

Town and Country Planning Act 1990 –Section 78
Town and Country Planning (Development Management Procedure) (England) Order 2015
Town and Country Planning (Hearing Procedure) (England) Rules 2000

Land South of Tadmarton Road, Bloxham

Application Ref: 23/01265/OUT

Against the refusal of a planning application submitted to Cherwell District Council for:

“Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.”

**Appellant’s Full Statement of Case
PINS Ref: APP/C3105/W/23/3329533**



February 2024

EXECUTIVE SUMMARY

Introduction

- i. This Full Statement of Case submitted by Gladman Developments Ltd relates to an appeal against Cherwell District Council's refusal of outline application 23/01265/OUT.
- ii. The appeal proposals are for up to 60 dwellings and associated infrastructure, with all matters reserved save for access.
- iii. This statement responds to the Council's Reason for Refusal and should be read with other Hearing Statements submitted as part of this appeal.

Landscape and Character

- iv. The appeal site is not a 'valued' landscape with regard to paragraph 180a of the NPPF. Neither the site, nor the surrounding countryside, fall within any international, national, or local landscape designations.
- v. Whilst the scheme would inevitably result in the loss of a small area of agricultural land, the key characteristics that define the local landscape character beyond the site would be physically unaffected by the proposed development and there would be no material change to the landscape character of the area beyond the site with the appeal proposal in place.
- vi. Areas of proposed built development have been located to provide an organic extension to Bloxham and the modern housing development immediately to the east of the site. The proposals would be in keeping with character and consistent with other nearby residential areas in Bloxham.
- vii. Whilst the proposed development would be visible from a small part of the adjoining countryside, it would be seen within the context of the existing, modern settlement edge and will not appear out of character. The site is well screened from the wider surrounding landscape due to the topography of the site and vegetation structure in the wider landscape.
- viii. Resultingly, the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character and nor would there be substantial detrimental effects to visual amenity across a wider area.
- ix. Accordingly, the Appellant concludes that the landscape matters raised in the Reason for Refusal (that the proposal would have a poor and incongruous relationship with the existing settlement, appearing prominent in the open countryside), are unfounded, and that there is no basis on which to refuse planning permission on landscape grounds.

Ecology

- x. Additional ecology surveys and a full Ecological Impact Assessment have been produced by the Appellant. These demonstrate that subject to a hydrological assessment and mitigation/monitoring plan (to be secured by way of an appropriately worded condition), the inclusion of standard pollution prevention and dust control measures within a Construction Environmental Management Plan (CEMP) and implementation of a Sustainable Urban Drainage system (SUDs), no significant impacts on any statutory or non-statutory designated wildlife sites are anticipated.
- xi. No significant impacts are anticipated on habitats assessed as having higher ecological value within the site, including woodland, hedgerows, the pond, scrub, scattered trees, wet ditches or the stream to the south of the site. Arable and bare ground habitats, which are of limited intrinsic ecological value, will be lost to development. Through on-site measures the development is expected to achieve a 37.33% net gain for area-based habitats, and a 127.93% net gain for linear-based (hedgerow) habitats.
- xii. Subject to the implementation of precautionary working measures and other mitigation and enhancement measures, no significant impacts on protected and/or notable species are anticipated. No licensing will be required for protected species.
- xiii. In conclusion, based on compliance with the relevant paragraphs of the NPPF and policies ESD10, ESD15 and Villages 2 of the Cherwell Local Plan; the avoidance of significant negative impacts on important ecological features; provision of a significant net gain in biodiversity through onsite measures; and agreement with the topics suggested by the Ecology Officer to be addressed via appropriately worded conditions, there is no reason to refuse the appeal on ecology grounds.

Five Year Housing Land Supply

- xiv. The Government's policy on housing land supply was recently updated in the National Planning Policy Framework on 20th December 2023. As set out in this statement, the implications of this for Cherwell District Council are that it must continue to demonstrate a five-year housing land supply in accordance with paragraph 77 of the revised Framework.
- xv. Consequently, the Appellant has reviewed the Council's latest published housing land supply statement and believes it represents an over-estimation of true deliverable land supply position in the Council area. The Appellant has demonstrated that, based on the Council's methodology, the accurate housing land supply figure is 3.98 years.
- xvi. However, the Appellant is of the view that the revised NPPF further supports its position that a single 5YHLS calculation (incorporating Oxford's unmet need) should be applied. As a consequence of applying a single 5YHLS calculation, the Appellant has showed that the Council can only demonstrate a housing land supply position of 2.23 years.

- xvii. Notwithstanding the above, should a different view be taken on the application of paragraph 226 of the NPPF, the Appellant has also evidenced that the Council is unable to demonstrate a four-years' worth of housing against four-years' worth of its requirement.
- xviii. Finally, the Council's own very recently published housing trajectories indicate that both the Cherwell Local Plan 2011 – 31 Part 1 and the Part 1 Partial Review – Oxford's Unmet Housing Need, have significantly failed and will continue to fail to deliver the number of homes required over the plan period 2011 to 2031.
- xix. On the Council's figures as detailed in the trajectories, there will be a shortfall of housing against the housing requirement set out in the Cherwell Local Plan of 3,416 dwellings by 2031. In addition to this, there will be a shortfall of 2,995 dwellings against the requirement set out in the Partial Review for Oxford's unmet housing need by 2031. Therefore, on the Council's figures there will be a substantial shortfall against the adopted housing requirement of the plan as a whole of 6,411 dwellings.

Planning Balance

- xx. The site is within a safe and reasonable distance of a range of local services and facilities, with genuine opportunities to walk, cycle or utilise public transport. As such, the proposed development would not conflict with local and national planning policies, which seek to achieve a sustainable pattern of residential development.
- xxi. The appeal proposals will deliver much needed new market and affordable homes, addressing an identified significant shortfall against the Council's adopted housing requirement, at a sustainable settlement in accordance with the Council's overall development strategy.
- xxii. The appeal site is not allocated for residential development and is located adjacent to the built-up limits of Bloxham. The adopted Development Plan, through Policy Villages 2, supports development adjacent to sustainable villages such as Bloxham subject to compliance with 11 listed criteria. Policy Villages 2 does not require sites to be allocated and planning applications can come forward on a case-by-case basis for consideration on their own merits and assessed against the criteria set out in the policy.
- xxiii. Having considered each of the listed criteria in turn, the Appellant considers that the appeal proposal is in accordance with Policy Villages 2. Furthermore, the Appellant considers that the scheme is consistent with the overarching spatial strategy of the Development Plan and that strategy would not be undermined should the appeal be allowed. Resultingly, the Appellant concludes that the appeal proposals are in accordance with the Development Plan read as a whole and should be approved without delay.
- xxiv. Notwithstanding this, should the Inspector find conflict with the Development Plan the Appellant sets out that relevant policies would be out of date, and the presumption in favour of sustainable

development contained within Policy PSD1 and Paragraph 11(d) of the Framework would apply, by virtue of the Council being unable to demonstrate a five-year housing land supply and because the relevant policy for the supply of housing in the Local Plan is out of date.

- xxv. Resultingly, the 'tilted balance' is engaged. This dictates that when policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
- xxvi. The benefits of the scheme are significant, and include amongst a range of matters, the sustainable delivery of both open market and much needed affordable housing in a high-quality development with accessible open space and green infrastructure, on-site biodiversity gains and economic benefits through job creation and increased expenditure.
- xxvii. The adverse impacts of the scheme are comparatively minor and include principally the inevitable loss of some currently greenfield countryside, and limited effects (which can be mitigated) on an unremarkable landscape.
- xxviii. The Appellant considers that the Planning Balance weighs significantly in favour of the appeal site. Accordingly, the Inspector is respectfully requested to allow this appeal and grant outline planning permission.

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1 INTRODUCTION

1.1 Context

1.1.1 This Full Statement of Case ('SoC'), submitted by Gladman Developments Ltd ('the Appellant'), relates to an appeal against Cherwell District Council's ('CDC' or 'the Council') refusal of outline application 23/01265/OUT.

1.1.2 The description of development is as follows:

"Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access."

1.1.3 All the material that was submitted in support of the application and subsequent correspondence with the Council, along with the Committee Report and Decision Notice, are included in the Core Documents submitted with the appeal (CD1 – CD5).

1.1.4 The Council registered the application as 'OS Parcel 0078, North West Of Quarry Close, Quarry Close, Bloxham'. The Appellant has labelled its documents 'Land South of Tadmarton Road' to describe the site's location and associated vehicular access point more accurately, and reflective of the fact further development has recently been constructed west of Quarry Close.

1.2 Structure of this Statement

1.2.1 This Full Statement of Case (SoC) has been prepared following notification from the Planning Inspectorate that the appeal will follow the Hearing procedure. It updates and supersedes the original Statement of Case submitted by the Appellant in September 2023. Appendices are included with this Statement and Supporting Statements (as detailed below) as through the Hearings Procedure there is no exchange of evidence and agreement over a Core Documents list.

1.2.2 This statement commences by providing an overview of the appeal site and its surroundings, before summarising the background context to the appeal. A precis of the Development Plan and other material considerations is then provided.

1.2.3 A detailed analysis of the planning policy matters raised through the Committee Report and Decision Notice follows. The statement concludes by outlining the benefits to be delivered through the appeal proposals before setting out the overarching planning balance.

1.2.4 The SoC is supported by additional Hearing Statement on the following matters:

- Five Year Housing Land Supply (Emery Planning)
- Landscape and Visual Matters (The Environment Partnership)

- Ecology Matters (The Environment Partnership)

1.2.5 These statements are relied upon in this SoC in reaching an overall conclusion in the following chapters:

- Section 2 – The Site and Appeal Proposals
- Section 3 – The Development Plan
- Section 4 – Material Considerations
- Section 5 - Responding to the Reasons for Refusal
- Section 6 – Planning Balance and Conclusions

1.2.6 In accordance with the overall conclusions set out, the Appellant respectfully asks the Inspector to grant planning permission and allow sustainable development to come forward.

2 THE SITE AND APPEAL PROPOSALS

2.1 The Appeal Proposals and Drawings Sought for Approval

2.1.1 The appeal relates to an outline application that is for up to 60 dwellings in the sustainable settlement of Bloxham. The application is for all matters reserved save for access.

2.1.2 The following drawings are sought for approval:

- Location Plan – D9731.001E (CD1.2)
- Proposed Site Access Arrangement – P22164-0301 (CD1.8)

2.1.3 The Development Framework Plan (ref. D9731.002D – CD1.3) is an illustrative summary of how the site could be developed and permission is not sought for approval on it.

2.2 The Site and Surroundings

2.2.1 The site is identified by the Location Plan which was submitted with the outline planning application (CD1.2). In total, the site extends across an area of approximately 4.42 hectares of land on the western edge of Bloxham, which is a village located approximately 3 miles southwest of Banbury. The site is principally in agricultural use with access tracks provided across the site, associated with the adjacent farmyard.

2.2.2 The site is well related to the existing pattern of development at Bloxham, immediately adjoining the existing built-up area on its eastern boundary which comprises of a recently completed residential development by Miller Homes (PINS Ref: APP/C3105/A/13/2204000) (Appendix 1). The site is bound to the north by Tadmarton Road, to the south by agricultural land and to the west by Park Farm and further agricultural land. The site boundary extends to the southeast in order to facilitate the sites drainage proposals, but no residential development is proposed in this area. The wider landscape to the north, south and west is largely agricultural and dominated by arable cropping, interspersed with woodland and nucleated settlements.

2.2.3 The Development Plan designates Bloxham as a Category A Service Village, the category of the most sustainable villages in Cherwell. Bloxham offers various services and amenities including a primary school, a secondary school, a private school, a nursery, a flexible workspace centre, a care home, doctors' surgery, dentist, pharmacy, pub, church, village hall, a convenience store and post office. All these services and amenities are within a reasonable walking distance of the site however acceptability of distance and access to services is a live issue and is responded to in Section 5.6 of this Statement.

2.2.4 The site is not subject to any statutory ecological, heritage, local planning policy or landscape designations.

2.2.5 The site is predominantly located within Flood Zone 1 and is, therefore, at very low to low risk of flooding from all sources. Flood Zone 2 and 3, and high risk of surface water flooding are restricted to the southern boundary of the site where no built development is proposed and associated with the watercourse into which the site will drain.

2.2.6 Technical work submitted with the planning application (CD1 and CD2), alongside the supporting Hearing Statements, demonstrate that the site represents a suitable and sustainable location for residential development.

2.3 Relevant Planning History

2.3.1 The appeal site was part of a planning application for 136 dwellings (reference 17/02502/OUT) that covered a much wider area. The application was validated in December 2017, but was subsequently withdrawn in July 2018 prior to determination.

2.4 Application Process

Pre-application advice

2.4.1 In preparing the planning application, the Appellant consulted with the local community including Bloxham Primary School, the Parish Council and Local Ward Members before submitting the application, as set out in the submitted Statement of Community Involvement (CD1.16).

Application submission

2.4.2 The planning application for the proposed development was validated by the Council on 10 May 2023 under reference 23/01265/OUT. The application was supported by a comprehensive suite of technical reports (CD1), in accordance with the Council's planning application validation requirements, which are set out in the Planning Statement (CD1.15) that accompanied the application.

2.4.3 One document was submitted post-validation of the application, this being a Highways Technical Note (CD2.1) that responded to the transport aspects of the application commented upon by Oxfordshire County Council in their consultee response (CD4.10).

2.4.4 The documentation submitted in support of the planning application demonstrates that the appeal site will deliver:

- Up to 60 new homes, addressing the pressing need for new homes in the district;
- The provision of up to 21 affordable homes to cater to the diverse housing needs of local residents, including those on lower incomes and key workers;
- Vehicular access via a priority junction from Tadmarton Road;
- Biodiversity Net Gain across the site through habitat and hedgerow unit increases;

- New areas of high-quality open space and green infrastructure, including new pedestrian links, with full details of composition to be agreed at Reserved Matters stage;
- New children’s play area(s);
- A package of highways/sustainable transport improvements throughout the village; and
- Sustainable Drainage feature which will be designed at Reserved Matters to be vegetated and mitigate the impacts of climate change.

Application determination

2.4.5 The application was refused by the Council on 11th August 2023. A copy of the Council’s Decision Notice is enclosed at CD5.2.

