

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY**

**BLUE CEDAR HOMES LIMITED**

**In respect of**

**Refusal of detailed planning permission for erection of 5 two storey age restrict dwellings (55 years) for older people with access, landscaping and associated infrastructure**

**at**

**Land South of Faraday House,  
Woodway Road,  
Sibford Ferris**

D2 Planning Ref: 109/23  
LPA Ref: 23/01316/F

D2 Planning Limited  
Suite 3 Westbury Court  
Church Road  
Westbury on Trym  
Bristol BS9 3EF

Tel: 0117 373 1659

September 2023

**D2**

## **CONTENTS**

1. INTRODUCTION
2. SITE AND SURROUNDINGS
3. SITE HISTORY
4. APPEAL PROPOSALS
5. PLANNING POLICY CONTEXT
6. CASE FOR THE APPELLANT
7. CONCLUSIONS

## **APPENDICES**

1. Appeal Decision, submitted plans and Officer's Committee Report
2. Correspondence sent to planning officer from the Appellant
3. Counsel's Opinion and Briefing Note to Members
4. Decision Notice and Planning Officer's Report
5. Relevant HELA extract for appeal site
6. Appeal decision on OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire OX15 5QW (i.e. land to the south of the appeal site)
7. Reserved Matters Decision Notice, Officer's Report, layout and house details for land to the south of the appeal site (Application No. 21/02893/REM)
8. Strategic Housing comments on appeal proposals
9. Relevant extract from Cherwell Local Plan 2016 and Cherwell Local Plan 1996
10. Various appeal decisions

## 1. INTRODUCTION

1.1. This statement has been prepared to support an appeal against the refusal of Cherwell District Council to grant detailed planning permission for a residential development (5 dwellings) (age restricted to 55 years plus) on land to the south of Faraday House, Woodway Road, Sibford Ferris.

1.2. The application was submitted following the dismissal of an appeal for the erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure on the appeal site (Appendix 1). The only reason the appeal was dismissed was based on the proposed design and layout of the development. the Inspector concluded on the design of the proposed development that: - (paragraph 19, Appendix 1)

**“Well-designed places do not need to copy their surroundings in every way but the design and layout of proposed housing would result in an overly built-up and visually incongruous development, that fails to integrate with its context and surroundings for all the reasons indicated. The development would not be high quality harming the character and appearance of the area, including the intrinsic character and beauty of the countryside. Accordingly, there would be conflict with Policy ESD 15 of the LPP1 and Policy C28 of the LP.”**

1.3. The appeal application was submitted on 16<sup>th</sup> May 2023 and described as: -  
(Application No. 23/01316/F)

**“Erection of 5 two storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure”**

1.4. The application was accompanied with a range of supporting reports and plans which have all been submitted with the appeal proposals. As stated, the main reason for the submission of this application was to deal with the design and layout issues identified in the appeal decision. Further information will be provided on these issues later in this Appeal Statement.

1.5. Following submission of the appeal application, discussions with the planning officer indicated that she was minded to support the application and recommend that

planning permission be granted. She subsequently changed her mind and indicated that the appeal proposals were unacceptable. At a subsequent meeting (virtual) with the planning officer on 7<sup>th</sup> August 2023, the planning officer indicated that they now had objections to the proposed development based on landscape and design issues. The appellants asked if such comments had been made by the Council's landscape and design officers but were informed that no such officers were in post. A request for these comments was made but the planning officer never provided the specific comments (Appendix 2). Instead only after the appellant chased the planning officer for an update that they were advised that all comments including landscape and design would be included in the officer's report. The officer's report was not available until after the decision notice was issued.

- 1.6. The appellants sent a briefing note to the planning officer from Leading Counsel. This again concluded that having regard to the relevant policies in the Statutory Development Plan as well as other material considerations, that the decision should be to grant planning permission. The briefing note is attached as Appendix 3.
- 1.7. The application was refused under delegated powers for the following two reasons: - (Appendix 4)

**“The site is located outside the built form of Sibford Ferris and within an area of open countryside. The Council is able to demonstrate a 5.4-year housing land supply and therefore the housing strategy Policies in the Local Plan are up-to-date and the proposed development would conflict with the adopted policies in the Local Plan and would undermine the housing strategy in the Cherwell Local Plan. The proposal constitutes residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. The proposed development is therefore contrary to Policies PSD1, BSC1, ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of Cherwell Local Plan 1996 as well as the Council's declared climate emergency and would not accord with Government guidance within the National Planning Policy Framework. This**

**conflict with policy and the environmental harm identified significantly and demonstrably outweighs the proposal's benefits.**

**By reason of its location, scale, layout and design, the proposal would be out of keeping with the form and pattern of development of the surrounding area, and would have a poor and incongruous relationship with the existing settlement, would have an urbanising impact on the rural setting of the village, appearing prominent in the open countryside and would adversely affect the immediate landscape setting of Sibford Ferris and the character and appearance of the area. The proposed development is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the National Planning Policy Framework.”**

- 1.8. Despite the decision notice indicating that the planning officer's report would be available on the Council's website, the Committee Report was not available until 29<sup>th</sup> August 2023. The Decision Notice was issued on 24<sup>th</sup> August 2023.
- 1.9. There is a significant unmet need for elderly persons accommodation in Cherwell District. The appeal proposals offer the opportunity to directly respond to some of that significant unmet need in the area in a sustainable location. It is considered that the provision of such residential accommodation should be afforded significant weight in the determination of this appeal. This issue will be referred to later in this statement. It is probably worth noting that the planning officer did not refer to the need for elderly persons accommodation in the District, where she undertook the planning balance in her report. This is despite the clear acknowledged need for such housing and the appeal inspector's clear conclusion on the issues in paragraph 21 of the appeal decision (Appendix 1). The planning officer's conclusions on the appeal proposals are quite clearly flawed and a proper analysis of the issues conclude to be one in favour of the proposals.
- 1.10. This statement will conclude that the balance to be struck should be finding in favour of the appeal proposals being allowed and detailed planning permission being granted.

## **2. SITE AND SURROUNDINGS**

- 2.1. The site relates to a parcel of land on the southern edge of Sibford Ferris, some 17km west of Banbury (9 miles). It comprises the northern part of a field in arable use measuring 0.94ha and surrounded by hedgerows.
- 2.2. To the north and east of the site lies residential development (medium/low density one and two storey housing). To the south is a site which has had residential development (25 dwellings) allowed on appeal (see planning history) and to the west the site is bound by Woodway Road. The site effectively forms part of the settlement of Sibford Ferris.
- 2.3. Sibford Ferris is a village located in north west Oxfordshire. At the time of the 2011 Census, the Parish of Sibford Ferris had a resident population of 476 people and 172 dwellings. Adjoining Sibford Ferris is Sibford Gower which had 508 residents and 230 dwellings in 2011. The Parish of Sibford Gower includes Burdrop and together these closely related settlements are known as The Sibfords.
- 2.4. The adopted Cherwell Local Plan 2011-2031 defines Sibford Ferris grouped with adjacent village Sibford Gower as a Category A Service Village. Category A Service Villages represent the most sustainable villages in the district.
- 2.5. Categorisation of villages for the Local Plan was based upon the findings of the Cherwell Rural Areas Integrated Transport and Land Use Study (2009). The 2009 study records Sibford Ferris/Sibford Gower as benefitting from a range of facilities including community facilities, nursery, public house, post offices, primary school, restaurant facilities and retail (food). Full details of the range of facilities and walking/cycling distances to/from the appeal site are included within the Transport Statement which was submitted with the appeal application. It also contains details of public transport etc.
- 2.6. The 2014 Village Categorisation report comprises Sibford Ferris/Sibford Gower with other villages in the District. Whilst the population of the settlement is approximately the medium of those classified as Category A, the level of services/facilities as listed above is extremely high. Over recent years the village has seen very little recent

development to continue to support the local facilities i.e. the appeal proposal to the south of the appeal site is the only recent development.

