



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

PROOF OF EVIDENCE ON BEHALF OF THE LOCAL PLANNING AUTHORITY

LPA References: 23/00853/OUT (Appeal Reference: 24/00004/REF)

PINS Reference: APP/C3105/W/24/3338211

Date: 07th May 2024

Appeal by Vistry Homes Ltd against the decision by Cherwell District Council to refuse planning permission for *'Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access'* on *'Land east of Warwick Road, Banbury, Oxfordshire'*.

CONTENTS:

- 1. Background**
- 2. Purpose and Scope of report**
- 3. Appeal site location and proposal**
- 4. Relevant Planning History**
- 6. Planning Policy Considerations**
- 7. Evaluation**
- 8. Planning Balance**
- 9. Planning Conditions and S106**
- 10. Conclusion**

APPENDICES:

Appendix 1: Cherwell Local Plan Review 2040. Banbury Area Policy Map.

Appendix 2: Cherwell Local Plan Review 2040. Bicester Area Policy Map.

Appendix 3: Cherwell Local Plan Review 2040. Kidlington Area Policy Map.

Appendix 4: Cherwell Local Plan Review 2040. Heyford Area Policy Map.

1.0 Background

1.1 My name is Nick Wyke and I am a Principal Planning Officer in the Majors Team at Cherwell District Council.

1.2 I hold a Bachelor of Arts Degree in City and Regional Planning and a Masters of Science Degree in Spatial Planning. I am a Full Member of the Royal Town Planning Institute since April 2016.

1.3 I started my career in October 2012 and have worked primarily for private planning consultancy firms. Most recently I worked at Framptons Town Planning in Banbury, Oxfordshire where I was an Associate Director.

1.4 Proofs of Evidence have been prepared by the following on behalf of Cherwell District Council:.

- Mr Jon Goodall. Housing Land Supply
- Dr Nicholas Doggett. Heritage
- Mr Mark Cooper Landscape

1.5 In preparing my Evidence, I understand my Professional Duty to the Inquiry. I declare that:

- A) To the best of my knowledge, information and belief, this Proof of Evidence complies with the requirement of giving expert evidence, and as a witness, I understand my duty to the Inspector and have complied with this duty.
- B) I believe the facts I have stated in the Proof of Evidence are true and the opinions I have expressed are correct.
- C) The Proof of Evidence includes all the facts which I regard as being relevant to the opinion which I have expressed and I have drawn to the attention of the Inspector any matter which would adversely affect the validity of the that opinion; and
- D) The provision of the Proof of Evidence complied with the Code of Professional Conduct of the Royal Town Planning Institute, as set down in the Ethics and Professional Standards Advice for RTPI Members dated 01st February 2023.

Signed: *Nicholas Wyke*
Dated 07/05/2024.

2.0 Purpose and Scope of Proof.

2.1 In this proof of evidence, I deal with the general planning and sustainability considerations that arise in this appeal. I explain why I consider the proposal does not accord with Development Plan or National Planning Policy, with a focus on the weight of planning policies that the Council seeks to rely on, as well as providing a contextual view of other relevant planning decisions. I conclude by setting out why I and the Council consider the appeal proposals to be unacceptable and the adverse impacts of development would significantly and demonstrably outweigh benefits.

- 2.2 Although I mention the heritage, landscape and Five Year Housing Land Supply issues within the proposals in general terms as part of my 'planning balance' consideration, detailed evidence on these matters is provided by Mr Jon Goodall, Dr Nicholas Doggett and Mr Mark Cooper in their separate proofs.
- 2.3 This Proof of Evidence focusses on the Planning Policy and 'planning balance' considerations in respect to suggested Reasons for Refusal 1 – 4.

3 APPEAL SITE LOCATION AND PROPOSAL.

- 3.1 The appeal site equates to 12.63ha in area and comprises two arable fields separated by Gullicott Lane (a lane extending south from Hanwell village past Park Farm towards the northern edge of Banbury) and is located beyond the north-western built-up settlement limits of Banbury. It is bounded to the west by the B4100 Warwick Road, to the south by a substantial tree and hedgerow boundary that contains the built-up area of Banbury and to the north by another flat arable field, which is separated from the application site by a sparse hedgerow with intermittent trees.
- 3.2 To the northwest of the appeal site lies the village of Hanwell, which is a designated Conservation Area containing on its southern edge the Grade I listed Church of St Peter and the Grade II* listed Hanwell Castle with its Community Observatory. Further agricultural land lies to the north and east; and, to the south lies the Persimmon Homes Hanwell Chase and Drayton Lodge residential developments.
- 3.3 The topography of the site is slightly undulating across a broad plateau, at an altitude of around 145m above Ordnance Datum (AOD). Beyond the site boundary to the west and east, the landform slopes down into the Cherwell and Hanwell Brook valleys.
- 3.4 A mature established tree belt runs along the length of the southern boundary of the site. The northern and eastern boundaries are defined by sparse hedgerows with open views eastwards from Warwick Road.
- 3.5 The appeal site on the top of the plateau is situated within Flood Zone 1 and is classified as grade 2 and grade 3a agricultural land that separates the town of Banbury from the nearby village of Hanwell. Two PRow's cross the site, linking Banbury with Hanwell, namely PRow 191 and PRow 239.

