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16 December 2024

Ms Caroline Harvey
The Planning Inspectorate,
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By email: East2@planninginspectorate.gov.uk

Dear Ms Harvey,

Appellant's Name: Blue Cedar Homes Limited

Proposal: Erection of 5 no. two storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Location: Land South of Faraday House, Woodway Road, Sibford Ferris, Nr. Banbury, Oxfordshire

Appeal Reference: APP/C3105/W/W23/3329834

Appeal Start Date: 4th December 2023

We write in connection with the above appeal by Blue Cedar Homes Limited ('the Appellant'), We very strongly object to the Appellant's latest proposal and respectfully request that the appeal be dismissed, firstly for the reasons set out in Cherwell District Council's ('the Council') decision notice dated 24th August 2023 in respect of the application the subject of this appeal (App. No. 23/01316/F) and secondly in this representation, which wholeheartedly supports the Council's decision and seeks to focus upon the planning circumstances in the intervening period since the refusal and material considerations that indicate that this appeal should be dismissed.

1. DEVELOPMENT PLAN

The development plan is the starting point for decision-making¹. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 and Section 70(2) of the Town and Country Planning Act, 1990 require that planning applications [and subsequent appeals] be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

For clarity, the development plan in this case comprises:

- Cherwell Local Plan 2011-2031 Part 1 ('CLPP1'). Relevant policies mentioned in the Council's refusal are Policies PSD1, BSC1, ESD1, ESD13, ESD15 and Policy Villages 1 [NB Policy Villages 2 is also relevant – see below]
- 'Saved' policies within the Cherwell Local Plan 1996 ('CLP 1996'). The relevant policies mentioned in the Council's refusal are Policies H18, C28 and C30.

Cherwell Local Plan 2011-2031 Part 1 and Cherwell Local Plan (1996)

To deliver sustainable development – which is the focus of Policy PSD1 (Presumption in Favour of Sustainable Development), Policy BSC 1 (District Wide Housing Distribution) and Policy ESD1 (Mitigating and Adapting to Climate Change) of the CLPP1 and the core principle underpinning the National Planning Policy Framework ('NPPF') – and to mitigate the impacts of climate change² the Council's spatial development strategy has a predominantly urban focus.

Conflict with District and Rural Housing Strategies

The housing strategy set out in Policy BSC1 of the CLPP1 sees most development (including 17,448 homes between 2011 and 2031) taking place in the largest, most sustainable towns of Banbury and Bicester where there is access to shops, services, jobs and other facilities and opportunities to travel other than by the car. This helps avoid commuting, congestion, pollution, climate change and harming the environment whilst also helping to address the Climate Change Emergency declared by the Council. In a large, mainly rural district, this is to reduce the need to travel generally and with particular regard to reducing dependency upon private cars. This is also to reverse a trend of considerable growth in the rural areas which occurred prior to the adoption of the CLPP1 in 2015. This occurred for a variety of reasons but mainly due to the lack of an up-to-date development plan to replace the CLP 1996 for a period of almost 20 years and before the introduction of the concept of “sustainable development”. This was clear evidence of the need for an up-to-date development plan that controls and delivers necessary development in appropriate, sustainable locations and is a plan-led system that balances growth with the protection of the environment.

Nevertheless, beyond those completed or approved by 2014, the CLPP1 also allocates a further 2,350 houses in the rest of the district, of which 1,600 will be at RAF Heyford. The Council’s housing strategy for the rural areas, i.e. outside of Banbury, Bicester and RAF Heyford, and in places like Sibford Gower/Sibford Ferris is contained within the Policies ESD1, Policy Villages 1 and Policy Villages 2 of the CLPP1 (for 10 or more dwellings) and “saved” Policy H18 of the CLP 1996. The rural housing strategy seeks to constrain growth to within the built-up limits of settlements for minor development, infilling and conversions under Policy Villages 1, which includes the currently combined Sibford Gower/Sibford Ferris settlements³ together as a Category A village. The appeal site comprises land outside the built-up limit of Sibford Ferris so either Policy Villages 1 does not apply or the appeal proposal breaches this policy in the development plan. The CLPP1 also includes an allocation of 750 dwellings to be delivered at Category A villages over the plan period until 2031 subject to the consideration of a number of criteria under Policy Villages 2 but this is stated as applying to proposals of 10 or more dwellings so does not apply in this case.

Finmere Appeal

A recent appeal decision (APP/C3105/W/22/3309489) for a residential development of 30 homes at Finmere (a Category A village), dated 31st October 2023 and appended at Appendix 2 has confirmed

2 The Council has declared a Climate Change Emergency and has published a Climate Action Framework and a Climate Change Action Plan 2023-2024

3 See emerging Draft Cherwell Local Plan 2040, which proposes that Sibford Ferris and Sibford Gower be identified as separate settlements in the “smaller villages” category suitable only for infill development or on allocated sites that the total of 750 houses to be delivered via Policy Villages 2 has already been reached, although it is not a cap.