- 2.7. The Sibfords are therefore one of the most sustainable rural settlements in the District with a range of services and facilities within walking/cycling distance of the proposed development site. Indeed, the appeal inspector who allowed the appeal on the adjacent land to the south, also came to the conclusion that Sibford Ferris was a sustainable settlement and that the adjoining site was a sustainable development site.

### 3. SITE HISTORY

#### Appeal Site

- 3.1. There have been no planning applications on the appeal site apart from the appeal application.

#### HELA

- 3.2. The appeal site was put forward as a potential development site in the HELA (SF005). The relevant extract is attached as Appendix 5. The HELA concludes that: -

**“This is considered to be a potentially deliverable site for about 20 dwellings in the next five year period subject to satisfying access being achieved and careful design and layout to achieve a satisfactory relationship with the existing dwellings in the vicinity.”**

- 3.3. The appeal proposals fall squarely with the conclusions of the HELA. There is no objection to the proposed access (which already benefits from planning permission). Furthermore, there are no objections with regards impact on residential amenity. With regards to the proposed design, the appellants carefully considered the appeal inspector’s comments and the appeal proposals followed his comments about the character and appearance of dwellings in the Sibfords (paragraphs 10-11 of Appeal Decision Appendix 1)

#### **OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire OX15 5QW**

- 3.4. On 23<sup>rd</sup> December 2019, an appeal was allowed for the construction of up to 25 dwellings on the above site. This site is immediately to the south of the appeal site. The Inspector concluded that: - (Appendix 6) (paragraphs 46-49)

**“The appeal proposals are consistent with the essential thrust of the housing policies included in the adopted CHLPP1. In particular, they are consistent with ESD1 and in line with policies PV1 and PV2. Set against this is the number of dwellings included in extant permissions in the Category A villages across the District which exceeds the 750 dwellings included in policy PV2. However, I do not consider that the appeal proposals represent a**



**material exceedance to this figure given its modest size and they would not undermine policy PV2 and the basis of the local plan. Furthermore, the scheme includes a quantum of affordable units compliant with policy.**

**In addition, the scheme includes other features including a path across the site improving permeability, allotments and local play facilities. These key into some concerns identified in the non-statutory Sibford Action Plan (2012) and are consistent with adopted policies in the CHPP1. I have already identified the obligations included in the completed section 106 agreement which through contributions would improve local highways, restrict speeds into the village along Hook Norton Road and support active lifestyles through contributions to the facilities of the local secondary school and the Sibford School. In addition, 25 new households would go some way to support local services.**

**Whilst the proposed schemes location on the edge of the village does form a limited extension to its current settlement pattern this must be seen in the context of this site set close to Margaret Lane House. The integrity of the landscape character is not compromised by the scheme. The character of the landscape means that the scheme's visual impacts are reduced. Its most sensitive southern boundary can be adequately mitigated through landscaping. The details of this can be determined at reserved matters stage.**

**Taking into account all these matters I conclude that the appeal is allowed and outline planning permission is granted subject to the conditions included in the attached schedule.”**

- 3.5. On 24<sup>th</sup> September 2021, a Reserved Matters application was submitted pursuant to Condition 1 of planning permission 18/01894/OUT and details relating to layout, scale, appearance, landscaping, access and providing for 25 dwellings (Application No. 21/02893/REM). The application was approved on 21<sup>st</sup> June 2022 (Appendix 7). However, it is worth noting that the proposals are for: -

Proposals

- The proposals include the provision of a range of house types, including 1, 2, 3, 4 and 5 bedroom dwellings.

Layout

- The proposed development will be accessed from a single new access point on Hook Norton Road. Dwellings located on the eastern boundary of the site have been designed to provide an active frontage on Hook Norton Road, mirroring existing properties on the opposite side.
- Within the development, dwellings have been designed to be loosely arranged around the central green, which functions as the focal point of development.

Housing Mix

- A range of 1, 2, 3, 4 and 5 bedroom dwellings are proposed across all tenures. The proposals include flatted units, terraced, semi detached and detached dwellings. Affordable housing will be tenure blind in appearance. A tenure mix of 66% affordable rent and 33% shared ownership is proposed.
- The proposals include a range of house types, displaying a mix of formal and informal architectural detailing to respond to the individual character of the surrounding area. The proposed housing mix delivers a variety of house sizes, from larger detached dwellings located to the west and south, and pairs of semi-detached dwellings and two smaller flatted units located to the north east of the site.

Materials

- A range of materials are proposed across the development which reflect the appearance of existing properties within The Sibfords. Materials used include iron stone, brickwork, soft pink and off white render and further details are provided in the table below: -

Dwelling Number	Materials
1 & 2 (flats over garage)	Brickwork
3-12 (terraced dwelling)	Off white render

Dwelling Number	Materials
13-14 (semi detached dwelling)	Natural ironstone
15 (detached dwelling)	Soft pink render
16-19 (detached dwelling)	Natural ironstone
20-21 (semi detached dwelling)	Off white render and ironstone
22 (detached dwelling)	Off white render
23-24 (detached dwelling)	Natural ironstone
25 (detached dwelling)	Off white render

- All dwellings will have slate roofs and garages will be timber framed with corrugated metal roofing. Materials choice has been informed by the requirements of the Cherwell Design Guide.
- Boundary treatments throughout the site differ, from low level hedging and estate railings on the site's frontage with Hook Norton Road, to more formalised hedging on the western most properties with gardens facing onto the open space. A number of properties throughout the development, including those near the main access road have low stone walls as boundary treatment.

- 3.6. On 15<sup>th</sup> October 2021, Condition 13 (archaeology) relating to Application No. 18/01894/OUT was discharged.
- 3.7. On 17<sup>th</sup> January 2022, Condition 5 (access) relating to Application No. 18/01894/OUT) was discharged.
- 3.8. On 8<sup>th</sup> September 2022, an application to discharge Condition 6 (travel plan) and Condition 10 (construction management plan) relating to Application No. 18/01894/OUT was discharged (Application No. 22/00787/DISC).
- 3.9. On 18<sup>th</sup> October 2022, an application to discharge Condition 9 (landscape management plan) relating to Application No. 18/01894/OUT was discharged (Application No. 22/01222/DISC).
- 3.10. On 11<sup>th</sup> October 2022, an application to discharge Condition 8 (surface water drainage) relating to Application No. 21/02893/REM was discharged (Application No. 22/01590/DISC).