2.4.6 The Appellant notes that the Committee Report (CD5.1) details 6 Reasons for Refusal (RfR) however the Decision Notice (CD5.2) contains only five. This is because one of the RfR in the Committee Report was somewhat duplicitous and the Officer sought to refine and clarify this aspect of the decision.

2.5 Consultee responses

2.5.1 The Appellant attempted to resolve any issues raised by consultees during determination of the application.

2.5.2 Table 1 details the statutory consultee responses received during the application process alongside a summary of their comments.

Table 1- Statutory consultee responses

CD Ref.	Consultee	Response Date	Comments
4.1	Arboriculture Officer	13.06.23	No objection.
4.2	Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)	16.06.23	Objection regarding hydrological and recreational impacts on the Slade Local Nature Reserve, impacts on UK priority species, and methods to achieve net-gain in biodiversity.
4.3	Integrated Care Board	22.06.23	No objection. S106 contribution requested for primary care infrastructure funding.
4.4	Community Safety Services	02.06.23	No objection.
4.5	Ecology Officer	29.07.23	Holding objection. Requests for further information to be submitted to determine potential impacts on the following: bats, birds, water vole and otter, and white clawed crayfish.

4.6	Environmental Health	05.06.23	No objection on Noise, Contaminated Land, Air Quality, Odour and Light, subject to standard planning conditions.
4.7	Fire Services	09.06.23	No objection
4.8	Landscape Officer	21.06.23	Agrees with the findings of the submitted Landscape Assessment in respect of landscape condition and sensitivity. Notes that the value of the site has been reduced by the recent Miller Homes development.
4.9	Natural England	11.08.23	No objection. Confirms that the proposed development will not have adverse impacts on designated sites/landscapes.
4.10	Oxfordshire County Council	23.06.23	No objection on Highways, Drainage, Education Capacity and Archaeology subject to S106 contributions and planning conditions as detailed.
4.11	Bloxham Parish Council	04.07.23	Objection on principle of development, ecological impacts and infrastructure strain.
4.12	Recreation & Leisure	13.06.23	No objection. S106 contributions requested.
4.13	Strategic Housing	12.07.23	Proposal supported in principle.
4.14	Thames Valley Policy	07.06.23	No objection. Request for two planning conditions to be placed upon any subsequent approval.
4.15	Thames Water	01.06.23	No objection subject to requested planning condition as detailed.

Response to Statutory Consultees

2.5.3 There are no outstanding technical objections from statutory consultees on technical matters such as drainage and flooding, archaeology, and residential amenity as summarised in Table 1. Matters regarding ecology are, however, at issue in this appeal, and detail is given on this below.

Highway Matters

2.5.4 The Appellant has reviewed the comments from the statutory consultees as these were received. Oxfordshire County Council, as Local Highway Authority, did not object to the proposals in their consultee response (CD4.10), although did raise a number of the matters specifically related to highways and sustainable transport.

2.5.5 In response to this, the Appellant submitted a Highways Technical Note (CD2.1) responding to the points raised within this consultee response. The measures requested by Oxfordshire County Council and agreed by Gladman include:

- Introduction of a traffic calming element, incorporating cycle bypass, at the site access to reinforce the change of speed limit.

- Provision of a zebra crossing at the current uncontrolled crossing adjacent to the primary school.
- Provision of a new 2.0 metre footway from the site access to link to the existing footpath to the south west on Tadmarton Road.
- Provision of an uncontrolled crossing adjacent to the bus stops and petrol filling station together with associated improvement to the bus stops.

2.5.6 The full detail of these items will be agreed as part of the Section 278 works. In addition, it is agreed that a financial contribution to public transport improvements will be secured via Section 106.

Ecology Matters

2.5.7 A Preliminary Ecological Appraisal (CD1.9) was submitted as part of the outline planning application. This set out that to assess the full ecological impact of the proposed development, additional bats, breeding birds, water vole, otter, and white clawed crayfish surveys were required. Due to seasonal survey restrictions these could not be completed prior to submission of the outline planning application, or within the determination period.

2.5.8 These surveys have now been completed and a full Ecological Impact Assessment (EclA) has been prepared by The Environment Partnership. The full report and accompanying protected species reports are available as appendices to the Ecology Hearing Statement.

2.5.9 These reports confirm that following implementation of recommended mitigation measures there will be no significant impacts on the ecological features associated with the appeal site and the surrounding zone of influence. No licensing will be required for protected species. Appropriate mitigation and enhancement can be provided within the site.

2.5.10 In addition, it has been demonstrated that the overall net gain for biodiversity identified within the Biodiversity Impact Assessment (CD1.19) can be delivered within the site.

2.5.11 It is therefore considered that the future development of the site would accord with relevant paragraphs of the NPPF, policies ESD10, ESD15 and Villages 2 of the Cherwell Local Plan insofar as it seeks to protect and enhance ecological features and will result in a notable enhancement of the site for biodiversity. A more detailed response to ecological matters is discussed further at Section 5.8 in response to the Reasons for Refusal, drawing on the information contained within the accompanying Ecology Hearing Statement (and associated appendices).

Section 106 Obligations

2.5.12 All matters relating to infrastructure can be appropriately dealt with by condition and/or Section 106 obligations, discussed further at Section 5.9.

3 THE DEVELOPMENT PLAN

3.1 Introduction

3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

3.1.2 In this instance the adopted Development Plan, as applicable to the determination of this appeal, consists of:

- The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015).
- 'Saved' policies of the Adopted Cherwell Local Plan 1996 (CLP 1996).
- Bloxham Neighbourhood Plan 2016 (BNP).

3.1.3 The Cherwell Local Plan 2011-2031 (Part 1) Partial Review - Oxford's Unmet Housing Need also forms part of the Development Plan for the district. The Partial Review was adopted in September 2020 and provides the strategic planning framework (including strategic site allocations) to provide Cherwell's share of the unmet housing needs of Oxford to 2031.

3.1.4 It was the Council's intention, as explicitly stated in the Local Plan Part 1, to progress a Local Plan Part 2 that would have consisted of additional development management policies as well as identifying smaller, non-strategic sites in the urban and rural areas¹. No Part 2 of the Local Plan has ever come forward.

3.2 Cherwell Local Plan 2011-2031 Part 1

3.2.1 The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by the Council on 20th July 2015. It sets out the vision and strategy for the development of Cherwell through to 2031 and provides the overarching vision for the area including policies for the quantum and distribution of housing.

3.2.2 The Reasons for Refusal, as detailed within the Council's Decision Notice (CD5.2), allege that the appeal proposals will give rise to conflict with the following CLP 2015 policies:

- Policy PSD1: Presumption in Favour of Sustainable Development.
- Policy BSC1: District Wide Housing Distribution.
- Policy ESD1: Mitigating and Adapting to Climate Change.
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment.

¹ CLP Part 1 (2015), paragraph 1.65.

- Policy ESD13: Local Landscape Protection and Enhancement.
- Policy ESD15: The Character of the Built and Historic Environment.
- Policy INF1: Infrastructure.
- Policy Villages 1: Village Categorisation.
- Policy Villages 2: Distributing Growth across the Rural Areas.

3.2.3 Policy BSC1 (District Wide Housing Distribution) identifies the housing requirement for the district. It requires a total of 22,840 dwellings to be delivered during the plan period. The housing requirement was based upon the evidence contained in the 2014 Strategic Housing Market Assessment (SHMA 2014).

2022 Regulation 10A Review of the Cherwell Local Plan 2011-2031 Part 1 (February 2023)

3.2.4 The Cherwell Local Plan Part 1 became five years old on 20th July 2020. Following this, the Council undertook a Regulation 10A Review of the Local Plan policies and concluded that the majority of the policies were generally consistent with government policy and were up to date with regard to local circumstances. The Council considered that the review did not indicate that the Local Plan policies needed updating. The findings of the review were approved by the Council's Executive Committee on 04th January 2021.

3.2.5 In August 2022 it was announced that the preparation of the Oxfordshire Joint Local Plan was to be abandoned and the five Local Planning Authorities in Oxfordshire including Cherwell would transition to a process focused on individual Local Plans. Shortly after, in December 2022, the Council published a Housing and Economic Needs Assessment (HENA) produced jointly with Oxford City Council to inform their respective Local Plan processes. The HENA is new up to date evidence of housing need, which provides an assessment of housing need which is materially different to that in the 2014 SHMA.

3.2.6 Consequently, a new 'Regulation 10A' review of the Council's policies in the Cherwell Local Plan 2011-2031 and saved policies of the Cherwell Local Plan 1996 was undertaken by the Council in February 2023.

3.2.7 This confirmed that, due to the publication of more recent evidence on housing needs, Policy BSC1 (District-wide Housing Distribution) is now out-of-date and requires updating (Appendix 2 – paragraph 2.4). This is currently being undertaken through the emerging Local Plan Review which will consider the requirement and distribution of housing across the district to 2040.

3.3 Cherwell Local Plan 1996 Saved Policies

3.3.1 A number of policies of the Cherwell Local Plan 1996 (CLP 1996) are 'saved' and therefore remain part of the statutory Development Plan for the district. The Decision Notice alleges that the appeal proposals will conflict with the following CLP 1996 policies:

- Saved Policy C28: Layout, design and external appearance of new development.
- Saved Policy C30: Design of new residential development.
- Saved Policy C33: Protection of important gaps of undeveloped land.

3.4 Bloxham Neighbourhood Plan

3.4.1 The Bloxham Neighbourhood Plan (BNP) was made in December 2016 and covers the period from 2015-2031.

3.4.2 The Decision Notice alleges that the appeal proposals will conflict with the following BNP policies:

- Policy BL2 (Policy on Sustainable Housing & Size of Developments)
- Policy BL3 (Policy on Connectivity)
- Policy BL9 (Policy on Regard for the Amenity of Existing Residents)
- Policy BL11 (Policy on Contributing to the Rural Character of the Village)

3.4.3 The Neighbourhood Plan contains one single housing allocation, for 85 dwellings on 'Land South of Milton Road' under Policy BL1. This site has already been built out.

3.4.4 In situations where the presumption at paragraph 11d of the Framework applies to applications involving the provision of housing, paragraph 14 of the Framework offers some protection to areas with a 'made' Neighbourhood Plan provided that both the listed criteria apply. In the first instance, the Bloxham Neighbourhood Plan was 'made' part of the statutory Development Plan in December 2016, over 7 years ago, therefore it does not meet the requirements of criterion (a).

3.4.5 Consequently, there is no conflict between the appeal proposals and the guidance contained within paragraph 14 of the NPPF. The tilted balance remains engaged by virtue of the Council being unable to demonstrate a five-year housing land supply, as discussed in further detail within this statement at Section 5.3 and the supporting Five-Year Housing Land Supply Hearing Statement, and because the relevant policy for the supply of housing in the Local Plan is out of date.

3.5 Emerging Cherwell Local Plan Review

3.5.1 Regulation 18 consultation on a draft version of the emerging Local Plan Review was consulted upon by the Council between 22nd September 2023 and 03rd November 2023. The emerging housing requirement as set out within the draft plan reflects the Objectively Assessed Need for Cherwell as identified in the 2022 HENA and including an agreed quantum of unmet need from Oxford City.

- 3.5.2 The emerging view set out in the draft plan for the districts 'Rural Area' (inclusive of Bloxham) is that these settlements should make provision for growth of around 500 homes at non-strategic sites over the 20-year plan period, over-and-above existing completions and commitments.
- 3.5.3 The Regulation 18 draft Local Plan Review did contain a series of maps, including a key diagram, within the plan itself and the associated appendices. The Appellant is firmly of the view that these series of separate maps, containing some but not all relevant policies, do not collectively constitute a 'policies map' as defined by the relevant legislative provisions. These maps do not add up to present a complete picture of the policies the plan will seek to apply across the whole local plan area. The Appellant returns to this issue in the context of paragraph 226 of the Framework at Section 4.5 of this statement.
- 3.5.4 Paragraph 48 of the NPPF confirms that weight may be given to relevant policies in emerging plans according to the stage of the plan's preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections and the degree of consistency with policies in the Framework. The emerging Local Plan Review is not considered to be at an advanced stage of preparation and thus the Appellant considers that it should be afforded very limited weight.
- 3.6 Development Plan Summary**
- 3.6.1 The appeal site is not allocated for residential development and is located adjacent to the built-up limits of Bloxham. The adopted Development Plan, through Policy Villages 2, supports development adjacent to sustainable villages such as Bloxham subject to compliance with 11 listed criteria. Policy Villages 2 does not require sites to be allocated and planning applications can come forward on a case-by-case basis for consideration on their own merits.
- 3.6.2 Having considered each of the listed criteria in turn, the Appellant considers that the appeal proposal is in accordance with Policy Villages 2. Furthermore, the Appellant considers that the scheme is consistent with the overarching spatial strategy of the Development Plan and that strategy would not be undermined should the appeal be allowed. Resultingly the Appellant concludes that the appeal proposals are in accordance with the Development Plan read as a whole.
- 3.6.3 Bloxham is clearly a sustainable location to which growth can reasonably be directed; it is the second largest Category A village with an excellent range of services and facilities, close and well linked to Banbury, with access to employment opportunities.
- 3.6.4 A full assessment of the appeal proposals against the adopted Development Plan policies cited as being in conflict within the Reasons for Refusal, as set out within the Decision Notice, is contained within Chapter 5 of this Statement.
- 3.6.5 The supporting material submitted with the outline application (CD1), supplemented during the determination period (CD2), demonstrates that all technical matters have been appropriately assessed and addressed in accordance with all other relevant policies of the Development Plan.

4 MATERIAL CONSIDERATIONS

4.1 Context

4.1.1 Planning law requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.1.2 Material considerations relevant to this appeal include:

- National Planning Policy Framework (2023);
- Planning Practice Guidance;
- Housing & Economic Needs Assessment 2022;
- Cherwell Five-Year Housing Land Supply;
- Weight to be given to Market and Affordable Housing; and
- Delivery of Housing within Five Years.

4.2 National Planning Policy Framework

4.2.1 The NPPF sets out the Government's approach to sustainable development and core planning principles. It is an important material consideration in planning decisions.

4.2.2 A revised NPPF was published by the Government as recently as December 2023. Many of the principles and requirements as previously established have remained consistent in the new Framework.