4 THE APPEAL PROPOSAL

- 4.1 The proposals forming the basis of the appeal are for Outline Planning Consent for the development of up to 170 dwellings (Use Class C3) with associated open space, and vehicular access off Warwick Road, Banbury. All matters are reserved except for access.
- 4.2 The 170 dwellings are to be located on undeveloped agricultural land (Grade 2 and Grade 3A) that separates the town of Banbury from the nearby village of Hanwell.
- 4.3 The proposed mix will comprise a mix of 1,2,3 and 4 bed dwellings. A detailed mix will be agreed through the submission of reserved matters should the appeal be allowed. A concept masterplan (Ref No. EDP3253_d038d) was submitted as part of the outline application in order to provide an indicative understanding as to how the site can accommodate 170 dwellings alongside access, open space, landscape planting areas, natural play space, surface water attenuation infrastructure and a Neighbourhood Green. A 3m shared footway/cycleway is

proposed as part of the proposals along the eastern edge of Warwick Road in order to connect the site with the existing footpath in the development that is currently being built out to the south.

- 4.4 As part of the proposals a Biodiversity Net Gain of 38% for habitats is expected to be achieved with a 10% net gain for habitats.

5. RELEVANT PLANNING HISTORY.

- 5.1 There is no planning history that is directly relevant to the submitted proposals or this appeal.

6. PLANNING POLICY CONSIDERATIONS

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”), states that applications for development must be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is also reflected in paragraph 11 of the National Planning Policy Framework (“NPPF”) [CD-7.10]. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making.

- 6.2 The Development Plan consists of The Cherwell Local Plan 2011-2031 - Part 1 [CD-5.1], which was formally adopted by Cherwell District Council on 20 July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced numerous previously ‘saved’ policies in the adopted Cherwell Local Plan 1996 [CD-5.7], though many of its policies are retained and remain part of the Development Plan. On the 7th September 2020, the Council adopted The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need [CD-5.2] and it too now forms part of the Development Plan. This document relates solely to Oxford City’s unmet housing needs that are being accommodated in the former Green Belt land surrounding Oxford City within the southern extremity of Cherwell District.

- 6.3 The reasons for refusal identify conflict with the following Cherwell Local Plan (CLP 2015) Policies and saved Policy of the Cherwell Local Plan 1996 (CLP 1996).

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- ESD15: The Character of the Built and Historic Environment
- Policy Villages 2: Distributing Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996

- C8: Sporadic development in the open countryside
- H18: New Dwellings in the Countryside

Other relevant Policies to the determination of this appeal are set out in the Council’s Statement of Case.

Consistency of planning policies with the NPPF [CD 7.10]

- 6.4 In 2022, the Council undertook a Regulation 10A review [CD5.28], the first since the Local Plan was adopted on 19 December 2016. Five-year reviews of Local Plans are required in

accordance with Regulation 10A of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) as well as paragraph 33 of the NPPF. Since publication of the review in December 2022 there has been no legal challenge to its findings and recommendations.

6.5 The review evaluated Local Plan policies for their consistency with National Policy, considering current evidence and any relevant changes in local circumstances. For ease of reference, I have set out the policies listed in the reasons for refusal to demonstrate compliance with the NPPF.

Development Plan Policy	Conclusions of the Regulation 10A Review: Consistency with the NPPF	My View: Consistency with the NPPF
PSD 1 Presumption in Favour of Sustainable Development	The 2023 NPPF wording is somewhat different but, overall, the aims remain the same. The policy is generally consistent with the NPPF, and significant weight should be attached.	<p>The purpose of Policy PSD1 is to achieve the objectives of the Presumption in Favour of Sustainable Development as contained in paragraph 11 of the NPPF.</p> <p>Policy PSD1 acknowledges that applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise. This echoes part C and D of paragraph 11 of the NPPF.</p> <p>I therefore consider that policy PSD1 is consistent with the NPPF.</p>
BSC 1 District Wide Housing Distribution	New homes required in the period 2011-2031 are expected to be delivered in line with the requirements in the Local Plan policy. The Cherwell Local Plan Review 2040 process will determine if a new policy is required and reflect any changes to the planning system. New evidence including the Oxfordshire Growth Needs Assessment (July 2021) and the Housing and Economic Needs Assessment (December	<p>My view is that, for the reasons set out below, Policy BSC1 is an up-to date policy which is compliant with the NPPF insofar as its objectives of significantly boosting the supply of homes and ensuring sufficient land comes forward in sustainable locations are concerned (NPPF, paragraph 60).</p> <p>It is only out of date in respect to specific housing numbers</p>

	<p>2022) which has been prepared to support the Cherwell Local Plan Review. In the interim, Policy BSC1 will continue to be applied for plan making and 5-year land supply purposes. The policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the distribution of housing across the District in the period 2020 to 2040.</p>	<p>referenced, due to the necessary change to applying the standard methodology for the assessment of local housing need.</p>
<p>ESD15. The Character of the Built and Historic Environment.</p>	<p>The policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to the character of the built and historic environment to 2040.</p>	<p>The purpose of Policy ESD15 is to Protect and Enhance the Character of the Built and Historic Environment.</p> <p>Paragraph 132 of the NPPF requires plans to <i>set out a clear design vision and expectations.</i></p> <p>I consider that Policy ESD15 meets this requirement through its reference to requiring new development to:</p> <p><i>Be designed to deliver high quality safe, attractive, durable and heathy places to live and work in. (Bullet Point 1).</i></p> <p><i>Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features. (Bullet point 4).</i></p>

