
Appellant's Statement of Case

Land East of Ploughley Road, Ambrosden

Appeal by Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May against the refusal of application reference 22/02866/OUT by Cherwell District Council for:

“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 ”

Statement of Case

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Contents

1.	Introduction	1
2.	The Appeal Site and Surrounding Area	3
3.	The Application Determination and Relevant Planning History	5
4.	Appeal Proposals	9
5.	Development Plan Policy and Material Considerations	11
6.	The Appellant's Case – Why Planning Permission Should be Granted	14
7.	Third Party Representations	23
8.	Planning Obligations and Conditions	24
9.	Procedure and Witnesses	25
10.	Conclusion	27

Appendices

Appendix 1 – Notification of Intention to Appeal

1. Introduction

- 1.1. This Statement of Case has been prepared on behalf of Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May (hereinafter ‘the Appellant’) in respect of Land East of Ploughley Road, Ambrosden (“the Appeal Site”).
- 1.2. This Statement is submitted in support of a planning appeal, under Section 78 of the Town and Country Planning Act 1990, against Cherwell District Council’s (‘CDC’) refusal of outline planning permission under application reference: 22/02866/OUT.
- 1.3. This Statement has been prepared by the Appellant’s consultant team, covering the matters of planning, landscape and housing land supply.
- 1.4. The outline planning application was originally submitted on the 20th September 2022. Further details on the application are provided in Section 3 of this Statement.
- 1.5. The Description of Development was 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.”

- 1.6. Following consultation, updated submissions were made to the CDC in order to address consultation responses received. The application was reported to Planning Committee on the 13th July 2023, with an Officer recommendation of refusal. The Planning Committee resolved to refuse planning permission and the Decision Notice was issued on the 14th July 2023.
- 1.7. The Decision Notice outlined the following two Reasons for Refusal (RfR):

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.

- 1.8. Savills submitted email 'Notification of the Intention to Submit an Appeal' to both CDC and The Planning Inspectorate on 14th July 2023. A copy of this notification is contained at **Appendix 1**.
- 1.9. The Appeal submission has been prepared following the guidance within The Planning Inspectorate Procedural Guide Planning Appeals – England, updated June 2023 and pursuant to The Town and Country Planning (Inquiries Procedure) (England) Rules 2000.
- 1.10. The Appellant has requested this planning appeal progresses by way of the Inquiry procedure for the reasons identified in Section 9 of this Statement, where a written justification is provided for the choice of procedure.
- 1.11. The Appellant has prepared a draft Statement of Common Ground which has been provided to CDC for their consideration and comment. The Appellant intends to discuss common ground with CDC and any other relevant stakeholders and to agree common ground on all relevant matters for the planning appeal. This includes proposed planning conditions for consideration by the Planning Inspector.
- 1.12. The Appellant will seek to agree a list of Core Documents with CDC during discussions on common ground. Agreement will also be sought with CDC in respect of draft conditions.
- 1.13. The Appellant intends to prepare and submit a legal agreement and/or unilateral undertaking covering planning obligations under section 106 of the Town and Country Planning Act 1990. The Appellant intends to continue its dialogue with the CDC and other relevant stakeholders including Oxfordshire County Council in the run up to the Inquiry on this matter.

2. The Appeal Site and Surrounding Area

- 2.1. It is the intention of the Appellant to seek to reach common ground with CDC in respect of a description of the character and setting of the Appeal Site and the surrounding area.

Appeal Site

- 2.2. The Appeal Site is identified by the Location Plan which was submitted as part of the outline planning application (drawing reference: PL-02). In total, the Appeal Site extends to 9.46ha of agricultural land, located to the north of Ambrosden.
- 2.3. The Appeal Site is bounded by Ploughley Road to the southwest, which is the road the Appeal Site would be accessed from. Ploughley Road runs through the centre of Ambrosden linking to the A41 in the North and Arncott in the south. The Appeal Site is surrounded by established field boundaries to north, west and south, with additional hedgerows and sporadic trees forming the internal field boundaries. The Appeal Site is bounded by residential development to the east and southeast.
- 2.4. The land slopes gently from the eastern boundary at circa. 77-78m AOD to the western boundary at circa 65m AOD.
- 2.5. The Appeal Site is located on the northern edge of Ambrosden village. Ambrosden is identified as a Category A 'Service Centre' village within the Cherwell Local Plan 2031 Part 1. The site is located approximately 3.2km from the centre of Bicester as the crow flies. Bicester is one of two main towns in CDC and contains a wide range of shops, services, employment and transport opportunities.
- 2.6. Within Ambrosden, there are the following services and facilities. The distances listed are measured from the site access using footpaths.

Table 1: Walking distances to services and facilities within Ambrosden

Facility	Distance
Costcutter (Convenience Store)	350m
Existing Bus Stop – Willow Road	380m
Tiddlywinks Preschool	430m
Five Acres Primary School	450m
Three Corners Garage	610m
Variety Cars (Car Dealership)	640m
Equipped Play Area	770m
Ambrosden Post Office and Village Shop	925m
The Hair Lounge (Hairdressers)	930m
Ambrosden Village Hall	940m
The Turner Arms (Public House)	1,000m
St Marys Church	1,075m

Constraints and Designations

Flood Risk

- 2.7. The Appeal Site, in its entirety, is situated within Flood Zone 1, and is therefore at lowest risk of fluvial flooding.
- 2.8. The majority of the Appeal Site is at very low risk of surface water flooding, and there are small patches of land that are medium and high risk of surface water flooding.

Heritage Designations

- 2.9. The Appeal Site does not fall within any Conservation Areas, nor does it contain any designated heritage assets.

Ecology and Landscape

- 2.10. The Appeal Site is not subject to any ecological or landscape designations.

Agricultural Land Classification

- 2.11. The Appeal site is recorded as mostly Subgrade 3b (81% of the total appeal site area) although there is a small band of Subgrade 3a (19% of the total appeal site area) across the lower field, which is not capable of practical exploitation.

