



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

TOWN AND COUNTRY PLANNING ACT 1990

**APPEAL BY ARCHSTONE AMBROSDEN LTD, BELLWAY
HOMES LTD & ROSEMARY MAY**

LAND EAST OF PLOUGHLEY ROAD, AMBROSDEN, OX25 2AD

LOCAL PLANNING AUTHORITY REF NO: 22/02866/OUT

PLANNING INSPECTORATE REF NO: APP/C3105/W/23/3327213

**PROOF OF EVIDENCE Tom Webster BA (HONS) DIP TP MRTPI ON BEHALF OF
Cherwell District Council The Local Planning Authority**

OCTOBER 2023

Proof of Evidence of Tom Webster

My name is Tom Webster, I am a Principal Planning Officer in the South Area Major Projects Team at Cherwell District Council.

I have a Bachelor of Arts (Hons) degree from Sheffield Hallam University, and a post-graduate Royal Town Planning Institute (RTPI) recognised Diploma in Town Planning. I am also a member of the RTPI.

My role at Cherwell District Council includes providing pre-application advice for major Planning and regeneration projects in the district, particularly in, and around, Bicester, and determining major planning applications.

In previous planning roles, I contributed to the drafting of Cambridge City Council's North Eastern Fringe Area Action Plan and Islington Borough Council Planning Obligations SPD and Council's CIL charging schedule.

At Cambridge City Council I also worked on a number of large-scale, mixed-use, cases on the growth sites along the northern, eastern and southern fringes of Cambridge. These projects included developments on Clay Farm (a 3,000 residential settlement on land allocated for housing in the 2006 Local Plan), and Cambridge Biomedical Campus (a 75,000 sqm medical and clinical science park).

I am familiar with the appeal site and the surrounding area. I consider the Council's position to be well founded, and I agree with the Council's reasons for refusal.

The evidence which I have prepared and provide for this appeal is true: it has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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1.INTRODUCTION

- 1.1 This Proof of Evidence sets out my evidence on behalf of Cherwell District Council (“**the Council**”) in respect of the appeal submitted by Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May (“**the Appellants**”) under Section 78(1) of the Town and Country Planning Act 1990 against the Council’s decision to refuse Planning Application ref 22/02866/OUT pertaining to Land East of Ploughley Road, Ambrosden, OX25 2AD (“**the Site**”).
- 1.2 The planning application, received by the Council on 20th September 2022, sought planning permission for the development of the site, and was described by the council as follows:
- “OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration”*
- 1.3 On the 12th October 2023, the Appellants notified the Council, via email, that they would like to amend the description of development by removing the line ‘*new pedestrian access to West Hawthorn Road*’. Therefore, they wish the revised description of development to be:
- “OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration”*
- 1.4 As indicated in correspondence, the Council regard this proposed amendment as being a matter for the Inspector to determine. However, I will consider the evidence with and without the footpath.
- 1.5 The application was registered by the Council on the 21/09/2022 under reference 22/02866/OUT. The application was subject of advertisement and consultation until 08/11/2022 and subsequently amended on the 19/04/2023¹ with further consultation until 03/05/2023.
- 1.6 In response to the consultation, Ambrosden Parish Council raised an objection on the grounds of:
- No clear statement of population growth
 - Scale of development
 - Detrimental Impact to infrastructure, amenity and biodiversity; and
 - Lack of engagement.
- 1.7 The Council’s Landscape officer also raised an objection regarding scale and landscape harm (see Nicola Brown’s Proof of Evidence).

¹ The Transport Assessment Addendum was amended following an objection from Oxfordshire County Council Highways. This Transport Assessment Addendum introduced alternative site access plans that propose a traffic calming feature and revised speed limit on Ploughley Road to reduce traffic speeds such that the available visibility at the site access junction becomes acceptable.

- 1.8 A total of 80 objection letters from residents were also received. The issues raised are summarised in paragraph 6.2 of the Commitee Report.
- 1.9 Cherwell District Council Officers reported the application to Planning Committee on 13th July 2023. They recommended to Members that the application should be refused for the following two reasons:
- 1. The site is located outside the built form of Ambrosden and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Ambrosden to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached. The proposed development is therefore contrary to Policies ESD13, ESD15, BSC1, PSD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.*
- 2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.*
- 1.10 The Members upheld the officer's recommendation, and the application was refused on the 14th of July 2023.
- 1.11 The Council's evidence will be provided by Nicola Brown (BA(Hons), BLand Arch, CertUD, CMLI), Jon Goodall (MA (Cantab) MSc), and myself.
- 1.12 Nicola Brown of Huskisson Brown will provide evidence on Landscape matters.
- 1.13 Jon Goodall of DLP Planning will provide evidence in relation to the Council's Five-Year Housing Land Supply position.
- 1.14 My evidence focuses on the areas of differences and will summarise the planning policies relevant to this appeal. I will provide the overall planning assessment and will consider whether there are relevant circumstances that outweigh the appeal proposal's clear non-compliance with planning policy.

2. APPEAL PROPOSAL

- 2.1 The original proposal seeks outline planning consent for the development of the site up to 120 new dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. All matters are reserved except access. As advised in correspondence, I am also aware that the applicant's are seeking to amend the description by removing referenced to the pedestrian access to West Hawthorn Road.
- 2.2 Vehicle access to the proposed development will be provided via a new priority T-junction off Ploughley Road, located approximately 155m northeast of the existing Bicester Garrison access and approximately 110m north-east of the existing field access gate to the site. The proposed development would have a mix of 2, 3 & 4 bedroom homes with the site split up into two areas with higher density plots averaging 30-40dph condensed to the west and southwest area of the plot and lower density plots averaging 20-30dph surrounding the higher density area to the southwest, north and west.
- 2.3 A large part of the western half of the site would be reserved for public open space, a locally equipped area of play, planting and attenuation for the proposed drainage strategy. The site would provide 35% affordable housing and proposes a net gain in habitat units of 10.01% and a net gain of 18.17% in hedgerow units.

3. SITE AND SURROUNDINGS

- 3.1 The appeal site comprises 9.46ha of agricultural farmland. It is located outside the settlement boundary of Ambrosden (to the north), in the open countryside. It is unallocated land and has never previously been developed.
- 3.2 The land slopes downward from the eastern boundary at circa. 77-78m AOD to the western boundary, at circa. 65m AOD.
- 3.3 The eastern boundary of the site runs parallel with a Public Right of Way (reference 105/6/20), which connects the A41/B4011 Junction at Blackthorne Farm with Ploughley Road, opposite the Bicester Garrison Gym. There are a number of green fields surrounding the northern and western boundaries of the appeal site.
- 3.4 The appeal site, and the surrounding fields, are characterised by open grassland, mature hedgerows, and several mature trees. It is in this context, that the site appears not to be connected to the existing urban area and reads as being an attractive, rural, pastoral landscape.
- 3.5 The site is currently accessed from Ploughley Road, a road which runs through the village and connects with the A41 in the North and Arncott in the South.
- 3.6 Ploughley Road, as it approaches the northern part of Ambrosden, is framed by mature hedging on either side: the hedge is lower to the north, providing significant views into the open countryside (including the appeal site).
- 3.7 There is a very distinct character change along this part of Ploughley Road when the visitor leaves the countryside behind and enters the village. In fact, the character

change along this part of Ploughley Road is three-fold: it changes from the industrial buildings along the A41 to the pastoral nature of the open countryside before moving into the built up, urban area of the village. In short, this part of the countryside serves as a visually significant landscape buffer between Industrial and residential urban areas.