This approach to rural housing and the spatial development strategy for Cherwell is considered to be wholly in accordance with the NPPF to ensure growth is delivered in the most sustainable manner. It was found sound by the Inspector examining the CLPP1 in 2015 and has been supported by Inspectors at subsequent appeals, including the most recent appeal at Finmere.

Material Change in Circumstances

At the time of the Hook Norton Road, Sibford Ferris appeal (APP/C3105/W/19/3229631) in late 2019, the number of dwellings included in extant permissions in the Category A villages across the District exceeded the 750 dwellings referred to in Policy Villages 2 but only 271 units of the 750 units had

been completed. This was 4 years ago. The situation has materially changed now as confirmed by the Finmere appeal decision.

As set out above the statutory development plan - principally policies in the CLPP1 but also Policy H18 of the CLP 1996 - is aimed at delivering growth in accordance with the NPPF, which includes limited further development at the villages to sustain them. The development of 25 no. homes at Hook Norton Road, Sibford Ferris pursuant to the appeal allowed in 2019 (APP/C3105/W/19/3229631) is already well underway – see Figure 1 – **will satisfy this objective.**



Figure 1 – Development at Hook Norton Road, Sibford Ferris

However, an additional 5 no. homes at the appeal site, will take new development in this locality alone up to 30 – the same as at Finmere. As set out many times by the Sibford Action Group in previous representations on applications and appeals on this and the Hook Norton Road site, this is an unsustainable location for further development. The repeated approval of development in the smaller villages like Sibford Ferris and Finmere, which although identified as Category A settlements have very few services and facilities and threatens to overwhelm them. In the Finmere appeal, the **Inspector concluded:the fundamental objection [is] that this scheme would deliver too many new homes in a village with few facilities.** It would run counter to the aims of Local Plan Policy ESD 1 which seeks to mitigate climate change by locating the majority of new housing in accessible locations where there is a choice of employment, social, community and retail facilities and a choice of transport, thus reducing the need to travel; and it would not satisfy the criterion in Local Plan Policy Villages 2 in terms of location to services and facilities.’

The Inspector’s comments in the Finmere appeal equally apply to the current appeal. It therefore highlights the need for this appeal to be dismissed on similar grounds to uphold the development plan [in accordance with planning legislation] and protect Sibford Ferris, the areas of countryside outside villages and rural areas of the district from further unnecessary, unsustainable and speculative development. To do otherwise would undermine the primacy of the development plan, the CLPP1 housing strategy for the rural parts of the district, the policies in the NPPF requiring “sustainable development” and the Council’s Climate Change Emergency and associated actions. The Finmere appeal decision also importantly states that, on current projections, housing delivery in Cherwell District by the end of the plan period in 2031 will fall short of the Local Plan’s housing requirement by around 10%, with potential implications for the delivery of the Plan’s employment growth strategy. However, the Inspector added that this issue is more relevant to the towns because they are the focus of the Local Plan’s larger housing allocations and have better access to employment, as well as to services and transport options.

This again highlights the importance of supporting the CLPP1 rural housing strategy and protecting open countryside around villages, such as this, to achieve sustainable development and mitigate climate change by locating the majority of new housing in accessible locations where there is a choice of employment, social, community and retail facilities and a choice of transport, thus reducing the need to travel.

5-Year Housing Land Supply

The Council states that it has a 5-year housing land supply [as required by the NPPF]. This again was accepted by the Finmere appeal Inspector – see Paragraph 4 of the decision at Appendix 2. In such circumstances, the so-called “tilted balance” is not engaged. Even if it were, this should not necessarily be significant. In balancing the impacts – see below - with any benefits, it is clear that any benefits are significantly and demonstrably outweighed by the appeal proposal’s conflict with the Council’s spatial and rural housing strategy in particular Policies PSD1, BSC1, ESD1 and Policy Villages 1 and 2 of the CLPP1 and “saved” Policy H18 of the CLP 1996 and because of the adverse impacts set out below.

