

## Andy Bateson

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**From:** Andy Bateson  
**Sent:** 14 February 2024 16:55  
**To:** Bell, Alison  
**Cc:** Submit Appeal; Chris Wentworth; Paul Seckington; David Bainbridge; David Hutchison  
**Subject:** RE: APP/C3105/W/23/3326761 - OS Parcel 1570 Adjoining And West Of Chilgrove Drive, And Adjoining And North Of, Camp Road, Heyford Park

Dear Alison,

In accordance with Inspector Hockenhill's request and your confirmation yesterday of today's deadline, please find attached the LPA's response to the following request concerning what are:

"the implications of the revisions to the PPG for their respective cases and their land supply positions"?

The LPA has already responded, through the submitted advice note of Douglas Edwards KC, that it maintains that NPPF new paragraph 226 applies in Cherwell District by virtue of its publication and consultation on its Reg.18 draft 2040 review Local Plan for Cherwell, with its proposed retained and new policies and development allocation proposals and its associated maps and diagrams.

If Inspector Hockenhill accepts that conclusion and thereby agrees with the interpretation and advice offered by Mr Douglas Edwards KC and disagrees with the alternative interpretation and advice offered by Ms Sarah Reid KC on behalf of the Appellants, then revised **PPG Paragraph 002 (Ref ID: 68-002-20240205)** entitled **What is a 5 year housing land supply** is relevant to this appeal case in that: "References in this guidance to 5 year housing land supply in relation to decision-making will need to be read as relating to **4 year** housing land supply..." [my emphasis]

Similarly, **PPG Paragraph 004 (Ref ID: 68-004-20240205)** entitled **How can an authority demonstrate a 5 year supply of deliverable housing sites?** is also relevant in this instance as it confirms that for decision-taking purposes LPAs "can do this in one of two ways...". The Council's approach, as explained at the Inquiry (CD.18 & ID.17), has been entirely consistent with the guidance specified in paragraph 004.

New **PPG Paragraph 055 (Ref ID: 68-055-20240205)** entitled **What housing land supply does a local planning authority need to demonstrate for the purposes of decision making?** explains that the "criteria for housing land supply requirements for decision-making purposes are set out in paragraphs 76, 77 and 226 of the National Planning Policy Framework." It is accepted by all parties that paragraph 76 does not apply in this instance but that paragraph 77 does apply. For reasons previously explained, the LPA maintains that paragraph 226 must rightly apply in Cherwell District, in which case: "...an authority only needs, for the purposes of decision-making, 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) against either its housing requirement figure or LHN as appropriate." [My emphasis] The Council maintains, as evidenced in the submissions of its housing witness Mr Jon Goodall (Refs: Core Docs.18 and Inquiry Docs.12, 13 & 17), that setting aside the overspill housing needs of Oxford city which are being separately addressed through Green Belt release development allocations around Kidlington, Begbroke and Yarnton, that Cherwell District's own strategic housing needs are being satisfactorily addressed through existing permitted and allocated developments and that it currently has a published deliverable supply (2023 AMR) of **4,171 dwellings** and a **5.87-year supply** (excluding the previous 5% buffer addition). This Appellant's own evidence (ID.16) suggests that Cherwell would have a deliverable supply amounting to **3,595 dwellings** and a **4.82-year supply**, as referenced at the recent Milcombe appeal decision, if Oxford's unmet needs are not included.

**PPG Paragraph 055** also highlights that the Glossary of the NPPF defines what can be counted as deliverable and stipulates that "both the 5 year housing land supply and the 4 year housing land supply that authorities should demonstrate for decision making should consist of deliverable housing sites **demonstrated against the authority's**

**five year housing land supply requirement...**" [My emphasis], which is consistent with the advice issued by Mr Douglas Edwards KC.

New PPG paragraph 056 (Ref ID: 68-056-20240205) entitled **What housing land supply should local planning authorities demonstrate against their housing requirement (or LHN as appropriate) with respect to planning applications made prior to 19 December 2023?** adds that: "Where the criteria under paragraph 226 are met, an authority will need to demonstrate a 4 year housing land supply with a 20% buffer, if appropriate, against their five year housing land supply requirement." That is similarly consistent with the advice of Douglas Edwards KC.

PPG Paragraph 006 (Ref ID: 68-006-20190722) entitled **Which strategic housing policies are used to calculate the 5 year housing land supply where there is more than one strategic housing requirement policy for the area?** Is unchanged and, contrary to what the Appellant has sought to argue, has consistently provided guidance on the accommodation of multiple strategic housing policies and multiple strategic housing requirements, as is the case in Cherwell District. The new PPG is not seeking to change planning policy, as the Appellant's housing witness has recently been arguing at other recent appeals and may seek to argue here. The wording in paragraph 006 guidance was first published in 2019.