4. SITE HISTORY

- 4.1 Other Policy Villages 2 residential development in Ambrosden are set out in Appendix 2

5. PLANNING POLICIES

- 5.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the Strategic Planning Policy Framework for the District to 2031 alongside the Cherwell Local Plan 2011-2031 Part 1 Partial Review – Oxford's Unmet Housing Need.
- 5.3 The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996, although many of its policies are retained and remain part of the development plan.
- 5.4 The CLP 2015 sets out the spatial strategy and strategic policies for the district to deliver sustainable development. It identifies the number of new homes required up to 2031 and the number of jobs to be provided in the area. It also makes provision for retail, leisure and commercial development, and the infrastructure needed to support them.
- 5.5 The 'Cherwell Local Plan 2011-2031 (Part 1) Partial Review, which was adopted on the 7 September 2020, sets out the housing requirement, in adopted strategic policies, for part of Oxford's 'unmet' needs.
- 5.6 The reasons for refusal identify conflict with the following CLP 2015 policies, and 'saved' policy of the Cherwell Local Plan 1996 ('CLP 1996'):

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- ESD13: Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 2: Distribution Growth Across the Rural Areas
- Policy INF1: Infrastructure

Other relevant Policies to the determination of this appeal are set out in the Council's Statement of Case.

Consistency of planning policies with the NPPF

- 5.7 In 2022, the Council undertook a Regulation 10A review. Five-year reviews of local plans are required in accordance with Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) as well as paragraph 33 of the NPPF. Since publication of the review in February 2023 there has been no legal challenge to its findings and recommendations.
- 5.8 The review evaluated Local Plan policies for their consistency with National Policy, considering current evidence and any relevant changes in local circumstances. For the ease of reference, I have set out the policies listed in the reasons for refusal to demonstrate compliance with the NPPF.

Development Plan Policy	Conclusions of the Regulation 10A Review: Consistency with the NPPF	My View: Consistency with the NPPF
<p>PSD 1 Presumption in Favour of Sustainable Development</p>	<p>The 2021 NPPF wording is somewhat different but, overall, the aims remain the same. The policy is generally consistent with the NPPF and significant weight should be attached.</p>	<p>It is my view that Policy PSD1 of the Local Plan is consistent with the NPPF. It echoes the policies contained within the National Planning Policy Framework as it makes clear that the Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. It also states that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.</p>

		Moreover, local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to 2040.
BSC 1 District Wide Housing Distribution	New homes are expected to be delivered in line with the requirements in the Local Plan policy. The Cherwell Local Plan Review 2040 process will determine if a new policy is required and reflect any changes to the planning system. New evidence including jointly prepared evidence for the Oxfordshire Plan will inform the approach to the provision of new homes in the Local Plan Review. In the interim, Policy BSC1 will continue to be applied for plan making and 5-year land supply purposes. The policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the distribution of housing across the District to 2040.	My view is that, for the reasons set out in paragraphs 5.10 to 5.15 below, this is a policy which is generally compliant with the NPPF
Villages 1 Village Categorisation	The policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to development in the District's villages to 2040.	The NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The policy which identifies a number of villages able to accommodate a limited amount of development,

		is generally consistent with the NPPF.
Villages 2 Distributing Growth across the Rural Areas	The policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to development in the District's villages to 2040.	<p>This policy is generally consistent with the NPPF because it promotes development, which is found to be sustainable, in rural areas.</p> <p>The policy makes reference to the Local Plan Part 2 which is no longer in the Council's LDS. Notwithstanding this the Council's latest monitoring shows that at 31 March 2022 807 dwellings are either completed or under construction on sites with planning permission in Category A villages.</p>
ESD 13 Local Landscape Protection and Enhancement	<p>The policy remains effective in supporting the protection and enhancement of the landscape in the decision-making process.</p> <p>The policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to local landscape protection to 2040</p>	<p>Policy ESD13 is in compliance with the NPPF because it requires development to:</p> <ul style="list-style-type: none"> - respect and enhance local landscape character (reflective of paras 8.c, 20, 112, 130.c, and 174 of the NPPF), - protect the landscape by making clear that development would not be permitted if they would, inter alia cause undue visual intrusion into open countryside, cause undue harm to important natural landscape features and topography, or be inconsistent with local character (in compliance with the purpose of

		paragraphs 20, 112, 130.c, and 174 of the NPPF).
ESD 15 The Character of the Built and Historic Environment	The policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to the character of the built and historic environment to 2040.	There is compliance and consistency with the NPPF, in particular Chapters 12 and 15, because it: -sets out requirements to achieve good quality and design which are sensitively located and make efficient use of the land.
INF 1 Infrastructure	The policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan consider the approach to the character of the built and historic environment to 2040	This policy, supported by the published Developer Contributions SPD, is consistent with the NPPF and the CIL Regs.

- 5.9 The review shows that almost eight years on the local plan part 1 continues to provide a suitable framework for development in the Cherwell District that is in general conformity with National Policy.
- 5.10 The review concluded that the housing requirement in the Development Plan requires updating through the Local Plan Review 2040. In December 2022 the Council published a Housing and Economic Needs Assessment (HENA) produced jointly with Oxford City Council to inform their respective Local Plan processes. This document provides an assessment materially different to that in the 2014 Strategic Housing Market Assessment (SHMA). It indicates that the 2014 SHMA is now out of date. As the housing requirement in the adopted strategic policies in the 2015 Local Plan is based on the 2014 SHMA, it further indicates that strategic policy BSC1 does, in the words of NPPF para 74 and footnote 39, require updating.
- 5.11 Paragraphs 16, 17 and 18 of the Council’s Housing Land Supply update (February 2023) explain how it is appropriate to apply the standard methodology for the assessment of local housing need for Cherwell for the purpose of calculating the five-year housing land supply.

“16. Since the publication of the 2021 AMR, there has been a material change in circumstances to warrant a change to the standard method for the purpose of assessing housing land supply for Cherwell.

17. In December 2022 the Council published a Housing and Economic Needs Assessment (HENA) produced jointly with Oxford City Council to inform their

respective Local Plan processes. THE HENA considers the Oxfordshire's Functional Economic Market Area (FEMA) and the Oxfordshire Housing Market Area (HMA).

18. The HENA is new up to date evidence of housing need, which provides an assessment of housing need which is materially different to that in the 2014 SHMA. It indicates that the 2014 SHMA is now out of date. This is the conclusion of a new 'Regulation 10A' review of the strategic policies in the Cherwell Local Plan 2011-2031 presented to the Council's Executive on 6 February 2022. As the housing requirement in the adopted strategic policies in the 2015 Local Plan is based on the 2014 SHMA, it further indicates that these strategic policies do, in the words of NPPF para 74 and footnote 39, require updating.

19. In view of these circumstances, it is appropriate to apply the standard methodology for the assessment of local housing need for Cherwell for the purpose of calculating the five-year housing land supply."

- 5.12 However, policy BSC1 is generally consistent with the NPPF and its objectives in paragraph 60 of significantly boosting the supply of homes and ensuring sufficient land comes forward in sustainable locations where it is needed. Therefore, significant weight should be attached. This is also a requirement of policy ESD1 (Mitigating and Adapting to Climate Change) which relates to mitigating climate change distributing growth to the most sustainable locations as defined in this Local Plan.
- 5.13 The Council's latest Annual Monitoring Report (AMR) shows how the Local Plan, as a whole, is continuing to deliver a high level of growth consistent with the overall plan trajectory. The Council continues to deliver against the NPPF aim of significantly boosting the supply of homes. A significant number of planning permissions have been granted on the Council's allocated sites and development continues to be delivered.
- 5.14 The Council's latest AMR shows that the Council has met the policy yearly target with 1,175 housing completions during 2021/22. The district is experiencing a high level of growth and the policy continues to provide a supply of development land.
- 5.15 The Council has exceeded the housing delivery test published by the government (latest DLUHC publication, 14 January 2022).
- 5.16 The housing requirement will be set through the emerging Local Plan Review 2040 which will consider the distribution and mix of housing across the district. The new planned for housing will be established through this process. The Regulation 18 consultation process for the 'Local Plan Review 2040 (LPR) commenced on the 22 September 2023. Paragraph 48 of the NPPF states that:

"Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

- 5.17 The weight afforded to different policies is always a matter for the decision maker, and in the case of the Draft Cherwell Local Plan Review, this weight should be determined in line with NPPF para 48, as set out above. Policies will generally gain

weight as they progress through the process of consultation and examination, particularly where they do not attract objections. Given the relatively early stage of preparation of the Draft Cherwell Local Plan Review (LPR), it is considered that only very limited weight may be given to the policies therein.