- 3.11. On 19 January 2023, an application to discharge Conditions 20 (cycle storage), 21 (EV charging) and 22 (biodiversity) relating to Application No. 21/02893/REM were discharged (Application No. 22/02648/DISC).
- 3.12. On 19<sup>th</sup> May 2023, an application to discharge Condition 23 (water efficiency) relating to Application No. 21/02893/REM was discharged (Application No. 22/03106/DISC).
- 3.13. On 20<sup>th</sup> June 2023, an application was submitted to discharge Condition 2 (stone sample panel), Condition 3 (detailed schedule of materials/finishes and external walls and roofs) and Condition 4 (schedule of central facing materials) relating to Application No. 21/02893/REM has been submitted. At the time of preparing this appeal no decision has been issued.
- 3.14. On 30<sup>th</sup> March 2023, information was submitted to discharge the relevant obligation under the Section 106 Agreement relating to the approval of the affordable housing scheme. At the time of preparing this appeal no decision has been taken on this application (Application No. 23/00866/OBL).
- 3.15. The scheme is currently under construction by Deanfield Homes.

#### **4. APPEAL PROPOSALS**

- 4.1. A Design and Access Statement was prepared by BBA (Chartered Architects) for the appeal application. This describes the extent of the proposals and the form of development now being proposed.
- 4.2. The Design and Access Statement explains the evolution of the proposed development and states: -

**“Planning Permission is sought for the erection of 5 no. two storey retirement dwellings, landscaping and associated works.**

**The scheme has been through a number of design iterations to ensure that the proposal both meets the requirements of the client and is in keeping with its surroundings, and appropriate in its context.**

**The scheme is designed to link closely with the proposals for the neighbouring site by Gade Homes (now being taken forward by Deanfield Homes) which are to be constructed this year (2023) and will follow the principles established there with the use of ironstone, sash windows and slate roofs.**

**The proposals retain a large part of the land to the west as woodland and open space with a pedestrian link from the access road. This will be accessible to all.**

**The number of dwellings reflects the surrounding density of housing and enables the western area of the site to remain open. This retains the green landscape character at the edge of the village.**

**Each unit is proposed to be two storey and have 3 bedrooms. Each of the dwellings will provide floor areas well above the national space standards, creating spacious homes suitable as retirements dwellings, with additional space for any adaptations that might be required.**

**The proposed development will provide accessible dwellings (Building Regulations part M4(2) compliant) which there is a lack of in the area.**

**M4(2) is an ‘optional requirement’ as defined by the Building Regulations. It will provide a higher level of accessibility that is beneficial to a wide range of people who occupy or visit the dwelling, and with a particular benefit to older and disabled people or those who require the use of a wheelchair. Features will be included at design stage to allow common future adaptations.**

**The layout of the site has been defined by a number of key inputs:**

- **Access from the southeast corner of the site from the new development to the south.**
- **Consideration to the new development to the south in terms of layout, scale and density.**
- **Retention of open space on the western side of the site, which again reflects the new scheme to the south.**

**Soft landscaping is a key component to the design, with the introduction of trees, both within the proposed street scene and on the western side of the site to maintain the heavily treed character of the village and view of the village from the west.**

**Ironstone and red brick are the prominent materials used in Sibford Ferris, the brick is often used alongside stone. Decorative features include chimneys with corbelling, dentil eaves courses and some arches. To reflect the Sibford Ferris vernacular the proposed materials palette for the housing is ironstone and brick, and also the use of render to reflect the designs for the neighbouring scheme.**

**Also referencing the neighbouring approved scheme to the south, the design of the houses will reflect the ‘formal’ approach as identified by the Cherwell Residential Design Guide, this will allow the character established by the new homes to reflect those of their neighbours.**

**The principles behind Blue Cedar Homes housing, to create bespoke easily adaptable housing for the ageing population, creates a sustainable concept.**

**This is because the inclusion of features such as reinforcement of ceilings for hoists makes the dwellings adaptable and reduces the waste that would be produced during a conversion of a non-purpose built home. The proposal will enable people to “right-size” to purpose built housing which meets their needs and requirements, delivering much needed retirement housing.**

**The homes themselves will be constructed to meet or exceed the part L requirements in relation to thermal performance and fuel consumption.**

**All dwellings are proposed to be Building Regulations part M4(2) compliant.**

**EV charging points would be provided for each property.**

**Water efficient sanitaryware and fittings will be used to promote greater efficiency for the houses. Energy efficient white goods will be fitted to further increase energy and water supplies.**

**The accompanying Planning Statement by D2 Planning sets out the principle of development in relation to the planning policy context.**

**In design terms, the proposed residential use is entirely appropriate in this location, given the context of a predominately residential area. Sibford Ferris, and the neighbouring and associated villages of Burdrop and Sibford Gower are well served by a range of facilities and services to meet the day-to-day needs of the proposed development.”**

4.3. Further information on the appeal proposals are available in the Design and Access Statement and will be referred to later in this statement.

4.4. The documents that accompanied the appeal application at the time of the Council’s decision were as follows: -

- Completed Application forms and ownership certificate;
- Planning Report by D2 Planning Limited;
- Planning Statement Addendum by D2 Planning Limited;
- Design and Access Statement by BBA;
- Report on Need by Contact Consulting;

- Landscape and Visual Technical Note by Pegasus Group;
- Transport Statement Letter by Pegasus Group;
- Drainage Technical Note by Pegasus Group;
- Heritage Statement by Heritage Places Limited;
- Archaeological Evaluation by Red River Archaeology;
- Archaeological Evaluation Approach by Bristol & Bath Heritage Consultancy Limited;
- Geophysical Survey Report by SUMO Geophysics Limited;
- Phase 1 Desk Study and Phase 2a Preliminary Ground Investigation Assessment by Geo Consulting Engineering Limited;
- Arboricultural Impact Assessment prepared by Tyler Grange;
- Ecological Appraisal and Ecological Appraisal Addendum by Malford Environmental Consulting;
- Sustainability Statement prepared by D2 Planning Limited; and

**Plans**

- Red Line Boundary - 4349-03-02
- Site Plan – 4349-3-03W
- Proposed Site Plan – 4349-3-04H
- Topographical Survey – 4918-1A
- Topographical Survey – 4918-1B
- Landscape Layout Plan – JWL-095.01 Rev D
- Plot 1 Elevations - 4349-3-30F
- Plot 2 Elevations - 4349-3-31F
- Plot 3 Elevations - 4349-3-32E
- Plot 4 Elevations - 4349-3-33F



- Plot 5 Elevations - 4349-3-34E
- Street Elevations – 4349-3-36A
- Plot 1 Floor Plan - 4349-3-40C
- Plot 2 Floor Plan - 4349-3-41D
- Plot 3 Floor Plan - 4349-3-42C
- Plot 4 Floor Plan - 4349-3-43C
- Plot 5 Floor Plan - 4349-3-44D
- Materials Plan - 4349-3-53C
- Waste Management Plan – 4349-3-50A
- Cycle Storage Plan – 4349-3-51A
- Bat and Brick Location Plan – 4349-3-52A

4.5. Despite the planning officer stating that she considered the proposals acceptable, she subsequently changed her mind and considered that the proposals were unacceptable due to their design and landscape impact. This is despite comments made by the previous appeal inspector and also the appeal inspector on the scheme to the south i.e. Gade Homes (now Deanfield Homes). Both of whom concluded that the landscape of the respective proposed developments were acceptable.