Public Rights of Way

- 2.12. A Public Bridleway, reference: 105/6/20 is located on the Eastern boundary of the Appeal Site running from the A41/B4011 Junction at Blackthorne Farm to Ploughley Road opposite the Bicester Garrison Gym.

- 2.13. **Summary**

- 2.14. The Appeal site is not covered by any landscape designations or other significant constraints.

3. The Application Determination and Relevant Planning History

- 3.1. It is the intention of the Appellant to reach common ground with CDC in respect of the background to the appeal proposal. The below paragraphs provide a brief summary for context at this stage.

The Appeal Site - The Outline Planning Application – 22/02866/OUT

- 3.2. The following section provides a chronology of the outline planning application which is the subject of this appeal. Events are listed in the order of the most recent:

Decision Issued – 14th July 2023

- 3.3. The application was refused at Planning Committee and a formal Decision Notice was issued dated 14th July 2023.
- 3.4. The Decision Notice outlined two Reasons for Refusal which are set out in Section 1 of this Statement.

Application Reported to Planning Committee – 13th July 2023

- 3.5. The application was reported to Planning Committee on the 13th July 2023, with an Officer recommendation for refusal.

Revised Submissions – dated 4th April 2023

- 3.6. Additional information in the form of a Planning Covering Letter, revised Framework Plan, Access Parameter Plan, Design and Access Statement Addendum, Agricultural Land Classification and Considerations Report, LVA Addendum, and Arboricultural Addendum Stated were all submitted on 4th April 2023.

Response to Screening Opinion Request – dated 21st March 2023

- 3.7. In response to the Screening Opinion Request, CDC confirmed on the 21st March 2023 that the application was not considered to constitute EIA development.

Revised Submissions – dated 11th January 2023

- 3.8. An additional Transport Assessment Addendum was submitted on 11th January to satisfy comments received from Oxfordshire County Council Highways. A note to respond to the National Highways consultation response was also submitted on this date.

Environmental Impact Assessment Screening Opinion Request – dated 9th December 2022

- 3.9. A request for an EIA Screening Opinion (reference: 22/03702/SO) for the outline application (residential development comprising up to 120 dwellings) on the Appeal Site was submitted to CDC on the 9th December 2022.

Revised Submissions – dated 5th December 2022

- 3.10. Additional information in the form of a Planning Covering Letter, Aerial Red Line Plan, Framework Plan, Archaeological Evaluation Report, Phase 2 Site Investigation Report, Technical Note (LLFA Planning Comments Response), Transport Assessment Addendum, and Noise Assessment and Mitigation were submitted on 5th December 2022.

Planning Performance Agreement – dated 28th November 2022

- 3.11. On 28th November 2022, a Planning Performance Agreement between CDC and Bellway Homes Ltd was agreed. The Agreement set out an indicative project programme with resourcing.

Application Validation – dated 21st September 2022

- 3.12. In a letter dated 21st September 2022, CDC confirmed that the application was received and valid. It was then assigned reference 22/02866/OUT.

Application Submission – 20th September 2022

- 3.13. The application was submitted to CDC via the Planning Portal on 20th September 2022.

Engagement with Ambrosden Parish Council – 16th June 2022

- 3.14. The Appellant engaged with Ambrosden Parish Council prior to submitting the outline planning application. The Appellant and relevant consultants attended a meeting with the Parish Council on 16th June 2022. Ambrosden Parish Council provided feedback following the meeting and this informed the proposed development that was submitted to CDC.

The Appeal Site – Previous Planning History

- 3.15. There is no other planning history associated with the Appeal Site.

Relevant Nearby Planning History

- 3.16. Whilst the outline planning application was under consideration, two other residential planning applications in Ambrosden were also pending determination:
- 3.17. 22/01976/OUT – OS Parcel 3489 Adjoining And South West of B4011, Allectus Avenue, Ambrosden
- 3.18. *Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children’s play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure*
- 3.19. This planning application was recommended for approval by the Planning Officer and was resolved to approve by the Planning Committee on 9th February 2023, subject to completion of a S106 agreement. The Decision Notice has not been issued at the time of writing this statement.
- 3.20. 22/02455/OUT – Land West of Church Ley Field, Adjacent to Blackthorn Road, Ambrosden
- 3.21. *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*
- 3.22. This application was recommended for approval by the Planning Officer; however the application was refused by the Planning Committee on 13th July 2023. The decision notice was issued on 31st July. The reasons for refusal are set out below.

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. The development would therefore have an adverse effect on the landscape 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, 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.

Other Policy Villages 2 Residential Development in Ambrosden

- 3.23. 13/00621/OUT – Ambrosden Court, Merton Road, Ambrosden, Bicester
- 3.24. *OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road*
- 3.25. This application was allowed at Appeal in April 2014, following refusal from CDC.
- 3.26. 16/02370/F – Church Leys Fields
- 3.27. *Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing.*
- 3.28. This application was granted planning permission in January 2018. This scheme was successfully delivered by Bellway Homes.
- 3.29. 16/02611/OUT – OS Parcel 0005 South of Hill Farm and North of West Hawthorn Road
- 3.30. *Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure.*
- 3.31. This application was refused by CDC in August 2017 on the grounds that this would cause the level, scale and intensity of new housing growth in the village to be inappropriate, result in the unnecessary development of greenfield land, and the absence of a completed S106.
- 3.32. 18/02056/OUT – Land to the north of Merton Road, Ambrosden
- 3.33. *OUTLINE – Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd – All matters reserved except for means of access*
- 3.34. This application was allowed at Appeal in February 2019, following refusal from CDC.

