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12th January 2024

Mrs Alison Bell
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Dear Mrs Bell

**Land at OS Parcel 1570 adjoining and west Of Chilgrove Drive, and adjoining and north of,
Camp Road, Heyford Park
The Revised National Planning Policy Framework (December 2023)**

I write in response to your email dated 20th December 2023 concerning the revised National Planning Policy Framework which came into force on 19th December 2023 ("the revised NPPF").

The Inspector has invited comments from all parties on the implications of the revised NPPF for this appeal. Dorchester Living (DL), as the Rule 6 Party, would respond as follows:-

The Most Relevant Revisions to the NPPF

1. For the purposes of this appeal, the most relevant revisions to the NPPF are those that relate to housing land supply and the implications for whether or not the tilted balance is engaged through NPPF footnote 8.
2. DL did not present evidence to the inquiry on housing land supply matters. However, it is considered that the revised NPPF alters the way in which the decision maker should approach this appeal.
3. As noted in my Proof of Evidence at paragraph 8.5, the Appellant did not identify any other reasons why the most important policies are out of date for the purposes of NPPF paragraph 11d and so it cannot be argued that these revisions are inconsequential to the Appellants' case because there are no other routes into the tilted balance in this case.

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The approach that is now to be taken on Housing Land Supply

4. The revisions to the NPPF remove the need to include a 5% buffer when assessing the housing land supply position.
5. This will have the effect of bolstering the LPA's overall supply position because it reduces the housing requirement.
6. Paragraph 226 is also relevant insofar as it introduces a new four year housing requirement for some LPAs. It reads as follows:-

226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old⁸⁰, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

7. In this case:-
 - a. The LPA has an emerging Local Plan that has reached the Regulation 18 stage.
 - b. The plan includes policies maps through a Key Diagram and a series of policy maps and plans which identify the geographical location and extent of the allocations (see Heyford Park at p.250 and p.270) and how these relate to other policy designations.
 - c. The plan includes proposed housing allocations which will contribute towards meeting housing need.
8. The consequence of the revisions is that the LPA now only needs to identify a minimum of four year's worth of deliverable housing sites against the Local Housing Need.



9. If the LPA is able to demonstrate a 4 year housing land supply then the most important policies would not be out of date for reasons related to housing land supply and the tilted balance would not be engaged.

The supply position in Cherwell

10. If the Inspector agrees with the recent appeal decisions at Deddington and Milcombe and concludes that the unmet needs of Oxford do not form part of the housing land supply calculation, then Appellants' own position is that there is (at worst) a supply of 3.83 years (2,855 dwellings) with a 5% buffer [Supplementary PoE of Ben Pycroft Table 10.2].
11. Simply by removing the 5% buffer, the LPA's supply position will increase to 4.02 yrs.
12. The supply position may improve further depending upon the Inspector's conclusions on disputed sites.
13. However even if the Inspector agrees with the Appellant on every site, the LPA will still have a minimum 4 year housing land supply.

The implications for this appeal

14. The LPA is able to demonstrate a minimum of a 4 year housing land supply and so the tilted balance is not engaged.
15. The most important policies are not out of date for reasons relating to housing land supply or for any other reason.
16. The appeal should therefore be determined in the flat "unweighted" balance. Where a planning application (or appeal) conflicts with an up to date development plan, as is the case here, then planning permission should not normally be granted [NPPF paragraph 12].
17. There is no need for additional housing to be granted permission in order to maintain the minimum housing land supply, or the currency of the most important policies of the adopted Development Plan, or as explained in our previous evidence to meet the PV5 housing requirement or the Rest of District housing figures in Policy BSC1.
18. It will increase the weight to be afforded to restrictive policies including H18 and C8 even if they are not entirely consistent with the NPPF.
19. The Inspector will recall the discussion during my Evidence in Chief and Cross Examination and I would once again draw attention to the judgement of the Court of Appeal in *Gladman Developments Ltd v Daventry District Council & Anor* [2016] EWCA Civ 1146 [CD.M51].
20. This was a case with a policy that was very similar to H18 [para 11], the LPA could demonstrate a minimum housing land supply, the policy was not therefore jeopardising the



housing land supply objective [para 44] and it was recognised that an important set of policies in the NPPF is to encourage plan led development [para 40 iv].

21. I would highlight that when the Court of Appeal upheld the judgement of the lower court in Daventry it was upholding the judgement of Mrs Justice Lang [see para 2]. It was the same Mrs Justice Lang that handed down the Telford judgement that held that the NPPF does not protect the countryside for its own sake [CD.M19 para 47].
22. The Daventry case highlights the importance of looking at each case on its merits and recognising that it is necessary to consider consistency with the NPPF as a whole.

Conclusion

23. For the reasons set out above, the tilted balance is not engaged in this case. There are no good reasons to depart from the adopted Development Plan as previously explained in written and oral evidence.
24. Even if the Inspector disagrees and proceeds on the basis that the tilted balance is engaged, DL still considers that the adverse impacts would significantly and demonstrably outweigh the benefits such that the appeal should still be dismissed.

DL would ask that these additional representations are taken into account when the appeal is determined.

Yours sincerely

David Hutchison
Executive Director

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