

7 March 2024  
Letter – 7 March 2024

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Dear Rebecca,

## **Town and Country Planning Act 1990**

### **Appeal by Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May**

**Land East of Ploughley Road, Ambrosden, OX25 2AD Planning Appeal Reference:  
APP/C3105/W/23/3327213**

### **Planning Comments on Heyford Park Appeal Decision (ref. APP/C3105/W/23/3326761)**

In light of the allowed planning appeal decision at OS Parcel 1570 Adjoining and West of Chilgrove Drive, and Adjoining and North of Camp Road, Heyford Park (copy enclosed), I write to set out the Appellant's planning comments on the impacts of the decision on this planning appeal.

By way of background, a separate note has been prepared by Mr Ben Pycroft setting out the relevant comments from a five year housing land supply perspective.

Given the relevance of the Heyford Park decision, it is likely that various elements of the decision will be discussed in oral evidence during the Public Inquiry.

### **Policy H18**

Paragraph 23 of the Heyford Park Appeal Decision deals with Policies C8 and H18. In the case of this appeal, Policy C8 is not in contention. The Inspector states at Paragraph 23 of the Heyford Appeal Decision that Policy H18 clearly pre-dates the NPPF, and that the policy itself is inconsistent with the NPPF as the NPPF promotes the development of housing where it will enhance or maintain the vitality of rural communities, rather than promoting a blanket protection of the countryside for its own sake.

Accordingly, in the case of the Heyford Park Appeal Decision the Inspector concluded at Paragraph 23 that the conflict with Policy H18 should be afforded limited weight.

In this case, I concur with this position (as reflected at Paragraph 4.80 of my Proof of Evidence) and consider that any conflict found with Policy H18 should only be afforded limited weight.

Additionally, I also explain at Paragraph's 4.81 and 4.82 of my Proof of Evidence how there is a conflict between Policy Villages 2 and Policy H18 in any event, which should be resolved in favour of Policy Villages 2.

### **Affordable Housing**

Paragraph 96 of the Inspector's decision explains that in terms of affordable housing, there has been a failure to deliver homes needed, resulting in a shortfall against the 2014 SHMA figures of 1,149 homes. Furthermore, the Inspector also notes that the Council agreed during cross examination that the situation is acute.

Mr Jamie Roberts deals with affordable housing matters as part of the Affordable Housing Statement (appended to the Planning Proof of Evidence) and Affordable Housing Rebuttal evidence.



### **Housing Distribution**

At paragraph 29 the Inspector states “In this context, further development in this part of the District, away from the identified sustainable locations for growth, could undermine the Plan’s strategic distribution of housing.”

It is important that this appeal decision is read in context. This Inspector was dealing with growth proposed outside a defined allocation, where the relevant policy permitted development is Policy PV5. The Inspector had earlier found (paragraph 20), that the appeal proposal did not gain support from policy PV5, because the proposal was outside the allocation boundary. In addition, the Inspector found that because Heyford Park was outside of the allocation boundary it did not accord with Policy ESD1.

Here at Ambrosden, the relevant policy is PV2 (not PV5). As explained in my proof of evidence, PV2 permits additional development at the Category A Villages, which includes Ambrosden, including outside the built limits, subject to consideration of the criteria within it.

Unlike at Heyford Park, Policy ESD1 did not form part of the reason for refusal in this case at Ambrosden. The Statement of Common Ground confirms at paragraph 7.6 that the Council agrees that there is no conflict with policy ESD1.

The Council does not dispute the sustainability / accessibility credentials of Ambrosden as both a Category A village, and also having regard to the criteria in within it, which expressly invites consideration as to whether the site is well located to services and facilities and Mr Webster’s proof of evidence agrees there is compliance (see page 19).

The situation at Ambrosden is therefore different to that at Heyford Park, where the fact that the proposal was outwith the defined area in PV5 so that it gained no support from that policy, and also conflicted with ESD1 because it was outside the defined allocation, caused the Inspector to conclude there was conflict with the development plan (see paragraph 95). Here at Ambrosden, the appeal proposal does find support in PV2 for the reasons set out in my proof of evidence, and there is no allegation that the proposal is contrary to ESD1. The proposal here is therefore development contemplated by the Local Plan.