4.2.3 Through the NPPF, the government has made clear its expectation that the planning system will positively embrace well-conceived development to deliver the economic growth necessary and the housing needed to create inclusive and mixed communities so that sustainable development is pursued in a positive way.

4.2.4 At the heart of the Framework there is a presumption in favour of sustainable development (paragraph 11). Paragraph 11 of the NPPF states:

"Plans and decisions should apply a presumption in favour of sustainable development.

...

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-date⁸, 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 proposed⁷; 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.”

4.2.5 There are some noteworthy changes in the revised NPPF, however, including changes to the operation and calculation of housing land supply. This includes, for example, paragraph 76 which concerns whether LPAs are required to identify and update annually a five-year housing land supply for decision-making purposes, in addition to paragraphs 77 and 226 in respect of the requirement to demonstrate a 4-year supply of land for housing.

4.2.6 The implications of these changes for the Council’s housing land supply position are considered in further detail at Section 4.5 below, and within the supporting Housing Land Supply Hearing Statement.

4.2.7 For the avoidance of doubt the Appellant considers that Cherwell District Council remains subject to a requirement to demonstrate a deliverable five-year housing land supply and cannot do so. Thus, it remains the Appellants position that following footnote 8 of the Framework, in the absence of a five-year housing land supply it is the case that the most important policies for determining the appeal are out of date and that the ‘tilted balance’ pursuant to paragraph 11(d) of the Framework is engaged.

4.2.8 The proposals here accord with each of the social, environmental and economic aspects of sustainable development expressed in the Framework as a result of:

- Providing a deliverable housing development that will make a valuable contribution towards national and local objectives for economic growth;
- Benefitting from a real choice of sustainable transport modes, as well as providing enhancements and the ability to promote travel by sustainable modes;
- Making a valuable contribution towards meeting the five-year housing land supply requirement in the district;
- Contributing towards housing choice and the mix of housing in the area, making effective use of land and making a contribution towards meeting affordable housing needs;
- Being capable of delivering beautiful design;
- Promoting healthy communities through integration with the existing settlement and the provision of open space;

- Being located on land at low risk of flooding and ensuring that the development will not increase flood risk downstream;
- Being resilient to the challenge of climate change; and
- Conserving and enhancing the natural and historic environments.

4.3 Planning Practice Guidance

4.3.1 The planning practice guidance (PPG) was first published on 6th March 2014 and expands and provides additional guidance on policies within the NPPF.

4.4 Cherwell District Council and Oxford City Council Housing & Economic Needs Assessment (December 2022)

4.4.1 The Housing & Economic Needs Assessment (HENA) has been published as part of the evidence base for the ongoing Local Plan Review 2040 and represents the most up to date evidence of housing need for the district. It provides an assessment which is materially different to that contained in the previous equivalent document, that being the 2014 Strategic Housing Market Assessment (SHMA 2014).

4.4.2 The assessment presents four different alternative scenarios for housing need and states that a level of housing above the minimum level of need arising from the Standard Method is required to support the level of workforce implied by an updated projection of economic growth for Oxfordshire.

4.4.3 The Council consider that of the four scenarios, the most appropriate is 1,293dpa (comprising 1,009dpa to meet Cherwell's needs plus an average of 284dpa to Oxford's unmet needs).

4.5 The Council's Five-Year Housing Land Supply Position

4.5.1 The Annual Monitoring Report 2021 identified that the CDC could only demonstrate a 3.8 years' housing land supply for the period 2022 – 2027. This was predicated on the annual adopted housing requirement of 1,142 dwellings per annum as detailed in the CLP 2015, which was considered to be up to date by the Council at that point in time.

4.5.2 An updated Housing Land Supply Statement was published by the Council in December 2023, alongside an updated Annual Monitoring Report (Appendix 10). The 5-year supply calculation in it follows on from CDC's Regulation 10a Review of Local Plan Policies, which concluded that the housing requirement detailed in Policy BSC1 was out-of-date.

4.5.3 Following this conclusion, the Council now base their requirement in the 5-year housing land supply calculation on the current Standard Method figure of 710dpa, concluding they can now demonstrate a 5.6-year supply and a 0.1 year supply for the Oxford Unmet Need. The Appellant understands that,

following publication of the revised NPPF in December 2023, the LPA now claim a 5.8 year supply (Appendix 12) due to the removal of the need to include as 5% buffer.

4.5.4 The change in housing land supply position is as a direct consequence of the change in methodology and not as a result in an increase in housing delivery by the Council. Indeed, even on the Council's latest figures in its trajectories set out in the AMR², there will be a shortfall of housing against the housing requirement set out in the Cherwell Local Plan of 3,416 dwellings by 2031. In addition to this, there will be a shortfall of 2,995 dwellings against the requirement set out in the Partial Review for Oxford's unmet housing need by 2031. The Council is therefore anticipating that it will fall significantly short of delivering the homes required by its own Local Plan by the end of the plan period.

4.5.5 As discussed above, the revised NPPF changes the operation and calculation of housing land supply. The implication of these changes for the Council's housing land supply position and the application of paragraph 11d of the Framework are assessed below, with further detail provided in the supporting the Statement of Case on Five Year Housing Land Supply.

Is CDC still required to identify and annually update a supply of specific deliverable sites and to demonstrate 5 years' worth of supply?

4.5.6 Paragraph 76 of the revised NPPF states that LPAs with a plan adopted in the past five years are no longer required to identify and update annually a housing land supply (where an Inspector concluded a 5YHLS existed at the point of examination).

4.5.7 This provision does not apply to CDC as the Council's latest district wide strategic plan was adopted in 2015. Given this, the Council are still required to still required to identify and update a supply of specific deliverable sites in accordance with paragraph 77 of the revised Framework. However, this paragraph states that the supply must be a minimum of five-years' worth or only four-years' worth if paragraph 226 applies.

4.5.8 Paragraph 226 of the revised NPPF is new and states that:

*"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. **This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19***

² Appendix 10. Trajectory available on document page 82.

(Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.” (emphasis added).

4.5.9 Paragraph 226 makes clear that both a ‘policies map’ and proposed allocations towards meeting housing need are required for an LPA to benefit from the requirement to demonstrate a four-year housing land supply.

4.5.10 Between September and November 2023, the Council consulted on the latest Regulation 18 version of its emerging Local Plan Review. This draft Plan:

- Did contain proposed allocations towards meeting housing need; albeit, non-strategic employment and residential allocations were still to be identified in a future Regulation 19 version; but
- **Did not** have a corresponding singular ‘policies map’ which presents a complete picture of the policies the Local Plan Review will seek to apply.

4.5.11 Therefore, as a starting point, the Appellant does not consider that the provisions of paragraph 226 of the Framework apply, meaning that the Council needs to demonstrate five years’ worth of housing land supply rather than four.

4.5.12 Notwithstanding, the Appellant acknowledges that the Regulation 18 draft Local Plan Review does contain a series of maps within the plan itself and its appendices. For example, a ‘Key Diagram’ is included on Page 14 as well as several other maps/plans within the consultation document (for example, Area Strategy plans showing more detail in relation to proposed allocations at Bicester, Banbury, Kiddlington and Heyford Park, and a number of plans within the Appendix). It might be considered that these maps, either individually or collectively, constitute a ‘policies map’ in the context of paragraph 226 of the Framework.

4.5.13 Paragraph 226 is new policy and there is no supporting guidance as to what a ‘Policies Map’ is in the context of the policy. However, the ‘Town and Country Planning (Local Planning) (England) Regulations 2012/767³ currently defines what the form and content of an adopted policies map should be. This states that:

“(1) The adopted policies map must be comprised of, or contain, a map of the local planning authority’s area which must—

³ Available here <https://www.legislation.gov.uk/uksi/2012/767/part/4/made>

(a) be reproduced from, or be based on, an Ordnance Survey map;

(b) include an explanation of any symbol or notation which it uses; and

(c) illustrate geographically the application of the policies in the adopted development plan.”

- 4.5.14 When considering the above tests, the 'Key Diagram' does not in and of itself constitute a 'policies map' as it does not illustrate geographically the application of many of the proposed policies of the plan. By way of example, those policies relating to the Green Belt, Local Green Space, heritage/conservation, regeneration areas, town centres/primary shopping frontages, conservation target areas etc are not geographically shown.
- 4.5.15 Moreover, the Appellant would dispute whether the Key Diagram even illustrates geographically the application of policies relating to the proposed settlement hierarchy and proposed allocations, since it is largely thematic/indicative, and it is arguably not possible to ascertain, from this plan, the precise geographical areas to which those policies are proposed to apply.
- 4.5.16 The Appellant does not consider that the Key Diagram in combination with other maps contained within the plan and its appendices collectively constitute a 'Policies Map'. Again, this is because not all policies within the plan are shown on the maps within it and because a policies map is defined as "a map of the local planning authority's area", written as a singular not a plural. Therefore, a series of separate maps containing some but not all relevant policies should not be able to form a 'policies map' collectively, especially as those maps do not add up to present a complete picture of the policies the plan will seek to apply.
- 4.5.17 Finally, it does not appear as if the consultation proposals are sufficiently advanced such that the Council would be in position to produce a map illustrating geographically the application of its proposed policies in any event. This is because, at various places in the Regulation 18 consultation document, the Council asks whether additional policies that would need to be illustrated on a policies map should be brought forward. It also asks, on numerous occasions, whether the proposed geographical extent of proposals should be taken forward. To illustrate the point, questions 33,35 and 37 of the consultation document asks, in relation to Bicester, whether additional or alternative sites should be proposed, and whether other areas of land should be safeguarded for transport schemes.
- 4.5.18 For all the above reasons, the Appellant is firmly of the view that the Council does not meet the requirements of paragraph 226 of the revised Framework. The emerging local plan does not include a policies map as required by that paragraph. Cherwell District Council therefore remains an Authority that is subject to the requirement to demonstrate a deliverable five-year housing land supply.

Summary

- 4.5.19 In summary, it is clear to the Appellant that the Council still needs to identify and annually update a supply sufficient to provide five-year worth of housing for the purpose of this appeal.
- 4.5.20 The Appellant sets out that when correctly calculated, the Council can only demonstrate a **2.23-year supply**. The tilted balance to the presumption in favour of sustainable development is therefore engaged. Further detail on the accurate housing land supply position in the authority is provided at Section 5.3 of this Statement and within the supporting Statement of Case on Five Year Housing Land Supply.
- 4.5.21 The Appellant further observes that an appeal decision in the district in regard to proposed residential development in the village of Milcombe (also a Category A Service Village) was published on the 12th December. The Inspector concluded that the Council could not demonstrate a five-year housing land supply⁴ and so the ‘tilted balance’ pursuant to paragraph 11d of the NPPF was engaged (Appendix 11, paragraph 44).
- 4.5.22 The market and affordable housing proposed on the appeal site could make a notable contribution to housing supply in Cherwell in the next five years of the plan period, therefore helping to address the immediate lack of a five-year supply of deliverable housing sites in an area where the shortfall is most acute.

4.6 Benefits of and Weight to Market Housing, Affordable Housing and Affordability in Cherwell District.

- 4.6.1 It is widely acknowledged at all levels that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being completed to keep pace with a growing population and household formation rates. Indeed, recent research published by Centre for Cities estimated that Britain today has a backlog of 4.3 million homes that are missing from the national housing market⁵.
- 4.6.2 One effect of the national housing crisis is a profound effect on affordability. Housing in the Cherwell District Council area is inherently unaffordable, with high affordability ratios, as demonstrated in Table 2 below:

Table 2: Cherwell Affordability Ratios

Cherwell District Council	2011	2022
Median Affordability ratio	7.81	9.55
Lower Quartile Affordability ratio	8.13	10.77

Source: ONS Ratio of house price to workplace-based earnings (lower quartile and median), 1997 to 2022, Table 5c & Table 6c.

⁴ In allowing the appeal, the Inspector concluded that the Council could not demonstrate a 5YHLS at 1st April 2022

⁵ Centre for Cities. The housebuilding crisis (February 2023)

- 4.6.3 As Table 2 shows, in 2022 the median affordability ratio in Cherwell was 9.55, an increase of 22% since the start of the plan period in 2011. In other words, average house prices are over 9 times average incomes. This is critical when most high street lenders will only lend up to four times a mortgage applicants' salary. The ratio of 9.55 also stands significantly above the national median ratio of 8.28 (+15%).
- 4.6.4 The Office for National Statistics (ONS) house price to workplace-based earnings ratio statistics date back to 1997 for Cherwell at which time the median affordability ratio stood at 3.89. In the following 25 years, the median affordability ratio has increased by 145% locking the next generation out of home ownership.
- 4.6.5 Table 2 also demonstrates that for those seeking a lower quartile priced property the situation is equally as bleak. It illustrates that the ratio of lower quartile house price to incomes in Cherwell now stands at 10.77, an increase of 32% since the start of the current plan period in 2011. It also stands significantly above the national lower quartile ratio of 7.37 (+46%) and is also marginally higher than the South East lower quartile ratio of 10.69 (+1%).
- 4.6.6 This means that those on the lowest incomes in Cherwell that are seeking to purchase a home in the lower end of the property market now also need to find over ten times their annual income to do so. It also demonstrates that in Cherwell there is greater affordability pressure at the lower quartile or 'entry level' of the housing market than at the median level.
- 4.6.7 According to the most recent Department for Levelling Up, Housing and Communities (DLUHC) statistics⁶, there are 1.28 million households on local authority social housing waiting lists across the country, the highest it's been since 2014, which roughly equates to 3 million people in need of an affordable home.
- 4.6.8 More locally, the number of households listed on the Council's housing register as of 31 March 2023 is 2,045 households⁷. This is a stark number and represents a significant number of individuals and families in need.
- 4.6.9 The number of households on the Council's housing register has increased substantially in the preceding five-years, as shown in the Table 3 below.

Table 3: Households on Cherwell Housing Register over preceding five-monitoring years

Cherwell District Council	2019	2020	2021	2022	2023
Households on Housing Register	1,084	1,294	1,640	1,932	2,045

Source: DLUHC Live Table 600, data published 14th December 2023.

⁶ DLUHC Live Table 600, December 2023 update.

⁷ DLUHC Live Table 600, June 2023 update.