4.6. The relevant consultation responses received in respect of the appeal application can be summarised as follows: -

Conservation Officer      No objection

It is noted that this is a revised application on this site. The land is not located within a conservation area and is not considered to be within the setting of any Listed Buildings, therefore due to the nature of the application we do not wish to make detailed comments at this time.

Environmental Protection	No objection No comments on noise, air quality, light, contaminated land. Request imposition of a Construction Environmental Management Plan.
Highways	No objection
Ecology	No objection subject to conditions
CDC Public Rights of Way	No objection
Strategic Housing	No objection  Strategic Housing previously confirmed that there is a need in Cherwell for accommodation for older people and the proposed development would help to meet this need. As there is no policy requirement for affordable housing, strategic housing has no further comments (Appendix 8).
Thames Water	No objection

- 4.7. The previous appeal inspector clearly accepted and acknowledged the type of residential development and that it would meet an identified need. He stated: - (paragraph 23, Appendix 4)

**“The bungalows would be designed to be adaptable for elderly persons under the Building Regulations and would contribute to the range of provision for aging population within the district. The proposal would comply with LPP1 Policy BSC 4 which indicates new residential development should provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. Based on a needs report, there is an accepted need for retirement properties in the area, with the Council’s**

**Strategic Housing Officer supporting the proposal. Development would result in greater provision of retirement housing stock, choice for older people, a sense of community and security for the new residents, and support of independent living with additional help and support.”**

- 4.8. In line with the appeal inspector’s comments that bungalows were out of character, the appeal proposals are now for two storey dwellings which would be built to accommodate the needs of elderly persons. Whilst now two storey dwellings are proposed, they would still be built to accommodate the needs of elderly persons. Furthermore, it is only some 6 months since the appeal decision and there is no suggestion that these properties would not meet the specific needs of elderly persons or that the need for elderly persons housing has been met in Cherwell. Indeed, the level of need was identified in the report prepared by Contact Consulting which accompanied the appeal application. That report concludes that: -

**“Both national and local policies direct attention to the challenges presented by an ageing population. The newly published White Paper on Social Care, discussed in Section Three**

**Taking the various forms of sheltered and retirement housing offered either to rent or to buy there appear to be currently around 2,278 units of accommodation. To achieve comparability this supply has been expressed as a ratio to the size of the population of older people in the district.**

**Various thresholds have been used but that which is generally recognised as having the greatest relevance is that for the number of people 75 years of age or older. There are around 172.58 units of any type in any tenure per thousand of the population in this age category in Cherwell.**

**This compares with benchmark figures derived from the data base of the Elderly Accommodation Counsel, which is the source relied upon by the Department for Communities and Local Government. These provide a national average ratio of provision of 125.5 per thousand of those 75 years of age and over.**

**A less comfortable picture emerges when we compare the available accommodation in Affordable or Market categories with the population of older people in each main category of tenure. With just 754 units of retirement housing of all types for sale for a population of homeowners of 75 years of age or more of approximately 11,266 the ratio of provision for retirement housing for sale per thousand is 66.9.**

**The comparative figure for those 75 years of age or more who are in rented tenures the ratio per thousand is 788.0 (1,524 units for approximately 1,934 persons 75 years of age or more in tenures other than home ownership.)**

**It is clear from the levels of home ownership in succeeding cohorts that the level of those in old age who are homeowners will be maintained. The majority of those entering old age as homeowners will wish to maintain that tenure and there are sound economic arguments for the individual and for the public purse to support that.**

**To enable older people to exercise that choice, to meet the needs of older people for specialist accommodation in their tenure of choice, and to encourage older people to make a capital investment in their accommodation in old age the local authority needs to facilitate increased leasehold provision of suitable accommodation.**

**Cherwell follows, but substantially exceeds the national trend toward owner-occupation as the dominant tenure for older people. Around four out of every five older people in Cherwell are home-owners.**

**The profile of the Cherwell in relation to the age of its population is currently very slightly below the national average but those 65 years of age will make up a quarter of the total population of the district by 2040. This will be a major factor in shaping future policy for housing, health and social care authorities.**

**Between 2020 and 2040 there will be 9,500 more people in the District who are 85 years of age or more and this will present a major challenge for health and social care agencies.**

**In the absence of an adequate supply of appropriate, contemporary accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care.**

**The proposed bungalows meet the definition of the first type of specialist housing for older people in the PPG, that is to say: "Age-restricted general market housing". The PPG definition says: "this type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services."**

**Bungalows of the type proposed in this appeal do therefore appear any different to mainstream market housing - they are not built with visible adaptations, fixtures or fitting for older people as would be the case in a sheltered housing development. The only differences to market housing are not visible: they are for retired people (over 55) only and they are built to Part M4(2) so that they can be adapted. They are single storey so there is no need to fit stair lifts in the future if the circumstances of the occupiers change as they age.**

**They contribute to the range of provision for an old age population by offering to someone who is newly retired or approaching retirement that they can "age in place" for as long as possible, in line with the stated policy goals of both national government and the Welfare Authority (Oxfordshire County Council).**

**Indicators of need for specialised accommodation are projected to increase over time as the population of those in the highest age groups increases. Between 2020 and 2040 the number of those experiencing Mobility difficulties is projected to increase by over 61%.**

**An increase in the proportion of the population living into advanced old age also impacts on the demands made upon health services. There will be an increase in the numbers of those experiencing a long-term limiting illness**

**with a higher rate of increase in the older age cohorts of around 97% for those experiencing the higher level of difficulty.**

**There is the predicted increase in those people aged over 55 likely to have a fall in Cherwell. From the baseline of 2020 to 2040 the predicted increase is shown to be around 55%..Coping with the consequence of avoidable falls has a major impact on hospital services generally but especially upon ambulance and accident and emergency departments.**

**The bungalow style accommodation proposed in this application are designed to meet and adapt to the needs and lifestyles of those approaching, and in old-age; supporting their independence for as long as possible in a safe and secure environment. Bearing in mind the caveats set out in the opening part of the preceding section we can recognise that by their design the proposed bungalows will offer some of the same benefits attributed to the forms of older persons' accommodation that include care and support services and are mainly the source of the findings detailed below.**

**In concept, delivery and continuing occupation a Blue Cedar home provides a form of specialised accommodation which meets a specific housing need among older people. In doing so, it gives rise to many significant planning and social benefits which in turn address national and local priorities, for example:**

- **An increase in retirement housing stock;**
- **A better choice for older people;**
- **A sense of community and security;**
- **A home that can be adapted over time to meet a changing lifestyle;**
- **Managed estate;**
- **Supports independent living with additional help and support.”**

#### **Comment**

- 4.9. The provision of elderly persons accommodation will meet a clear identified need for such accommodation whilst also enabling people to downsize and free up properties

for other people to buy or rent. It is also in line with Government guidance on providing this type of accommodation as well as the Council's own policy on retirement housing i.e. Policy BSC4 Housing Mix. This is an important consideration in the determination of these proposals as was recognised by the previous appeal inspector and the Council's strategic housing officer. It is unfortunate that the planning officer did not take it into consideration in the consideration of the appeal proposals.

- 4.10. Indeed, the planning office's report is silent on the need for elderly persons homes in the consideration of the issues. There is no recognition of the need for elderly persons homes and accordingly it is not afforded any weight in the balancing exercise. Quite clearly the officer's report is deeply flawed in its consideration of these proposals.

