

Rebuttal Statement

APP/C3103/W/23/3329834

Land South of Faraday House

Woodsey Road, Sibford Ferris

1. INTROUDCTION

- 1.1. This statement has been prepared following receipt of the Planning Authority's Statement on 9th January 2024. This Rebuttal Statement should be read in conjunction with the appellant's original appeal statement and appendices. This statement will provide comments on specific paragraphs in the Planning Authority's statement. It is not the intention to duplicate evidence already submitted, but clarification may be provided.

Paragraph 1.5

- 1.2. The Planning Authority made reference to a landscape officer. Firstly, no qualified landscape comments were made in respect of the appeal proposals. Indeed, the appellants were advised that the Council did not even have a landscape officer. At no time have they ever been told that due to the size of the scheme that it did not warrant any landscape comments. Furthermore, no consideration was given to the appeal inspector's comments on the adjoining site where he concluded that there would be no adverse landscape impact as a result of the erection of 25, 2 storey dwellings, or indeed any landscape officer's comments to that effect on the outline planning application. Finally, the Council's own SHLAA assessment of the appeal site concluded that it was acceptable for up to 20 dwellings and that there would be no adverse landscape impact.

Paragraph 1.6

- 1.3. The previous appeal inspector recognised the acknowledged need for elderly persons accommodation in the area, and accorded it due weight. The Planning Authority did not recognise the continued need for elderly persons accommodation. Accordingly, they did not take this into account in the planning balance.

Paragraph 1.7

- 1.4. This is a new issue raised by the Planning Authority. It has been made without any supporting evidence or justification. Notwithstanding that, the appellants are a specialist elderly persons residential developer. Many of their developments are for 2 storey dwellings. Indeed, the appellant have previously obtained planning permission for some 2 storey retirement dwellings at their scheme in Deddington (the same Authority). The Planning Authority are being disingenuous by raising this issue particularly as the appellants are well known to them and this issue has never been raised even in the officer committee report or as a reason for refusal. It demonstrates continued unreasonable behaviour and it is not for the planning authority to question the business model of the appellants.

Paragraph 1.8

- 1.5. The information provided in paragraph 3.5 of the appellant's original statement demonstrates how the appeal proposals meet the local vernacular of the area. The Planning Authority do not elaborate on this point, for instance how the proposals do not reflect the approved 2 storey dwellings to the south. The appellants believe that the appeal proposals fully reflect these proposals and the local vernacular. Indeed, the appeal proposals follow the design principles of the approved scheme to the south. The updated plans still propose 2 storey development with similar design principles.

2. Compliance with Policies Paragraphs 2.3 to 2.14

- 2.1. The appellants have set out in considerable detail in their original statement the relevant planning policy context which should be considered in respect of these proposals. Furthermore, of particular relevance are paragraphs 5 to 9 of the previous appeal decision on the site. The appeal site is a windfall site and paragraph 9 of the appeal decision stated :

“However, LPP1 Policy Villages 2 indicates a delivery target of 750 dwellings for Category A (Service Centres) during the plan period. In addition to the windfall allowance under LPP1 Policy BSC1. This has been exceeded and it is not a ceiling prohibiting further development. LPP1 Policy Villages 2 further indicates that sites will be identified through the preparation of the Local Plan Part II (LPP2), Neighbourhood Plan (NP) where applicable and the determination of planning permission. No sites have been identified under LPP2 or NP or for Sibford Ferris developed through planning permission. For these reasons the requirement of LPP1 Policy Villages 2 takes precedence over LP Policy H18 in this instance. Such a view does not conflict with the Inspector’s view on the neighbouring site, where it was stated that there would be no conflict with this policy in relation to the proposals considered there.”

- 2.2. These comments still apply in respect of this appeal and have been totally ignored by the Planning Authority.

Sustainability Paragraph 2.9

- 2.3. The previous appeal Inspector had dealt with the appeal sites sustainability credentials at paragraphs 20 and 21 of his decision letter. He concluded having carefully considered the issue that:

“For these reasons. Resident’s accessibility to services and facilities would not be a reason to refuse the proposals in this instance.”