- 5.18 In short, the development plan is up-to-date and contains a clear strategy identifying where housing should go. The policies in the plan are sound and consistent with National Planning policy and the CLP 2015 and the saved Policies of the CLP 1996 are considered to be up to date.

Supplementary Planning Documents

- 5.19 The Council has set out detailed guidance of its approach to planning obligations in the Developer Contributions Supplementary Planning Document (SPD) which was formally adopted in February 2018, in accordance with the tests set out in the CIL Regulations and the NPPF. Further information will be set out in the Council's CIL Reg Compliance Statement.
- 5.20 The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy.

The National Planning Policy Framework (NPPF)

- 5.21 The NPPF defines “sustainable development” in paragraphs 7 to 10 and is clear that achieving such development has three overarching objectives: economic, social, and environmental. These objectives are:

***a) an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

***b) a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

***c) an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 5.22 Paragraph 9 confirms these objectives are to:

“Be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area”.

5.23 Paragraph 10 states:

“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)”.

5.24 Paragraph 11 sets out a presumption in favour of sustainable development. Development that accords with an up-to-date plan should be approved, and development that conflicts with an up-to-date plan should be refused unless material considerations indicate otherwise.

5.25 Paragraph 11 sets out a ‘tilted balance’ test. This states that where there are no relevant development plan policies, or policies which are most important for determining the application are out of date, permission should be granted unless:

- Specific policies in the Framework indicate that development should be refused; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.26 Footnote 8 of the NPPF advises housing policies can be considered out of date where an authority cannot demonstrate a 5-year land supply of deliverable housing sites (with the appropriate buffer) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

5.27 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development set out in paragraph 11 does not change the statutory status of the Development Plan as the starting point for decision making.

5.28 Paragraph 12 also clarifies that in the event a planning application conflicts with an up-to-date Development Plan (including any neighbourhood plans that form part of the Development Plan), permission should not usually be granted. It confirms that local planning authorities may take decisions that depart from an up-to-date Development Plan but only if material considerations in a case indicate otherwise.

5.29 As explained in Jon Goodall’s Proof of Evidence and the Council’s Housing Land Supply update (February 2023), this authority can demonstrate a five-year supply of deliverable housing sites in the district (which is the relevant NPPF test (footnote 8)). As such, the tilted balance as set out at paragraph 11 is not engaged.

5.30 Paragraph 15 confirms that the planning system should genuinely be plan led, where up to date plans should provide a positive vision for the future of each area through a

framework for addressing housing needs and other economic, social, and environmental priorities.

- 5.31 Paragraph 20 confirms strategic policies should set out an overall strategy for the pattern, scale, and design quality of places and to make sufficient provision for housing, infrastructure, community facilities and conservation and enhancement of the natural, built, and historic environment.
- 5.32 Paragraph 33 confirms the requirement for plans to be reviewed at least once every five years and be updated as necessary, taking account of changing circumstances affecting the area, or any relevant changes in national policy.
- 5.33 Paragraph 34 advises that:
- “Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure”.*
- 5.34 Paragraph 47 acknowledges the legal requirement for applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.35 Paragraph 60 states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 5.36 Paragraph 61 sets out the approach to identifying housing land supply, including using the standard method to determine the minimum number of homes needed.
- 5.37 Paragraph 92 confirms planning decisions should aim to achieve healthy, inclusive, and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles including access to local shops and sports facilities and layouts that encourage walking and cycling.
- 5.38 Paragraph 93 sets out the approach to providing social, recreational, and cultural facilities and services and that planning decisions should ensure an integrated approach to considering the location of housing.
- 5.39 A section of the NPPF (paragraphs 104 to 113) is concerned with promoting sustainable transport. Transport issues should be considered from the earliest stages of development proposals (paragraph 104) and development should only be prevented or refused if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (Paragraph 111).
- 5.40 Parts a) and c) of Paragraph 130 require planning policies and decisions to ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*

5.41 Paragraph 174 confirms planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

5.42 Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

6 EVALUATION

6.1 In my opinion, the main planning issues relevant to this appeal (arising from the reasons for refusal and case management conference) are:

- 1) the effect of the proposal on the character and appearance of the area;
- 2) The Council's five-year housing land supply position;
- 3) the provision of infrastructure contributions required as a result of development and whether they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 4) The overall planning balance.

6.2 My proof of evidence sets out background information relevant to these matters and refers to the evidence of the Council's Consultant's on specific topics. I then go on to set out the council's detailed evidence in relation to the balance of planning considerations relevant to this appeal.

Issue 1: The effect of the proposal on the character and appearance of the area

The principle

6.3 As the CLP 2015 covers the period 2011 - 2031 a proportion of the overall growth proposed for the area has already taken place. There remain significant commitments to a wide variety of development within the District, including new housing.

6.4 This plan takes account of existing commitments, proposes where new development should take place and sets criteria against which proposals for developments should be judged.

6.5 The Local Plan proposes an approach of generally concentrating housing growth in the most sustainable locations to mitigate development within the District on climate

change, as opposed to spreading growth out too thinly across the whole district. The most sustainable locations are considered to be Bicester and then Banbury, although this does not mean that no growth will take place elsewhere. The Council recognises the role larger villages play (with a higher level of services than the smaller villages), and some limited growth is planned for within these communities.

- 6.7 Policies BSC1, Villages 1, and Villages 2 of the CLP 2015 formally set out the Council's spatial strategy/development hierarchy. And policies ESD13 and ESD 15 protect the Council's Landscape and the character and appearance of the built environment.
- 6.8 Policy BSC1 seeks to deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031 based upon the SHMA, which as set out above, is now considered to be out of date. At the time of adoption, of the 22,840 houses to be delivered across the plan period, the majority (17,448) are to be directed to Banbury and Bicester as the most sustainable locations. The remaining 5,392 dwellings are to be distributed across the rest of the district. This further explains the Council's approach as set out above.
- 6.9 Policy Villages 1 is a Policy which categorises villages to guide the consideration of small scale developments within the built up limits of settlements and helps to understand which villages are best placed to sustain different levels of residential development. This policy then categorises the villages into Category A (service villages), Category B (Satellite Villages) and Category C (All Other Villages). Category A and B villages both allows for 'Minor developments' in addition to infilling and conversions.
- 6.10 Ambrosden is identified in Category A, as a service village. Since the appeal site falls outside of the settlement boundary and thus, by definition, is in the countryside, and it has not been allocated, its development would not accord with Policy Villages 1.
- 6.11 Policy Villages 2 is, subject to stringent criteria being met, a permissible policy and relates to the distribution of growth across the rural areas. It states that a total of 750 homes will be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to the rural allowances for small site 'windfalls and planning permissions as at 31 March 2014).
- 6.12 The 750 dwellings allocated under Policy Villages 2 is not a ceiling or maximum, but neither it is a minimum and it is described in the policy as a "total". The 750 figure is embedded in the policy, and it has an important strategic purpose (the "strong urban focus"), otherwise no figure would have been used in the Plan. Building significantly more than 750 houses on Policy Villages 2 sites in the plan period, in an uneven and disproportionate way, would undermine the sustainable growth strategy in the Development Plan and conflict with policies BSC1 and Policy Villages 2. As noted by the Planning Inspectors at the Finmere (**Core Document M 11**), Launton (**Core Document M 8**) and Tappers Farm (**Core Document M 14**) appeals, the corollary of that is to avoid unconstrained growth in less sustainable locations.
- 6.13 Policy Villages 2 states that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission. As explained in paragraph 6.11 above, this Policy also lists a number of criteria that the Council should have regard to in determining applications for planning permission in

Category A villages. For completeness, I have set out the full list of criteria below with supporting commentary explaining whether each of the criteria has been met.