		<p><i>Conserve, sustain and enhance designated and non-designated heritage assets (Bullet Point 5).</i></p> <p>I therefore consider that Policy ESD15 is consistent with the NPPF.</p>
Policy Village 2.	<p>The policy is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to development in the District's villages to 2040.</p>	<p>Policy Villages 2 seeks to avoid the development of best and most versatile agricultural land (Bullet point 4) in considering sites for residential development across the Rural Area.</p> <p>I consider that Policy Villages 2 is consistent with Paragraph 181 of the NPPF specifically footnote 62 of the NPPF which states that <i>areas of poor quality agricultural land should be preferred to those of a higher quality.</i></p>
INF1. Infrastructure.	<p>The 2015 Plan policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to securing infrastructure necessary to support new development to 2040.</p>	<p>This policy, supported by the published Developer Contributions SPD, is consistent with paragraph 58 of the NPPF and the CIL Regs.</p>
C8. Sporadic Development in the Open Countryside	<p>The saved 1996 Plan policy is generally consistent with the NPPF, and local circumstances do not indicate that the policy needs updating at this time. The emerging Local Plan Review will consider the approach to protecting countryside for its own sake from</p>	<p>The purpose of Policy C8 is to resist sporadic development in the countryside in order to maintain its attractive open, rural character.</p> <p>Paragraph 9.13 states that Policy C8 applies to <i>all new development proposals beyond the</i></p>

	unsustainable development to 2040.	<i>built-up limits of settlements.</i> I consider that Policy C8 is consistent with paragraph 84 of the NPPF which seeks to avoid the development of isolated homes in the countryside.
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- 6.6 The Regulation 10A Review undertaken by Cherwell District Council shows that the policies contained in the adopted Local Plan (1996 and 2015) continue to provide a suitable framework for development in Cherwell District that is in general conformity with National Policy.
- 6.7 The review concluded that the housing requirement in the Development Plan requires updating. To this end, new evidence, in the form of Housing and Employment Needs Assessment (HENA) 2022 [CD.6.9], was required to provide up-to-date evidence of housing need. This document provides an assessment materially different to that in the 2014 Strategic Housing Market Assessment (SHMA) [CD. 6.7]. It indicates that the 2014 SHMA is now out of date. As the housing requirement in the adopted strategic policies in the 2015 Local Plan is based on the 2014 SHMA, it further indicates that the housing targets contained in policy BSC1 does, in the words of NPPF para 75 and footnote 42, require updating.
- 6.8 Paragraphs 16, 17 and 18 of the Council’s Housing Land Supply update (February 2023) [CD 6.5] explains how it is appropriate to apply the standard methodology for the assessment of local housing need in Cherwell for the purpose of calculating the five-year housing land supply. Since the publication of the 2021 AMR, there has been a material change in circumstances to warrant a change to the standard method for the purpose of assessing housing land supply for Cherwell.

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 considers the Oxfordshire’s Functional Economic Market Area (FEMA) and the Oxfordshire Housing Market Area (HMA). (Paragraph 16).

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. It indicates that the 2014 SHMA is now out of date. This is the conclusion of a new ‘Regulation 10A’ review of the strategic policies in the Cherwell Local Plan 2011-2031 presented to the Council’s Executive on 6 February 2022. As the housing requirement in the adopted strategic policies in the 2015 Local Plan is based on the 2014 SHMA, it further indicates that these strategic policies do, in the words of NPPF para 74 and footnote 39, require updating. (Paragraph 17).

In view of these circumstances, it is appropriate to apply the standard methodology for the assessment of local housing need for Cherwell for the purpose of calculating the five-year housing land supply.”

- 6.9 The objectives of Policy BSC1 in terms of the spatial approach to growth and distribution of development are however considered relevant and up to date. Notwithstanding that the Council is challenging the overall conclusions of the Heyford (APP/C1305/W/23/3326761)

[CD.10.1] appeal decision I note that the Inspector came to the same conclusion as the Council with regards to policy BSC1: the Inspector concluded is that significant weight should be attributed to the spatial approach to Policy BSC1. (See Paragraph 26 of the decision notice).

6.10 The Council's latest Annual Monitoring Report (AMR) [CD. 6.10 dated December 2023 shows how the Local Plan, as a whole, is continuing to deliver a high level of growth consistent with the overall plan trajectory. The Council continues to deliver against the NPPF aim of significantly boosting the supply of homes. A significant number of planning permissions have been granted on the Council's allocated and non-allocated sites and development continues to be delivered.

6.11 The housing requirement will be set through the emerging Local Plan Review 2040 [CD. 5.10] which will consider the distribution and mix of housing across the District. The new planned for housing will be established through this process. The Regulation 18 consultation process for the 'Local Plan Review 2040 (LPR) commenced on the 22 September 2023 and identifies a housing need figure of 25,860 between 2020 and 2040 (Paragraph 3.173).

6.12 Paragraph 48 of the NPPF states that:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

6.13 The weight afforded to different policies is always a matter for the decision maker, and in the case of the Draft Cherwell Local Plan Review, this weight should be determined in line with NPPF para 48, as set out above. Policies will generally gain weight as they progress through the process of consultation and examination, particularly where they do not attract objections. Given the early stage of preparation of the Draft Cherwell Local Plan Review and the lack of consideration to the many comments that are now being submitted, it is considered that only very limited weight may be given to the policies therein.

6.14 In effect, and because the LPR has not been through an Examination in Public, there is very limited weight that can be given to it; because the extent and nature of any objections (or whether any objections are made by Statutory Consultees) to policies and allocations is not yet known.

6.15 In short, the Development Plan is up-to-date and contains a clear strategy identifying where housing should go. The policies in the plan are sound and consistent with National Planning policy and both Local Plan Part 1 and its Partial Review are considered to be up to date.

6.16 The Council has set out detailed guidance of its approach to planning obligations in the Developer Contributions Supplementary Planning Document (SPD) [CD. 5.25] which was formally adopted in February 2018, in accordance with the tests set out in the CIL Regulations and the NPPF.