4. Appeal Proposals

- 4.1. It is the intention of the Appellant to seek to reach common ground with CDC in respect of a description of the Appeal Proposals.
- 4.2. The Appeal Proposal comprises residential development of up to 120 dwellings, creation of new 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. Details of appearance, layout, landscaping and scale were reserved for future consideration, therefore all matters reserved except for access. No detailed designs were provided.
- 4.3. The following Parameter Plans were submitted as part of the outline application:
- **Parameter Plan Land Use** (drawing reference: 9600) – demonstrating the residential development parcels and green infrastructure.
 - **Parameter Plan Scale** (drawing reference: 9601) – demonstrating building heights of up to 2 storey development across the Appeal Site;
 - **Parameter Plan Density** (drawing reference: 9602) – proposing areas of low density development (20-30dph) and medium density development (30-40pdh).
 - **Parameter Plan Access** (drawing reference: 9603) – providing an overview of the vehicular and pedestrian access points, and the indicative internal primary access route.
- 4.4. A Framework Plan and an Illustrative Landscape Strategy Plan were also submitted as part of the outline planning application. These plans indicatively demonstrate how up to 120 dwellings could be accommodated based on a mix of 2, 3 and 4 bedroom properties, along with proposed landscaping including tree planting, potential attenuation features, an indicative location for a play area and amenity space.
- 4.5. During the determination of the application, a revised Framework Plan (drawing reference: FP-01 Rev A) and Access Parameter Plan (9603 Rev A) were submitted to CDC. These were to account for a slight change in the alignment of the pedestrian connection to West Hawthorn Road, and updates to the vehicle site access point.

Access Arrangements

- 4.6. The details of access were submitted for determination as part of the outline planning application. The site access is proposed to be a T-junction with Ploughley Road (as shown on the Framework Plan drawing reference: FP-01 Rev A). The Access Parameter Plan (drawing reference: 9603 Rev A) also sets out the Appeal Site's access, and indicative primary route throughout the Appeal Site.

- 4.7. The Transport Assessment Addendum was submitted on 11th January 2023 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. These plans include a Site Access Sketch (drawing reference: B05927-CLK-XX-XX-DR-C-0007_P06), Ploughley Road Sketch (drawing reference: B05927-CLK-XX-XX-DR-C-0012_P02) and Swept Path Analysis Sketch (drawing reference: B05927-CLK-XX-XX-DR-C-0014_P02).
- 4.8. These revised access plans also identify widening of the existing Ploughley Road shared use path from 1.8m to 3m where practical to do so, and a redesign of the site access junction to provide priority to the shared use path, and the introduction of new bus stops adjacent to the site. This approach satisfied Oxfordshire County Council Highways and it was confirmed that the amended scheme overcame their previous issue and their objection was removed. Therefore this did not form a Reason for Refusal.

Core Documents

- 4.9. Supporting documents have been submitted as part of the planning appeal. A Core Document List has been prepared and included within the Statement of Common Ground. That list is intended as a 'live' document that will be updated as the appeal progresses.

5. Development Plan Policy and Material Considerations

5.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that Development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The adopted statutory Development Plan comprises the following relevant documents:

- Cherwell Local Plan 2011 – 2031 (Part 1) (adopted 20th July 2025);
- Cherwell Local Plan 1996 Saved Policies (adopted November 1996); and

5.2. Material considerations also include national policy, which is primarily expressed through the National Planning Policy Framework and National Planning Practice Guidance, as well as additional guidance produced by CDC in the form of Supplementary Planning Documents (SPDs). These are set out below.

The Development Plan

5.3. It is the intention of the Appellant to seek to reach common ground with CDC in respect of the specific development plan policies relevant to the determination of the application. Nevertheless, the Officer's Report relating to the determination of the application identifies the following key policies of relevance.

Table 2: Relevant Policies Contained in the Adopted Development Plan

	Cherwell Local Plan	Saved Policies
Principle of Development	<ul style="list-style-type: none"> • Policy PSD 1 (Presumption in Favour of Sustainable Development) • Policy BSC 1 (District Wide Housing Distribution) • Policy Villages 1 • Policy Villages 2 	<ul style="list-style-type: none"> • Policy C15 (Prevention of Coalescence of Settlements) • Policy H18 (New Dwellings in the Countryside) • Policy ENV2 (Redevelopment of Sites Causing Serious Detriment to Local Amenity)
Design	<ul style="list-style-type: none"> • Policy BSC 2 (The Effective and Efficient Use of Land) 	<ul style="list-style-type: none"> • Policy C8 (Sporadic Development in the Open Countryside) • Policy C28 (Layout, Design and External Appearance of New Development) • Policy C30 (Design Control)
Housing Mix	<ul style="list-style-type: none"> • Policy BSC 3 (Affordable Housing) • Policy BSC 4 (Housing Mix) 	<ul style="list-style-type: none"> • Policy C32 (Provision of Facilities for Disabled People)
Open Space	<ul style="list-style-type: none"> • Policy BSC 10 (Open Space, Outdoor Sport and Recreation Provision) • Policy BSC 11 (Local Standards of Provision – Outdoor Recreation) 	<ul style="list-style-type: none"> • Policy R1 (Allocation of Land for Recreation Use) (Part replaced)

	Cherwell Local Plan	Saved Policies
	<ul style="list-style-type: none"> • Policy BSC 12 (Indoor Sport, Outdoor Sport and Recreation Provision) • Policy Villages 4 (Meeting the Need for Open Space, Sport and Recreation) 	
Sustainability	<ul style="list-style-type: none"> • Policy ESD1 (Mitigating and Adapting to Climate Change) • Policy ESD 2 (Energy Hierarchy and Allowable Solutions) • Policy ESD 3 (Sustainable Construction) • Policy ESD 4 (Decentralised Energy Systems) • Policy ESD 5 (Renewable Energy) 	
Flood Risk and Drainage	<ul style="list-style-type: none"> • Policy ESD 6 (Sustainable Flood Risk Management) • Policy ESD 7 (Sustainable Drainage Systems) • Policy ESD 8 (Water Resources) 	
Heritage	<ul style="list-style-type: none"> • Policy ESD15 (The Character of the Built and Historic Environment) 	
Ecology	<ul style="list-style-type: none"> • Policy ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment) 	
Highways	<ul style="list-style-type: none"> • Policy SLE4 (Improved Transport Connections) 	<ul style="list-style-type: none"> • Policy TR7 (Development Attracting Traffic on Minor Roads)
Landscape and Green Infrastructure	<ul style="list-style-type: none"> • Policy ESD13 (Local Landscape Protection and Enhancement) • Policy ESD17 (Green Infrastructure) 	
Environmental Matters		<ul style="list-style-type: none"> • Policy ENV1 (Development Likely to Cause Detrimental Levels of Pollution) • Saved Policy ENV12 (Development of Contaminated Land)

