



## Appeal Decision

Hearing held on 17 October 2023

Site visit made on 17 October 2023

**by Jonathan Bore MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 October 2023**

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### **Appeal Ref: APP/C3105/W/22/3309489**

#### **Land north of Banbury Road, Finmere, MK18 4BW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Hayfield Homes Construction Limited against the decision of Cherwell District Council.
  - The application Ref 21/03066/OUT, dated 31 August 2021, was refused by notice dated 22 April 2022.
  - The development proposed is the erection of up to 30 dwellings and associated vehicular access, public open space, landscaping and other supporting infrastructure.
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#### **Decision**

1. The appeal is dismissed.

#### **Main Issue**

2. The main issue in this case is whether the development is appropriate for this site, having regard to the range of facilities in Finmere.

#### **Reasons**

3. The scheme is an outline proposal for up to 30 homes on a flat horse paddock of a little under 2 hectares adjacent to the western end of Finmere. All matters are reserved except for access, which would be from Banbury Road.
4. Finmere is defined by Policy Villages 1 of the Cherwell Local Plan as a Category A village, which are the most sustainable villages. Policy Villages 2 of the Plan states that a total of 750 homes will be delivered at Category A villages, through the Local Plan Part 2, through any neighbourhood plan, and through planning permissions. The total of 750 houses has already been reached, though it is not a cap. The District has a 5 year housing supply based on the local housing need (LHN) calculation.
5. Policy Villages 2 states that, in identifying and considering sites in Category A villages, particular regard will be given to the environmental value of the land; heritage and wildlife assets; contribution towards the built environment; agricultural land quality; landscape impact; vehicular and pedestrian access; location in relation to services and facilities; infrastructure provision; flood risk; and deliverability.
6. Of these criteria, it is the location in relation to services and facilities that is most significant in this case. Despite Finmere being included as a Category A village, it is still relevant to consider the relationship between the scale of

development proposed and the range of available services and facilities, and Finmere has very few facilities for a development of this size. The village possesses a primary school, a playing field, a church and a village hall, as well as a public house which is currently closed. But the nearest shop is in the next village, Tingewick, which realistically is too far to walk. There is no certainty as to when the nearby A421 roadside services will be delivered and it may be necessary to drive there. The main employment facilities are in the nearest towns, and the bus service is infrequent.

7. It is notable that most development in Finmere has been of a small scale, incremental and linear nature commensurate with its very limited range of facilities. Even Stable Close and Chinalls Close, which depart from the village's prevailing linear form, are each relatively small. Among the submitted appeal decisions, those relating to Finmere (3169168 and 3189420) comment on its limited range of village facilities and public transport.
8. Taking all these factors into account, and despite the classification of Finmere as a Category A village, the proposed development of up to 30 homes would be too large in relation to the range of local services and facilities, leading to a significant amount of vehicular travel to other centres.
9. It is appreciated that the site was identified as suitable for 20 dwellings by the Council's Housing and Economic Land Availability Assessment (2020) which formed part of the evidence base for the Cherwell Local Plan 2011-2031 (Part 1) Partial Review, and indeed the site meets many of the criteria in Policy Villages 2. It is well enclosed with limited landscape impact, and with satisfactory access for vehicles from Banbury Road. An existing footpath would take pedestrians through Chinalls Close into Valley Road and Mere Road, and would integrate the site with the village. Submitted evidence demonstrates that there are no archaeological, heritage or flood risk constraints on the site, and development would provide opportunities to improve biodiversity, open space and play provision and address the existing surface water ponding.
10. It is also the case that the scheme would deliver up to 11 affordable homes, including some first time homes, in a district with a high level of affordable housing need and in a village where no affordable housing has been built over many years. It would incorporate sustainable construction, renewable energy generation, home working space and electric vehicle charging points, all of which would help in different ways to diminish carbon emissions. In addition, it would make financial contributions towards community and sports facilities, public transport, education, waste and recycling. Also, subject to any local views (because the grass verges in the village would be affected) there is the potential to lay out a new footway from Chinalls Close to the school, as included in the s106 obligation for the appeal scheme.
11. However, none of these considerations, individually or together, outweigh the fundamental objection that this scheme would deliver too many new homes in a village with few facilities. It would run counter to the aims of Local Plan Policy ESD 1 which seeks to mitigate climate change by locating the majority of new housing in accessible locations where there is a choice of employment, social, community and retail facilities and a choice of transport, thus reducing the need to travel; and it would not satisfy the criterion in Local Plan Policy Villages 2 in terms of location to services and facilities.

### **Other matters**

12. Notwithstanding the existence of a 5 year housing land supply based on LHN, the submitted evidence indicates that, on current projections, housing delivery in Cherwell District by the end of the plan period in 2031 will fall short of the Local Plan's housing requirement by around 10%, with potential implications for the delivery of the Plan's employment growth strategy. However, this issue is more relevant to the towns because they are the focus of the Local Plan's larger housing allocations and have better access to employment, as well as to services and transport options. I do not therefore attach much significance to this point in this particular case.
13. I have considered all the other matters raised, but they do not alter the balance of my conclusions.

### **Conclusion**

14. For the reasons given above I dismiss the appeal.

*Jonathan Bore MRTPI*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Jonathan Easton KC	
Sam Silcox MRTPI	Director, Harris Lamb
Shelley Jones	Director, Rural Solutions

### FOR THE LOCAL PLANNING AUTHORITY:

Katherine Daniels MRTPI	Principal Planning Officer
Imogen Hopkin MRTPI	Senior Planning Officer
Jonathan Goodall MRTPI	Director, DLP Plans Ltd

### INTERESTED PARTIES:

Michael Kerford-Byrnes	Chairman, Finmere Parish Council
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## **DOCUMENTS**

Appellant's statements, appendices and technical reports including Social and Economic Sustainability report; Design and Access Statement and Addendum; Transport Statement and Addendum; Archaeological Investigation Report; Agricultural Land Quality Assessment; Flood Risk Assessment and Addendum; Housing Land Supply Statement; Affordable Housing Statement; Acoustic Assessment; Travel Plan and statement; Bat Report and Biodiversity Impact Assessment and travel statement

Council's statement and appendices

Statement of common ground on general planning matters (unsigned)

Statement of common ground on housing matters (signed)

Planning obligation (signed)

Representations from the Parish Council and other parties

## **PLANS**

Site location plan P21-2023\_02 Rev A

Series of indicative plans showing alternative layouts and pedestrian routes