## 5. PLANNING POLICY CONTEXT

### Development Plan

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the relevant policies contained within the development plan unless material considerations indicate otherwise.
- 5.2. The development plan comprises the ‘saved’ policies of the Cherwell Local Plan 2011-2031 (Part 1) – re-adopted 2016 and the ‘saved’ policies of the Adopted Cherwell Local Plan – 1996. Relevant extracts are attached as Appendix 8.

### Cherwell Local Plan 2011-2031 (Part 1) 2016

- 5.3. Policy PSD 1 ‘Presumption in Favour of Sustainable Development’ advises that planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 5.4. Policy Villages 1 ‘Village Categorisation’ identifies Sibford Ferris (The Sibfords) as a Category A village where minor development, infilling and conversion will be supported. Sibford Ferris (The Sibfords) as a Category A village is categorised as one of the more sustainable villages in the District because of its population and range of services.
- 5.5. Policy Villages 2 ‘Distributing Growth Across the Rural Areas’ seeks to deliver 750 homes across the rural areas, in addition to the rural allowance for small windfall sites. The policy applies to developments of ten or more dwellings and is subject to the site being considered against eleven separate criteria. The 750 housing provision is not a ceiling or target and this has been confirmed by numerous appeal inspectors.
- 5.6. Policy BSC 4 ‘Housing Mix’ advises that new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. There is an accepted need for retirement properties in the area and this proposal has been specifically designed to meet part of that need (see Need Report and Strategic Housing comments).



- 5.7. Policy BSC 1 ‘District Wide Housing Distribution’ seeks to deliver a varied choice of high quality homes across the District including 750 homes in the rural areas on windfall sites of 10 or more dwellings.
- 5.8. Policy BSC 2 ‘The Effective and Efficient Use of Land – Brownfield Land and Housing Density’ seeks to encourage the re-use of previously developed land in sustainable locations as well as ensuring the efficient use of land. The policy advises that in general, new housing should be provided at a net density of at least 30 dwellings per hectare, however the density of new housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites. The site is not on previously developed land but is located in a sustainable settlement. The proposed development would have a density of 15 dwellings to the hectare, this low density is considered to be an appropriate density for a rural village and to the site and its setting.
- 5.9. Policy ESD 3 ‘Sustainable Construction’ expects all new residential development to include sustainable design and construction technology to achieve zero carbon development in line with Government policy. Energy efficient measures can be incorporated into the proposed development.
- 5.10. Policy ESD 10 ‘Protection and Enhancement of Biodiversity and the Natural Environment’ sets out a number of ways to protect the natural environment of the District. This planning application gives full consideration to the protection of and enhancement of biodiversity and the natural environment and to this end the application is accompanied by an ecological survey and a tree survey. The findings of the ecological survey indicate that the development can occur without harming any protected species or habitats, or otherwise affect any habitats of note. The accompanying tree survey indicates that the development can proceed without causing harm to any important trees. Indeed, substantial additional tree planting is proposed as part of the proposals.
- 5.11. Policy ESC 13 ‘Local Landscape Protection and Enhancement’ expects development to protect the countryside, seeks to secure the enhancement of the character and appearance of the landscape and important natural landscape features from undue

visual harm; protect local character; not impact on areas with a high level of tranquillity; not harm the setting of settlements, buildings, structures, other landmark features or the historic value of the landscape.

- 5.12. A number of policies have been ‘saved’ from the Cherwell Local Plan 1996. Of relevance to this application are policies which seek good design and the provision of safe access to new development, namely: -

Policy H18 No dwellings in the countryside

Policy C28 Layout, design and external appearance of new development

Policy C30 Design control

Policy C33 Retention of important gaps of undeveloped land

- 5.13. The only policies which the Planning Authority allege conflict with are Policies BSC1 and ESD15 of the Cherwell Local Plan 2016 and saved policies H18 and C28 of Cherwell Local Plan 1996.

### **National Policy**

- 5.14. The revised framework was published in September 2023 and sets out the Government’s planning policies for England and how they are expected to be applied. Plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means: -

- Approving development proposals that accord with an up to date development plan without delay.

- 5.15. Paragraph 11(d) states that: -

**“For decision-taking this means:**

**c) approving development proposals that accord with an up-to-date development plan without delay; or**

**d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

5.16. No footnote 7 policies are infringed by this proposal (paragraph 11 of the Framework).

5.17. Paragraph 60 of the Framework states that: -

**“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”**

5.18. Paragraph 69 recognises that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out relatively quickly.

5.19. Paragraph 78 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing development that reflect local needs. It specifies that: -

**“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”**

5.20. Paragraph 79 of the Framework goes on to state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality or rural communities. The appeal proposals would accord with this objective. The site directly adjoining the village, is in close proximity to existing

services and facilities and would help to support the vitality of the village. Indeed the appeal inspector on considering paragraph 79 of the NPPF stated: -

**“Paragraph 79 of the Framework accepts where there are groups of smaller settlements, such as here, development in one village may support services in a nearby village. There would be economic benefits through the construction of dwellings and the financial spend of new residents on the local economy. There would be a new homes benefits and additional Council Tax. Such economic and social benefits would weigh in favour of the development.”**

5.21. Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The appeal proposals would be designed to provide good quality environments for their users that promote health and wellbeing. The illustrative layout plan shows for example the inclusion of generous open space and with units sited so that they create positive private, shared and public spaces which contribute to social interaction.

5.22. Paragraphs 61 and 62 state that development plans should cater for the needs of a variety of sectors of the population as follows: -

**“To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.**

**Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).** (emphasis added)

5.23. The NPPF emphasises a need for a deliverable supply of new dwellings to ensure demand is met. Paragraph 68 states that: -

**“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”**

5.24. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 124).

5.25. Paragraph 127 advises that planning policies and decisions should ensure that developments: -

- “a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;**
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;**
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);**
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;**
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and**
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do**

**not undermine the quality of life or community cohesion and resilience.”**

- 5.26. Moreover, the DCLG published guidance in the National Planning Policy Guidance (NPPG) relating specifically to Housing for Older and Disabled People. Paragraph 001, which was revised in June 2019, explains that: -

**“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.”** [emphasis added]

- 5.27. The proposals are purpose designed for elderly persons and comply with Government advice in that regard. Furthermore, there is a recognised need for such accommodation from the Council, see comments from previous appeal inspector and comments from Strategic Housing from the previous proposals.