- 4.6.10 As demonstrated, in just 5 years the number of households on the Council's housing register has increased by over 88%. Quite clearly this is another illustration of a persistent housing crisis, acutely felt in the district, with an increasing number of households falling into housing need.
- 4.6.11 In May 2023, the ONS released 2021 Census data in respect of the number of adult children living with parents⁸, the results of which provide more evidence of the housing crisis affecting the country due to the rise in concealed households. The 2021 Census records 700,000 more adult children living with parents than the 2011 Census, which has led to an increase in overcrowding in many of these households, with 11.3% of families with adult children in overcrowded households compared with 5.1% of families without adult children.
- 4.6.12 A large proportion of these adult children will be 'concealed' households who would like to form their own household but can't because of the significant affordability constraints in many areas. This significant delay in moving out has serious economic repercussions, impacting the labour market by restricting people from moving where the best job opportunities are, which in turn has the knock-on effect of stifling productivity and suppressing economic growth.
- 4.6.13 With households are facing rising energy bills and food costs as part of the cost-of-living crisis, there is unfortunately no respite when it comes to housing costs. Further data from the ONS showed that private rental prices in England increased by 5.6% in the year to September 2023⁹, the largest increase since the data series began.
- 4.6.14 In terms of rent prices, ONS data¹⁰ shows that the median monthly rent in England was £825 a month in the year to March 2023, the highest ever recorded. For Cherwell District specifically, the ONS data shows that median monthly private rental price stands at £1,000¹¹, significantly above the national average (+21%).
- 4.6.15 These statistics clearly show the extent of the ongoing national housing crisis and the extent to which it has been perpetuated by a consistent failure to provide sufficient market and affordable homes. The impact of the ongoing housing crisis is being felt across all housing tenures and we must do something to provide housing for those in need. Real people in real need are being let down by a lack of both market and affordable homes being delivered in this country.
- 4.6.16 Given this, it is little surprise that the delivery of affordable housing is clearly a key priority both for Central Government and for local planning authorities. With 47% of affordable homes in 2022/23 funded through s106 agreements¹² (i.e. entirely funded by developers with nil grant from the public sector), political promises rely quite significantly on delivery by the planning system.

⁸ Office for National Statistics – 'More adults living with their parents' (May 2023)

⁹ Office for National Statistics – Index of Private Housing Rental Prices; UK (October 2023).

¹⁰ Office for National Statistics – Private Rental Market Summary; UK (June 2023).

¹¹ Office for National Statistics – Private Rental Market Summary, Section 4 Local Authority Analysis; UK (June 2023).

¹² DLUHC Affordable housing supply in England: 2022 to 2023.

- 4.6.17 Table 4 below illustrates net affordable housing delivery in Cherwell compared to the identified need of 407 affordable dwellings per annum (as set out in the 2014 SHMA) over the preceding nine monitoring years.

Table 4: Affordable Housing Delivery in Cherwell DC against 2014 SHMA

Year	Affordable Housing Completions (net) (AMR 2023)	Affordable Housing Need (SHMA 2014)	Shortfall / Surplus
2014/15	191	407	-216
2015/16	322	407	-85
2016/17	278	407	-129
2017/18	426	407	+19
2018/19	510	407	+103
2019/20	400	407	-7
2020/21	295	407	-112
2021/22	178	407	-229
2022/23	181	407	-226
Totals	2,781	3,663	-882

- 4.6.18 Against the affordable housing need of 407dpa, a cumulative shortfall of -882 affordable homes has already arisen over the nine-year monitoring period between 2014/15 and 2022/23, equivalent to an average annual shortfall of -98 affordable dwellings and with just 76% of needs contained within the 2014 SHMA being met.
- 4.6.19 The recently published 2022 HENA identifies a net need for 660 social/affordable rented dwellings per annum and 193 affordable home ownership dwellings per annum, giving a total net affordable housing need of 853 net affordable dwellings per annum for Cherwell over the 20-year HENA period from 2020 to 2040.

Table 5: Affordable Housing Delivery in Cherwell DC against 2022 HENA

Year	Affordable Housing Completions (net) (AMR 2023)	Affordable Housing Need (HENA 2022)	Shortfall / Surplus
2020/21	295	853	-558
2021/22	178	853	-675
2022/23	181	853	-672
Totals	654	2,559	-1,905

- 4.6.20 As demonstrated in Table 5, against the affordable housing need of 853dpa set out in the 2022 HENA, a substantial shortfall of -1,905 affordable dwellings has already accumulated in the first three years from 2020/21 to 2022/23, equivalent to an average annual shortfall of -635 affordable dwellings and

with just 26% of needs being met. It is clear that a 'step change' in affordable housing delivery is needed now in Cherwell to address the identified shortfalls and ensure that the future authority-wide needs for affordable housing can be met.

4.6.21 At both a national and local level, there is evidently an urgent and pressing need to deliver as much affordable housing as quickly as possible. The consequence of not providing enough affordable homes affects real people. Being able to access good housing has bearing upon everyday life and there are socio-economic impacts such as financial security and stability, physical and mental health, decreased social mobility and adverse effects on children's education and development.

4.6.22 There is a wealth of evidence which demonstrates that there is a clear and pressing requirement to build more homes to meet the significant level of unmet need, particularly for homes that are affordable. There can be no doubt that the delivery of much needed new homes on the appeal site, including up to 21 affordable dwellings, will make a crucial contribution to the housing needs of Cherwell and its residents. The provision of both market and affordable housing is a very significant benefit of the development, representing a positive factor for both the social and economic strands of sustainability, to which substantial positive weight should be attached.

4.7 Delivery of Housing within Five Years

4.7.1 The proposed development would make a significant contribution to the delivery of housing. The proposals would create up to an additional 60 dwellings, including up to 21 affordable dwellings. Should planning permission be granted all the housing would be able to be delivered within the immediate five-year period. This is an important factor given the national housing crisis currently being experienced, the general imperative to 'boost significantly' the supply of housing, the urgent need to address a shortfall in the Council's five-year housing land supply position; and the need to address acute affordability issues.

4.7.2 In terms of the ownership position, Gladman is acting as site promoter, on behalf of the landowner. The nature of the legally binding, contractual agreement between Gladman and the landowner means that once permission is secured, Gladman works with the landowner to sell the site on the open market to a housebuilder. It is in the interests of both Gladman and the landowner to market the site expeditiously to receive a capital receipt.

4.7.3 In addition, because the site is purchased by a housebuilder in a competitive process, they are equally motivated to secure a reserved matters approval and commence construction to begin making a return on their investment as soon as possible. In short, this is not a scenario where an outline permission is being sought to meet obligations within a lengthy option agreement, for valuation purposes or to 'land bank' the site. All those involved in the process are motivated to see an outline permission converted into occupied new homes as quickly as possible.

4.7.4 In terms of track record, Gladman, as a land promotion business, has secured planning permissions for housing for more than 34,000 dwellings. All of these have been outline permissions and many have been granted on appeal, where delivery within the five-year period has been a key factor in the decision of appeal inspectors and the Secretary of State.

5 RESPONDING TO THE REASONS FOR REFUSAL

5.1 Reason for Refusal 1

5.1.1 The first Reason for Refusal states:

“The site is located outside the built form of Bloxham and within an area of open countryside. By reason of its location and the proposed scale of development, the proposal would have a poor and incongruous relationship with the existing settlement appearing prominent in the open countryside. Its development would therefore have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside. In addition, the Council is able to demonstrate a 5.4-year housing land supply, and therefore the housing strategies in the Local Plan are up to date. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached and result in unsustainable growth. The proposed development would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996, Policies BL2, BL3 and BL11 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.”

5.1.2 This Reason for Refusal has a number of components with the policies cited related to matters of principle of development, design, sustainability, and landscape character and appearance.

5.1.3 The Appellant considers that the main issues that flow from this Reason for Refusal are:

- The effect of the appeal proposal on the character and appearance of the area
- Whether the Council can demonstrate a five-year housing land supply
- The principle of development

5.1.4 In relation to this Reason for Refusal, two separate appeal hearing statements pertaining to Five-Year Housing Land Supply (Emery Planning) and Landscape & Visual (The Environment Partnership) are relevant, together with the original planning application documents on the same matters (CD1).

5.1.5 These main issues are considered in turn, below, with an analysis of the policies cited as being in conflict within the Reason for Refusal.

5.2 Issue 1 – The effect of the appeal proposal on the character and appearance of the area

5.2.1 The first element of Reason for Refusal 1 states that by virtue of the site’s location within the open countryside, the appeal proposal would have a poor and incongruous relationship with the existing settlement and, as such, would have an adverse effect on the landscape on the approach to Bloxham to the detriment of the character and appearance of the countryside.

5.2.2 The Landscape Hearing Statement assesses the effects of the appeal proposal on the character and appearance of the area. In summary this confirms the following:

- The appeal site is not a 'valued' landscape with regard to paragraph 180a of the NPPF. Neither the site, nor the surrounding countryside, fall within any international, national, or local landscape designations.
- The proposed development area is well contained by existing vegetation along its northern, southern and western boundaries. On its eastern boundary, the site has a strong physical and visual relationship with the recently completed Miller Homes development.
- The majority of existing landscape features such as trees and hedgerows would be retained and incorporated into the proposed development.
- The appeal proposals would be seen in conjunction with existing built form within the village. Areas of proposed built development have been located to provide a natural extension of the modern housing development to the east of the site. The proposals would be in keeping with character and consistent with other nearby residential areas in Bloxham.
- The proposed development would be set back from Tadmarton Road, would only be visible from a short stretch of the road and would not harm the rural approach to the village.
- The key characteristics that define the local landscape character beyond the site would be physically unaffected by the proposed development and there would be no material change to the landscape character of the area beyond the site with the proposed scheme in place.
- Thus, the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area.
- The scheme would introduce a high-quality residential built environment which would be designed to reflect the local vernacular architecture and would be in keeping with other residential areas in Bloxham.

5.2.3 The Appellant also observes that the Council's Landscape Officer (CD4.8) has confirmed that they agree with the findings of the Landscape & Visual Appraisal (LVA) (CD1.5) in relation to landscape condition and sensitivity and noted that the landscape value of the appeal site has been reduced by the completion of the adjacent Miller Homes development. The Landscape Officer also confirmed that the Landscape Strategy was acceptable in principle.

5.2.4 Accordingly, the Appellant concludes that the landscape matters raised in the Reason for Refusal (that the proposal would have a poor and incongruous relationship with the existing settlement, appearing prominent in the open countryside), are unfounded, and that there is no basis on which to refuse planning permission on landscape grounds.

5.2.5 Policy ESD13 states that development must respect and enhance local landscape character and secure appropriate mitigation where damage cannot be avoided. It sets out six criteria which the Appellant has demonstrated have not been breached by the proposals:

- *Cause undue visual intrusion into the open countryside* – as set out above and in the supporting landscape documents, whilst the proposed development would be visible from a small part of the adjoining countryside, it would be seen within the context of the existing settlement edge, which is influenced by the recently completed Miller Homes development, and will not appear out of character. The site is well screened from the wider surrounding landscape due to the topography of the site and vegetation structure in the wider landscape. Resultingly, the proposals would not appear prominent in the open countryside.
- *Cause undue harm to important natural landscape features and topography* – the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area. Whilst there will be some minor alterations to topography along the southern site boundary, the change in topography across the site will still be discernible.
- *Be inconsistent with local character* – the proposed development would be seen in conjunction with existing built form within the village. Areas of proposed built development have been located to provide an organic extension to the modern residential development to the east of the site. The proposals would be in keeping with character and consistent with other nearby residential areas in Bloxham.
- *Impact on areas judged to have a high level of tranquillity* - no objections have been made on this basis. As set out in the Landscape Hearing Statement, the site is a working agricultural landscape that is heavily influenced by human activity as a result of its proximity to Bloxham village and Park Farm.
- *Harm the setting of settlements, buildings, structures or other landmark features* - no objections have been made on this basis.
- *Harm the historic value of the landscape* - there is no alleged harm to the historic value of the landscape from the proposed development by the Council. The appeal site is not in the Bloxham Conservation Area nor part of any of the key views identified in the Conservation Area Appraisal.

5.2.6 Policy ESD₁₅ is concerned with conserving the historic environment and securing high quality urban design. The policy includes a list of bullet points that new development proposals should meet. The Appellant considers that this policy is more appropriate to the detailed design that will come forward at the reserved matters stage. Nonetheless, the Design & Access Statement (CD1.4) shows how the scale and density of the proposed development reflects that of the other nearby recent developments on the edge of Bloxham and that the proposed housing will be set within a framework of public open spaces incorporating existing vegetation and proposed tree and woodland planting.

5.2.7 Criteria 5 of Policy Villages 2 requires development to demonstrate whether significant adverse landscape impacts could be avoided. The Landscape Hearing Statement confirms that the appeal proposal avoids significant adverse landscape impacts and is therefore in accordance with criteria 5 of Policy Villages 2.

5.2.8 Resultingly, the Appellant considers that Policies ESD₁₃ and ESD₁₅ are complied with, when read as a whole, as is the relevant landscape element of Policy Villages 2 (criterion 5).

5.3 Issue 2 – Whether the Council can demonstrate a Five-Year Housing Land Supply

5.3.1 The Five-Year Housing Land Supply Statement (Emery Planning) deals with this issue in detail. The Appellants case on housing land supply matters is summarised as follows:

- The outcome of the changes set out in the revised NPPF is that the Council must still demonstrate a 5YHLS for the purposes of this appeal, but a buffer is no longer included in the calculation.
- Based on the Council's methodology, which applies a separate calculation solely against the Local Housing Need, the accurate housing land supply figure is **3.98 years**.
- However, the Council's approach of providing separate 5YHLS calculations is inconsistent with the Framework.
- The Framework clearly envisages one housing requirement which includes the local housing need for the area and any unmet need from neighbouring areas and it is this figure which the 5YHLS should be measured against.
- As such, to be consistent with the Framework, a single 5YHLS calculation measured against the local housing need for Cherwell (of 710 dwellings per annum) and Oxford's unmet housing need (of 420 dwellings per annum) should be made.
- Emery Planning conclude that, as a consequence of applying a single 5YHLS calculation, CDC can only demonstrate a housing land supply position of **2.23 years**.