Policy Villages 2 Criteria	Breach or Compliance
<i>Whether the land has been previously developed land or is of lesser environmental value</i>	<p>The land has not been previously developed and, whilst not a designated environmental value, it cannot reasonably be claimed to be of lesser environmental value, because, according to the Council's Landscape expert witness, it has medium-high value and medium-high sensitivity.</p> <p>Does not fully comply</p>
<i>Whether significant adverse impact on heritage or wildlife assets could be avoided</i>	<p>The proposal would not adversely impact on a heritage asset. However, I am anticipating a revised Ecology Survey from the Appellants which will need to be scrutinised by the Council's Ecologist. Therefore, I am, at present, unable to fully comment on the second part of this criterion. It is noted that a net gain of more than 10% can be achieved.</p> <p>Partial compliance at this stage</p>
<i>Whether development would contribute in enhancing the built environment</i>	<p>Whilst the final design of the scheme is not being considered at this stage, a development of this scale, in this location, would result in an adverse effect on the character and appearance of the area which would not enhance the built environment: the proposal would amount to an urban estate outside the treelined settlement boundary of this part of Ambrosden.</p> <p>Fails to comply</p>
<i>Whether best and most versatile agricultural land could be avoided</i>	<p>I note the Appellants Planning Statement confirms that the Natural England Agricultural Land Classification Map shows the site is poor quality agricultural land.</p>

	Complies
<i>Whether significant adverse landscape and impacts could be avoided</i>	<p>The appeal scheme substantially breaches criterion 5 because the scale and siting of the development would result in unavoidable material harm to the existing landscape, as identified by the Council's Landscape Consultant (Nicola Brown), and the Council's Landscape Officer.</p> <p>Fails to comply</p>
<i>Whether satisfactory vehicular and pedestrian access/egress could be provided</i>	<p>The appeal proposal, which includes a footpath that would connect the site with West Hawthorn Road would have a satisfactory vehicular and pedestrian access.</p> <p>The alternative proposal, without this footpath, would be less satisfactory as it would direct residents with small children towards the busy Ploughley Road and away from safer, quicker, Bridleway.</p> <p>Whilst not unsatisfactory enough to warrant a refusal, this amendment would significantly reduce the connectivity of the scheme and its relationship with the village.</p> <p>Broadly complies</p>
<i>Whether the site is well located to services and facilities</i>	<p>It is reasonably well connected to services and facilities and would be next to one of the better served (and located) Category A Villages,</p> <p>Complies.</p>
<i>Whether necessary infrastructure could be provided</i>	<p>In the event that a s.106 agreement (which includes both Oxfordshire County Council and Cherwell District Council's development contributions) is agreed and signed, then yes. If not, then, no.</p>

	Presently, it does not comply, although that might change prior to the Inquiry opening.
<i>Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period</i>	<p>The site was not allocated through the current local plan and has not been recommended as a site allocation through the emerging local plan review process.</p> <p>Some evidence has been submitted to suggest that it might be developed within the plan period.</p> <p>Partially complies</p>
<i>Whether land the subject of an application for planning permission could be delivered within the next five years</i>	<p>The Appellants have offered, via conditions, shorter timescales for the submission of reserved matters applications and the implementation period.</p> <p>Complies</p>
<i>Whether the development would have an adverse impact on flood risk.</i>	<p>Subject to appropriate planning conditions, the site is unlikely to have an adverse impact on flood risk.</p> <p>Complies</p>

- 6.15 I note in paragraph 6.8 of the Appellants Statement of Case that it is their intention to try and demonstrate how “*Policy Villages 2*” *does not contain any time dimension for the delivery of houses such in Category A Villages, and nor does the policy have any spatial dimension in specifying the amount of houses to be delivered in each of settlement.*” This, they argue, will in turn demonstrate compliance with Policy BSC 1 (District Wide Housing Distribution).
- 6.16 Looking at the Ambrosden, Bodicote and Launton Appeal decisions referred to in the Committee Report (see **Core Documents M 6, 14 & 8**), I agree that there is no specific time dimension for the delivery of houses in Category A Villages listed in Policy Villages 2, although I would make the point that presumably no such wording was included in the policy at the time of drafting because the time period of the plan would, technically, serve as the time limit.
- 6.17 I also agree with the Appellant and the various Category A appeal decisions that the policy is silent on the matter on the number of housing development each Category A villages is expected to accommodate. However, allowing more growth in one Category A Village than another does not mean the Council intends for one village to provide the majority of new housing, diluting the identity and character of a

settlement in the process, whilst also causing harm to the landscape and views enjoyed from footpaths and cycleways. This is a point raised by Inspector, Sarah Morgan, in paragraph 17 of her decision letter for the Chesterton Appeal ref APP/C3105/W/15/3130576 (see **Core Document M 38**). She commented that if the level of development was distributed across the Category A villages on a pro rata basis, only a small amount would be delivered in Chesterton. Yet, she was concerned that, had she allowed that scheme, which was for 45 units, and would have accounted for 12% of the 750 district wide total, the proposal would have been disproportionate to one relatively small village.

6.18 It is understood that there is demand for new housing, particularly in the Category A villages from people who wish to enjoy the less urban and more rural environment that villages offer whilst remaining in relatively close proximity to the towns. Yet, the Council has equal concern that too much growth would, through over expansion of the settlement into the countryside, undermine the very character that make villages enjoyable to live in. This is also one of the reasons why considerable attention has been paid in the local plan to release generous amounts of housing land in the areas chosen through the site allocations process; and I note once more, this site has never been allocated for housing development, nor have the Appellants applied for the land to be allocated under the emerging Local Plan Review process.

6.19 Whilst some Category A villages can absorb more development than others (due to their level of services and more sustainable locations), the purpose of the policy is not for one village to accommodate the majority of development, especially at a time when the Council has allocated enough land to meet the housing need. This is a point the Inspector made in the Tappers Farm (Bodicote) appeal decision letter which, although set out in the committee report, is worth setting out again here. At paragraph 18 of the decision letter, the Inspector wrote:

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

6.20 Since 2014 there have been a total of 706 completions (as of 31 March 2022) in Category A Villages, a further 101 units are on sites under construction but not yet completed, giving a total of 807 dwellings which contribute to the Policy Villages 2 requirement of 750 dwellings. There are an additional 270 units on sites with planning permission although not yet started. The Policy requirement has therefore been met with 8 years of the local plan still to run.

6.21 Moreover, in addition to the 216 houses that have been granted in Ambrosden since the adoption of the CLP 2015, (see **Appendix 2**), the Council has recently resolved to grant approval (at the 9th February 2023 Planning Committee) for a further 75 houses on the eastern edge of Ambrosden (see planning application 22/01976/OUT in **Core Document N3**).

6.22 The 216 houses approved in Ambrosden equate to 29% of the 750 houses proposed under Policy Villages 2. With the impending 75 houses from planning ref 22/01976/OUT **Core Document N3**), that percentage would rise to 39%. And the 120 houses of this appeal scheme, if approved, would bring the percentage up to 55% and the total number of PV 2 dwellings in Ambrosden to 411 units. The effect is

unconstrained growth in the village directing further housing away from the growth towns of Bicester and Banbury and with Ambrosden having accounted for a significant proportion of the Policy Villages 2 number. It is also noteworthy that planning permission was granted for 90 houses at Springfield Farm, Ambrosden on the 3rd March 2014 just before 1st April 2014 (see **Appendix 2**)

- 6.23 This table below sets out the population of the largest Category A villages at the start of the plan period, and the number of planning permissions between 2014 and 2023. It shows that Ambrosden is taking the majority of the development, and absorbing development that could be reasonably directed to the very largest category A settlements. It is also taking significantly more than the villages with comparable sized populations: Deddington, Bodicote and Hook Norton.