## 6. CASE FOR THE APPELLANT

6.1. The main issues in respect of this appeal are as follows: -

- i. Whether the appeal proposal complies with relevant policies in the adopted Development Plan;
  - ii. Whether the appeal proposals would adversely impact on the character and appearance of the area;
  - iii. Impact of the proposed scale, design and layout of the proposals; and
  - iv. Whether the proposals provide material benefits that would outweigh any perceived harm
- i. **Whether the appeal proposal complies with relevant policies in the adopted Development Plan**

6.2. The previous appeal inspector dealt with this issue in paragraphs 6-9 of his decision letter and stated: - (Appendix 1)

**“The development plan comprises the Cherwell Local Plan 2011-31, Part 1 (2015) (LPP1) and ‘saved’ policies of Cherwell Local Plan (LP) 1996. Under the LPP1, Policy BSC 1 requires the provision of high quality homes, 22,840 dwellings, during the plan period, 1 April 2011 to 31 March 2031 in accordance with a delivery table that details existing completions, permissions (greater than 10 dwellings), allocations, and windfalls allowance (less than 10 dwellings) to meet its housing requirement.**

**The LPP1’s housing strategy seeks to deliver growth in accordance with principles of national policy, including the provision of sustainable economic development. Delivery of housing is through the redevelopment of strategic development sites, including previously developed sites and urban extension, in larger settlements and villages.**

**LPP1 Policy Villages 1 categorises villages taking into account factors, for example, population size, services and facilities, accessibility to urban area, footpaths and cycleway provision. Such categorisation guides the consideration of small-scale proposals for residential development within the**

**built-up limits of settlements to sustainably contribute towards meeting the housing requirements identified in LPP1 Policy BSC 1. Under LPP1 Policy Villages 1, residential development within the built-up limits of Category A (Service Centres), including Sibford Ferris/Sibford Gower, will be considered for minor development, infilling and conversion. Under Policy H18 of the Cherwell Local Plan (LP) 1996, only certain types of development requiring rural locations outside of built-up limits are permissive.**

**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 BSC 1. This has been exceeded and it is not a ceiling prohibiting further housing development. LPP1 Policy Villages 2 further indicates that sites will be identified through the preparation of the Local Plan Part 2 (LPP2), Neighbourhood Plans (NP) where applicable, and the determination of applications for planning permission. No sites have been identified under a LPP2 or NP or for Sibford Ferris, developed through planning permission. For these reasons, the requirements 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 proposal considered there.”**

- 6.3. The Decision Notice alleges that the proposals are in conflict with Policy H18 of the adopted Local Plan but this is not the conclusion reached by the appeal inspector (paragraph 9). He stated that Policy LLP1 Policy Village 2 takes precedence over H18 in the circumstances and that still remains the case.
- 6.4. Policy Villages 1 identifies Sibford Ferris/Sibford Gower as a Category A (Service Centre) Village, which is the most sustainable category of village in the District. The Sibfords were given this status as they have more services and facilities than many other settlements in the District.
- 6.5. The justification to the policy states at paragraph C255 of the Local Plan Part 1 (LPP1) that the categorisation has taken into account: -
- population size;



- the number and range of services and facilities within the village (shops, schools, pubs, etc);
- whether there are any significant known issues in a village that could be materially assisted by an increase in housing (for example to maintain pupil numbers at a primary school);
- the accessibility (travel time and distance) of the village to an urban area by private car and public transport (including an assessment of any network constraints);
- accessibility of the village in terms of walking and cycling;
- local employment opportunities.

6.6. The sustainability of the village has already been assessed, consulted on, examined and confirmed through the Local Plan Part 1. The planning officer's report on the appeal proposals states that these settlements i.e. The Sibfords are "one of the more sustainable Category A villages" as identified in Policy Villages 1. This is consistent with the appeal inspector's comments.

6.7. Policy Villages 1 informs Villages 2 which provides a rural allocation for sites of 10 or more dwellings and windfall sites at the most sustainable Category A villages. The appeal proposal is for less than 10 dwellings and Policy Villages 2 is still applicable. The planning authority disagrees with that approach and considers that Policy LLP1 Policy Villages 2 should not be applied. However, this is contrary to the view of the appeal inspector who concluded that Policy Villages 2 should be applied. However, Policy Villages 1 allows for minor development within settlements and the proposals for 5 dwellings fall squarely within the definition of minor development. The appellant disagrees with the planning officer's comments that the appeal site falls outside the settlement limits of Sibford Ferris. Firstly, there is no defined settlement limit for Sibford Ferris in the Statutory Development Plan. Secondly, the appeal site is surrounded on 3 sides by existing and approved residential development i.e. the site to the south where development will form part of the settlement. It is therefore considered that the appeal site also forms part of the settlement. Accordingly, the proposals comply with Policy V1 of the Local Plan.

- 6.8. Policy ESD1 sets out that growth should be distributed to the most sustainable locations as defined by the Local Plan. These proposals are in accordance with the strategy as this is one of the more sustainable villages in the District.
- 6.9. As set out in the following paragraphs, this reason for refusal is not justified as more homes can be permitted in the village without any policy conflict. The evidence supports the development of this site and that it is a sustainable location.
- 6.10. It is notable that neither the Council's Planning Policy team nor the Highway Authority raised any objections to the proposals. This is recorded in the planning officer's report.

Development will help to sustain the services, facilities and bus service within easy reach

- 6.11. The Sibfords boast recreation facilities, a primary school, nursery, independent school, shop/post office, GP surgery with dispensary, public house, church and Quaker meeting hall. There are bus links to the larger centres of Banbury and Stratford up Avon (4 pick up times west bound and 5 pick ups east bound). The only recent development in the village is the appeal proposal for 25 dwellings on the adjacent site. However, the proposals are for general open market housing rather than specialist elderly accommodation. The appeal proposal will help to support the existing facilities.
- 6.12. The planning officer in her report states: -

**“Sibford Ferris is a Category A village as a ‘cluster’ with Sibford Gower and Burdrop, and across the three settlements there are a range of services that help residents meet their day to day needs. Taken together, these villages are somewhat more sustainable than some other Category A villages. That the Inspector considered the site to the south, a significantly larger development than the current proposal for 5 bungalows, to be sufficiently sustainable for residential development of this scale, is a material consideration in the assessment of the current application.”**

The 750 dwellings figure from Policy Villages 2 is not a ceiling

- 6.13. The policy allocates 750 dwellings in the Category A Villages including The Sibfords. This is to be met on sites of 10 or more dwellings and windfall sites.
- 6.14. Various objectors refer to the number of dwellings out of the 750 allocation which have already been permitted for Category A Villages. However, the 750 figure is not a ceiling or a maximum as confirmed in multiple appeal decisions. The Inspector's report on the Local Plan refers to 'around' 750 dwellings. Indeed, the previous appeal inspector concluded that the 750 figure was not a ceiling or target beyond which no further development was acceptable.
- 6.15. Appeal decisions (Appendix 10) confirming 750 is not a maximum include: -
- Land off Lince Lane, Kirtlington (Appeal Ref. 3001612) – “The Parties agreed that the figure of 750 was not a ceiling or maximum but neither is it a minimum figure”.
  - Land north of Green Lane and east of The Hale, Chesterton (Appeal Ref. 3130576) – Paragraph 13: “The Local Plan Inspector referred in his report to “around 750 homes in total”, and clearly the 750 figure is not an absolute maximum”.
  - Banbury Road, Finmere (Appeal Ref. 3169168) – “...750 is not to be regarded as an upper limit...”.
  - Blackthorn Road, Launton (Appeal Ref. 3188671) – Paragraph 18: “The 750 figure is not an upper limit...” and Paragraph 14: “Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103”.

No significant permissions granted in The Sibfords under Policy Villages 2, despite it being “one of the more sustainable” Category A Villages

- 6.16. In 2015 an appeal (Appeal Ref. 3001612) in Kirtlington was dismissed on the grounds that provision of 95 homes in one location at that early stage of the Local Plan period would leave little scope for development in other Category A Villages either in terms of numbers or timing and would thus not be in accordance with housing strategy for the villages as set out in the Local Plan. The Sibfords have had only one development

approved and that was on appeal. Other Category A settlements have had considerably more than 25 dwellings approved. The appeal inspector recognised the lack of sites that had been identified for residential development.