The context of the Heyford Park decision includes wider findings, still relevant now, on the housing requirement, and that the points about distribution, need in any event, to be understood in this context. The Inspector notes at paragraph 26 that BSC1 should attract significant weight, including its approach to growth and distribution. At paragraph 28, the Inspector notes that the current shortfall is 1,392 dwellings over the District as a whole, anticipated to increase to 3,416 dwellings by the end of the Local Plan period, and notes that this is a “significant deficit”. The fundamental issue for Cherwell District being that the allocations are not delivering as anticipated.

At paragraph 96, when addressing the planning balance, the Inspector notes the 5,913 dwellings shortfall at the strategic allocations, and the “significant failure” of the Local Plan to deliver the housing requirement. The Inspector gives the benefit of delivery of market housing “significant weight” in this context.

The Inspector for Heyford Park concluded that the five year supply shortfall is significant, irrespective of whether the Council or Appellant’s deliverable supply is accepted (paragraphs 82 and 83). This is because, with a 2.26 year supply, there is a shortfall of some 3,457 dwellings. With the Council’s deliverable supply, there would be a 3.32 year supply, and the shortfall would be 2,129 dwellings.

However, irrespective of that conclusion, as set out above, the Inspector has given “significant weight” to the delivery of market housing, having regard to the shortfall against the planned requirement across the plan period.

This conclusion is consistent with the evidence given by the Council’s Development Management Team Leader (Major Developments) Mr. Bateson at the Heyford Park planning appeal inquiry. Mr Bateson, who agreed that even if the Council is right as to 5 year supply (which it is not, as the Inspector confirms), the weight to be attributed to the supply of housing should still be significant because there is, and will continue to be, a substantial shortfall against the planned requirements for the District, which has resulted from a substantial

failure of its major strategic allocations to come forward. The Council's agreement to this point is recorded at paragraph 148, page 43, of the Appellant's closing submissions for Heyford Park, and the Inspector's conclusions on the point reflects the Council's agreement to the point.

### **Planning Balance**

The Inspector explains at Paragraph 92 of the Heyford Appeal Decision that as the Council can only demonstrate less than a four year housing land supply, the Development Plan policies which are most important for determining this appeal are out of date. This in turn results in the presumption in favour of sustainable development (Paragraph 11(d) of the Framework) applying, whereby planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Given the evidence before the Inspector around the housing land supply position and Paragraph 92 of the Heyford Park decision, it is considered that this appeal must be determined against the presumption in favour of sustainable development.

The Inspector affords significant weight to both market and affordable housing at Paragraph 96 of the appeal decision, which is the top scale of weight afforded by the Inspector. This aligns with my scales of weight in my Proof of Evidence, where I equally afford the top scale of weight, which in the case of my Proof is substantial weight.

The broad compliance with NPPF paragraph 109 (paragraph 100) gave "further support" to the appeal proposal. Whilst acknowledging that Ambrosden and Heyford Park are different settlements, it is a matter of agreement that the appeal site is well located to services and facilities (page 19 of Mr Webster's proof of evidence).

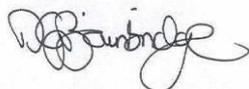
It is noted that the Inspector affords moderate weight at Paragraph 97 to the provision of construction jobs and supporting local building trades, future occupants supporting local businesses and facilities, retention and provision of additional green infrastructure and a biodiversity net gain. I equally afford moderate weight to each of these benefits, as set out in my Proof of Evidence, which should be weighed in the planning balance.

The appeal proposal at Ambrosden provides for more than 10% biodiversity net gain and hence it is broadly consistent with the proposal at Heyford Park. Paragraph 97 of the Heyford Park decision lend support to my conclusions as to benefits. This is in contrast to Mr Webster who gives this limited weight in his proof of evidence as he says it will be a mandatory requirement. It is not a mandatory requirement for this planning appeal and therefore it is right that the Inspector accords weight to biodiversity net gain as a benefit. Mr Webster is wrong to seek to reduce weight to biodiversity net gain on the basis it is a mandatory requirement which it is not for this planning appeal.

### **Conclusion**

I would be grateful if this letter could be provided to the Planning Inspector ahead of the opening of this planning appeal inquiry on 12 March 2024. Please do let me know of any queries on this.

Yours sincerely,



**David Bainbridge MRTPI**  
**Planning Director**

Encl: Appeal decision - APP/C3105/W/23/3326761