	Cherwell Local Plan	Saved Policies
Planning Obligations	<ul style="list-style-type: none"> • Policy INF1 (Infrastructure) • Policy BSC7 (Meeting Education Needs) • Policy BSC8 (Securing Health and Well-Being) • Policy BSC9 (Public Services and Utilities) 	<ul style="list-style-type: none"> • Policy TR1 (Transportation Funding)

5.4. A number of material considerations are relevant to this appeal. The main documents include, but are not limited to, the below:

National Planning Policy Framework (NPPF) (July 2021)

- Chapter 2 – Achieving Sustainable Development (Paragraphs 7-13)
- Chapter 4 – Decision-Making (Paragraphs 47, 55 - 57)
- Chapter 5 – Delivering a Sufficient Supply of Homes (Paragraphs 60-62, 71, 74-77)
- Chapter 6 – Building a Strong Competitive Economy (Paragraph 81)
- Chapter 8 – Promoting Healthy and Safe Communities (Paragraphs 92-93)
- Chapter 9 – Promoting Sustainable Transport (Paragraph 104-105, 110-113)
- Chapter 11 – Making Effective Use of Land (Paragraphs 119, 120, 124)
- Chapter 12 – Achieving Well-Design Places (Paragraphs 126, 130)
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change (Paragraphs 152, 154, 157, 159 – 162, 167, 169)
- Chapter 15 – Conserving the Natural Environment (Paragraphs 174, 180, 183, 185, 188)
- Chapter 16 – Conserving and Enhancing the Historic Environment (Paragraphs 194, 195, 199)

Additional Items

- Planning Practice Guidance, online resource
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- CDC Developer Contributions SPD - February 2018
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Oxfordshire Wildlife & Landscape Study 2004
- EU Habitats Directive
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- CDC Residential Design Guide SPD 2018
- CDC Housing & Economic Land Availability Assessment (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Annual Monitoring Report (AMR) (December 2021)
- Annual Monitoring Report (2022 AMR) (February 2023)

5.5. The above list is not exhaustive and the Appellant will seek to reach agreement with CDC as to key material considerations and a Core Documents List.

6. The Appellant's Case – Why Planning Permission Should be Granted

6.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that Development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2. Through evidence, the Appellant will set out why planning permission should be granted on the basis that:

- The proposals accord with the Development Plan, when read as a whole;
- The proposal accords with a material consideration in the form of the National Planning Policy Framework (NPPF);
- CDC is unable to demonstrate a sufficient housing land supply which engages the tilted balance in decision making;
- With regards to Paragraph 11 of the NPPF, there is no justification for this be disengaged;
- The impacts alleged by CDC will not significantly and demonstrably outweigh the benefits of the proposal. The Appellant will identify numerous benefits of the proposal and that there are no significant impacts beyond the immediate context of the site; and
- The overall planning balance weighs in favour of granting planning permission.

6.3. Planning permission should be granted subject to planning conditions and planning obligations.

6.4. The Appellant contests CDC's two reasons for refusal of planning permission on the following grounds.

Reason for Refusal 1 (RfR1):

“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..”

6.5. CDC's RfR 1 has a number of components which are considered in turn below.

Site's Location Outside of the Built Form of Ambrosden within Open Countryside

6.6. Whilst the Appeal Site is within open countryside in planning policy terms, the Appellant will demonstrate how the principle of residential development in this location is acceptable under Policy Villages 2 of the adopted Development Plan. Policy Villages 2 supports residential development in the countryside at the Category A Villages, subject to accordance with the detailed requirements of the policy.

- 6.7. This is due to the Appeal Site being situated in Ambrosden, which is the 5th largest of 23no. Category A Villages, and is therefore a village which represents a sustainable location for growth. The village benefits from a range of services and amenities to meet the day to day needs of residents, including sustainable transport opportunities, alongside a close geographical relationship to Bicester.
- 6.8. The Appellant will demonstrate that despite Policy Villages 2 setting out an ambition for 750no. dwellings in the period of 2014 to 2031, this is not a ceiling or maximum figure. It will also be demonstrated how Policy Villages 2 does not contain any time dimension for the delivery of such houses 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 will in turn demonstrate compliance with Policy BSC 1 (District Wide Housing Distribution). A series of recent Appeal Decisions will be presented as part of the Appellant's evidence on these matters.
- 6.9. It will also be demonstrated in the Appellant's evidence it has been accepted in the Officer's Committee Report for the planning application that 120no. additional dwellings in Ambrosden would not cause harm to the overall housing strategy, confirming the suitability of Ambrosden to accommodate future growth.
- 6.10. The Appellant will also present evidence to confirm that the 11no. criteria listed under Policy Villages 2 are complied with, in order to ensure full compliance with Policy Villages 2 when read as a whole. It will be demonstrated how:
- The Appeal Site is of lesser environmental value.
 - There are no significant adverse impacts on heritage or wildlife.
 - Development would contribute in enhancing the built environment.
 - The majority of the Appeal Site avoids the use of Best and Most Versatile Agricultural Land, through being Grade 3b (Moderate Quality), with the remainder (19%) being Grade 3a (Good Quality).
 - Significant adverse landscape and impacts have been avoided, where possible.
 - Satisfactory vehicular and pedestrian access/egress could be provided.
 - The Appeal Site is well located to services and facilities in both Ambrosden and Bicester.
 - Necessary infrastructure could be provided.
 - The land is not currently considered for allocation (as such, bullet 9 is not relevant).
 - Development could be delivered within the next five years.
 - Development would not have an adverse impact on flood risk.
- 6.11. The Appellant will demonstrate how Policy Villages 2 is complied with when read as a whole. As compliance will be demonstrated with Policy Villages 2, it will be demonstrated how Policy BSC1 is complied with, and that Saved Policy H18 is therefore not relevant and not in conflict, despite being referenced in RfR1.
- 6.12. In accordance with Policy PSD 1 and Paragraph 11 of the NPPF, it will be demonstrated that as the development accords with policies in the adopted Development Plan, planning permission should be approved without delay, unless material considerations indicate otherwise.