6.17 The Cherwell Residential Design Guide SPD 2018 [CD. 5.24] seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy.

7. Evaluation.

7.1 In my opinion, the main planning issues relevant to this appeal (arising from the reasons for refusal and case management conference) are:

- a. Whether the Council can demonstrate a sufficient supply of housing land.
- b. The degree to which the proposed development would result in landscape and visual harm to the local area.
- c. Whether the proposed development would harm the setting of nearby heritage assets (Hanwell Conservation Area, St Peter's Church and Hanwell Castle).
- d. Whether the proposed development would conflict with national policy regarding Best and Most Versatile agricultural land terms, directly related to the development and fairly and reasonably related in scale and kind to the development; and

7.2 My proof of evidence sets out background information relevant to these matters and refers to the evidence of the Council's consultants on specific topics. I then go on to set out the Council's detailed evidence in relation to the balance of planning considerations relevant to this appeal.

ISSUE 1: Whether the Council can demonstrate a sufficient supply of housing land.

7.3 Paragraph 67 of the NPPF, requires strategic policy making authorities to establish a housing requirement figure for *their whole area, which shows the extent to which their identified housing needs (and any needs that cannot be met within neighbouring areas) can be met over the plan period.*

7.4 Paragraph 75 of the NPPF requires local planning authorities to monitor *their deliverable land supply against their housing requirement.* Through use of the word 'their' in the NPPF is clearly placing an emphasis on the requirement for a local planning authority to monitor their own deliverable housing requirement rather than that of their own and neighbouring authorities housing needs.

7.5 Paragraph 77 of the NPPF refers to *local housing need* to assess housing land supply where the strategic policies are more than five years old. In my opinion a distinction is being made on the need for local planning authorities to meet their own housing needs rather than those of neighbouring authorities. No mention is made of unmet needs of neighbouring authorities.

7.6 Footnote 42 to paragraph 77 of the NPPF requires the Standard Method of Calculating Housing Need to be used where the strategic policies are more than five years old.

7.7 Paragraph 77 of the NPPF requires local planning authorities to *identify and update annually a supply of specific deliverable site sites sufficient to provide either a minimum of five years worth of housing or a minimum of four years worth of housing if the provisions of paragraph 226 of the NPPF apply.*

- 7.8 Paragraph 77 of the NPPF goes onto state *that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five year old.*
- 7.9 Paragraph 226 of the NPPF states *that certain local planning authorities will only be required to identify and update a supply of specific deliverable sites sufficient to provide a minimum of four years worth of housing. This policy applies to those authorities which have an emerging local plan that has been either submitted for examination or has reached Regulation or Regulation 19 Stage, including both a policies map and proposed allocations.*
- 7.10 The housing targets contained in Policy BSC1 of the CLP are more than 5 years old having been adopted in July 2015. The standard method of calculating housing need is therefore required to be used when calculating housing needs as per the wording of paragraph 77 of the NPPF.
- 7.11 In the context of paragraph 67 of the NPPF and the provision of neighbouring authorities housing needs, Cherwell District Council has reached an agreed position in the Cherwell Local Plan Partial Review with Oxford City Council, and a number of neighbouring authorities (West Oxfordshire District Council; South Oxfordshire District Council; Vale of White Horse District Council and), to help Oxford City deliver it's unmet housing need.
- 7.12 The Cherwell Local Plan Partial Review (September 2020) [C.D.5.2] explored and assessed 147 sites around the District including Bicester and it surrounding area. The review concluded that the best and most suitable sites to accommodate the unmet needs of Oxford City in Cherwell are in Kidlington, Yarnton and part of the Green Belt on the edge of Oxford. These sites are known as the PR sites and are allocated in the Partial Review under Policy PR6-PR9.
- 7.13 The Partial Review 2031 has been through the rigour of an Examination in Public whereby it was supported by the Inspector, and then formally adopted on the 7th September 2020.
- 7.14 The Inspector, in his Report on the Examination of the Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review – Oxford's Unmet Housing Need [CD. 6.19], endorsed the Council's strategy in helping Oxford deliver its unmet need whilst not undermining Cherwell's own spatial strategy. In paragraphs 33 and 34 of that report, the Inspector commented:

"Informed by the evidence base, including the SA, and a consultation process, Options C to I (inclusive) were ruled out on the basis that they are too remote from Oxford to accommodate communities associated with the city; they are too far away from Oxford to be well-connected by public transport or walking or cycling, and therefore likely to result in increased use of the private car; more dispersed options provide less potential for infrastructure investment in terms, for example, of transport and education; and significant additional housing could not be built at Bicester, Banbury and RAF Upper Heyford before 2031 alongside major commitments already made in the adopted Local Plan 2015. On top of that, it was concluded that Options C to I (inclusive) would have a greater detrimental impact on the development strategy for the District set out in the Local Plan 2015.

Notwithstanding that they are largely located in the Oxford Green Belt, Options A and B were considered by the Council to be much better solutions to meeting the unmet need. They were identified as such largely because of their proximity to Oxford with public transport links already available and ready potential to maximise its use, alongside cycling and walking, thereby creating travel patterns that are not reliant on the private car. Moreover, these areas already have a social and economic relationship with the city that can be bolstered. Importantly too, these options would allow affordable homes to be provided to meet Oxford's

needs close to the source of that need. Finally, the proximity to Oxford and separation from other centres of population in Cherwell means that Options A and B would be unlikely to significantly undermine the development strategy in the Local Plan 2015.”