The Largest Category A Village & Comparable Sized Villages	Population (2011 census data)	Planning permissions 1st April 2014 – 31st March 2023
Kidlington	13,723	152
Bloxham	3374	0
Adderbury	2819	162
Yarnton	2545	10
Ambrosden	2248	216
Deddington	2146	36
Bodicote	2126	141
Hook Norton	2117	66

- 6.24 To help put the growth delivered (and proposed) in Ambrosden into further context, I have included two maps of Ambrosden in **Appendix 1**. These maps allow for a side-by-side comparison of Ambrosden in October 2015 and November 2023 (with all the permissions and refused applications made since 2014. The latter plan demonstrates that the village has grown exponentially in that period.
- 6.25 Consequently, with 807 dwellings either built, or being built out in the Category A villages, and 216 dwellings approved in Ambrosden (soon to be 291), it is considered that the points made in the conclusions of the Tappers Farm inspector's decision, have been reached, where planning harm would be caused to the overall locational strategy of new housing through further permissions in sensitive locations, like the appeal site next to Ambrosden (which has already taken a significant number of the Policy Villages 2 target).
- 6.26 In the appeal cases for residential development at other Category A Villages (Kirtlington, Weston on the Green and Finmere (see **Core Documents M 15,5 &11**), the Inspectors consistently agreed that overprovision of the Policy Villages 2 allocation could prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in

individual settlements. Dismissing this appeal proposal would be consistent with these earlier appeal decisions, especially given the scale of this development, and the amount of development that has taken place in Ambrosden since those decisions were issued.

- 6.27 It is also noteworthy that this proposal for 120 houses is significantly bigger than any scheme approved in Ambrosden since the Local Plan was adopted (see table in **Appendix 1**). In fact, paragraph xviii, on page 13 of the CLP 2015, clarifies that development sites with 100 houses or more are considered to be strategic sites. Therefore, at 120 houses, this appeal scheme is considered to be of a strategic site scale, which, according to the CLP 2015 policies, are directed to Bicester and Banbury, and would be expected to come through the plan led process.
- 6.28 Moreover, the number of Policy Village 2 houses that have been delivered at Category A villages through the plan period to date, particularly in Ambrosden (216, potentially rising to 291), means that the weight that I give to the benefits of new housing, proposed under Policy Villages 2, is reduced.
- 6.29 Finally, in my view, and for the avoidance of doubt, the 120 houses proposed on this site, would lead to unnecessary unconstrained growth in direct conflict with the CLP 2015 and undermine the Council's spatial strategy.

Impact on Landscape and Character

- 6.30 Whilst the appeal site is not a designated landscape area it does, as open countryside, have value in terms of its visual amenity from the public realm. Unsurprisingly, given that open countryside once built upon is lost forever, this amenity value is protected by both national and local planning policies, including, but not limited to, Policy Villages 2.
- 6.31 At National level, the NPPF, in paragraph 174 criterion (B) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 6.32 Paragraph 130 criterion (C) of the NPPF requires policies and decisions to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 6.33 Paragraph 20 criterion (D) of the NPPF makes clear that as part of a Local Plan, the Councils' Strategic policies should set out an overall strategy for the pattern, scale and design quality of places which includes the:
- “conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”*
- 6.34 Policy ESD13 of the CLP 2015 recognises the importance of protecting local landscape. This policy seeks *“opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows”*

- 6.35 This policy also expects development to respect and enhance local landscape character, and secure appropriate mitigation where damage to local landscape character cannot be avoided.
- 6.36 The final part of this policy is also very clear that: *“Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside*
 - *Cause undue harm to important natural landscape features and topography*
 - *Be inconsistent with local character*
 - *Impact on areas judged to have a high level of tranquillity*
 - *Harm the setting of settlements, buildings, structures or other landmark features, or*
 - *Harm the historic value of the landscape.*
- 6.37 In short, the purpose of Local Plan policy ESD13 is to ensure that planning decisions respect the local landscape and that the key landscape qualities are, as a minimum, safeguarded. Any development that would result in material harm to the local landscape, particularly harm that is avoidable, cannot be considered to recognise or be sympathetic to the intrinsic beauty of the countryside and the local landscape setting, and would be in direct conflict with this policy and the NPPF.
- 6.38 The site has a much stronger visual relationship with the surrounding open countryside than the built form of the village. Once leaving Ambrosden, along this part of Ploughley Road, it is very clear to the walker/cyclist/driver that they have left an urban settlement and reached open countryside. The person does not have to go very far from the village to experience uninterrupted, attractive views of an open, gently undulating landscape.
- 6.39 The existing entrance to the appeal site, from Ploughley Road, affords deep views into the site and the fields beyond. The quality of openness washes all over the appeal site and, as Nicola Brown notes in her evidence, this is a view of particular importance to an appreciation of the village and its rural setting. Additionally, the rural nature of this part of Ploughley Road, which is bounded by mature hedging on either side, reinforces the feeling of being in the open countryside outside a rural settlement.
- 6.40 Building housing on this site, particularly on this scale (which is a significant portion of the landscape in-between Ambrosden and the A41, where there are large-scale site allocations, Bicester 2 and Bicester 12 -see my Map in **Appendix 3**) would reduce the effectiveness of its role as an attractive landscape in an important position and remove its permanence. It would result in the urbanisation of open countryside and irrevocably alter the rural character of the area. I agree with the previous case officer, and Nicola Brown, that it would be an incongruous addition. By contrast to the NPPF and the Local Plan policies, instead of protecting and recognising the intrinsic character and beauty of the countryside, it would significantly harm it.
- 6.41 Whilst the Council does not criticise the layout proposed on the indicative parameter plans, the consequence of inserting it into the current landscape would not only remove more than half of the existing landscape character and beauty, but would also leave the open space and meadows provision (proposed as part of the layout) fulfilling a role, not as an expansive landscape, as at present, but as no more than a foreground to the built development of the large-scale housing estate.

- 6.42 The wider landscape character area is not known for density of tree cover and, in my view (which is supported in more detail by Nicola Brown, in her proof of evidence) measures shown (albeit on plans which are indicative only) would appear as a means of seeking to obscure an unacceptable development rather than successfully integrating it into the landscape.
- 6.43 Although the final layout is a Reserved Matter, in this context I cannot see how the appeal scheme would not appear as an obvious and distinct urban estate layout that would fail to relate positively to the landscape and the entrance to Ambrosden. It would breach the ridge onto the northwest slopes (Blackthorn Hill) and impose a new pattern. Moreover, any surrounding of the appeal site with new planting could have the effect of reinforcing the degree of visual distinction that it would have from the existing settlement and thus add to the material harm.
- 6.44 Approaching Ambrosden from the west, the development on the appeal site, especially on this scale, would be less read against urban features in the backdrop sense, and more as a protrusion from the settlement. In short, it would appear as an awkward, incongruous bolt on, at odds with the local context and local and national policies, including policy ESD 15 which opens with: *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design”*. The expanse of the development makes this material harm inevitable. This conclusion is further confirmed by Nicola Brown’s evidence.
- 6.45 The incongruous nature of this proposal would be potentially compounded by the Appellants request to amend the description of development (and the access parameter plan and the indicative Framework plan), to remove the proposed connection to West Hawthorn Road. In doing this, it would make the scheme far less accessible and appear even more as an isolated housing estate in front of the existing village. Although the footpath would not make the proposal acceptable, it is an important part of the proposal.
- 6.46 Overall, the site is not considered to be suitable for new housing development and the proposal would be contrary to national and local planning policy. This level of conflict weighs heavily in the determination of the case.