The Location and Scale of Development would have a Poor and Incongruous Relationship with the Existing Settlement and would appear Prominent in Open Countryside

- 6.13. Contrary to CDC's position, the Appellant considers that the Appeal Site's location and scale would result in a logical extension to the existing settlement of Ambrosden, and would result in a rounding off of the settlement.
- 6.14. It will be demonstrated how the Appeal Site is adjacent to existing residential areas, situated adjacent to Briar Furlong and West Hawthorn Road. As such, the Appeal Site's location adjacent to these existing residential areas would be compatible with the existing settlement.
- 6.15. Furthermore, it will be explained as part of the Appellant's evidence that the Appeal proposals propose pedestrian connections to West Hawthorn Road and Ploughley Road. Such connections will enhance the relationship between the Appeal Site and the existing settlement, and will address any concerns of poor connections with Ambrosden.
- 6.16. With regard to the scale of development, it will be demonstrated that the scale proposed is suitable, both in terms of the overall quantum of dwellings and the proposed building heights. It will be explained how the Officer's Committee Report accepts that Ambrosden can accommodate a development of a similar scale (i.e. 120 dwellings), and how the overall scale of the dwellings proposed will be similar to surrounding residential areas.
- 6.17. As such, the Appellant's evidence will demonstrate that the Appeal proposals will not result in a poor or incongruous addition to Ambrosden in terms of scale or location.

Effects on the Landscape on the Approach to Ambrosden and whether this would be to the Detriment of the Character and Appearance of the Countryside

- 6.18. As part of the original outline application, the Appellant submitted a Landscape and Visual Appraisal (LVA), prepared by EDP. Further, although no comments were received from CDC's landscape officer during the course of the application, as required by the Guidelines for Landscape and Visual Impact Assessment (3rd Edition), an LVA Addendum was also submitted in order to consider the varying degree of screening and/or filtering of views during winter and summer months.
- 6.19. The LVA and LVA Addendum explained that the following effects are considered likely:
- The Appeal Site's character would be changed from its baseline condition due to the proposed development. However, key landscape features on the site's boundary would be retained and enhanced as part of the scheme. On balance, therefore, the landscape character of the site is considered to experience a moderate adverse effect.
 - The Appeal Site's immediate context contained within the Clay Vale LCT and Pasture Hills LCT would experience a moderate adverse effect. This is due to the introduction of built form within the Appeal Site, which would extend the settlement edge into the site.
 - Beyond the immediate Appeal Site context, the level of effect would be reduced to a minor adverse for both host LCTs. The site is relatively small compared to the overall size of the Clay Vale LCT and is therefore considered to have highly localised effect on the site. The site's boundary vegetation visually separates the site from the wider Pasture Hills LCT and therefore has reduced effect on the LCT.

- The Wooded Hills LCT would experience a minor adverse effect as a result of the proposed development. This would diminish as the distance to the Appeal Site increases.
- There would be no effect on local or national landscape designations.
- Views from Bridleway 102/2/10 and 10/6/20 would experience adverse effects as a result of the proposed development. This would depend on the orientation of views and would range from major/moderate adverse to moderate adverse effect. This is due to the high sensitivity of the receptor and overall change of the Appeal Site's land use.
- Views on the approach to Ambrosden along Ploughley Road, in close proximity to the Appeal Site, would have uninterrupted views of the site and the proposed development. The proposals would be seen in context of the existing settlement. Views from Ploughley Road would experience moderate/minor adverse effect.
- Residents to the east and south of the Appeal Site would experience adverse effects as a result of the proposed scheme. However, this is limited and depends on the orientation of residential dwellings and their views.

6.20. The overall conclusions of the original LVA explained that the partial loss of agricultural land, when considered in the local context, would not constitute an unacceptable impact on the local landscape fabric or character. As such, there are no reasons why the change of use of land should be found to be so harmful as to be unacceptable in terms of the effects on the landscape character and visual amenity.

6.21. The LVA also concluded that the Proposed Development comprises an extension to the existing built up area of Ambrosden, and the scale, form and appearance of the development would reflect and enhance the positive characteristics of the area. This led to the LVA concluding that the proposals would be in-keeping with the landscape character and beyond the effects on the visual amenity of Bridleway 102/2/10 would not result in any material landscape or visual effects.

6.22. The Appellant will provide landscape evidence as part of the Inquiry Evidence to be submitted to demonstrate this position, to demonstrate accordance with Policies ESD13 and Villages 2, and the NPPF.

Policy ESD 15

6.23. As explained above, RfR1 cites that the proposals '*would be to the detriment to the character and appearance of the countryside*'. At no point does the RfR1 cite concerns around the adverse effects on the character of the built and historic environment.

6.24. However, RfR1 cites conflict with Policy ESD 15. This policy solely relates to the character of the built and historic environment. Based on the RfR, and Officer's Committee Report, it is not expected that there is any objection to the appeal proposals on the basis of the effects to the character of the built and historic environment.

6.25. On this basis, it is sought to agree in common ground with CDC that Policy ESD15 is not in conflict. However, should CDC decide to defend Policy ESD15, the Appellant reserves the right to call on additional technical experts as may be necessary (design and heritage).