- Notwithstanding the above, should a different view be taken on the application of paragraph 226 of the NPPF, the Appellant has also evidenced that the Council is unable to demonstrate a four-years' worth of housing against four-years' worth of its requirement.

5.3.2 Accordingly, the Appellant has demonstrated that, in any event, the Council is unable to demonstrate a five-year housing land supply as required by national policy.

5.3.3 Resultingly, the tilted balance as identified in paragraph 11(d)(ii) of the Framework is engaged. This instructs that planning permission for proposals involving the provision of housing should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

5.3.4 Furthermore, the statement also demonstrates that even on the Council's latest figures in its trajectories set out in the AMR¹³, there will be a very significant shortfall against the adopted housing requirement of the plan as a whole of 6,411 dwellings by 2031. The Council is therefore anticipating that it will fall substantially short of delivering the homes required by its own Local Plan by the end of the plan period.

5.3.5 The Appellant further observes that an appeal decision in the local authority in regard to proposed residential development in the village of Milcombe was published on the 12th December. In that instance, the Inspector concluded that Cherwell could not demonstrate a five-year housing land supply and so paragraph 11d of the NPPF is engaged (Appendix 11, paragraph 44).

5.3.6 Despite the Appellant's position outlined above, in the eventuality of a five-year housing land supply being found, it is considered that the appeal proposals are in general accordance with the Development Plan when read as a whole. This is assessed in detail in the following section.

5.4 Issue 3 – Principle of Development

Policy PSD1: Presumption in Favour of Sustainable Development

5.4.1 Policy PSD1 is cited in Reason for Refusal 1. It sets out the Council's positive and proactive approach to decision making reflecting that embodied in the NPPF. It provides that planning applications that accord with the Development Plan will be approved without delay. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise.

5.4.2 As will be demonstrated in the following section, the Appellant considers that the appeal proposal accords with the Development Plan, when considered as a whole. Consequently, the proposals

¹³ Appendix 10. Trajectory available on document page 82.

should be approved without delay in accordance with PSD1 and paragraph 11(c) of the revised Framework.

- 5.4.3 This notwithstanding, in this instance it is also the Appellants position that Local Plan Policies BSC1, Villages 1 and Villages 2, and Neighbourhood Plan Policy BL2, which are all relevant policies for the supply of housing, are out of date. This is by virtue of the fact that the Council cannot demonstrate a five-year housing land supply and due to the housing need figure in the Local Plan being out of date.

Policy BSC1: District Wide Housing Distribution

- 5.4.4 Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. As detailed at Section 5.3 above, there is a very significant shortfall against the housing requirement to 2031. The strategic allocations and spatial strategy have failed and will fail to deliver the housing required by the end of the plan period.
- 5.4.5 Policy BSC1 distributes the majority of growth to the main two towns of Banbury and Bicester, with 76% of all dwellings directed to these locations. This includes the anticipated windfalls, as well as completions in the period before the Plan was adopted.
- 5.4.6 Whilst there is an emphasis on the main two towns, Policy BSC1 also sets out that RAF Heyford and the more sustainable villages in the districts rural areas will make an important contribution to delivering new homes. Once commitments, completions and windfall allowances are considered, the policy identifies a residual requirement of 2,350 dwellings to be delivered on allocated sites within the Rest of District Area. 1,600 dwellings are to be provided at former RAF Heyford, leaving 750 dwellings that are to be delivered at the villages within the district.
- 5.4.7 Paragraph B.97 states that *"the Plan makes allowances for non-strategic urban and rural sites in sustainable locations"* and *"development at villages will be considered against Policy Villages 1: Village Categorisation, Policy Villages 2: Distributing Growth Across the Rural Areas and Policy Villages 3: Rural Exception Sites."*
- 5.4.8 Due to the publication of more recent evidence on housing needs in the form of the HENA (2022), Policy BSC1 is considered to be 'out of date' as it is not representative of current housing need, as the evidence base which underpins it, the Strategic Housing Market Assessment (SHMA 2014) has been superseded by a materially different assessment of housing need for the district.
- 5.4.9 CDC's Regulation 10A Review of Local Plan Policies confirms that Policy BSC1 is now out-of-date and this position is echoed within the Committee Report (CD 5.1 – paragraph 9.21). Consequently, it is concluded that the housing numbers are out of date and need to be re-considered through the review of the Cherwell Local Plan.

5.4.10 Furthermore, as detailed within supporting Five-Year Housing Land Supply Hearing Statement, and as confirmed by the recent Milcombe appeal decision (Appendix 11), the Council cannot currently demonstrate a five-year housing land supply, rendering Policy BSC1 out-of-date via another route. In accordance with the NPPF, it then follows that Local Plan Policies Villages 1 and Villages 2, and BL2 of the Neighbourhood Plan, which are all relevant policies for the supply of housing, are also out of date.

5.4.11 Irrespective of the extent to which Policy BSC1 is out-of-date, the Appellant considers that through locating new residential development in Bloxham, in accordance with the requirements of Policy Villages 2 (considered further below), the proposed development is consistent with the broad thrust of the spatial strategy by locating new development in one of the more sustainable villages in the district. Therefore, the appeal proposals are in general accordance with Policy BSC1.

Policy Villages 1: Village Categorisation & Policy BL2 of the Bloxham Neighbourhood Plan

5.4.12 Policy Villages 1 (PV1) provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages considered to be the most sustainable villages, which offer a wider range of services and are well connected to major urban areas, particularly by public transport.

5.4.13 Under PV1, Bloxham is categorised as a 'Category A' Service Village, which in policy terms allows for minor development, infilling and conversions within (emphasis added) the built-up limits of village. Policy BL2 of the Bloxham Neighbourhood Plan echoes PV1 in that it supports conversions, infilling and minor development within (emphasis added) the existing built-up limits of Bloxham, provided they are small in scale, typically, but not exclusively, five dwellings or fewer.

5.4.14 Crucially, PV1 informs Policy Villages 2 which provides a rural allocation for sites of 10 or more dwellings at the most sustainable Category A villages and which will guide preparation of both the Local Plan Part 2 (no longer taking place) and Neighbourhood Plans.

5.4.15 The Appellant acknowledges that the appeal proposal would not constitute minor development or infilling as supported by PV1 and BL2. However, the appeal proposal does not fall to be considered against Policy Villages 1 and BL2 (insofar as these policies concern proposals *within* the built-up limits of the village) as the site falls outside of, albeit immediately adjacent to, what would be considered the built-up limits of Bloxham.

5.4.16 The BNP does not explicitly have a policy that prohibits the principle of residential development outside of the built-up limits of Bloxham, as confirmed through the recent Ells Lane appeal decision (Appendix 13 – paragraph 12). As such, the appeal proposal falls to be considered against Policy Villages 2, which envisages that development adjacent to sustainable villages such as Bloxham can be acceptable, subject to compliance with 11 listed criteria.

Policy Villages 2: Distributing Growth Across the Rural Areas

- 5.4.17 Policy Villages 2 (PV2) concerns the distribution of growth across the district's rural areas. It states that a total of 750 homes will be delivered at Category A villages, subject to consideration of the criteria listed within the policy, in addition to the rural allowance for small site 'windfalls and planning permissions as of 31 March 2014. As aforementioned, Bloxham is a Category A Village.
- 5.4.18 Policy Villages 2 does not specify sites or provide rigid guidance in terms of how sites will be identified. Rather, it explains that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and, notably, through the determination of applications for planning permission. The policy, therefore, does not require sites to be allocated and planning applications can come forward on a case-by-case basis for consideration on their own merits and assessed against the criteria set out in the policy.
- 5.4.19 The Council decided several years ago to not progress with a Local Plan Part 2 and the emerging Local Plan Review 2040 is at too early a stage to have any proposed draft allocations within the rural areas. As such, no allocations of 10 or more dwellings in Category A villages currently form part of the Local Plan.
- 5.4.20 There is a Neighbourhood Plan for Bloxham, but it is now over seven years old and has not been reviewed since it was made in December 2016. It contains one single housing allocation, for 85 dwellings on land south of Milton Road under Policy BL1. This site, which was granted planning permission in advance of the BNP being 'made', has already been built out²⁴. The Neighbourhood Plan does not contain any policies which allocate sites for future growth.
- 5.4.21 Currently, therefore, the only mechanism to bring forward housing growth in Bloxham is under the third part of PV2, namely the determination of applications for planning permission such as the one subject to this planning appeal.
- 5.4.22 As has been confirmed in numerous appeal decisions (see Appendix 4, 5, 6, 11 and 13), the 750 figure is not a ceiling or a cap, and the acceptability of development at these settlements is considered having regard to the criteria set out in the policy.
- 5.4.23 Category A Villages are considered to be the most sustainable villages in the district, which offer a range of services and facilities to meet the day-to-day needs of residents and are well connected to an urban area, particularly by sustainable modes of travel. Specifically in respect of Bloxham, the Housing Village Categorisation Update 2014 (Appendix 7), which supported the preparation of the CLP 2015, sets out that the village has a population of 3,374 (taken from the 2011 census), contains all of the services and facilities listed in the survey – nursery, primary school, retail service outlet, food

²⁴ CDC application reference: 14/01017/OUT. The development proposal was identical to one that was given planning consent which was allowed on appeal (12/01139/OUT).

shop, post office, public house, recreational facilities and a village or community hall – as well as additional services including a dental practice, doctor’s surgery and secondary school.

- 5.4.24 Paragraphs 9.27 and 10.12 of the Officer’s Committee Report (CD5.1) confirms that Bloxham is a sufficiently sustainable location:

“9.27 Bloxham is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). Bloxham is one of the most served category A villages and has a large number of services and facilities (emphasis added). By population size, Bloxham is the second largest village (after Kidlington) with a population of just over 4,000.

...

10.12 Bloxham is a sustainable location with a range of services, public transport links and employment opportunities.”

- 5.4.25 Paragraph 9 of the Ell’s Lane appeal decision (Appendix 13) further underlines the sustainability of Bloxham:

“9. It is agreed that Bloxham is one of the larger Category A villages, ranking second after Kidlington in terms of population size, with a range of services. As such the principle of residential development at Bloxham is considered sustainable.”

- 5.4.26 As outlined above, there is an excellent range of services and facilities in Bloxham to meet the day to day needs of residents. The village is also served by two bus routes, which run between Banbury, one of two main settlements in Cherwell, and Chipping Norton. The site is also within cycling distance of Banbury. Therefore, it is clear that Bloxham is a highly sustainable settlement. The sustainability of Bloxham is further confirmed in the emerging Local Plan Review, which defines Bloxham as a ‘Larger Village’ in Draft Core Policy 35: Settlement Hierarchy (Appendix 8).

- 5.4.27 Several recent appeal decisions set out the approach to Policy Villages 2. The key themes which flow from these decisions are summarised below:

The headline figure of 750 dwellings is not a ceiling or a cap.

“27. Policy Villages 2 of the Local Plan sets out that a total of 750 homes will be delivered at Category A villages across the plan period. It is common ground between the main parties that the 750 figure is not a ceiling or a cap” (Launton Appeal Decision, Appendix 4).

“15. Although the Council consider that when taken as a whole the 750 has been reached and exceeded, it was acknowledged at the Hearing that the 750 identified in the policy is not a limit.” (Milcombe Appeal Decision, Dec 2023, Appendix 11).

“12. From the evidence, I find that it is highly likely that this number will have been exceeded. However, this figure is not a ceiling, and I am mindful of the Government’s objective to significantly boost the supply of homes. I am also

satisfied that the number of dwellings involved in the scheme would not harm the Council's housing strategy (*Bloxham Appeal Decision, Jan 2024, Appendix 13*).

The specific management criteria of PV2 ensures that it is a self-regulating policy.

"25. the specific management criteria of Policy PV2 would seem to ensure that it is a self-regulating policy; if the point is reached where the number of dwellings granted in Category A villages is likely to undermine the Council's overall spatial strategy, a series of planning harms is likely to emerge." (*Ambrosden Appeal Decision, Appendix 6*)

PV2 does not contain any temporal dimension, nor does it contain any phasing element. Other than relating to Category A villages, the policy has no spatial dimension.

"24. Policy PV2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension." (*Ambrosden Appeal Decision, Appendix 6*)

"10. Policy Villages 2 contains no requirements in respect of the distribution of housing across the Category A villages, as well as no timeframe or trajectory for their delivery." (*Bodicote Appeal Decision, Appendix 5*).

Some Category A villages are more sustainable than others.

"27. There are some 23 Category A villages which display a wide range of populations, facilities and locations. Whilst the Council categorises these as the more sustainable settlements it is apparent that, comparatively, some settlements are clearly more sustainable than others." (*Ambrosden Appeal Decision, Appendix 6*)

In considering proposed sites, particular regard is to be given to a list of 11 specified criteria.

"12. In considering sites under this policy particular regard is to be given to a list of 11 specified criteria." (*Ambrosden Appeal Decision, Appendix 6*)

"12. The Council has also conceded that the appeal proposal...is subject to an assessment against the 11 bullet points under Policy Villages 2." (*Hook Norton Appeal Decision, Appendix 3*)

5.4.28 The Council allege, with reference to paragraph 10.10 of the Committee Report, that the appeal proposals would increase the level of housing in an unplanned manner beyond that of the Local Plan figure in Policy Villages 1 and Policy Villages 2 by a significant proportion and thereby undermine the growth strategy for the district.

5.4.29 The Appellant disagrees with this position and considers that the grant of planning permission at the appeal site would not cause harm to the overall housing strategy endorsed by the Development Plan. As previously demonstrated, the spatial strategy as detailed in Policy BSC1 is not one which seeks to prevent residential development in other locations; rather, the emphasis is to be towards the towns, and elsewhere towards more sustainable locations such as Bloxham. Development of the appeal site

would, therefore, not undermine the Council's overall spatial distribution of housing anticipated in the Development Plan.

- 5.4.30 The Council's latest position on completions and dwellings with planning permissions given at Category A Villages between 01 April 2014 and 31 March 2023 is set out at paragraph 4.126 of the Council's latest AMR (Appendix 10).
- 5.4.31 Here it is confirmed that 792 dwellings have been completed, with 100 under construction and 303 with planning permission on sites not yet started at the time. This totals 1,195 dwellings approved at the Category A Villages. With the delivery of 60 dwellings from the appeal site this would total 1,255 dwellings.
- 5.4.32 As previously stated, and highlighted through the above referenced appeal decisions, the 750 figure is not a ceiling or cap and it is the Appellant's case that the grant of planning permission at the site would not result in a material exceedance that would undermine the Council's overall spatial distribution of housing anticipated in the Development Plan.
- 5.4.33 Table 6 shows that the delivery of additional dwellings at Category A villages, inclusive of the 60 dwellings from the appeal site, does not undermine the spatial strategy of the LPP1, being only 25.3% of the total amount in the district against the adopted plan provision of 23.6%.