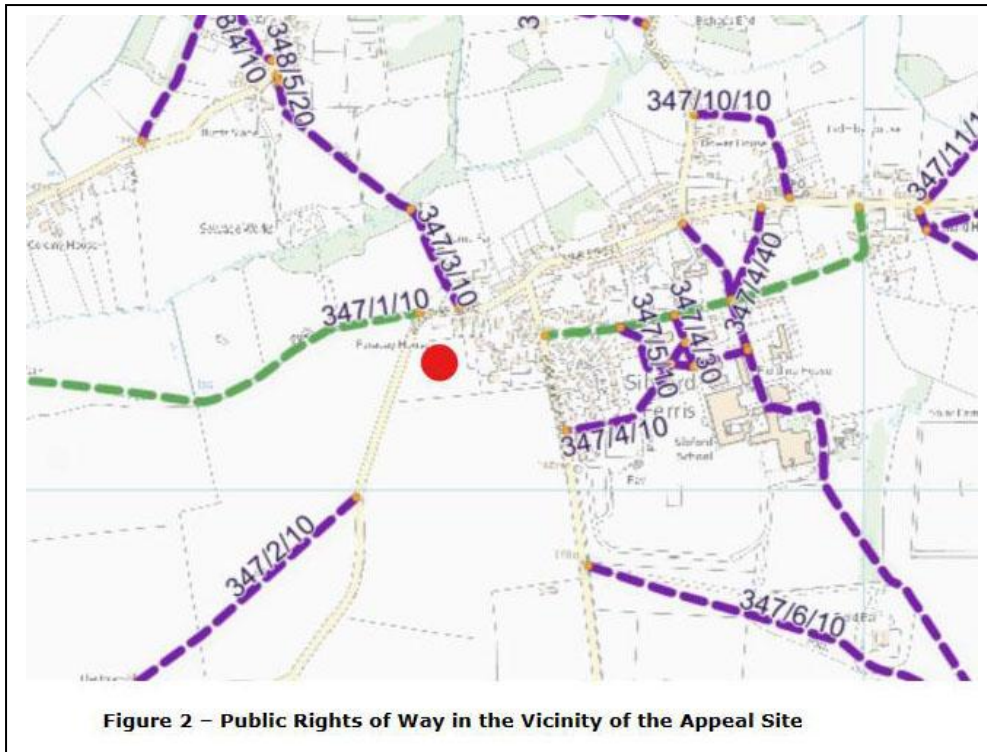
For all of these reasons, we support the Council’s first reason for refusal of the application now the subject of this appeal.

2. ADVERSE EFFECT UPON THE CHARACTER & APPEARANCE OF THE AREA

The Council’s second reason for refusal relates to the effect of the proposed development upon the rural character and appearance of the site, which lies outside the built-up limits of the village. CLPP1 Policy ESD 13 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings. CLLP1 Policy ESD15 requires new development to respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should also be designed to integrate with existing streets and public spaces. Finally, CLP 1996 Policy C28 requires standards of layout, design and external appearance of new development, including the choice of external finish materials, to be sympathetic to the character of the urban or rural context of that development.

The appeal proposal tries to mimic the emerging Hook Norton Road development in some ways but only succeeds in producing a separate, densely packed private enclave, accessed by a long cul-de-sac road intruding into open agricultural land behind existing dwellings, which would lead to an encroachment of uncharacteristic and incongruous built development onto this rural edge of the village bordered by attractive open countryside reaching out to the Cotswolds Area of Outstanding Natural Beauty (‘AONB’) or National Landscape.

The development would be visible at short and more distant range from highways and public rights of way – see Figure 2 – which pass through the village and extend out into the countryside and the Cotswolds AONB. Woodway Road too is well-used by local people, dog walkers and hikers visiting the village and using the connecting sections of nearby public rights of way.



The Appellant does not provide an image of the rear street view of the scheme only a front street view – see Figure 3.



The rear view and the rear private gardens would no doubt be dominated by high privacy enclosures and domestic paraphernalia. This added to the row of houses and garage buildings running across the contour on the highest part of the site would appear as a quite densely packed, row of built development on greenfield, agricultural land in a “backland” location intruding into the attractive countryside surrounding the village. This is at odds with the settlement pattern in Sibford Ferris and out of character with existing houses, which are sited in spacious plots with a connection and relationship with the village and surrounding countryside. See Figure 4.



Figure 4 – View of Appeal Site from Woodway Road

The appeal proposal would radically alter and harm the rural character and appearance of this area of countryside outside the village. This is contrary to Development Plan policies aimed at ensuring that development is of high quality, which complements, protects and enhances the district, including the intrinsic character and beauty of the landscape and countryside. As such we support the Council's second reason for refusal and agree wholeheartedly that the proposal would be out-of-keeping with the form and pattern of development of the surrounding area, would have a poor and incongruous relationship with the existing settlement and would have a further urbanising impact on the rural setting of the village.

It would appear prominent in the open countryside and adversely affect the immediate landscape setting of Sibford Ferris and the character and appearance of the area. This would be contrary to Policies ESD13 and ESD15 of the CLPP1, "saved" Policies C28 and C30 of the CLP 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the NPPF.