Whether CDC can demonstrate a Five Year Housing Land Supply (5YHLS)

- 6.26. The Appellant will demonstrate that the way that CDC measures its housing land supply is not consistent with the Framework and associated guidance. In its own evidence, the Appellant will set out how five year housing land supply should be measured in Cherwell and in doing so will explain how the figure the five year housing land supply should be measured against should also include some of Oxford's unmet housing need. The Appellant will also identify a list of disputed sites which do not meet the definition of deliverable as set out in the Framework.
- 6.27. The Appellant will demonstrate that CDC's position reported within the Agenda to CDC's Executive on the 6th February of 5.4 years housing land supply for 2022 – 2027 is out of date, with the housing land supply position being below five years. Evidence will be submitted on this matter.
- 6.28. Until it published its statement in February 2023, the Council accepted that it could not demonstrate a 5YHLS by a significant margin. The 2021 Authority Monitoring Report (AMR) explained that the 5YHLS at 1st April 2021 was 5,826 dwellings, which against the adopted housing requirement (for Cherwell without including any of Oxford's unmet needs) of 1,142 dwellings per annum, the shortfall against this figure since the base date of the plan period and a 5% buffer equated to 3.8 years. It projected that at 1st April 2022 the deliverable supply would be 5,460 dwellings (3.5 years).
- 6.29. In February 2023, the Council then produced a new Housing Land Supply Statement, which claims that the deliverable supply at 1st April 2022 in Cherwell (excluding the sites to meet Oxford's unmet needs) is 4,244 dwellings. Whilst this is significantly lower than the claimed supply at 1st April 2021 and the projected supply as set out in the 2021 AMR, the Council claims this equates to 5.4 years. This is because the Council now assesses its 5YHLS against the local housing need figure of 742 dwellings per annum, which is significantly lower than the plan-led housing requirement of 1,142 dwellings per annum. The Council's figure of 4,244 dwellings is 349 dwellings more than its claimed 5YHLS requirement figure including a 5% buffer.
- 6.30. In addition, the Council's 5YHLS statement provides a separate calculation for the "Partial Review" which is the requirement to meet Oxford's unmet housing needs. At 1st April 2022, the Council claims to have a deliverable supply of 80 dwellings which equates to just 0.2 years against the stepped requirement as set out in the Cherwell Partial Review (adopted September 2020) plus shortfall and a 5% buffer.
- 6.31. The extent of disagreement between the parties on this matter is extensive and includes the following:
1. Separate calculations should not be made for Cherwell excluding Oxford's unmet needs and Oxford's unmet needs. Such an approach is contrary to the Framework and associated Guidance:
 - Firstly, paragraph 74 of the Framework sets out a requirement for "local planning authorities" to identify a five year housing land supply. There is no requirement for anyone other than a local planning authority to demonstrate a five year housing land supply. Therefore, there is no requirement for a separate calculation of Oxford's unmet needs to be made. Clearly Oxford's unmet need is not a local planning authority. Indeed, whilst local planning authorities must update their position on 5YHLS annually, there is no requirement for any other calculation. The Council's approach is clearly inconsistent with paragraph 74 of the Framework;

- Secondly, as set out in footnote 8 of the Framework, the tilted balance to the presumption in favour of sustainable development is only triggered for 5YHLS purposes when a “local planning authority” cannot demonstrate a 5YHLS in accordance with paragraph 74 of the Framework, not when a calculation against unmet needs from another area such as that set out in the Partial Review cannot demonstrate a 5YHLS. In other words, by splitting the housing requirement for Cherwell, the Council is avoiding the application of the tilted balance altogether. On the one hand it claims a 5YHLS against the requirement for Cherwell excluding Oxford’s unmet needs and on the other hand there is no mechanism to apply the tilted balance if there is a shortfall against Oxford’s unmet needs; and
 - Thirdly, the third sentence of paragraph 74 of the Framework explains that the supply of specific deliverable sites should also include a buffer, and this is increased to 20% where there has been significant under delivery of housing over the previous three years by reference to the Housing Delivery Test (HDT). As the HDT is measured on an administrative area basis, the buffer would only be increased to 20% in administrative areas, not for unmet need from another authority. Indeed, the current position statement for Oxford’s unmet needs only includes a 5% buffer, despite there being significant under delivery of housing to meet Oxford’s unmet needs. This is because there is simply no mechanism in the Framework to increase the buffer for the Oxford’s unmet need calculation or indeed apply the presumption in favour of sustainable development due to a HDT result of less than 75%.
2. The figure the 5YHLS should be measured against. This should be the local housing need for Cherwell plus the requirement for Oxford’s unmet needs which is to be met in Cherwell. The reasons for this will be set out in evidence, but in summary:
- Firstly, it would be consistent with the Framework and in particular, paragraphs 61, 74, 76 and footnote 8;
 - Secondly, it would be consistent with how housing delivery in Cherwell is measured by the Housing Delivery Test. This is against a requirement including the local housing need for Cherwell plus a proportion of Oxford’s unmet housing need;
 - Thirdly, it is consistent with the other three authorities which must meet some of Oxford’s unmet need (South Oxfordshire, West Oxfordshire and Vale of White Horse). South Oxfordshire and West Oxfordshire both have housing requirements which are less than five years old and include some of Oxford’s unmet housing need. Neither authority can demonstrate a 5YHLS. The Vale of White Horse measures its 5YHLS against its local housing need plus the requirement for Oxford’s unmet needs and this approach was recently endorsed by an appeal inspector in a recent decision relating to relating to an appeal made by David Wilson Homes against the decision of Vale of White Horse Council’s decision to refuse to grant outline planning permission for up to 300 dwellings at land east of Grove, Grove (PINS ref: 3310788);
 - Fourthly, it is consistent with the approach taken in the emerging draft Cherwell local plan, which proposes a single housing requirement (including some of Oxford’s unmet housing need); and

- Finally, the Partial Review itself is a supplement to the adopted Local Plan and explains that additional land beyond that allocated in the Partial Review may be required to ensure the requisite supply is achieved (or alternatively if more than 4,400 homes are approved to meet Oxford's unmet needs, the additional homes will assist in meeting Cherwell's needs.
3. The extent of the deliverable 5YHLS. As above, the Council claims that the 5YHLS at 1st April 2022 is 4,244 dwellings. At the time of writing, the Appellant concludes that this is around 3,650 dwellings. The reasons for the difference will be explained in evidence. However, in summary, the Council has failed to provide clear evidence for the inclusion of three sites without planning permission¹ or 6 sites with outline planning permission². The Appellant respectfully reserves the right to update its position on supply to consider the latest position on sites in the 5YHLS before the public inquiry.