Table 6: Policy BSC1 housing distribution and additional Category A development

Sub Area	District Wide Housing Distribution (BSC1) (2011-2031)	Total as a %	Total inc additional delivery ¹⁵	Total as a %
Banbury	7,319	32.1%	7,319	31.3%
Bicester	10,129	44.3%	10,129	43.4%
Rest of District	5,392	23.6%	5,897	25.3%
TOTALS	22,840	100%	23,224	100%

- 5.4.34 The Appellant has also given careful consideration as to the appropriate level of growth that can be accommodated in Bloxham, the second largest Category A village with an excellent range of facilities enabling residents to meet their day-to-day needs.
- 5.4.35 According to the 2021 census, the village has a population of 4,100 people and 1,600 households¹⁶. The appeal proposal for 60 new homes would, therefore, only result in a very modest 3.75% growth in the number of houses in the village. The Appellant considers that this is a level of growth is clearly proportionate to the sustainability of Bloxham and can enhance the vitality of the village without causing any significant harmful impacts.

¹⁵ Including Appeal Site of 60 dwellings, plus 445 additional dwellings consented at Category A Villages (in line with paragraph 4.126 of the Council's latest AMR (Appendix 10)) over and above original 750 included in Policy BSC 1.

¹⁶ Office for National Statistics - Census 2021

5.4.36 The Appellant notes that a previous draft version of the emerging Local Plan Review, taken to CDC Cabinet on the 19th January 2023 (Appendix 9) set out a housing requirement for Bloxham of 129 homes over the period 2020-2040, the second highest of the Category A settlements (proposed larger villages). Whilst it is acknowledged that this was not the version of the draft Local Plan Review ultimately taken forward for consultation in Autumn 2023, it nonetheless indicates that the Council clearly believe Bloxham is a one of the more sustainable villages in the district and can absorb a level of sustainable development commensurate to the services and facilities provided within the village.

5.4.37 Whilst paragraph 9.13 of the Committee Report lists the 11-no. criteria under PV2 that the appeal proposal should be assessed against, the Council do not appear to have properly assessed the appeal proposals against all of these. We have listed each of the criteria below and identified how the appeal proposal has addressed each of those:

Whether the land has been previously developed or is of lesser environmental value

5.4.38 The site is not previously developed land, but the same will inevitably be true for many developments brought forward under this policy in circumstances where it is largely concerned with the expansion of villages in a rural setting.

5.4.39 The suite of documents submitted in support of the application demonstrate that the site is not of high environmental value, nor is it covered by any statutory or non-statutory designations.

Whether significant adverse impact on heritage or wildlife assets could be avoided

5.4.40 Trial trenching evaluations in 2018 and 2019 discovered Roman archaeological remains within the northern most extent of the site. This area is proposed as amenity green space with natural and semi-natural green space, children's play provision and new tree belt planting at the western boundary. This green space can be created with no disturbance below the existing topsoil horizons, thereby ensuring that the archaeological remains will not be impacted by the proposed development.

5.4.41 Oxfordshire County Councils Planning Archaeologist (CD4.10) did not object to the development proposals and confirmed that there are no archaeological constraints to the appeal scheme.

5.4.42 No designated heritage assets lie within the site or its immediate vicinity. The submitted Built Heritage Statement (CD1.14) demonstrates that the site shares no intervisibility or historical association with Bloxham Conservation Area, nor with the Grade II Listed Tadmarton House and the Grade II Listed Tadmarton Lodge, and therefore the proposals will have no impact upon their setting or significance.

5.4.43 In addition to this, there are no statutory designated wildlife sites of international or national importance located within 10km or 5km of the site boundary. There is one statutory designated wildlife site of local / regional importance located within 2km of the site, this is The Slade Local Nature Reserve.

5.4.44 The accompanying Ecology Hearing Statement confirms there will be no significant impacts on the ecological features associated with the appeal site and the surrounding zone of influence, and that the mitigation and enhancement strategy can be secured by planning conditions. It is also demonstrated that the scheme will result in a notable enhancement of the site for biodiversity.

Whether development would contribute to enhancing the built environment

5.4.45 Whilst design is a matter reserved for future approval, the Design and Access Statement submitted in support of the application (CD1.4) demonstrates how a high quality and sustainable development could be delivered on the site following sound urban design principles such that the appeal scheme would contribute positively to the built environment.

Whether best and most versatile agricultural land could be avoided

5.4.46 The appeal site is identified as being Grade 4 in the Natural England 'Regional Agricultural Land Classification Maps. Therefore, the site does not include any best and most valuable agricultural land. This is discussed in further detail in relation to reason for refusal 3 later in this Appeal Statement.

Whether significant adverse landscape impacts could be avoided

5.4.47 The site is located on the western edge of Bloxham and is not within any statutory or non-statutory landscape designations. The submitted Landscape Hearing Statement, in addition to the Landscape and Visual Appraisal (CD1.5) accompanying the planning application, demonstrate that whilst the proposed development would be visible from a small part of the adjoining countryside, it would be seen within the context of the existing, modern settlement edge and will not appear out of character. The site is well screened from the wider surrounding landscape due to the topography of the site and vegetation structure in the wider landscape.

5.4.48 Resultingly, the effects of proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area.

5.4.49 This criterion speaks to issues raised within Reason for Refusal 1 and is discussed in further detail at Section 5.2 above.

Whether satisfactory vehicular and pedestrian access/egress could be provided

5.4.50 Details of access off Tadmarton Road were submitted for approval as part of the application. The Decision Notice does not raise any issues in relation to vehicular and pedestrian access/egress. There are no objections from the Local Authority or the Local Highways Authority, Oxfordshire County Council, to the proposed site access nor the traffic impact of the proposed development (CD4.10).

Whether the site is well located to services and facilities

- 5.4.51 As discussed above, Bloxham is a sustainable location, the second largest of the Category A villages, with an excellent range of services and facilities all easily reachable from the site. In addition, the site is close and well linked to Banbury, with good access to employment opportunities. This is discussed in further detail in relation to reason for refusal 2 later in this Statement.

Whether necessary infrastructure could be provided

- 5.4.52 Necessary infrastructure can be provided subject to a s106 Agreement which will be provided in advance of the Hearing.

Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the Plan period.

- 5.4.53 Not applicable to the appeal proposals.

Whether land the subject of an application for planning permission could be delivered within the next five years

- 5.4.54 The site is deliverable now. The Appellant reasonably anticipates that the scheme would be completed within 5 years. It is capable quickly of contributing to the delivery of market and affordable homes, and this should be regarded as an important benefit of the scheme.

Whether the development would have an adverse impact on flood risk

- 5.4.55 The supporting Flood Risk Assessment (CD1.11) demonstrates that virtually all of the site, and all of the proposed housing, is located in Flood Zone 1 and the proposed development can take place with minimal risk from flooding and would not increase flood risk elsewhere.
- 5.4.56 This was confirmed by the Council's drainage officer and the Lead Local Flood Authority who has no objection to the proposals (CD4.10) as confirmed at paragraph 9.93 of the Committee Report. Flood risk is not a reason for refusal.

Principle of Development Summary

- 5.4.57 Having considered each of the listed criteria turn, the Appellant considers that the appeal proposal is in accordance with Policy Villages 2 when read as a whole.
- 5.4.58 It has been demonstrated that the 750-figure referred to in Policy Villages 2 is not a cap or ceiling, and delivery in exceedance of this does not undermine the Council's spatial strategy.
- 5.4.59 Bloxham is a sustainable location to which growth can reasonably be directed; it is the second largest Category A village with an excellent range of services and facilities, close and well linked to Banbury, with access to employment opportunities. The appeal proposal is consistent with each of the considerations of PV2.

5.5 Other Policies Cited in Reason for Refusal 1

- 5.5.1 RfR 1 also cites conflict with several other policies, which we comment on as follows.
- 5.5.2 Policy ESD1 states that measures should be taken to mitigate the impact of development within the district on climate change. It states, inter alia, that growth should be directed towards the districts most sustainable locations and development should seek to reduce the need to travel and encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 5.5.3 Policy BL3 of the Neighbourhood Plan states that new development shall be required, wherever appropriate, to promote and improve low-carbon connectivity via new or existing networks of pedestrian paths and cycle routes such that new residents, including those of school age and the mobility impaired, have safe pedestrian, cycle or wheelchair/ mobility scooter access to village services.
- 5.5.4 As previously detailed, Bloxham is a clearly a highly sustainable location to which growth can reasonably be directed, being the second largest Category A village with an excellent range of services and facilities, close and well linked to Banbury, with access to employment opportunities. The level of growth proposed is proportionate to the sustainability of Bloxham and can enhance the vitality of the village without causing any significant harmful impacts.
- 5.5.5 Matters regarding locational sustainability are assessed in detail in Section 5.6 below.
- 5.5.6 Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. The Appellant considers that a reserved matters submission will be able to ensure the development proposals accord with both these policies. Indeed, the Committee Report at paragraph 9.82 confirms that the Council also consider that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage. It is therefore not clear why there is an allegation of conflict with these policies.
- 5.5.7 Saved Policy C33 of the Local Plan states that, "*the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.*" The appeal site is not considered to fulfil any of these functions as the settlement is not loose-knit, the site is not within the setting of a listed building and does not lie within the view of, or adjacent to, a feature of recognised amenity or historical value.
- 5.5.8 Policy BL11 of the Neighbourhood Plan states development shall be encouraged to respect the local character and the historic and natural assets of the area. The policy includes a list of criteria that new development proposals should meet. Again, the Appellant considers that this policy is more

appropriate to the detailed design that will come forward at the reserved matters stage. Landscape matters have been considered in detail at Section 5.2.

5.6 Reason for Refusal 2

5.6.1 The second Reason for Refusal reads:

“By reason of its location more than 800m walking distance from the village centre and any key amenities in the village (e.g., food shop, post office, primary school, GP surgery, public house), the proposal would be poorly connected to existing development, such that future occupiers would not have a realistic choice of means of travel. Therefore, the proposal conflicts with Policies ESD₁, ESD₁₅ and Villages 2 of the Cherwell Local Plan 2011-2031, saved Policies C28 and 30 of the Cherwell Local Plan 1996, Policy BL₃ of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance in the National Planning Policy Framework.”

5.6.2 The main issue at the heart of the second Reason for Refusal concerns whether the appeal site would be in a suitable location with particular emphasis on access to local services/facilities and travel choices.

5.6.3 This section, therefore, will assess whether there are opportunities for sustainable travel in close proximity to the appeal site and whether the site is located within acceptable walking distance of local facilities. The Transport Assessment (CD1.6) and Highways Technical Note (CD2.1) submitted in support of the planning application are of relevance to this reason for refusal.

Walking Distances

5.6.4 As noted within the Transport Assessment submitted in support of the planning application, Manual for Streets (MfS) states that walkable neighbourhoods are *typically* characterised as having a range of facilities within ten minutes walking distance (around 800 metres). However, it states that this is not an upper limit, and that walking offers the greatest potential to replace short car trips, particularly those under 2km.

5.6.5 This is further reinforced by guidance contained in the Chartered Institution of Highways & Transportation (CIHT) document entitled ‘*Providing for Journeys on Foot*’ which suggests an acceptable walking distance of 1km and a preferred maximum walking distance of 2km¹⁷.

5.6.6 The recent 2022 National Travel Survey (NTS) identifies¹⁸ that 83% of trips under a mile (1.6km) were undertaken on foot. This was similar to 2019 (80% of journeys) and 2021 (82% of journeys). This clearly demonstrates that many people are prepared to walk much further than 800m to access services and facilities.

¹⁷ Guidelines for Providing for Journeys on Foot (CIHT) (2000), Table 3.2

¹⁸ Department for Transport - National Travel Survey 2022: Mode share, journey lengths and trends in public transport use.

- 5.6.1 The reason for refusal and committee report therefore incorrectly treats this 800m walking distance as an absolute limit for the purposes of determining whether the appeal site is a sustainable location. Whilst the 800m cited is a distance used to *typically* characterise a walkable neighbourhood, this is not an upper limit, and walking has been proven to offer the greatest potential to replace short car trips, particularly those under 2km.
- 5.6.2 The Appellant further notes that neither the NPPF, nor the adopted Development Plan, make any reference to 800m (or indeed any other prescribed distance) as being a measure by which access to facilities on-foot.
- 5.6.3 According to CIHT guidelines, a suitable walking speed is considered to be 1.4 meters per second¹⁹. This means that a distance of 800m equates to an average 10min walk and not a 15min walk as suggested in the committee report.
- 5.6.4 As set out in Table 7 below, the excellent range of services and facilities within Bloxham are within an acceptable walking distance of the site (based on 1.4 m/s walking speed) when assessed against relevant national guidance and data from the most recent National Travel Survey which identifies 82% of trips under 1 mile (1.6km) are undertaken on foot.

Table 7: Distance from Site to Services and Facilities in Bloxham

Service / Facility	Approximate Distance from Site	Approximate Walk Time
Bloxham Primary School	310m	3 minutes
Convenience Store / Petrol Station	1,020m	12 minutes
Village Hall	1,150m	13 minutes
The Red Lion Public House	1,190m	14 minutes
Elephant & Castle Public House	1,190m	14 minutes
Shops on High Street including pharmacy, post office, fish bar, Co-Op food store etc.	1,200m – 1,300m	15 minutes
Bloxham Dental Practice	1,380m	16 minutes
Bloxham Surgery	1,380m	16 minutes
Bloxham Mill Business Park	1,790m	21 minutes
Warriner Secondary School	1,940m	22 minutes

- 5.6.5 It has therefore been demonstrated that the appeal site is in a sustainable location with opportunities to undertake journeys to local facilities including schools, shops, and health facilities on foot.

¹⁹ Guidelines for Providing for Journeys on Foot (CIHT) (2000), Paragraph 3.30.

