

**LAND SOUTH OF GREEN LANE,  
CHESTERTON**

**APPEAL REFERENCE  
APP/C3105/W/23/3331122**

**SUMMARY PROOF OF EVIDENCE OF ASHER  
ROSS MRTPI**

## 1. SUMMARY

1.1 My name is Asher Ross. I am Director of Planning at Wates Developments Ltd ('The Appellant'). I am a chartered member of the Royal Town Planning Institute.

1.2 This Appeal was submitted by the Appellant against the refusal of Cherwell District Council ('CDC') to grant planning permission for a residential-led development of up to 147 homes and associated infrastructure on land south of Green Lane, Chesterton ('The Site').

1.3 The description of the development is:

*Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)*

1.4 The Application is submitted in outline format with all matters other than access reserved for future determination. However, indicative masterplans including a landscape masterplan were submitted with the Application and it is proposed to secure the reserved matters to generally comply with these.

1.5 Three reasons for refusal ('RfR') were sets out by the Council. It is agreed that RfR3 which relates to the lack of a S.106 can be overcome. As such, two RfR are relied on by the Council.

1.6 My evidence relates to matters of town planning including relevant development plan policies and material considerations, weight to be afforded to these as well as the benefits and the overall planning balance.

1.7 Evidence on matters such as landscape and visual impacts, effects on settlement character, locational sustainability, and housing land supply are set out by my colleagues and I rely on their evidence.

1.8 Recent planning history for Chesterton supports the view that the settlement is appropriate for significant development. Consent has recently been granted for a significant leisure facility known as the Great Wolf Resort. This permission has been implemented (as can be seen by the recent works along Green Lane. In addition, consent has been granted for significant extension and redevelopment of land to the west of the Appeal Site at the Bicester Sports Association field. Furthermore, very recently consent has been granted for a significant research scheme along the A41.

1.9 In terms of housing consents, the development of Vespasian Way was granted by appeal and has been completed. An extension to that consent was granted locally as well as development of the Paddocks. In all those cases, the conclusion was that Chesterton was a suitable location for further housing development. The only decision that goes against this approach was the refusal of consent for development of the site north of Green Lane. I set out why, in my view, that decision should be

seen as an outlier and that material developments since then indicate that Chesterton continues to be a suitable location for housing development.

1.10 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that planning decisions should be made in accordance with the provisions of the development plan unless material considerations indicate otherwise.

1.11 In this case we have three main documents that form the development plan:

- The Cherwell Local Plan 2011 – 2031 Part 1 (adopted 2015)
- The Cherwell Local Plan 2011 – 2031 Part 1 Partial Review (adopted 2020)
- Saved Policies from The Cherwell Local Plan (adopted 1996).

1.12 There are numerous material considerations, but the most important are the National Planning Policy Framework ('NPPF') which was last issued on 20 December 2023 and the Local Plan Review which was last subject of Regulation 18 consultation in late 2023.

1.13 The Council, in its decision notices alleges a breach of several development plan policies. I note that several of these are relating to matters such as detailed design that are not matters to be determined in this Appeal (for example, policies C28 and C30 in the 1996 Plan). In terms of the approach to development in Chesterton, this is set out in Policy Villages 2 (Chesterton is identified as a Category A settlement in Policy Villages 1). The Policy includes 11 criteria (of which ten apply to the determination of the Appeal). Based on the evidence of my colleagues and my own judgement I conclude that the Appeal Scheme complies with the majority of these and that any breach is minor and does not lead to non-compliance with the overall Policy.

1.14 As to other policies set out by the Council, I consider that the Appeal Scheme complies or is able to comply with all of these. In particular based on the evidence of Mr Bevis, I consider that Chesterton is a sustainable location for additional development and that package of sustainable transport measures such as cycle improvement, bus service contribution and the provision of an EV car club all further assist in enhancing the measures that would reduce reliance on the private car.

1.15 As to the criticism of the Council as to the landscape and settlement character effects, Mr Smith and Mr Burton address this matter and consider that compliance with the relevant policies can be secured.

1.16 It is on that basis that I conclude that the Appeal Scheme accords with the provision of the development plan when considered as a whole.

1.17 As to material considerations, they further support the grant of consent. The NPPF continues to support the boosting of supply of housing and meet affordable housing needs. Cherwell's affordable housing delivery is poor and does not meet needs. Indeed, the housing register shows a significant number of households seeking specific affordable housing in Chesterton whilst no major housing schemes have been consented for some time now. In addition, Mr Burton considers that the

Appeal Scheme gains the positive significant benefit of complying with NPPF paragraph 139(a).

1.18 As to the Local Plan Review, this supports the allocation of the Appeal Site (as part of a wider allocation) to deliver a total of 500 new homes. Having reviewed the emerging Policy, I am of the view that the Appeal Scheme can comply with it.

1.19 As to the weight to be afforded to policies, whilst I consider that some of the Local Plan policies are out-of-date, I do not consider that the 'basket' of most important policies is out-of-date to engage the so-called 'tilted balance'. If the Inspector agrees with the views of my colleague Mr Roberts, then the tilted balance would apply to the determination.

1.20 The planning balance requires the assessment of the benefits of the Appeal Scheme against the harms. My judgement is set out below.

| <b>Matter</b>                       | <b>Benefit / harm</b> | <b>Weight</b> |
|-------------------------------------|-----------------------|---------------|
| <b>Market housing</b>               | Benefit               | Significant   |
| <b>Affordable housing</b>           | Benefit               | Substantial   |
| <b>Economic benefits</b>            | Benefit               | Significant   |
| <b>Design</b>                       | Benefit               | Significant   |
| <b>Biodiversity net gain</b>        | Benefit               | Moderate      |
| <b>Net Zero Homes</b>               | Benefit               | Significant   |
| <b>BNG</b>                          | Benefit               | Moderate      |
| <b>Open space</b>                   | Benefit               | Moderate      |
| <b>Sports facilities</b>            | Benefit               | Significant   |
| <b>Sustainable transport</b>        | Benefit               | Limited       |
| <b>BMV</b>                          | Harm                  | Moderate      |
| <b>Landscape and visual effects</b> | Harm                  | Limited       |

1.21 I consider that on the proper reading of the policies and accepting the views of my colleagues, accordance with the provisions of the development plan when considered as a whole can be supported.

1.22 I consider that there are significant material considerations that support the grant of consent and that this further enhances the case for the Appeal Scheme.

1.23 I conclude that the Appeal should be allowed when undertaking the S38(6) assessment. In summary:

- I. The Appeal Scheme is accordance with the provisions of the development plan when considered as a whole;
- II. Alternatively, if the Inspector concludes otherwise, material considerations nonetheless support the grant of permission, whether or not the NPPF tilted balance is engaged.

1.24 However, I also set out that the tilted balance applies to the determination of the Appeal in that significant and demonstrable harm needs to be identified to outweigh the benefits. I consider that the benefits are numerous and significant so that, in order to significantly and demonstrably outweigh those benefits, the level of harm would have to be considerable. I do not consider that such a level of harm can be demonstrated.

1.25 I consider that in the overall balance, planning permission should be granted subject to appropriate conditions and obligations.