- 2.4. The same conclusion much equally apply here. The planning officer has offered no reason for a different conclusion.

Scale, Design and Layout – Paragraph 2.25

- 2.5. The previous appeal inspector dealt with the local vernacular of Sibford Ferris in paragraphs 10 – 19 of his previous decision letter. It was apparent from the appeal decision that bungalows (the previous scheme) were considered to be not appropriate in this location. The previous appeal inspector did not suggest in his appeal decision that the appeal site was inappropriate for residential development in principle, merely that the erection of 6 bungalows and their design did not follow the local vernacular. The appellants carefully considered the Inspector’s comments regarding the key elements that comprise the local vernacular in Sibford Ferris as well as the approved design to the south of the appeal site. It is considered that the current proposals are wholly appropriate for the site and the local area with regards their scale, design and layout.

Housing Land Supply Paragraphs 2.10, 2.15 to 2.19

- 2.6. The Planning Authority suggests that it can demonstrate a 5-year supply of deliverable housing sites. They state that the position is 5.4 years supply and have included their latest housing land supply statement (Feb 2023) as part of their evidence. The appellants are somewhat surprised by the Planning Authority’s supposed statement and position given the recent appeal decision (12th December 2023) in respect of land to the rear of No. 12 and south of dismantled Railway Heath Close, Milcombe for the erection of 35 dwellings (APP/W/23/3325113). At that appeal (hearing) the inspector carefully considered the planning authority’s position with regards to 5-year housing land supply. He concluded that there were a number of identified sites that would not deliver at the rate estimated by the planning authority. Accordingly he concluded that the planning authority could only demonstrate a 4.82 year supply and as a result paragraph 11d of the NPPF was engaged.
- 2.7. The appellants are also aware that the Planning Authority have quoted this appeal decision in a further appeal in respect of land at Burycourt Road, Hook Norton (APP/W/23/3326858). They are clearly aware of this appeal decision. Accordingly, the up-to-date position is that the Planning Authority cannot demonstrate a 5-year supply of housing land in light of the Milcombe decision. In such circumstances, paragraph 11d is engaged in respect of this appeal. The Planning Authority are attempting to withhold evidence from the appeal inspector and their position is not

only disingenuous but also unprofessional. It again shows unreasonable behavior on the part of the planning authority in respect of the appeal site.

Impact on Character and Appearance – Paragraph 2.20-2.24

- 2.8. The previous appeal inspector did not object to the proposals based on their impact on the landscape character and appearance of the area. It was the design and type of dwellings that he objected to. The appeal proposals overcome those concerns. Furthermore, the appeal Inspector who considered the erection of up to 25, 2 storey dwellings on the adjoining site to the south concluded that the development would have no detrimental impact on the landscape character and appearance of the area. An issue which the planning authority clearly conveniently ignores. Finally the Council's own SHLAA concluded that the site could accommodate up to 20 dwellings and there would be no detrimental impact on the landscape character and appearance of the area. The planning authority have presented no creditable evidence in respect of this issue.

Other Matters Paragraph 2.26-2.29

- 2.9. The appellants original statement sets out a range of benefits of the appeal proposals. Amongst others these concluded meeting a clearly identified need for elderly persons accommodate in the area. These benefits must now be given considerable weight in the context of paragraph 11d of the NPPF. The previous NPPF is engaged by virtue of the transitional arrangements in the recently published NPPF (December 2023). They weigh in favour of the appeal being allowed.

Conclusions

- 2.10. There is nothing raised in the Planning Authority's statement or appendices, or any other documents submitted that would justify the appeal being dismissed. It is perhaps particularly concerning that the planning authority has not been forthcoming to provide the Inspector with an up-to-date position on various issues, such as no 5-year housing plan supply. Quite clearly the Council cannot demonstrate a 5-year housing land supply and paragraph 11d of the NPPF is engaged. Even if paragraph 11d was not engaged the appellants believe that the proposals comply with the relevant development plan policies and that there are no other material consideration which would warrant the

appeal being dismissed. It is respectfully requested that the appeal be allowed, and planning permission be granted.

Conditions

2.11. The appellants have no objections to the suggested conditions.