Proposed Improvements

- 5.6.1 The appeal proposals will also secure package of sustainable transport measures and highways improvements, as discussed in the Highways Technical Note (CD2.1), including:
- Provision of a new 2.0 metre footway from the site access to link to the existing footpath to the south west on Tadmarton Road.
 - Introduction of a traffic calming element, incorporating cycle bypass, at the site access to reinforce the change of speed limit.
 - Provision of a zebra crossing at the current uncontrolled crossing adjacent to the primary school. This will improve accessibility to the school and to Courtington Lane for new and existing residents.
 - Provision of an uncontrolled crossing adjacent to the bus stops and petrol filling station on the A361 together with associated improvement to the bus stops. This will improve access to the shop in the station and to the westbound bus stop.
 - A financial contribution to public transport improvements.
- 5.6.2 These measures will increase the attractiveness of walking and cycling as a mode of sustainable transport throughout Bloxham, and significantly increase road safety for those accessing Bloxham Primary School, encouraging active travel for both new and existing residents.

Cycling Distances

- 5.6.1 The Transport Assessment sets out that cycling is usually considered an important mode of transport for trips up to five kilometres.
- 5.6.2 All of the facilities within Bloxham are within comfortable cycle distance for most people. In addition the village of South Newington, to the south, the south western area of Banbury and Bodicote are within the 5km catchment bringing a further range of facilities within cycling distance.
- 5.6.3 Clearly, the opportunities to cycle exist and a range of services and facilities, including the excellent offering in Banbury, are within an achievable cycling distance.

Public Transport

- 5.6.1 The nearest bus stops to the appeal site are located approximately 800 metres from the site entrance on South Newington Road adjacent to the petrol filling station.
- 5.6.2 These stops are served by the 488/489 service which runs between Banbury and Chipping Norton via Bloxham with 14 weekday services from Bloxham to Banbury and Chipping Norton. The services from Bloxham to Banbury run from 06:32 to 19:08 on weekdays and from Banbury to Bloxham on weekdays between 06:15 to 19:05. The services provide opportunities to reach employment in

Banbury at typical start and finish times to the working day via a low-carbon transport option. Services run towards Chipping Norton from Bloxham between 06:27 and 18:03 with services from Chipping Norton running between 06:45 and 18:43. Chipping Norton is, therefore, also accessible for employment purposes at typical workday start/end times.

- 5.6.3 On Saturdays there are twelve services from Banbury to Chipping Norton via Bloxham and the return service from Chipping Norton to Banbury via Bloxham. This means that both these centres are accessible by bus for a range of work, shopping, retail, leisure and personal business trips. Both Chipping Norton and especially Banbury provide for the full range of facilities required by most people.

Conclusion

- 5.6.4 As previously detailed, Bloxham, the second largest of the Category A villages, is clearly a sustainable location for new housing development, a position not disputed by the Council (paragraph 9.35 of the Committee Report) and emphasised in the recent Ells Lane appeal decision (Appendix 13, paragraph 9). It has an excellent range of services and facilities to meet the day-to-day needs of residents which the Appellant considers are easily accessible from the site. In addition, the appeal site is close and well linked to Banbury, with good access to employment opportunities.
- 5.6.1 The appeal site is sustainably located in that it is within an acceptable walking and cycling distance from the comprehensive range of services and facilities within Bloxham, with good connections to a wider range of retail, leisure and employment opportunities in nearby larger settlements. A safe and suitable access to the site is provided and the proposal includes provision of a footway along Tadmarton Road to connect to the existing footway to provide safe and convenient access by walking or cycling to facilities within the village. The appeal proposals will also deliver a package of sustainable transports measure and highways improvements that will benefit existing and future residents.
- 5.6.1 Based on the preceding analysis, it is clear that the appeal site is sustainably located, and the Appellant is seeking to promote the use of active and sustainable transport modes. The proposals therefore accord with the relevant transport criteria of Policy ESD₁, ESD₁₅, Villages 2 and BL₃, in addition to Government guidance in the NPPF. As such Reason for Refusal 2 cannot be substantiated.
- 5.6.2 It is unclear why saved Policies C₂₈ and C₃₀ are referenced in this reason for refusal which concerns locational sustainability. These saved policies exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. The Appellant considers that there are not relevant to this reason for refusal and that a reserved matters submission will be able to ensure the development proposals accord with both these policies in any event.

5.7 Reason for Refusal 3

5.7.1 RfR 3 states:

“By reason of the siting and size of the development and the resulting loss of grade 1 agricultural land, and taking into account the Council’s ability to demonstrate an up-to-date 5.4 year housing land supply across the District and having delivered in excess of 750 dwellings at Category A villages under Policy Villages 2, and the lack of evidence to demonstrate that there are no other sites in Category A villages in the District which would be preferable in terms of using areas of poorer quality agricultural land to meet the District’s housing needs, the proposal is considered to result in the unnecessary and unjustified loss of best and most versatile agricultural land. Therefore, the proposal conflicts with Policy Villages 2 of the Cherwell Local Plan 2011- 2031 and Government guidance in the National Planning Policy Framework.”

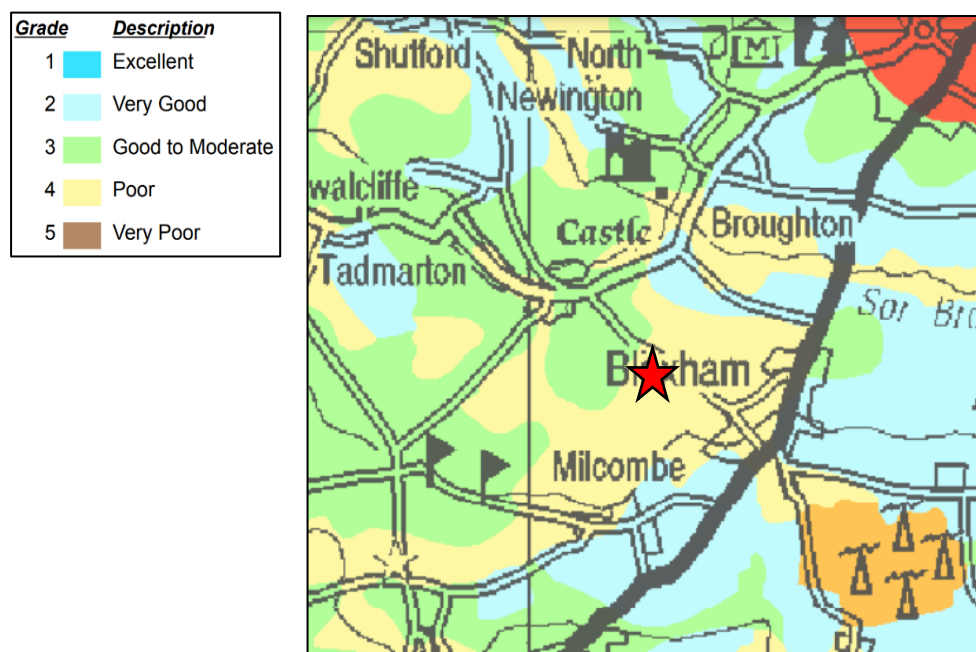
5.7.2 There is an element of overlap between this reason and the first reason for refusal, in relation to whether CDC can demonstrate a five-year housing land supply and the application of Policy Villages 2. This has already been assessed in detail in this statement and is not repeated here.

5.7.3 Focusing specifically on criteria 4 of Policy Villages 2 - Whether best and most versatile agricultural land could be avoided, we submit the following comments in relation to the principle of residential development at the appeal site in terms of loss of agricultural land.

5.7.4 The Committee Report states at paragraph 2.1 that the appeal site is *“located on Category 1 and 2 Best and Most Versatile Agricultural Land.”* Despite this statement, no evidence is contained within the report to demonstrate this position.

5.7.5 The appeal site is identified as being Grade 4 in the Natural England ‘Regional Agricultural Land Classification Maps, as can be seen on the extract below, and is not Grade 1 as stated by the Council. The approximate site location is shown as a red star.

Image 1: Extract from Natural England ‘Regional Agricultural Land Classification Maps



5.7.6 Grade 4 is not classified as Best & Most Versatile (BMV) Agricultural Land. The Appellant accepts that the loss of poor-quality agricultural land is a very minor harm to be weighed in the planning balance. However, the appeal site is ideally placed to help address the shortfall in housing supply in the short to medium term and the delivery of this much needed housing is a significant benefit of the proposed development to weigh against the loss of this poor-quality agricultural land.

5.7.7 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification system), where this is not in accordance with an approved plan.

5.7.8 The appeal site is only 4.42ha and the extent of loss here falls substantially short of that scale. Moreover, the appeal site is not BMV land in any event. Natural England were consulted during the determination period of the application (CD4.9) and have not objected to the proposals.

5.8 Reason for Refusal 4

5.8.1 Reason for Refusal 4 reads:

"Based on the advice from the Council's Ecologist, further ecological investigation needs to be carried out before it is known whether the proposed development would be harmful to biodiversity on site. The evidence currently available demonstrates likely detrimental impact to protected species and their habitat and without more detailed investigation the Local Planning Authority cannot be assured that the harmful impacts could be mitigated and/or compensated. Accordingly, and based on precautionary principles, the proposals would be contrary to Policies ESD10, ESD15 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, Regulation 43 of Conservation of Habitats & Species Regulations 2017 and Government guidance at paragraphs 170, 175 and 180 within the National Planning Policy Framework."

5.8.2 The main issue within this Reason for Refusal is whether or not there is evidence available to demonstrate that the proposed development would be acceptable from an ecological perspective and that any adverse impacts arising could be mitigated and/or compensated.

5.8.3 A Preliminary Ecological Appraisal (PEA) (CD1.9) was submitted supporting the planning application and set out that further surveys were required to enable a full assessment of the ecological impacts of the proposals. Due to seasonal survey restrictions the additional surveys recommended within the PEA report could not be completed prior to submission of the outline planning application, or within the determination period.

5.8.4 These surveys have now been completed and a full Ecological Impact Assessment (EclA) has been prepared and was submitted to the Council in January 2024. At the time of writing, an updated formal consultation response has not yet been received from a Council Ecology officer. In addition to the

EclA an Ecology Hearing Statement, prepared by The Environment Partnership, has been submitted as part of the appeal.

- 5.8.5 The results of all outstanding ecology surveys have been summarised within the Ecology Hearing Statement and provided in full within the EclA and Technical Reports provided as Appendices to that statement. Together, these documents confirm the following:

Designated Sites

- 5.8.6 There are no internationally designated wildlife sites located within 10km of the site boundary. Consequently, and given the scale of the proposed development, there will be no direct or indirect impact on any internationally designated statutory wildlife sites as a result of development of the site.
- 5.8.7 There are no nationally designated wildlife sites located within 5km of the site boundary. Given this, and the scale of the proposed development, there will be no direct impacts on any nationally designated wildlife sites as a result of development.
- 5.8.8 In order to address potential indirect impacts during the construction stage, standard pollution prevention and dust control measures will be set out in a Construction Environmental Management Plan (CEMP), to be secured by an appropriately worded condition, and implemented during site clearance and construction works.
- 5.8.9 Natural England was consulted during the determination period and considers that the proposed development will not have significant adverse impacts on designated sites, including the Bestmoor SSSI, and therefore has no objection to the appeal proposals (CD4.9).
- 5.8.10 There is one locally designated wildlife site within 2km of the site. This is the Slade Local Nature Reserve (LNR) located approximately 30m south of the site which is hydrologically linked to the site by the stream in the south. The inclusion of standard pollution prevention and dust control measures within the CEMP, in addition to the implementation of a SUDs drainage system, will ensure the potential for indirect impacts on the LNR are reduced to a minimum.

Non-Statutory Designated Sites

- 5.8.11 Five non-statutory wildlife sites of local importance were identified within 2km of the site. No direct impacts on any non-statutory designated wildlife sites are anticipated due to separation distance.
- 5.8.12 As outlined above, standard pollution prevention and dust control measures will be set out in a CEMP to ensure the potential for indirect impacts on the Slade District Wildlife Site and Northern Valleys Conservation Target Area are reduced to a minimum. Due to distance, lack of hydrological connection, and the small scale of the proposed development, no indirect impacts are anticipated on the remaining three non-statutory designated wildlife sites.

Great Crested Newts (GCN)

- 5.8.13 HSI and eDNA surveys were undertaken at the 13 ponds identified on site and within 500m of the site. The eDNA surveys confirmed that no GCN are present within ponds on site or within 250m of the site boundary, with the nearest pond confirmed to support GCN some 280m from the site. The risk of GCN being present within the site is considered to be low.
- 5.8.14 The rapid risk assessment tool provided by Natural England was used to confirm that an offence is highly unlikely under the development proposals.
- 5.8.15 No licence will be required, and it is proposed that any clearance of suitable habitat for GCN on site will therefore be done under a Precautionary Working Measures Method Statement (PWMS) due to the low risk of an offence being committed.

Badgers

- 5.8.16 No definitive evidence of badger activity was recorded within the site, although a potential sett was located outside of the site. The proposals would result in a loss of suitable badger foraging habitat across the site, however, the most suitable badger habitat within the site will be retained and, furthermore, the proposals include areas of soft landscaping which would provide badger with suitable foraging opportunities.
- 5.8.17 Standard precautionary working measures can be implemented to ensure no harm or disturbance to foraging or ranging badger as a result of the development.

Bats

- 5.8.18 One tree identified as having low suitability to support roosting bats will require removal to facilitate the proposed pedestrian access to the site. This tree will be subject to a pre-works check by a suitably licensed bat ecologist immediately prior to felling and will be soft felled under supervision.
- 5.8.19 Hedgerows, wet ditches, woodland, scrub, and pond habitats within the site are suitable to support commuting and foraging bats, although are limited in extent. The site has, therefore, been assessed as having low suitability to support commuting and foraging bats.
- 5.8.20 These habitats will be retained through the appeal proposals and the EclA demonstrates that direct impacts on habitats of importance for commuting and foraging bats are highly unlikely to occur as a result of the appeal proposals. In addition, proposed planting of new hedgerow, trees, and scrub will result in an overall gain in commuting and foraging habitat for bats within the site.
- 5.8.21 It is proposed that impacts from lighting are addressed through a Sensitive Lighting Strategy to be secured through an appropriately worded condition.
- 5.8.22 The measures outlined above would be detailed within the PWMS which could be conditioned and form part of the recommended CEMP.