In paragraph 43 the Inspector assessing the Partial Review Plan concluded:

“Taking all these points together, the vision and spatial strategy of the Plan have been positively prepared; they are justified; and likely to be effective. “

- 7.15 Moreover, the Inspector deciding the appeal at Milcombe (APP/C3105/W/23/3325113) [CD. 10.33] concluded that there was nothing in paragraph 74 of the NPPF (Version dated 05th September 2023) that requires the use of a single administrative area when calculating housing land supply.
- 7.16 For these reasons, and those set out in Jon Goodall’s Five-Year Housing Land Supply Proof of Evidence, I consider that the Council’s housing vision and strategy to have a separate five-year housing land supply from the Oxford unmet housing need supply, and this approach accords with the NPPF.
- 7.17 The Council is in the process of preparing a Local Plan Review 2040 (LPR 2040) [CD. 5.10], which explores the possibility of pulling the Local Plan Part 1 and the Partial Review into one document. This document is currently at the Regulation 18 stage of its preparation following being consulted upon between September 2023 and November 2023. Whilst this emerging policy document is at the very early stages of preparation and the Council’s approach could change before the Plan is submitted, particularly as the duty to cooperate process is on-going with neighbouring authorities on meeting Oxford’s needs. Presently, Oxford City Council has yet to finalise its capacity/the figure it cannot meet within its boundaries. As the plan is still in the very early stages of its preparation no weight can be given to the emerging requirement.
- 7.18 The Regulation 18 Local Plan contains a series of plans which show in geographic terms the extent of some of the Policies and policy allocations contained within it. These includes “strategy maps” for the Banbury Area (Page 140 (Appendix 1), Bicester Area (Page 163 Appendix 2), Kidlington Area (Page 186 Appendix 3) and the Heyford Area (Page 205) (Appendix 4). Indicative Site Development Templates are included in Appendix 2 of the Draft Cherwell Local Plan [CD.5.12] for sites identified in Draft Core Policies 25 and 34. Appendix 4 of the Draft Cherwell LP [CD.5.14] includes indicative changes to green belt boundaries.
- 7.19 As per the wording of paragraphs 77 and 226 of the NPPF, because the Local Plan Review 2040 is at the Regulation 18 stage, a 4 year supply against a five years’ worth of the relevant housing requirement to be demonstrated rather than a 5 year supply.
- 7.20 As the housing targets contained in Policy BSC1 of the CLP Part 1 (CD. 5.1) are more than 5 years old the standard method of calculating housing need is used. Policies covering the unmet needs of Oxford City as contained in the Cherwell Local Plan Partial Review – Oxfords Unmet Housing Need are less than 5 years old so are not considered out of date. On this basis there is not a requirement for the Oxford Unmet Needs to be included in the wider housing requirement figure for Cherwell.
- 7.21 The housing requirement figure using the Standard Method is therefore based solely on Cherwell’s Housing Needs. Evidence contained in the Cherwell District Council Housing Land Supply Position Statement [CD. 6.6.] shows that there is a requirement in Cherwell of 2,840

dwellings over the next 4 years. There is a deliverable supply of 3027 dwellings. This equates to a land supply of 4.5 years worth of housing.

- 7.22 Detailed evidence of the Council's ability to demonstrate a sufficient supply of housing over the next 4 years has been prepared by Jon Goodall and is contained in [CD. 9.10] It demonstrates that the Council can demonstrate a supply of 4038 dwellings over the next five years with a supply of 5.72 years. The calculations show that there is a surplus of 1214 dwellings over the 5 years period.
- 7.23 Based on the evidence contained in the Council's Land Supply Position Statement [CD.6.6] and that contained in Proof of Evidence prepared by Jon Goodall it is my opinion that Cherwell District Council can demonstrate at least a four year supply against a five years worth of housing required. Paragraph 77 of the NPPF is therefore accorded with and the tilted balance as contained in paragraph 11 (d) of the NPPF is not therefore engaged.
- 7.24 Irrespective of whether the tilted balance was to be engaged, I consider that any benefits arising from the proposals would be significantly and demonstrated outweighed through the resultant harmful landscape impact of development on the open countryside on a site that is outside of the settlement of Banbury. In addition, I consider the coalescence between Hanwell and Banbury that would arise as a result of the development along with heritage harm and loss of BMV agricultural land all outweigh the benefits. Further details on this are contained in the planning balance section below.

Issue 2.

The degree to which the proposed development would result in landscape and visual harm to the local area.

- 7.25 The site comprises two undeveloped agricultural fields that along with the adjacent field to the north separate the urban fringes of Banbury from the village of Hanwell.
- 7.26 Policy ESD13 (Local Landscape Protection and Enhancement) seeks to *secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations*. The purpose of Policy ESD13 is therefore clear, to enhance the character and appearance of the landscape with specific reference to urban fringe locations.
- 7.27 Policy ESD13 goes on to state that Cherwell Local Plan requires development *to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*.
- 7.28 Policy ESD13 states that Proposals will not be permitted if they would:
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography; #*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features; or,*
 - *Harm the historic value of the landscape.'*