Not a material exceedance of the 750 figure

- 6.17. As the 750 figure is not an upper limit, it would require a significant material exceedance, to justify a conclusion that the policy was being breached. This was established by the Inspector considering the appeal at Launton (Appeal Ref. 3188671). 5 dwellings would not amount to a material exceedance of the Policy Villages 2 figure.
- 6.18. The strategy would not be undermined by this modest development. The provision of 5 dwellings in one of the more sustainable villages which has received only limited development under Policy Villages 1 would not undermine the policy or lead to unconstrained growth in less sustainable locations.

Elderly need for housing identified in The Sibfords has not been met

- 6.19. There is a significant need for elderly persons accommodation in the District and The Sibfords. This is confirmed in the conclusions of the Contact Consulting report which accompanied the appeal application as well as the Council's own Strategic Housing Officer who commented on the application proposals.

Site assessed as suitable by the Council

- 6.20. The site's suitability for development was established in the Housing and Economic Land Availability Assessment (HELTA), which identified the site as having potential for residential development (HELTA205). Whilst this document referred to 20 dwellings, it is a high level assessment and the more detailed information presented with the application has been assessed by the landscape and heritage offices who have no objection. The scheme is confined to the north and east of the site as recommended in the HELTA (Appendix 5).

ii. **Whether the appeal proposals would adversely impact on the character and appearance of the area**

6.21. This reason for refusal refers to alleged harm to the character and appearance of the area. However, the proposals would cause no harm to heritage assets. The reason refers to harm to the edge of the village but the planning officer previously in his report stated that the bungalow proposals could improve this edge of Sibford Ferris. Indeed, the appeal proposals do not extend built form beyond the Deanfield's proposals to the south of the appeal site.

No harm to Landscape Character

6.22. At the outset, it is worth noting that a Landscape & Visual Technical Note was submitted with the appeal application. The planning officer did not query or object to its methodology or conclusions. Furthermore, the planning officer did not instruct a qualified landscape consultant to undertake their own landscape and visual analysis. The conclusion of the appellant's LVTN stated: -

**“The proposed development is located to avoid impacts on landscapes and townscape elements which have a recognised value, such as:**

- **Those landscapes which benefit from a statutory protection such as National Parks and Areas of Outstanding Natural Beauty and their setting.**
- **Areas protected by a regional or local designations such as Areas of Great Landscape Value.**
- **Not within or near a Registered Historic Parks and Gardens;**
- **Not within or adjacent to a Conservation Area;**

**Furthermore, the landscape associated with the site has been examined at appeal and was not determined to be an NPPF ‘valued landscape’**

**Given the settled context and wooded character of the wider area potential visual effects are limited to a localised area, primarily the immediate environs to the east of the site.**

**The scheme has been informed by comprehensive, and detailed technical analysis across a range of disciplines. The team’s collaborative design approach has responded positively to the environmental requirements.”**

- 6.23. The technical note concludes that the site is not part of the open countryside and relates to the settlement. Furthermore, there would be landscaping associated with the proposals which would provide further mitigation to the scheme. Accordingly, there are no justified reasons to refuse the application based on landscape impact. This was also the conclusion of the appeal inspector on the site to the south who stated that the proposals would not cause any adverse landscape impact to the character of the settlement.
- 6.24. The previous planning officer concluded that the appeal proposals would not result in any adverse impact to the landscape character of the area. He stated: -

**“However, the site is relatively small and visually contained. Given the site’s location, bounded on two sides by residential development and an approved development on a third, and the single storey scale of the proposed dwellings, it is considered that the proposal would not result in a significant adverse impact on the landscape for this edge of village development..**

**Access can be achieved through the future residential development to the south with a direct access onto the Hook Norton Road which has outline permission and currently with an application for the reserved matters being considered.”**

- 6.25. These conclusions are equally applied to the current appeal proposals and there can be no adverse impact on the landscape character and appearance of the area.

**iii. Impact of the proposed scale, design and layout of the proposals**

- 6.26. The previous appeal inspector outlined the distinctive character and appearance of Sibford Ferris as being: - (paragraph 10)

**“Sibford Ferris comprises of a variety of traditional designed dwellings facing onto Hook Norton Road and Main Street, with further housing sited behind, accessed off these streets. There are also the grounds and buildings of Sibford School on the opposite side of Hook Norton Road, to the appeal site. Two storey traditional housing with steeply pitched roofs dominate the village, and there is extensive use of facing ironstone type materials and plain tiles, including slate, despite 20th century development. Dwellings are set**

**back behind significant boundary walls and/or landscaped areas. Some dwellings face directly onto the highway but mostly, stone walls line the front of these plots. Even with more recent housing, such as around Cotswold Close, a landscaped context predominates in and around development, and there is a spaciousness about dwellings.**

**Cherwell Residential Design Guide Supplementary Planning Document (SPD) 2018 indicates Sibford Ferris as being located within the Ironstone Downs Special Character Area. It details mainly two storey terraced and detached houses, the majority of which face the street, steep roof pitches with brick stacks on the ridge line. The SPD further indicates buildings are often located at the back of pavement or set back behind ironstone walls and trees, and hedgerows are important features of the streetscene.**

**The village's context consists of a rolling countryside of fields, hedgerows and wooded areas surrounding it. Within a Council's landscape character assessment, the site is located within the 'Rolling Valley Pastures' landscape character type. Its key characteristics are strongly undulating landform of rounded hills and small valleys; small to medium-sized fields with mixed land uses, but predominantly pasture; densely scattered hedgerow trees and well- defined nucleated villages with little dispersal into the wider countryside. Allied with topography, the landscaped context of Sibford Ferris significantly lessens its urbanising effects into the surrounding countryside.**

**In summary, there is a variety of building design but nevertheless, the village is characterised by traditional two storey dwelling form and design, steep roof pitches, iron-stone type facing materials, a linear pattern of development focussed on the two main streets, walled boundary treatments and extensive landscaping. Such qualities give the village a distinctive and attractive rural identity. The landscaped context of the village further ensures that it is subservient to the wider countryside with little visible urban intrusion."**

6.27. The current proposals have taken into account the appeal inspector's comments: -

- i. All two storey properties – not bungalows as previously proposed.
  - ii. Provide steep roof profiles.
  - iii. Predominantly iron-stone type facing materials, natural slate roofs.
  - iv. A linear pattern of development focussed on the two main streets..
  - v. Walled boundary enclosures.
  - vi. Extensive landscape treatment.
  - vii. A development that does not extend beyond that already permitted to the south.
  - viii. A highly landscaped area to the east of the development which would ensure that development is subservient to the wider countryside.
- 6.28. These proposals clearly follow the inspector’s conclusions as well as the approved development to the south. Accordingly it would provide a high quality design and relate well to the existing village. The planning officer did not assess the considerable changes that have been made to the scheme and how they complied with the comments made by the appeal inspector.
- iv. Whether the proposals provide material benefits that would outweigh any perceived harm**
- 6.29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that proposals be determined in accordance with the development plan unless material circumstances determine otherwise.
- 6.30. There are a number of material considerations which must be taken into considering e.g. reference to paragraph 218 of the NPPF and also paragraphs 60 and footnote 8 of the NPPF.
- 6.31. This statement sets out the relevant policies within the statutory development plan and how these proposals are considered to meet them. Accordingly, it is the appellant’s firm belief that the proposals are in compliance with all the relevant policies in the Development Plan.