Issue 2: Five Year Housing Land Supply

- 6.47 Cherwell District Council currently has a published Five-Year Housing Land supply position of 5.4 years. In addition, and distinct from the Council’s own Five-Year Housing Land Supply, Cherwell District Council has reached an agreed position with Oxford City Council, and a number of neighbouring authorities (West Oxfordshire District Council; South Oxfordshire District Council; Vale of White Horse District Council and), to help Oxford deliver it’s unmet housing need.
- 6.48 In reaching this agreed position, the Council prepared the Partial Review of the Local Plan which, having explored and assessed 147 sites around the district, including Bicester and its surrounding area, concluded that the best ‘unmet need’ sites that would support Oxford whilst not undermining Cherwell’s own Spatial Strategy, would be in Kidlington, Yarnton, and parts of the Green Belt on the edge of Oxford. These sites are known as PR sites. Policy PR12a of that Plan sets out the approach.

- 6.49 This Partial Review 2031 has been through the rigour of an Examination in Public whereby it was supported by the Inspector, and then formally adopted on the 7 September 2020. The Inspector, in his Report on the Examination of the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need (See **Core Document I 7**), endorsed the Council’s strategy in helping Oxford deliver its unmet need whilst not undermining Cherwell’s own spatial strategy. In paragraphs 33 and 34, the Inspector commented:

“Informed by the evidence base, including the SA, and a consultation process, Options C to I (inclusive) were ruled out on the basis that they are too remote from Oxford to accommodate communities associated with the city; they are too far away from Oxford to be well-connected by public transport or walking or cycling, and therefore likely to result in increased use of the private car; more dispersed options provide less potential for infrastructure investment in terms, for example, of transport and education; and significant additional housing could not be built at Bicester, Banbury and RAF Upper Heyford before 2031 alongside major commitments already made in the adopted Local Plan 2015. On top of that, it was concluded that Options C to I (inclusive) would have a greater detrimental impact on the development strategy for the District set out in the Local Plan 2015.

Notwithstanding that they are largely located in the Oxford Green Belt, Options A and B were considered by the Council to be much better solutions to meeting the unmet need. They were identified as such largely because of their proximity to Oxford with public transport links already available and ready potential to maximise its use, alongside cycling and walking, thereby creating travel patterns that are not reliant on the private car. Moreover, these areas already have a social and economic relationship with the city that can be bolstered. Importantly too, these options would allow affordable homes to be provided to meet Oxford’s needs close to the source of that need. Finally, the proximity to Oxford and separation from other centres of population in Cherwell means that Options A and B would be unlikely to significantly undermine the development strategy in the Local Plan 2015.”

- 6.50 In paragraph 43, the Inspector concluded:

“Taking all these points together, the vision and spatial strategy of the Plan have been positively prepared; they are justified; and likely to be effective. “

- 6.51 For these reasons, and those set out in Jon Goodall’s Five-Year Housing Land Supply Proof of Evidence, the Council’s housing vision and strategy to have a separate five-year housing land supply and Oxford unmet housing need supply, is in line with the NPPF and the associated guidance.
- 6.52 The principle of this approach has been formally accepted by the Appellants (Hayfield Homes) for the Land West of Chinalls Close, Adjacent to Banbury Road, Finmere Appeal² (APP/C3105/W/22/3309489) (see the Statement of Common Ground) in **Core Document K.8**
- 6.53 I note in the Appellants’ Statement of Case (para 6.3) for this Ploughley Road, Ambrosden appeal, reference has been made to the Council having, on the 1st April 2022, a deliverable supply 0.2 years (80 units) towards Oxford’s unmet need. On the

² It is also noteworthy that the appellants, who had argued (in their Statement of Case) that the Council’s housing land supply position was 4.76 years, formally agreed, at the hearing on the 17th October 2023, that the Council does currently have a five year housing land supply.

5th October 2023, at Planning Committee, the Council resolved to grant planning permission for 483 houses on two of the Oxford unmet need sites, known as PR sites (Policy sites PR7a and PR7b) (see **Appendix 4**) (subject to s.106 agreements being completed). There are also a number of planning applications currently being considered which, collectively, seek to deliver a further 3,241 houses on PR sites PR6a, PR7a (north), PR8 and PR9 (See **Appendix 4**).

- 6.54 The Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need, at three years old, is an up-to-date Plan and strategy document and is a material consideration and, with the recent resolutions to grant permission, 11.2% of the supply set out in the Partial Review, is deliverable.
- 6.55 Although the Council is in the process of preparing a Local Plan Review 2040 (LPR 2040), which explores the possibility of pulling the CLP 2015 and the Partial Review into one document, this emerging policy document is at the very early stages of preparation and the Council's approach could change before the Plan is submitted particularly as the duty to cooperate process is on-going with neighbouring authorities on meeting Oxford's needs. Presently, Oxford City Council has yet to finalise its capacity/the figure it can't meet within its boundaries. As such, very limited weight can be attached to the LPR 2040.
- 6.56 Whilst I accept that the need for housing is on-going and is not capped by an established five-year housing land supply position, any housing development still needs to respect the core principle of the plan led system. The CLP 2015 sets out the basis for the sustainable delivery of housing; and a scheme which would cause the harm identified in the Council's evidence and be in conflict with several of the key local plan policies, cannot be considered to be a sustainable development that accords with the Council's spatial strategy.
- 6.57 My view is that the harm caused by this development cannot be justified by reference to housing supply. Whilst housing is a welcome and a clear benefit; there is no policy support for its delivery at the expense of the local context.
- 6.58 Moreover, even in the event that the Inspector concluded that the Council does not currently have five years of housing land supply, and that the tilted balance was engaged, the Council's view remains that the harm would significantly and demonstrably outweigh the benefits of the scheme on landscape grounds as set out above.
- 6.59 In any event, the NPPF does not, to my knowledge, contain any paragraphs which suggests that the character and appearance of an area is only to be protected where there is an adequate Five-year supply of housing land.
- 6.60 In this context, particular attention must be given to paragraph 71 in his judgement of the case of **Crane v SoSCLG EWHC 425** (see **Core Document M.17**), Mr Justice Lindblom made clear that the weight attributed to out of date policies depends on the extent of the deficit. He wrote:

(71) "As I have said, Mr Hill points, for example, to an expression used by Males J. in paragraph 20 of his judgment in Tewkesbury Borough Council – "little weight" – when referring to "relevant policies" that are "out of date". In Grand Union Investments Ltd. (at paragraph 78) I endorsed a concession made by counsel for the defendant local planning authority that the weight to be given to the "policies for housing development" in its core strategy would, in the circumstances of that case, be "greatly reduced" by the absence of a five-year supply of housing land. However, the weight

to be given to such policies is not dictated by government policy in the NPPF. Nor is it, or could it be, fixed in the case law of the Planning Court. It will vary according to the circumstances, including, for example, the extent to which the policies actually fall short of providing for the required five-year supply, and the prospect of development soon coming forward to make up the shortfall.”

- 6.61 Mr. Justice Lindblom and Sir Gary Hickinbottom reached the same conclusions in paragraphs 59-61 of **Gladman vs SoSCBCUDC** (see **Core Document M.16**).

Issue 3: Planning Obligations

- 6.62 The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional and local planning policy. The NPPF and the CLP 2015 both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably.
- 6.63 The Council is keen to ensure that new development continues, as detailed in the CLP 2015. However, new development which adds to the residential population, and on such a large-scale, places significant additional pressure on the local environment, infrastructure and public facilities. The Local Plan not only sets out plans for the delivery of development but also provides the basis on which development can be delivered sustainably, and in a way that respects environmental limits and resident’s quality of life.
- 6.64 During the course of the application process Oxfordshire County Council, Cherwell District Council Leisure and strategic housing departments and the NHS identified a number of vital capacity improvement works needed to absorb the residents from the new development, if permitted including the on site provision of affordable housing.
- 6.65 Full justification for the contributions, demonstrating how they are required as a result of development and whether they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development, will be provided in Oxfordshire County Council’s and Cherwell District Council’s CIL Compliance Statements.
- 6.66 At the time of preparing this Proof of Evidence, a legal undertaking or a Section 106 agreement has not been completed, which means the proposal currently conflicts with the policies listed above.
- 6.67 Without a commitment to sign the Section 106 agreement under the terms set out by the two Councils, the application would fail to comply with planning policy, would not sufficiently mitigate its impacts or pay for necessary works surrounding the site, and the proposal would not comply with the principles of sustainable development.
- 6.68 Discussions will continue between the Council and the Appellants on the Heads of Terms (and the appropriate wording for the Section 106 agreement). I intend to update the Inspector (prior to or at the Inquiry) regarding Section 106 matters but, at present, the proposal represents an unsustainable development that will not mitigate its own impacts.