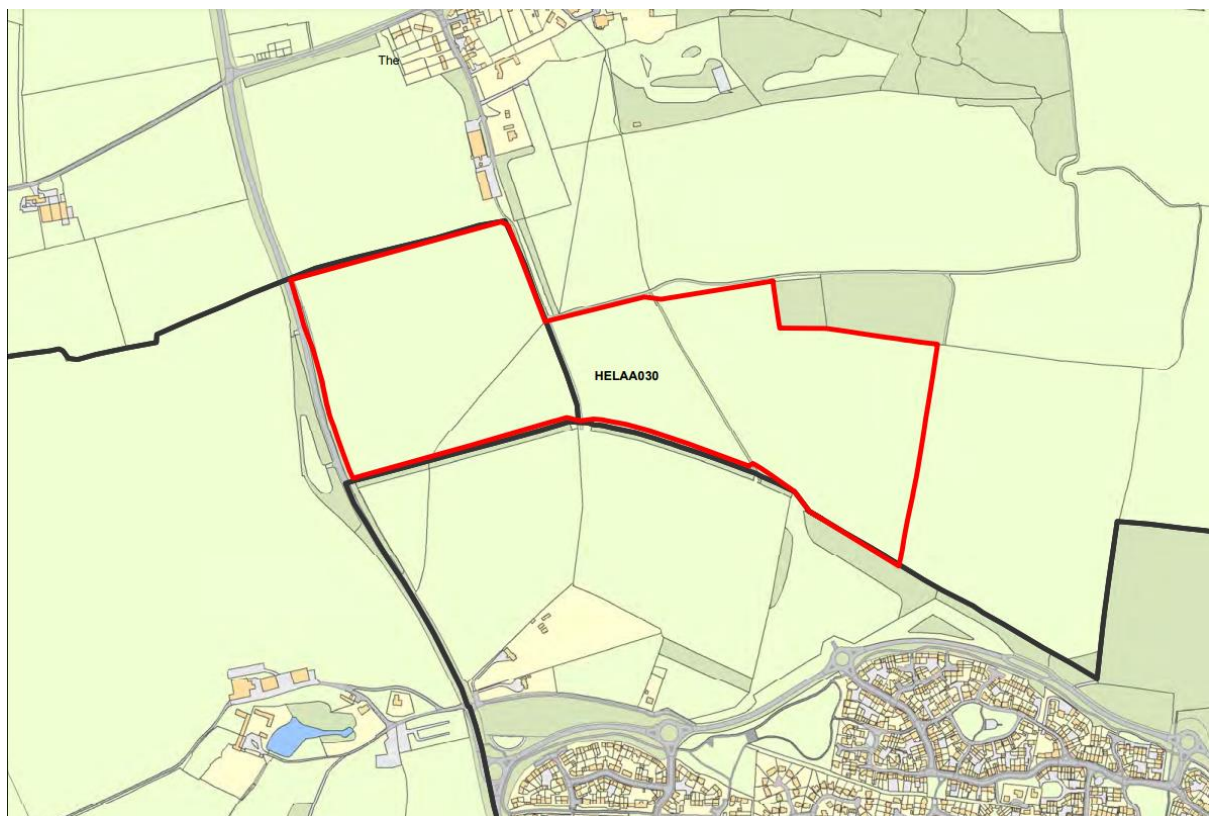
7.29 Policy ESD 17: ‘Green Infrastructure of the CLP (CD.5.1) requires *“Proposals to maximise the opportunity to maintain and extend green infrastructure links to form a multi-functional network of open space, providing opportunities for walking and cycling, and connecting the towns to the urban fringe and the wider countryside beyond”*.

7.30 The objective of policy ESD17 is to maintain and enhance the green infrastructure. The policy lists the measures on how this will be achieved. This includes *“Protecting and enhancing existing sites and features forming part of the of the green infrastructure network”*. The supporting text contained in paragraph B.274 contains a list of Green Infrastructure. This list includes accessible countryside in the urban fringe and is therefore ‘green infrastructure’.

Paragraph B.25.2 of the 2015 Local Plan lists key landscape and landform features of value around Banbury. These include:

- The ironstone ridges and valleys;
- The historic villages and parkland of Hanwell and Wroxton.

7.31 The Appeal site was assessed (Site Reference No. HELAA030) for potential development as part of the Cherwell Housing and Economic Land Available Assessment (HELAA) (2018) [CD. 6.4). A copy of the site assessed under the HEELA is provided below.



7.32 The HEELA concluded that the site was not suitable for development due to being a Greenfield Site outside of the built up limits. The HEELA goes onto state that through development there would be a *direct risk of coalescence of Banbury and Hanwell Village which development would lead to impacts on the Hanwell Conservation Area and the high landscape value and visual sensitivity of the site.*

- 7.33 Whilst the site assessed through the HEELA included the wider undeveloped land to the east of the appeal site, the conclusions of the report are still relevant as Parcel A of the Appeal sits closest to Hanwell.
- 7.34 Paragraph 7.46 of the Environmental Statement [CD. 1.4] that accompanied the submission of the application states that the Application is *within the peak of a local ridgeline* and is *also within the presence of a valley system to the west*. The appellant is therefore acknowledging that the site is within the identified key landscape and landform features around Banbury as contained in paragraph B.25.2 of the Adopted Local Plan.
- 7.35 Table 7.11 of the Environmental Statement [CD1.4] provides a summary of the residual and significant effects on the landscape as a result of the proposals. It concludes that the proposals will have a significant effect when considering the changes to the landscape character to both the site and the sites context including its relationship between Banbury and Hanwell.
- 7.36 I consider that the proposals would cause visual intrusion into the open countryside through the development of undeveloped agricultural land. Policy ESD17 requires the protection and enhancement of existing green infrastructure sites. If the appeal was to be allowed it would lead to intrusion of the built up area of Banbury into the countryside leading to the coalescence of Banbury and Hanwell thereby causing harm to the landscape character of the site. I consider the development would be inconsistent with the local character of the site changing it from undeveloped agricultural land to form a satellite extension to Banbury. Mark Cooper has come to a similar conclusion in preparing his Proof of Evidence [CD. 9.11] stating.
- The 'gap' between the northern edge of Banbury and the south-western extremities of the village of Hanwell will be compromised by this proposed development to the point where there is no perceived distinction between the two. Parcel A will be permanently altered in landscape character to the detriment of the urban edge and the setting of the village of Hanwell. The visual impact of the development and the resultant change in landscape character will be significant in the short and long term on road users, PROW users and local residents.*
- 7.37 Whilst landscaping is to be agreed through the submission and approval of reserved matters, new landscaping in the form of Oak Parkland along with the mown grass trails are more consistent and commonly found in urban fringe locations. Even if the proposed landscaping was to be changed through the submission of reserved matters it will still represent a permanent fundamental change in character from an agricultural landscape to that of a suburban character that is more commonly found on the urban fringe do not consider this to be an enhancement to the character and appearance of landscape as required by Policy ESD 13.
- 7.38 Mark Cooper has come to a similar conclusion in page 28 of this Proof of Evidence [CD.9.11] stating that *although the proposals are supported by a scheme of landscaping this will not compensate for the loss of the undeveloped field and will nor will it secure the enhancement of the character and appearance of the landscape as required by Policy ESD13.*
- 7.39 I therefore consider that the proposals do not accord with Policy ESD13 or Policy ESD17 of the adopted Local Plan and if allowed would lead to significant landscape harm.