3. ADVERSE EFFECT UPON RESIDENTIAL AMENITIES OF EXISTING DWELLINGS

Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLPP1 which states that 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

We objected on this ground previously but notes that the Council concluded that the development was acceptable in residential amenity terms and complied with the relevant adopted policies in the development plan.

We remain concerned about this matter and asks the Inspector to pay careful regard to the residential amenity considerations set out in the original objection. This is because of the likely physical impact arising from the siting of the proposed development on the eastern side and at the top of the site, within metres of the open rear gardens of neighbouring properties, including Faraday House and Ferris House to the immediate north and Bramley House, Butwick House, High Rock and Richmond House bordering the site to the east, which presently have an attractive open aspect across the appeal site towards open countryside and the Cotswolds AONB.

This can be seen at Figure 5, taken from the rear garden of Bramley House.



Figure 5 – View of Appeal Site from Garden of Bramley House (to immediate east)

In this case, despite the Council's conclusion on this matter, we consider that it is inevitable that the proposal would have a detrimental impact upon the residential amenities and outlook of existing neighbouring properties, which ought in the public interest to be protected, in line with development plan policies and guidance in the NPPF and National Design Guide.

4. CHERWELL LOCAL PLAN REVIEW 2040

Since the application the subject of this appeal was refused, the Council has published its Cherwell Local Plan Review 2040 – Consultation Draft (Regulation 18) Version. This was the subject of consultation between September and November 2023.

This Review, amongst many other matters, seeks to remedy the ill-conceived inclusion and amalgamation of Sibford Ferris and Sibford Gower together to form one Category A settlement for the purposes of Policy Villages 1 in the CLPP1, which belies and masks the unsustainability of the settlements both individually and collectively. Each settlement operates independently and with a combined population of 984 is one of the smallest Category A villages and does not service any “satellite” villages. The population of Sibford Ferris (2021 Census) was 409; interestingly this is smaller than the population of Finmere, which was 487 in the 2021 Census.

The lack of villages services and amenities – see Parish Profile at Appendix 3 - and the unsuitability of bracketing the two villages together in the CLPP1 has been criticised by the Action Group and the two Parish Councils. This has now been recognised by the Council in the publication of the consultation Cherwell Local Plan Review 2040, which proposes the “downgrading” and separation of the two settlements in the Settlement Hierarchy in Core Policy 35 of the Review. See Appendix 4. Sibford Ferris and Sibford Gower are to be “Smaller villages”. They are described in the Review as those which ‘have a low level of services and facilities, where any development should be modest and proportionate in scale and primarily be to meet local needs.’ Such villages are only deemed suitable for: limited infill development within existing built areas or on allocated sites. Proposals will be supported where they are:

- i. In keeping with local character, and
- ii. Proportionate in scale, and
- iii. Meet local housing needs, and/or provide local employment, services and facilities.

None of these apply to the appeal proposal. This shows a strong “direction of travel” for the new Local Plan, which more accurately reflects the relative or lack of sustainability of Sibford Ferris and

Sibford Gower and their unsuitability for anything other than very limited infill development in appropriate circumstances.

This is long overdue. The Local Plan Inspector, Nigel Payne, writing his Report following his examination of the CLPP1 in 2015, dismissed concerns from small settlements that “certain villages may have been mis-categorised” and reasoned that the hierarchy in Policy Villages 1 was not “set in stone”. The Inspector considered the relevant survey data would need to be “thoroughly checked and comprehensively reviewed” during the Local Plan Part 2 process⁴. Regrettably, the Local Plan Part 2 was never progressed by the Council. It has been replaced by the Cherwell Local Plan Review 2040 some 8 years after the adoption of the CLPP1.

5. CONCLUSION

This appeal is the latest in a series of residential development proposals in this discrete part of Sibford Ferris, beyond the built-up limits of the small village and in open countryside, that is threatening the character of the village and its beautiful surroundings.

For the reasons set out in this representation we maintain strong objections to the appeal proposal, which it considers is unnecessary, contrary to the district's spatial and rural housing strategy, outside the village, unsustainable, harmful to the character and appearance of this part of the village/open countryside and detrimental to the residential amenities of neighbouring properties.

The proposal is therefore contrary to the Development Plan, the NPPF and similar appeal decisions, including the recent one at Finmere. With no other material considerations that outweigh the harm that would be caused, we respectfully request that the Inspector dismisses the appeal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act, 2004 and Section 70(2) of the Town and Country Planning Act, 1990. This is to uphold the primacy of the development plan, the principles of sustainable development in the NPPF and CLPP1, help address climate change and protect this attractive and characterful village from further harmful development until the Cherwell Local Plan Review 2040 comes into effect, albeit regrettably many years too late for the Sibfords and its residents.

Yours sincerely

Chris and Sue Beach