Issue 4: Material considerations and Planning Balance

- 6.69 Paragraph 7 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. In a case such as this, sustainability concerns more than just proximity to facilities; it also means ensuring that the physical and natural environment is conserved and enhanced as well as creating a high-quality built environment which contributes to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 6.70 The proposal would fail to satisfy the dimensions of sustainability identified in paragraph 8 of the Framework. In particular, the environmental aspect of sustainability requires new development to contribute to protecting and enhancing the natural, built and historic environment. Due to its encroachment into the open countryside, the proposal would represent incongruous development beyond the built-up limits of the Category A Village and would cause demonstrable harm to the rural character and appearance of the area; the proposal would fail to contribute to its protection and enhancement.
- 6.71 Part c of paragraph 8 of the NPPF also requires development to make effective use land. The Council's view is that this development would not be making effective use of this land when it is causing such harm. My view is that effective use means a development that has high regard to context
- 6.72 Whilst the proposal would result in some social (providing a satisfactory S106 legal agreement is entered into) and economic benefits, there is clearly an overlap in the three roles of sustainable development and paragraph 8 acknowledges this, stating that each objective, whilst independent "*need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)*"
- 6.73 For completeness, I have set out what I consider to be the benefits and adverse harm of the scheme.
- *Provision of open market housing* – Moderate weight (in the context of the Council having an adequate housing supply, I attach moderate weight)
 - *Affordable housing provision* – Considerable weight (the Council has an adequate housing supply, but affordability of housing is a priority, although I advise that this is a Policy requirement of any residential development above 11 dwellings)
 - *Providing jobs during the construction phase* – Limited weight (as they are expected on a policy compliant development and time limited)
 - *New residential spend which would support services and facilities in the area* – Moderate weight, as this expenditure would be expected on any similar sized housing scheme)
 - *Site recreation and play facilities* – Neutral. They are a policy requirement and therefore neither a benefit or a harmful impact.

- *Suds* – Neutral. The application site is inside Flood Zone 1 and providing a means of draining the site, is a preventative measure to stop flooding elsewhere, rather than a benefit.
- *Sustainable Construction Methods* – Neutral. Whilst the Appellants (in their planning application documents) commit to using sustainable construction methods, which is welcomed, compliance with modern building regulations would have to be the case for the scheme to be acceptable, in any event.
- *Landscape features* – Adverse. In this instance, the landscaping proposed on the illustrative landscaping plan would undermine the character and appearance of the area
- *Biodiversity Net Gain* - Neutral. According to the Appellants, there would be biodiversity and landscape gains, but these would be on a development that is environmentally harmful. Moreover, Biodiversity Net Gain will be mandatory for new major developments made after January 2024, in any event.
- *Loss of countryside/landscape character* – Significant adverse
- *Scale of development* – Significant adverse. It would break new ground and introduce a new scale of development in Ambrosden in one of the most visually sensitive areas of land next to the village.
- *Connectivity* – Scheme 1: Neutral. Scheme 2: Adverse. The proposal with the footpath connecting to West Hawthorn Road is a better proposition than the revised proposal without this route. The original proposal is a safer route for Ambrosden residents with young children to use the public open space. Without it, they will be directed towards the busy Ploughley Road and, I, think would result in less use of the public open space. This latter proposal would have an adverse impact.
- *Conflict with the district's housing strategy* – Significant adverse

6.74 For these reasons, the proposal would run contrary to the overarching principle of sustainable development and the harm the development would cause would significantly and demonstrably outweighs the benefits.

Conclusion

- 6.75 The final adopted CLP 2015 is up to date. As is the Local Plan Partial Review 2031. They must be accorded full weight.
- 6.76 The appeal proposal would result in the unnecessary urbanisation of attractive, rural landscape, irrevocably alter its character to its detriment, and does not accord with the Local Plan spatial strategy. The appellant's approach to the Council's Five-Year Housing Land supply methodology is also at odds with the established and tested position.
- 6.77 I have considered whether there are material considerations which should be applied which might outweigh the Development Plan. Notwithstanding the modest benefits which could flow from the proposed development, in my view, the overall balance is firmly against the appeal proposal, and, the Development Plan should prevail.
- 6.78 Even if the contrary view is taken about the Council's published Five-Year Housing Land Supply position, and the "tilted balance" is applied, so that the adverse effects have to "significantly and demonstrably outweigh" the benefits, the same conclusion flows. The harms remain permanent and enduring but many of the benefits are essentially short term.
- 6.79 The breach of the relevant paragraphs of the NPPF, and Policies Villages 2, ESD 13, ESD 15 and INF 1 of the local plan is a key aspect of that harm.
- 6.80 For the reasons set out in my Proof of Evidence, and Jon Goodall and Nicola Brown's Proofs of Evidence, I respectfully request that the appeal be dismissed.

7. DECLARATION

- 7.1 The evidence which I have prepared and provided for this appeal is true to the best of my knowledge. I confirm that the points and arguments expressed in this proof of evidence are my true and professional opinion.