6.32. The Local Planning Authority have not been able to demonstrate any significant and demonstrable harm in particular there are no objections to the development of the site in terms of unacceptable impacts on: -

- i. Ecological issues;
- ii. Flooding or drainage;
- iii. Archaeological designated and non designate heritage assets;
- iv. Loss of valuable agricultural land; and
- v. Highway safety.

6.33. The Council's allegations relate solely to: -

- i. Land outside the settlement limits;
- ii. The 750 dwelling limit for Category A settlements; and
- iii. Impact on the character and appearance of the area (despite the site being surrounded on three sides by existing and future residential development).

6.34. However, there are also a range of benefits which will be provided as part of the proposals and these are set out under the headings related to economic, social and environmental dimensions for sustainable development as outlined in the NPPF.

#### Economic benefits

6.35. The inclusion of housing within the Ministerial Statement as an economic generator particularly post COVID is an important consideration for these proposals. This is enshrined in the NPPF, for example the importance of the economic role in paragraph 8.

6.36. Providing new housing in accessible locations would assist the local economy through construction jobs and jobs in the supply chain as well as retail sales for new domestic products such as carpets and white goods. The proposals would provide local employment opportunities which will create investment and jobs.

6.37. The Government has made it very clear in respect of growth for the key role that housing building has an important role in the economy. The NPPF addresses the economic role: -

**“...to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”**

6.38. In terms of the financial benefits, the following can be achieved by the development: -

- New Homes Bonus as well as additional Council Tax revenue.
- Direct construction jobs during the period of development which would take up to 2 years plus indirect jobs.
- Additional expenditure in the local area relating to leisure and retail facilities.

6.39. The site is of the right type and in the right place being free of technical constraints and in a sustainable location. It would support growth and give a boost to the housing land supply in this market area providing for elderly persons accommodation for which there is an accepted need. In terms of infrastructure, there are no capacity issues relevant to the proposals.

#### **Social Benefits**

6.40. The social dimension of paragraph 8 of the NPPF states: -

**“..to support strong vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.”**

6.41. With regards housing this is a bespoke scheme for the elderly which will meet an acknowledged and identified need. The dwellings can be conditioned to ensure that they are only available to people aged 55 plus. Accordingly, there is a pressing need for this type of development. A factor that is recognised by the previous appeal inspector, who states: - (paragraph 23 of Appendix 1)

**“The bungalows would be designed to be adaptable for elderly persons under the Building Regulations and would contribute to the range of**

**provision for aging population within the district. The proposal would comply with LPP1 Policy BSC 4 which indicates new residential development should provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. Based on a needs report<sup>3</sup>, there is an accepted need for retirement properties in the area, with the Council’s Strategic Housing Officer supporting the proposal. Development would result in greater provision of retirement housing stock, choice for older people, a sense of community and security for the new residents, and support of independent living with additional help and support.”**

- 6.42. This represents a significant benefit which should be attributed significant weight particularly given the relevant policies in the adopted Local Plan regarding homes for the elderly. It would also free up family homes for other people in the local community to downsize.
- 6.43. The proposals would also help maintain and enhance the economic viability of shops and services in the Sibfords, particularly given the well documented issues with retailing on the High Street as well as helping the local economy to recover coming out of COVID.

#### **Environmental Benefits**

- 6.44. The third dimension of paragraph 8 of the NPPF is as follows: -
- “...to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”**
- 6.45. Whilst the development will utilise a part of greenfield land and the impact on the natural environment that such sites need to be released if specific housing needs are to be met. The site is well related to the existing built up area and relevant policies are permissive towards such sites coming forward. The remainder of the land will remain for recreational and landscape use.

- 6.46. The site is not identified within a valued or protected landscape. It has also been demonstrated how the development can be successfully assimilated into the landscape. The proposals are for 5 dwellings which the planning officer accepted would assimilate into the landscape. Indeed, the appeal inspector accepted that two storey dwellings on the land to the south would assimilate into the landscape. There are no objections to the proposals based on flooding, drainage, historic setting (from Historic England or the Council's Conservation Officer), noise, air quality or cultural heritage i.e. archaeology. Furthermore, the site is not an area of protected open space, local green area in any development plan. In any event a significant area of vacant land would remain in perpetuity as the development does not extend the village beyond agreed built limits.
- 6.47. Furthermore, there are no adverse impacts on the ecology of the site or wider area and the site was specifically identified as being suitable by the Council in their HELA.
- 6.48. Indeed, benefits can be provided which include bat and bird boxes together with additional landscaping which would provide new habitats.
- 6.49. Finally, the development provides a high quality bespoke development using high quality local materials.

### **Comment**

- 6.50. The proposals comply with the three strands of sustainability as outlined in the NPPF. The NPPF does not require proposals to be positive in all three strands of sustainability but the proposals do in fact meet the three strands. In view of the above, the alleged harm does not outweigh the substantial benefits provided by the proposals and therefore planning permission should be granted.

## 7. CONCLUSIONS

- 7.1. This statement has demonstrated that when all of the issues are considered and the correct planning balance is struck, that the appeal proposal should be allowed and that detailed planning permission should be granted. Indeed, the only reason the previous appeal was dismissed was based on design and layout. The current proposals have been redesigned to take into account the inspector's concerns.
- 7.2. There is a recognised and accepted need for elderly persons accommodation in Sibford Ferris which is not being met by any existing or proposed residential development. This development is bespoke to provide adaptable living accommodation specifically designed for the elderly. Unfortunately, the planning officer did not take this important consideration into account despite the appeal inspector concluding that it represents an important material consideration.
- 7.3. Section 38(b) of the Planning & Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.4. The appellant concurs with that view but believes that the appeal site complies with Policy Villages 1 in so far as The Sibfords are a Category A settlement where additional residential development is acceptable in principle for minor development. They also consider that the site lies within the defined settlement limits.
- 7.5. There is no dispute that the appeal proposal is for minor residential development. Furthermore, the appellant would suggest that given the lack of a settlement limit for Sibford Ferris that the appeal proposal would fall within the settlement given that the site is surrounded on three sides by existing and proposed residential development. The site represents a logical development to clearly defined and defensible limits and was considered acceptable for development within the Council's own HELA for up to 20 dwellings.
- 7.6. The site is well related to the settlement form and a proper analysis of the proposal concludes that the development complies with Policy BSC1 of the adopted Local Plan.

- 7.7. Detailed analysis of the proposals have been undertaken in terms of landscaping, biodiversity, archaeology, transport and drainage. All of these issues can be satisfactorily accommodated and would have no adverse impact on the character or appearance of the area.
- 7.8. The appeal decision to the south is a material consideration in the determination of these proposals, particularly as at the time, the Council could demonstrate a 5 year supply of deliverable housing land. The appellant considers that consistency in decision making is an extremely important point.
- 7.9. Finally, there are a range of significant benefits attributed to the scheme which are set out in Section 6. These all weigh in favour of granting planning permission for the development. It is therefore requested that the appeal be allowed.