Conflict with the adopted Development Plan as a Whole

- 6.32. RfR1 explains CDC's position that the development of the Appeal Site would conflict with the adopted Local Plan as a whole. CDC afford this conflict substantial weight. The Appellant envisages that agreement can be reached with CDC in respect of RFR2, concerning the appropriate planning obligations.
- 6.33. The policies cited within the Reasons for Refusal relate to matters of principle of development, character, landscape and planning obligations, including Policies PSD1, ESD13, ESD15, and Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Saved Policy H18 of the Cherwell Local Plan 1996. The Appellant will demonstrate how these policies are out of date, or how the appeal proposals comply, which in turn results in compliance with the adopted Development Plan when read as a whole.
- 6.34. As explained above, as Policy PSD 1 relates to the presumption in favour of sustainable development and circumstances when key policies are out of date, it is possible to still comply with the adopted Development Plan when read as a whole.
- 6.35. The Appellant does not therefore envisage objection by CDC in respect of the following topics as technical objections have not been received:
- Amenity
 - Access and Highways
 - Agricultural land
 - Air quality
 - Arboriculture
 - Contamination
 - Ecology
 - Education
 - Sustainable Construction and Energy Efficiency
 - Flood Risk and Drainage
 - Housing Mix and Affordable Housing
 - Heritage and Archaeology
 - Noise

¹ South East Bicester and two sites Former RAF Upper Heyford

² Graven Hill, South of Salt Way, North West Bicester Phase 2, Bicester Gateway Business Park, Wendlebury Road, South West Bicester Phase 2 and North of Hanwell Fields

- Open Space Provision
- Utilities

Reason for Refusal 2 (RfR2):

"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."

Planning Obligations

- 6.36. Heads of Terms to inform Section 106 drafting have been discussed with CDC and Oxfordshire County Council at the application stage. The Appellant had no objection, in principle, to the contributions detailed by the Officer's Committee Report.
- 6.37. The Appellant considers this RfR is capable of being resolved through discussions on common ground and the preparation of a planning obligation.

Policy Interpretation and Relevant Appeal Decisions

- 6.38. It is our intention to engage with CDC in respect of policy interpretation as part of agreeing the Statement of Common Ground, and to compile a list of relevant Appeal Decisions, including those in Cherwell District.

Overall Planning Balance

- 6.39. The Appellant will explain that the appeal should be determined in accordance with the Development Plan. The Appellant will demonstrate the proposal accords with the Development Plan, when taken as a whole.
- 6.40. However, the Appellant's position is that due to CDC's inability to demonstrate five years' worth of housing land supply, the presumption in favour of sustainable development contained in Policy PSD1 1 (as reflected in Paragraph 11(d) of the NPPF) is relevant. This policy explains that where policies are out date, such as Policy BSC 1, Policy Villages 2 and Saved Policy H18, planning permission should be granted unless material considerations indicate otherwise, taking into account whether the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.41. The Appellant will demonstrate that there are no material considerations which justify not granting planning permission. Instead, there are material considerations which further justify the grant of planning permission for residential use. These include:
- The National Planning Policy Framework, taken as a whole.
 - The lack of a five-year housing land supply or plan period supply.

- 6.42. The Appellant will identify a range of benefits arising from residential development, on a locational, social, economic and environmental basis and the Appellant will identify potential adverse impacts.
- 6.43. Both benefits and adverse impacts will be assessed in terms of the weighting they should be afforded. The Appellant will demonstrate that the adverse impacts do not significantly and demonstrably outweigh the benefits and that the proposal should be granted permission, subject to planning conditions and obligations.

7. Third Party Representations

- 7.1. The application received a total of 80 letters of objection from local residents. The comments raised by third parties are summarised in the Officer's Report at Section 6.2. The general themes arising from these objections relate to the cumulative impact of development in Ambrosden, increased traffic generation, and impact on the existing habitats on site.
- 7.2. Section 7 of the Officer's Report sets out the consultation responses received. Ambrosden Parish Council objected to the application on the grounds of no clear statement on population growth making the impact on resident amenity immeasurable, the scale of development, the impact on infrastructure, amenity and biodiversity. The Parish Council also raised concerns regarding the lack of engagement with the Applicant.
- 7.3. Matters raised in third party responses are dealt with under the planning balance and do not change the conclusions that planning permission should be granted subject to planning conditions and planning obligations.

8. Planning Obligations and Conditions

- 8.1. The Appellant intends to submit a draft Section 106 Agreement and/or Unilateral Undertaking in advance with the planning appeal timetable and under the appeal inquiries regulations. Detailed engagement with CDC and Oxfordshire County Council in respect of the content of this document, to build upon discussions held to date, is anticipated.
- 8.2. The Appellant reserves the opportunity to submit evidence in respect of obligations sought in the context of Regulation 122 of the Community Infrastructure Regulations. It is also anticipated that CDC will prepare a CIL Compliance Statement.
- 8.3. At this point in time, it is not anticipated that any significant matters of contention will arise in this respect, owing to the consultation responses and dialogue held between the Applicant and Authorities during the determination of the application. Draft Heads of Terms are anticipated in respect of:
- Open Space Maintenance and provision of Local Equipped Area of Plan
 - Waste
 - Affordable Housing
 - Public Transport – Bus Services
 - Travel Plan Monitoring
 - Public Rights of Way
 - Highway Works
 - Secondary Education and towards Land Contribution
 - Special Education
 - Oxfordshire Clinical Commissioning Group
 - Appropriate Legal Costs
 - Appropriate Monitoring Costs
- 8.4. The Appellant also intends to engage with CDC in respect of draft conditions. It is intended that draft conditions are set out within the final Statement of Common Ground and that discussion on these may be required during the Inquiry process.

9. Procedure and Witnesses

9.1. The Appellant has considered the Appeal procedure in accordance with the relevant guidance set out by Procedural Guide: Planning Appeals - England, dated June 2023.