- 5.8.23 The integration of additional integral or built-in bat roosting bricks into the south and east facing edges of new buildings and retained semi-mature trees will increase bat roosting provision within the site and provide long-lasting opportunities for roosting bats that require minimal maintenance. The quantum and location of boxes will be agreed at the detailed design stage.

Birds

- 5.8.24 Breeding bird surveys were undertaken between late April to June 2023.
- 5.8.25 37 bird species were recorded within the site boundary and 100m survey buffer during the 2023 breeding bird survey; 23 species were recorded within the site itself. No species were confirmed to be breeding within the site during the 2023 surveys. Four species were confirmed to be breeding within the 100m buffer. Results indicate that the site and buffer are of local significance for breeding birds.
- 5.8.26 No ground nesting birds, including skylark, lapwing or meadow pipit were recorded during the 2023 surveys.
- 5.8.27 The proposed hedgerow, and tree planting will result in an increase in suitable habitat for foraging and breeding birds within the site. Bird boxes on trees and buildings to help encourage nesting birds can be installed, with the quantum and location of boxes to be agreed at the detailed design stage.
- 5.8.28 Standard precautionary working measures (including pre-commencement surveys where necessary) can be detailed within the PWMS which could be conditioned and form part of the recommended CEMP.

Otter and Water Vole

- 5.8.29 No evidence of water vole was found during surveys. There will therefore be no impacts on this species.
- 5.8.30 As no otter holts, couches or resting places were found during the surveys, there are no implications to the development proposals in relation to otter. However, an otter footprint was identified at the stream, indicating that otter do utilise the stream, likely for commuting and foraging purposes. As otter are known to be present within the area, a pre-construction check of all watercourses on site for otter will be undertaken prior to the commencement of development works.

White-clawed crayfish

- 5.8.31 A habitat assessment, manual search survey, including stone turning and netting, and eDNA sampling have been undertaken on the stream within the site, which was highlighted within the Phase 1 habitat survey as having potential for white-clawed crayfish.

5.8.32 No evidence of the species was recorded during the manual search survey. The eDNA analysis also confirmed white-clawed crayfish to be absent from the stream. Therefore, they are not a constraint to the proposed development.

Conclusion

5.8.33 It has been demonstrated that, subject to a hydrological assessment and mitigation/monitoring plan (to be secured by way of an appropriately worded condition), the inclusion of standard pollution prevention and dust control measures within a Construction Environmental Management Plan and implementation of a SUDs drainage system, no significant impacts on any statutory or non-statutory designated wildlife sites are anticipated.

5.8.34 Subject to the implementation of precautionary working measures and other mitigation and enhancement measures, no significant impacts on protected and/or notable species are anticipated. No licensing will be required for protected species.

5.8.35 Furthermore, no significant impacts are anticipated on habitats assessed as having higher ecological value within the site, including woodland, hedgerows, the pond, scrub, scattered trees, wet ditches or the stream to the south of the site. Moreover, through on-site measures, the overall net gain for biodiversity identified within the Biodiversity Impact Assessment (CD1.19) can be delivered within the site.

5.8.36 Resultingly, the future development of the site will protect and enhance ecological features and will result in a notable enhancement of the site for biodiversity. Thus, the appeal proposals comply with the requirements of Policy ESD10, ESD15 and the relevant criteria of Policy Villages 2, alongside the NPPF.

5.9 Reason for Refusal 5

5.9.1 Reason for Refusal 5 solely relates to lack of a signed legal agreement to secure appropriate infrastructure contributions to meet the needs of the development.

5.9.2 It is proposed that the required obligations will be secured by a signed Section 106 obligation subject to meeting the relevant tests under Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

5.9.3 The Appellant has no objection, in principle, to the contributions detailed in the Committee Report (CD5.1) and envisages that agreement can be reached with the Council in respect of this reason for refusal, ahead of the Hearing.

5.9.4 The draft S106 obligation will be provided to the Inspector 10 days in advance of the Hearing, in accordance with the PINS Procedural Guide.

5.9.5 It is expected that the S106 obligation will cover (figures given should 60 homes be constructed):

- Affordable Housing
 - 35% of total units on-site (up to 21 dwellings).
- Sustainable Transport and Highways Improvements
 - £67,980 public transport contribution.
 - Obligation to enter a S278 agreement to secure mitigation/improvement works part of the highway network and on-site.
- Education
 - £415,316 towards primary education.
 - £35,896 towards special education needs.
- Healthcare
 - £51,840 towards healthcare improvements.
- Civic Amenity
 - £5,638 towards expansion and efficiency of household waste recycling centres.
- Sports provision
 - £121,021 towards outdoor sports pitch provision.
 - £50,096 towards indoor sports pitch provision.

5.9.6 The Section 106 obligation will also include provisions for the management of on-site open space and Sustainable Drainage Systems.

5.9.7 Should any new Section 106 requests arise before the commencement of the Hearing, the Appellant will review these with the Council and include in the obligation where necessary.

6 PLANNING BALANCE

6.1 Introduction

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.1.2 Having appraised the appeal proposals against the Development Plans most important policies for the determination of the Appeal (as set out in the Council's Reasons for Refusal), the Appellant considers that the proposals are in accordance with the Development Plan when read as a whole, subject to the proposed planning obligation and the imposition of appropriate conditions.
- 6.1.3 Consequently, paragraph 11(c) of the NPPF is engaged and the proposals should be approved without delay.
- 6.1.4 However, notwithstanding the above, if the Inspector were to conclude that the appeal proposals conflict with the adopted Development Plan, it is necessary to move to the next 'limb' of Section 38(6) and consider whether there are material considerations that favour the granting of planning permission.
- 6.1.5 The NPPF is a significant material consideration. Footnote 8 to paragraph 11d of the Framework confirms that the most important policies can be considered 'out of date' in a number of ways, including situations where authorities cannot demonstrate a housing land supply.
- 6.1.6 It is the Appellants position that paragraph 11(d) is engaged by virtue of the fact that the Council cannot demonstrate a five-year housing land supply and due to the housing need figure in the Local Plan being out of date.
- 6.1.7 Consequently, the most relevant policies listed in the reasons for refusal concerning the provision of housing are considered 'out of date', including Policies BSC1, Villages 1, Villages 2, and BL2, and the 'tilted balance' is engaged.
- 6.1.8 The application of the 'tilted balance' instructs that planning applications for proposals involving the provision of housing should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.1.9 Footnote 7 to Paragraph 11 of the NPPF explains the circumstances where policies in the Framework protect areas of importance and provide a clear reason for refusal. None of the circumstances under Footnote 7 are applicable to the appeal proposals. As such, there is no reason to 'disengage' the tilted balance in this case.

6.1.10 The following section undertakes the planning balance where it is assessed whether adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.2 Planning Balance

Weight Attributed to Planning Benefits and Harms

6.2.1 As aforementioned, the Appellant considers that the appeal proposal complies with the Development Plan and should be granted planning permission without delay.

6.2.2 This notwithstanding, the benefits of granting planning permission here are considerable and none of the adverse impacts would individually or collectively significantly or demonstrably outweigh the benefits with paragraph 11(d) of the NPPF engaged.

6.2.3 The following section identifies the benefits and adverse impacts of the proposed development. In considering the weight to be afforded to each in the planning balance, the following scales of weight, from high to low, have been applied:

- Very Significant
- Significant
- Moderate
- Limited
- Very Limited
- None

Adverse Impacts

6.2.4 It is relevant to identify the adverse impacts of the scheme and how these should be considered in reaching a decision. The Appellant considers that the extensive and detailed supporting material, assessments and reports submitted with the application demonstrate that these are limited and not significant.

6.2.5 The adverse impacts of the development are limited to the loss of a greenfield site adjacent to an established community within Cherwell District, and associated degree of landscape change within the immediate context of the site.

6.2.6 The Appellant does not dispute that the delivery of up to 60 dwellings on this greenfield site would result in a change to its character and appearance. However, this is to be expected, and the Landscape Hearing Statement demonstrates that the growth of Bloxham as a result of the proposed development would be organic, well related to the pattern of development in the existing settlement

and will not have a significant effect on local character. Resultingly, the proposals would not appear prominent in the open countryside and the effects of the proposed development will be restricted to a localised geographical area.

6.2.7 In addition, the Appellant acknowledges that during the construction of the development there may be some effects that are short-term, temporary and local to the site and immediate area. In any event, best practice measures will be put in place to mitigate any adverse, temporary impacts in terms of noise, the operation of construction traffic, plant and machinery or the management of any other related disturbances or nuisance. This is likely to include controls on working hours and dust-suppression measures.

The Benefits

6.2.8 The Appellant submits that the proposed development constitutes sustainable development and provides a number of benefits that should be weighed in favour of the proposals, including:

Social Benefits

- The provision of up to 60 new homes in a sustainable location, all of which are capable of being delivered within the next five years – a particular benefit in light of the five-year housing land supply deficit and the national policy imperative to significantly boost the supply of housing;
- Provision of up to 21 much needed affordable homes, which will assist in addressing the considerable need in the district;
- Improved pedestrian connectivity and safety, through the provision of a new footway along Tadmarton Road and a new zebra crossing at the current uncontrolled crossing adjacent to the primary school.
- Provision of an uncontrolled crossing adjacent to the bus stops and petrol filling station on the A361 together with associated improvement to the bus stops. This will improve access to the shop in the station and to the westbound bus stop.
- Extensive open space is to be provided which will benefit new and existing residents. Whereas the land is currently private and inaccessible the scheme will create the opportunity for some 1.34ha of open space and green infrastructure including amenity green space, natural green space and play provision.

Economic Benefits

- An investment in construction, creating new around 131 direct and indirect job opportunities on average, throughout the two-year construction period;

- Up to 146 new residents, of whom 72 could be expected to be economically active and in employment and who could generate gross expenditure of circa £2.1m annually, supporting local businesses; and
- A contribution of about £0.3 million via the New Homes Bonus, and Council Tax of about £1.2 million generated over 10 years²⁰.
- These benefits are important. They will contribute to the health of the district's economy. They will also help to sustain the vitality of Bloxham and a thriving community there.

Environmental Benefits

- As a result of the proposals and through measures set through planning conditions, the majority of existing on-site features of arboriculture and ecological interest will be appropriately managed and enhanced;
- Proposed habitat creation measures in the site, including hedgerow and tree belt planting, which will enhance the connectivity both within the site and into the wider area;
- The proposed development would result in an overall gain of 3.86 habitat units (37.33% net gain), a gain of 3.38 hedgerow units (127.93% net gain) and a gain of 0.68 watercourse units (69.09% net gain)²¹. Therefore, there is biodiversity benefit from delivering the scheme; and
- Properties will be constructed the latest building regulations standards and include electric vehicle charging points.

6.2.9 Even where these benefits are required to mitigate the impacts of the appeal proposals, they will also be of benefit to existing residents of the local area.

6.2.10 Table 8 sets out the weight the Appellant considers should be afforded to each of the identified social, economic and environmental benefits and harms associated with the proposed development:

Table 8: Summary of Weight to be afforded to Planning Benefits and Harms

Benefits	Weight	Harms	Weight
Market housing Provision of up to 39 market dwellings, all of which are capable of being delivered within the next five years.	Very Significant	Character and Appearance Harm is limited to a small loss of greenfield land adjacent to an established community.	Limited

²⁰ The economic benefits of the development are set out in full in the Socio-Economic Benefits Statement submitted as part of the planning application (CD1.17)

²¹ As detailed in the Biodiversity Net Gain Plan submitted as part of the planning application (CD1.19)

<p>Affordable housing</p> <p>Provision of up to 21 affordable homes, which will assist in addressing the considerable need in the district.</p>	Very Significant	<p>Agricultural land</p> <p>Small loss of poor-quality agricultural land.</p>	Very Limited
<p>Economic benefits</p> <p>Including construction spend, job creation and household spending at a time where economic growth is greatly needed.</p>	Significant	<p>Construction phase</p> <p>Temporary adverse impacts, mitigated through appropriate planning conditions.</p>	Very Limited
<p>Accessibility improvements</p> <p>Improved pedestrian connectivity, through the provision of a new footway, pedestrian crossing and public transport improvements.</p>	Moderate		
<p>Public open space and recreation</p> <p>The provision of high-quality open space and green infrastructure, which comprises approximately 44% of the site area (excluding land required for attenuation).</p>	Moderate		
<p>Biodiversity Net Gain</p> <p>The scheme provides an opportunity to prevent a net loss of biodiversity and exceed the 10% net increase in biodiversity mandated under the Environment Bill.</p>	Moderate		
<p>S106 contributions</p> <p>Financial contributions towards community infrastructure, to the extent that they will provide a benefit for existing members of the community and new residents.</p>	Limited		

Overall Planning Balance

- 6.2.11 The appeal site is in conformity with the requirements of the adopted Development Plan, in particular it is in accordance with the requirements and criteria of Policy Villages 2 and through its location and siting will not undermine the housing strategy and will not prejudice the distribution of housing in accordance with the adopted Development Plan.
- 6.2.12 Should the Inspector find conflict with the Development Plan as a whole, the Appellant has demonstrated that relevant policies are out of date and the presumption in favour of sustainable development, pursuant to Paragraph 11(d) of the NPPF, is engaged. This is by virtue of the Council

being unable to demonstrate a five-year housing land supply and because the relevant policy for the supply of housing in the Local Plan is out of date.

- 6.2.13 Resultingly, the 'tilted balance' is engaged, which instructs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.2.14 As demonstrated within this Statement the benefits of granting planning permission here are considerable and none of the adverse impacts would individually or collectively outweigh the benefits, nevermind significantly or demonstrably so, were it to be found that the proposal did not accord with the Development Plan as a whole.
- 6.2.15 The appeal proposal will provide a package of substantial benefits, including much needed market and affordable homes in circumstances where there is a critical need to deliver the same, that contribute to the three overarching objectives of sustainable development by contributing positively to the economic, social and environmental dimensions.
- 6.2.16 The Appellant considers that the Planning Balance weighs significantly in favour of the appeal site. Accordingly, the Inspector is respectfully requested to allow this appeal and grant outline planning permission.