With regard to PPG Paragraph 022 (Ref ID: 68-022-20240205), which is entitled **When should the 20% buffer be added to the 5 year housing land supply requirement?** it is common ground between the parties that a 20% buffer is inappropriate in Cherwell District because delivery of housing in the District has consistently satisfied the housing requirement figure over numerous years and, in any case, Paragraph 022 states that "authorities who are not required to demonstrate a 5-year housing land supply should disregard this requirement."

Critically in respect to the Appellant's contention that the housing requirement needs of Cherwell District should be combined with the unmet overspill housing needs of Oxford city into Cherwell District (4,400 dwellings to 2031) Paragraph 028 (Ref ID: 68-028-20240205) entitled **How will areas with joint plans be monitored for the purposes of a 5 year housing land supply?** states: "Areas which have a joint plan have the option to monitor their 5 year housing land supply and have the Housing Delivery Test applied over the whole of the joint planning area or on a single authority basis. **The approach to using individual or combined housing requirement figures will be established through the plan-making process and will need to be set out in the strategic policies.**" [My emphasis] This guidance supports the LPAs case; not the Appellant's case. It is perfectly reasonable for the LPA to maintain separate strategic housing land supply monitoring for Cherwell District and for the overspill from Oxford city. Keeping those strategies and monitoring separate was endorsed through the Local Plan Partial Review Examination and has subsequently been further endorsed at three recent S.78 appeal decisions in Cherwell where other Appellants have sought to argue, like this Appellant, that the requirements of Oxford city should be combined with those of Cherwell District but Inspectors have disagreed.

In summary and conclusion, the revised PPG offers some clarification to the recent NPPF publication and, taken together, the guidance issued supports the Council's case in respect to the District's housing land supply.

I hope that Inspector Hockenhull find this response helpful.

Kind regards,

Andy

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**Subject:** RE: APP/C3105/W/23/3326761 - OS Parcel 1570 Adjoining And West Of Chilgrove Drive, And Adjoining And North Of, Camp Road, Heyford Park

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Close of play tomorrow please.

Kind regards

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**Please note my work pattern is Monday to Thursday**

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**Subject:** RE: APP/C3105/W/23/3326761 - OS Parcel 1570 Adjoining And West Of Chilgrove Drive, And Adjoining And North Of, Camp Road, Heyford Park

Alison, may I check whether the 5 working days from the email last Wednesday means a deadline of close of play today or close of play tomorrow? Thanks, David

**David Bainbridge MA (Hons) MRTPI**  
**Director**  
**Planning**

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**Sent:** 07 February 2024 15:59

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**Subject:** RE: APP/C3105/W/23/3326761 - OS Parcel 1570 Adjoining And West Of Chilgrove Drive, And Adjoining And North Of, Camp Road, Heyford Park

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Good afternoon,

Thank you for your recent emails including the attached from the Rule 6 Party.

Please see the Inspector's comments below;

I can confirm that I am now seeking comments from the main parties on the implications of the revisions to the PPG for their respective cases and their land supply positions.

I will then consider the comments made.

In the circumstances, I see no need for the appellant to have 'the last word' and comment further on the parties submissions. The Inquiry has been formally closed and I am only seeking comments as there has been a change in Guidance.

I do not wish to prolong the matter and I am sure all parties would wish to see a decision made as soon as possible.

I give the parties 5 working days to respond.

Kind regards

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Please note my work pattern is Monday to Thursday

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**From:** Andy Bateson <[Andy.Bateson@cherwell-dc.gov.uk](mailto:Andy.Bateson@cherwell-dc.gov.uk)>  
**Sent:** Tuesday, February 6, 2024 4:20 PM  
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Dear Alison et al,

From the LPAs perspective, it would only further delay the decision making process on this appeal to allow the Appellant to comment not only on the latest PPG but also be afforded an opportunity to comment further on whatever the LPA and Rule 6 Party may offer by way of comment on the new PPG guidance.

Our understanding is that Inspector Hockenhill only now seeks whatever comments we may all have on the latest PPG guidance and its relevance to this appeal and it is then up to the Inspector to make what she may of those comments. The comments themselves ought not to be evidence as such but should surely focus on whatever relevance the latest PPG guidance may have for our respective land supply positions in respect to this development proposal. Therefore, I would not have expected in this instance any need for any final 'right of reply'.

Kind regards,

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Dear Alison, please can we seek clarity from the Planning Inspector following yesterday's update to the Planning Practice Guidance on housing supply and delivery.

We have mentioned before the principle of the Appellant's final right of reply. In this context we would suggest it is appropriate for the Council and Rule 6 Party to be asked to provide any final submissions following which the Appellant can provide submissions in respect of the PPG update and response to the Douglas Edwards KC advice, after which the inquiry would be closed and nothing further accepted from any party.

Thanks, David

**David Bainbridge MA (Hons) MRTPI**  
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