9.2. This Section sets out the assessment of the appropriate procedure, and the justification for the chosen procedure.

Assessment of Appropriate Procedure

Written Representations

9.3. The Appellants have considered the 3 bulleted criteria set out for the written representations procedure. The Appellants consider that this procedure is not the most appropriate for the following reasons:

- The key issues raised cannot be clearly understood from the appeal documents and a site inspection alone;
- The key issues have been subject to detailed engagement between interested parties and are complex. The Planning Inspector will need to test evidence by questioning and will likely need to seek clarification on specific matters.

Hearing

9.4. The Appellant has considered the criteria for determining the appeal via the hearing procedure. The Appellants consider that this procedure is not the most appropriate for the following reasons:

- The key issues have been subject to detailed engagement between interested parties and are complex. The Planning Inspector will need to test the evidence by questioning and will likely need to seek clarification on specific matters;
- Given the refusal by CDC, there is a clear difference in opinion and need for evidence to be tested through formal questioning by an advocate;
- It cannot reasonably be expected that the parties will be able to present their own cases (supported by professional witnesses) without the need for substantial proofs of evidence and reference to technical appendices.

Inquiry

9.5. The Appellant has considered the criteria for determining the appeals by way of an inquiry and considers that this procedure is the most appropriate for the following reasons:

- The nature and extent of evidence to be given will need to be presented by expert witnesses in open inquiry. There is a need for evidence of all parties to the planning appeal to be tested through formal procedure and cross examination by an advocate. This cannot be achieved through the written representations or hearing procedures;
- The issues are complex, and therefore, the Planning Inspector will need to test evidence by questioning and will likely need to seek clarification on specific matters;

- The Appellant wishes to make legal representations on the Development Plan, Landscape and Housing Land Supply Position.

9.6. The appeal is made on the grounds of refusal by CDC for the two reasons stated.

Request of Appeal Procedure: Inquiry

9.7. The Appellant suggests 5 days for an Inquiry based on the key issues considered relevant to determination of the appeal. This timing could potentially be reduced, subject to the CDC's position adopted in respect of Housing Land Supply.

9.8. The matters identified are complex and, subject to maintained objection by CDC, will need to be subject to expert consideration. It is envisaged that the extent of evidence and witnesses to be called will be limited to the reasons for refusal and therefore the matters of landscape, housing land supply, planning and S106 agreement.

9.9. The Appellant reserves opportunity to present evidence and call upon witnesses, as appropriate, in order to respond to CDC's position which will be set out within its Statement of Case and the potential involvement of any Rule 6 or other interested parties.

9.10. The Appellant considers that evidence will likely be required in respect of:

- **Housing Land Supply:** the housing land supply position of CDC;
- **Landscape and Views:** demonstrating the acceptability of the appeal proposals from a landscape and visual perspective; and
- **Planning:** conformity of proposals with the adopted Development Plan and assessment of relevant material considerations.

9.11. In addition to the above, the Appellant respectfully reserves the opportunity to add to evidence and the above items should it become apparent that CDC wishes to contest matters beyond the scope considered within this Statement of Case.

9.12. In conclusion, we consider that in accordance with s319A of The Town and Country Planning Act 1990 and following consideration of the Procedural Guide: Planning appeals – England, the inquiry procedure is suitable for this planning appeal.

10. Conclusion

- 10.1. This Statement of Case has been prepared by Savills (UK) Ltd on behalf of Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May in respect of Land East of Ploughley Road, Ambrosden.
- 10.2. This Statement of Case contains all of the details and arguments put forward by the Appellant to make the case for this Section 78 planning appeal, in light of CDC's Reasons for Refusal.
- 10.3. The Appellant reserves the right to evolve the case through engagement on the Statement of Common Ground and through the preparation of Proofs of Evidence.
- 10.4. Following assessment against the NPPF and relevant policies of the adopted Development Plan, it is considered that the Proposed Development constitutes sustainable development and accords with the Development Plan overall.
- 10.5. Additionally, it is considered that there is an insufficient housing land supply in the District. This results in the tilted balance being triggered under Paragraph 11 of the NPPF. Therefore planning permission should be granted, as there are no adverse impacts which would significantly and demonstrably outweigh the benefits in this case.
- 10.6. The Proposed Development was recommended for refusal at Planning Committee in July 2023, and Members resolved to refuse planning permission on the same grounds set out by the Planning Officer, Landscape grounds and the absence of a S106.
- 10.7. It is on this basis we envisage the production of evidence on the grounds of housing land supply, landscape and the planning balance.
- 10.8. The Appellant has assessed the appeal under the Procedural Guidance and request that this appeal follows the Inquiry Procedure and that 5 days are factored in for the Inquiry.
- 10.9. It is expected that through engagement an agreement with CDC and Oxfordshire County Council will be reached in respect of planning conditions and planning obligations. This will be provided in accordance with the required appeal timetable.
- 10.10. Our request is that planning permission is granted, subject to planning conditions and planning obligations.

Appendices

Appendix 1

Notification of Intention to Appeal

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL UNDER SECTION 78**

Notification of intention to submit an appeal

Under the provisions of Recommendation 3 of the Rosewell Review into inquiry appeals, this notification is to give the Local Planning Authority and Planning Inspectorate not less than 10 working days' notice of an intention to submit a planning appeal where the appellant will request the inquiry procedure.

The appeal will be against: Cherwell District Council

For: Refusal of Planning Permission

Appellant(s) name: Archstone Ambrosden Ltd, Bellway Homes Ltd and Rosemary May

Site address: Land East of Ploughley Road, Ambrosden

Description of development:

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.

Planning application number: 22/02866/OUT

Likely submission date of appeal: 31 July 2023

Proposed duration of inquiry in days: 5 days

Next steps:

1. Complete the above fields
2. Save this document
3. Attach to an email and send to the Local Planning Authority and also the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk)
4. Submit your appeal via the [Appeals Casework Portal](#) not less than 10 working days after sending this notification.