APPENDIX 1

Maps of Ambrosden

Fig.1 Ambrosden in November 2015

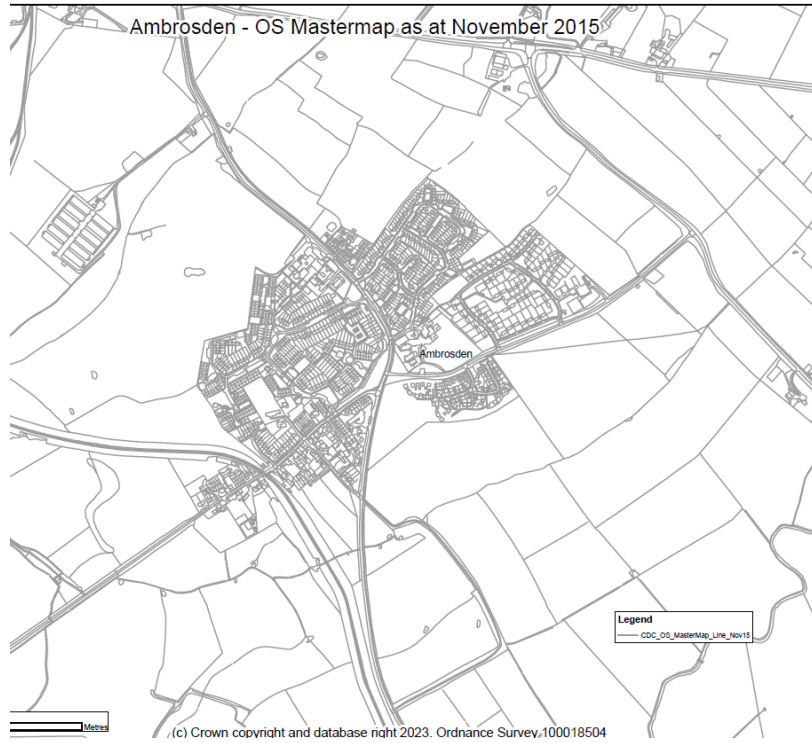
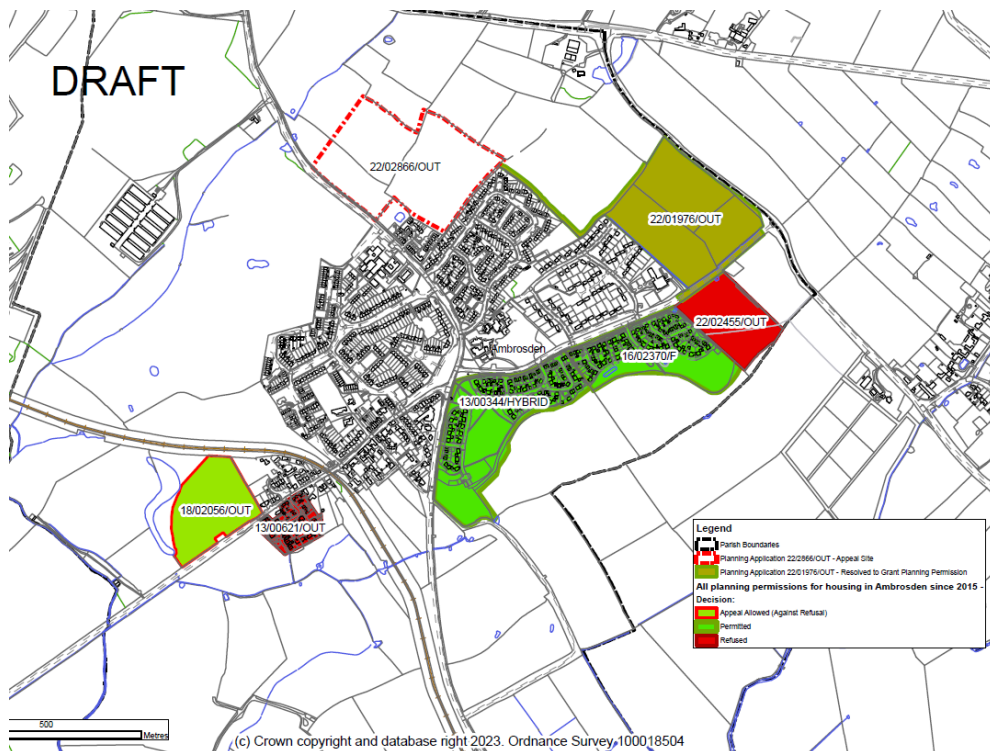


Fig.2 Ambrosden in October 2023 with planning permissions and refusals shown since March 2014



Scale of Development on Ambrosden Policy Village 2 Sites

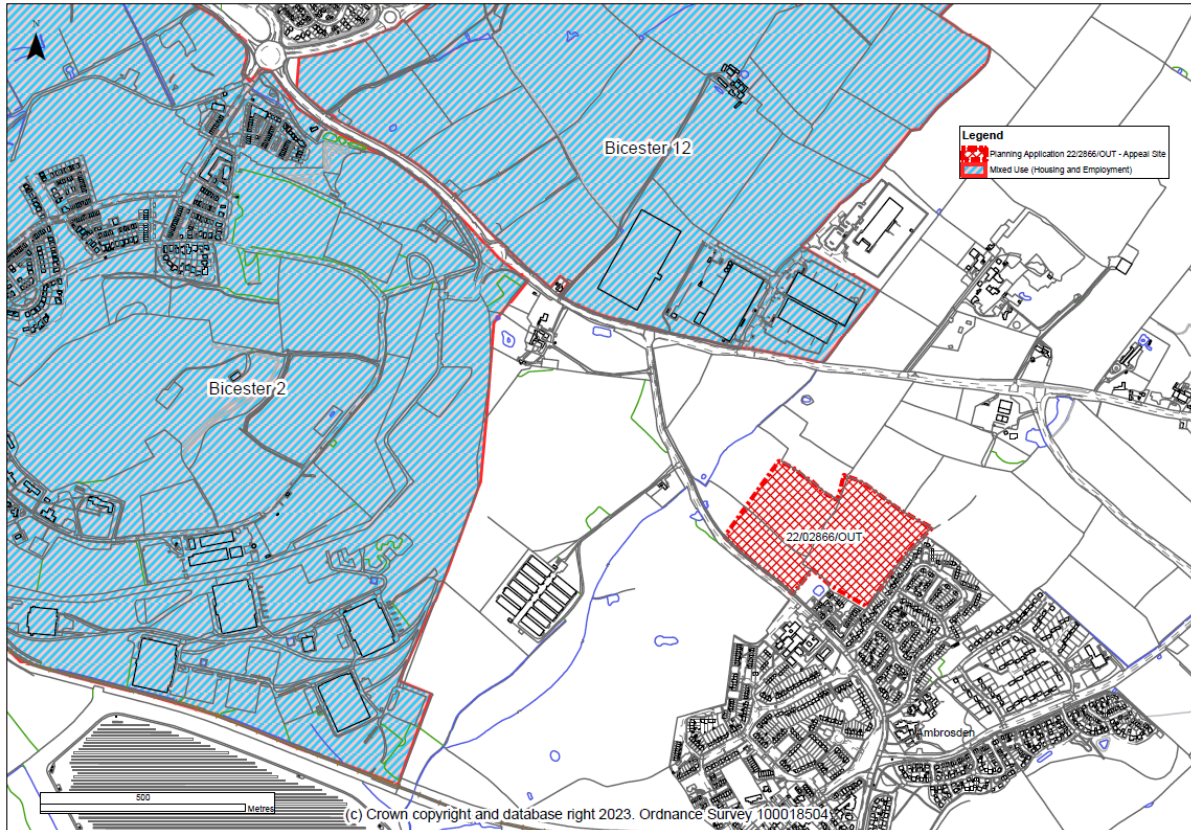
Policy Village 2 Permissions in Ambrosden	Scale of Development
Land East of Ploughley Road, Appeal Scheme	120
Church Leys Field, Blackthorn Road, Ambrosden	Up to 85
Land North of Merton Road, Ambrosden	Up to 84
Ambrosden Court, Merton Road, Ambrosden	Up to 45

APPENDIX 2**Planning applications determined since 3rd April 2014 – 10 dwellings or more.**

Site	Description/application no.	Decision	Status March 2022
Church Leys Field, Blackthorn Road, Ambrosden	16/02370/F Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing	Application permitted	Site completed in March 2021 (2020/21).
Ambrosden Court, Merton Road, Ambrosden	13/00621/OUT (15/00480/REM) OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road	Allowed on appeal	Site completed in September 2017 (2017/18).
Land west of church ley field, Blackthorn Road, Ambrosden	22/02455/OUT Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works	Refused	N/A
Land North of Merton Road Ambrosden	18/02056/OUT (20/02778/REM) Erection of up to 84 no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd	Allowed on appeal	Not started
Planning Permission Granted Shortly before 3rd April 2014			
Springfield Farm, Ambrosden	13/00344/HYBRID Full planning permission for demolition of the existing buildings and development of 90 new homes, new vehicular accesses, public and private open space with car and cycle parking, landscaping and associated servicing.	Application permitted	Site completed in September 2016 (2016/17)

APPENDIX 3

The Appeal site in context of Ambrosden, the open countryside and Site Allocations Bicester 2 and Bicester 12.



Appendix 4

Partial Review Sites

PR Site	Planning Reference Number	Number of dwellings
PR6A	23/01233/OUT	Up to 800
PR6b	No applications on	
PR7A South	22/00747/OUT	up to 370
PR7A North	22/03883/F	96 dw
PR7b	22/01611/OUT	up to 118 dw
PR8	23/02098/OUT	c.1800 dw
Pr9	21/03522/OUT	up to 540 dw (plus elderly/extra care) – an appeal against non determination has been lodged

Appendix 5

Sent under Separate Cover

Table of Applications which make up Category A Policy Village 2 Planning Permissions, Competitions and schemes under construction (submitted as separate document)

