limited weight that can be attributed to such policies, which was accepted in cross-examination by Mr. Bateson, is unaffected by the changes to the Framework.

The revised Framework retains the presumption in favour of sustainable development (paragraph 11) and continues to state the Government’s objective of significantly boosting the supply of homes (paragraph 60).

The Effect of the Proposal on the Landscape and Local Character, With Particular Regard to the Form and Character of Heyford Park

The revised Framework does not change the relevant content of chapter 15: Conserving and Enhancing the Natural Environment, and there is no change to the Appellant's case that the effect of the proposed development on the landscape and local character with particular regard to the form and character of Heyford Park will be appropriate.

The Effect of the Proposed Development on Heritage Assets

The revised Framework does not change the relevant content of chapter 16: Conserving and Enhancing the Historic Environment, and there is no change to the Appellant's case that the proposed development would not harm the significance of the Conservation Area and there is compliance with Policy ESD15 of the Local Plan and this chapter of the Framework.

Whether the Development Makes Appropriate Provision for Infrastructure and Transport Mitigation to Ensure a Sustainable Development and Makes the Development Acceptable in Planning Terms

The revised Framework does not change relevant aspects of national planning policy for example chapter 9: Promoting Sustainable Transport.

There is no change to the Appellant's case which is that the proposed development makes appropriate provision for infrastructure and transport mitigation to ensure a sustainable development and makes the development acceptable in planning terms.

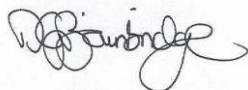
The Appellant has submitted a certified copy of the executed planning obligation by deed of agreement under s.106 of the Town and Country Planning Act 1990, dated 21 December 2023. There remains agreement between Appellant and Cherwell District Council on draft planning conditions for the consideration of the Planning Inspector.

Conclusion

The case remains that the proposed development complies with the development plan and hence planning permission should be granted. There are no material considerations which demonstrate otherwise.

We will be pleased to respond to any queries on this submission from the Planning Inspector.

Yours sincerely,



**David Bainbridge MRTPI
Planning Director**

Copy. Richborough, Lone Star Land

Encl. As stated above