Issue 3. Whether the proposed development would harm the setting of nearby heritage assets (Hanwell Conservation Area, St Peter’s Church and Hanwell Castle).

7.41 The appellant considers that the effect of the Appeal proposals on the historic environment do not conflict with either national policy as contained in the NPPF or the relevant policies in the NPPF.

7.42 In paragraph 4.42 of the Appellants Statement of Case they consider that the proposals would preserve the setting of the nearby Listed Buildings including the Grade I Listed St Peters Church and Grade II* Listed Hanwell Castle.

7.43 Paragraph 201 of the NPPF requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.

7.44 The Hanwell Conservation Area Appraisal [CD.5.26] identifies the land around the boundary of the Conservation Area as being *important to the character of the village, providing the setting for the Conservation Area, and as such should be protected from any unsympathetic development (Paragraph 7.10).*

7.45 Paragraph 13 of the Hanwell Conservation Area Appraisal states that *There are existing areas of open land around the Conservation Area that should be protected from any future development that would adversely affect the character of the villages. It is essential that the historic and in parts semi-rural nature of the area is not overwhelmed.*

Dr Nicholas Doggett in paragraph 4.6 of his Proof of Evidence [CD. 9.12] states that the *appeal site and surrounding fields (accessible by public footpaths) form an important and attractive element of the open countryside surrounding Hanwell which obviously makes a vital contribution to the setting of the Conservation Area and its significance, as well as to those listed buildings closest to the appeal site, namely St. Peter’s Church and the adjoining Hanwell Castle.*

7.46 The Appellant refers in paragraph 4.44 of their Statement of Case to Pre-Application Discussions that have taken place with Historic England following the refusal of the appeal in question.

7.47 An email from Historic England was sent to the Appellant’s Heritage Consultant (EDP) on Wednesday 20th December 2023. This Historic England email refers to a written pre-application response letter. For the ease of reference, a copy of this letter is contained in CD.13.28 to this Proof of Evidence.

In the email dated Wednesday 20th December 2023 Historic England stated: *“This development would bring the suburbs closer to the church and castle, closing the gap to the south, and will be partly visible and appreciable (for example, through noise, lighting) on nearby approach roads and paths to both of these highly graded assets. The development is therefore likely to somewhat reduce the ability to appreciate the origins of these buildings, which at present can still be appreciated. This would cause some harm, but at a lower level than that identified for Hanwell Conservation Area.”*

7.48 In their pre-application response letter, dated Historic England state that *“Hanwell is an agricultural settlement, the close connection of the village with the surrounding landscape farmed from it is essential to understanding the history of the conservation area. Furthermore, the rural context also greatly enhances the aesthetic appeal of what is a very attractive group*

of buildings. The fields of the application site positively contribute to that rural setting and therefore are important aspects of the conservation area's character and appearance."

- 7.49 Moreover, in their letter, Historic England provide an assessment of the impact of the development on the historic environment. They consider that the development of the site would *"markedly reduce the sense of rurality around Hanwell on the approach to the village along Warwick Road, West Street and the PROW's south of the village."*
- 7.50 Historic England also considered the landscaping that has been proposed to mitigate the impact of the development. In doing so, Historic England concluded that the *scale and proximity of the development is still likely to have wider impacts on the way we experience the rural feel of the area and the setting of the conservation area.*
- 7.51 Historic England go onto state that, overall, they consider the proposals *"would cause a high level of harm to the significance of the conservation area which in the terms of the NPPF would be in the language of the NPPF be in the range of less than substantial. They conclude that they cannot see any apparent justification for the harm entailed as required by paragraph 200 of the NPPF and that any form of residential development on this site would be harmful. They go further to state that they do not consider there is scope to modify the proposals in order to make them acceptable."*
- 7.52 Dr Nicholas Doggett in his proof of evidence states he is firmly of the view that the proposals would represent a fundamental change of the appeal site from undeveloped agricultural fields into a housing estate. This in Dr Doggett's opinion would cause *irrevocable and significant harm to what is significant about the setting of the conservation area (Paragraph 4.12).*
- 7.53 Dr Doggett goes onto state that the proposals would cause a *clear degree of harm to the setting of the Hanwell Conservation Area as well as the setting of St Peter's Church and Hanwell Castle (Paragraph 4.14).*
- 7.54 Following the issuing of the pre-application letter further correspondence took place between Historic England and EDP. In an email to EDP, dated Wednesday 24th January 2024, Historic England explain that the key asset impacted by the proposals is the Hanwell Conservation Area, concluding that, *'Such development would affect the appreciation and understanding for the rural origins of the village and the close connection it has with the landscape. It will also affect to some extent the understanding of the historic relationship of the buildings within the conservation area with the surrounding fields which they farmed.'* Historic England also noted that *"this would include St Peter's Church and Hanwell Castle as they are also experienced within this setting"*.
- 7.55 Historic England's 'The Setting of Heritage Assets Guidance Note' (GPA 3) [CD13.4] sets out guidance on managing change within the setting of heritage assets. GPA 3 is therefore a material consideration in the determination of this appeal. Part 1 of GPA 3 states that *"The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places"*.
- 7.56 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states: *'In considering whether to grant planning permission for development which affects a*

listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

- 7.57 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) [CD.13.29] requires that in exercise of planning functions, with respect to any buildings or other land in a conservation area '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*
- 7.58 Historic England were explicit in their pre-application response that the development of this site cannot be supported due to the harm it would cause to the significance of the Conservation Area through development in its setting. Dr Doggett's conclusion that the appeal proposals would in his opinion *cause significant and irreversible harm to the designated heritage assets affected* also provides a clear assessment on the level of harm caused. I agree with the comments made by Historic England and those made by Dr Nicholas Doggett in his Proof of Evidence [CD.9.12]
- 7.59 The wording of paragraph 206 of the NPPF is unambiguous: it is very clear in that *any harm* to the significance of a designated heritage assets including development within its setting should require clear and convincing justification. My view is that Paragraph 206 of the NPPF should be read alongside paragraph 205, a paragraph which *requires great weight to be given to the assets conservation irrespective of whether any potential harm amounts to less than substantial harm.*
- 7.60 Given Cherwell District Council's ability to demonstrate a five-year housing land supply and the fact that the Appeal site in question is not allocated for development I consider that neither clear nor convincing justification has been demonstrated that would justify the proposals (which has so many shortcomings).
- 7.61 The proposed development is not, therefore, considered to comply with Policy ESD15 of the adopted Local Plan or paragraph 206, 207 or 208 of the NPPF. In fact, it breaches those policies and paragraphs.

ISSUE 4: Whether the proposed development would conflict with national policy regarding Best and Most Versatile agricultural land terms, directly related to the development and fairly and reasonably related in scale and kind to the development;

- 7.62 The objective of section 15 of the NPPF under which paragraph 180 falls within is to conserve and enhance the natural environment. Paragraph 180 requires planning decisions to both contribute to and enhance the natural and local environment. This will be achieved by:
- Protecting and enhancing the valued landscapes, sites of biodiversity or geological value and soils (Paragraph A).
 - Recognising the intrinsic character and beauty of the countryside including the economic and other benefits of the best and most versatile agricultural land. (Paragraph B).
- 7.63 Planning Practice Guidance on the Natural Environment [CD.7.3]) sets out how planning can safeguard soils. It states *soils are an essential natural capital asset that provides important ecosystem services including as a growing medium for food, timber and other crops.* (Paragraph 002 Reference ID: 8-002-20190721).

- 7.64 The inclusion of the word '*essential*' in paragraph 002 is key as it clearly demonstrates the high importance of soils.
- 7.65 The appellant acknowledges in paragraph 5.98 and 5.99 of their Planning Statement that the proposals will result in the loss of best and most versatile land. Their justification for doing so is that the loss is only 12.63 HA and is not therefore significant. The policy test contained within paragraph 180 is not however whether the proposals result in a significant loss of agricultural land or not. This justification put forward by the applicant also goes against Policy Villages 2 of the CLP (2015) which seeks to avoid the development of best and most versatile agricultural land.
- 7.66 The appellants consider in Paragraph 4.48 of their SOC that paragraph 180 of the NPPF does not preclude the development of best and most versatile BMV land. The appellants also consider (Paragraph 4.49) that Policy Villages 2 of the CLP does not preclude the development of BMV land.
- 7.67 Cherwell District Council do not accept this. Part A of paragraph 180 of the NPPF clearly seeks to both *protect* and *enhance* geological value and soils thereby offering these geological features a high degree of protection. Policy Village 2 requires *particular regard to whether best and most agricultural land could be avoided*.
- 7.68 The inclusion of the wording *particular regard* and *protect and enhance* as contained in Policy Village 2 and the NPPF clearly makes a distinction on the importance of best and versatile land that requires these areas to be protected from development. In the Councils opinion the development of this land will neither protect nor enhance these valued soils which are recognised in PPG as an essential natural capital asset.
- 7.69 Paragraph 4.53 of the Appellants statement of case considers that in general terms the use of BMV land around Banbury is unavoidable in order to deliver the necessary growth and development to the most sustainable town in the District. Given the close proximity of this site to Banbury any housing from this site should the appeal be allowed would be aimed at meeting Banbury's Housing Need.

8. Planning Balance.

- 8.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 requires Planning Applications to be assessed in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 Paragraph 7 of the NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. This includes the provision of homes, in a sustainable manner. In a case such as this, sustainability concerns are more than just proximity to facilities; it also means ensuring that the physical and natural environment that contributes to building a strong economy, through the provision of new housing of the right type, in the right location, at the right time.
- 8.3 The Environmental Objective of the NPPF seeks to protect and enhance our natural, built and historic environment. I consider that the development of BMV agricultural land outside of the built up limits of Banbury would cause demonstratable and irreversible harm to the rural character and appearance of the area. The development of new dwellings on land that forms part of the setting to the Hanwell Conservation Area and which would impact on key views out of the Conservation Area would in my opinion result in heritage harm (less than

substantial). The proposal would therefore in my opinion neither protect nor enhance the natural, built and historic environment and does not accord with the environmental objective of sustainable development.

- 8.4 Part C of paragraph 8 of the NPPF also requires development to make effective use of land. I consider that effective use means development that takes account of its context. I do not consider that this development takes account of its context when causing such harm. In fact, the level of harm that would be generated by this appeal proposal, would not be making effective use of the land.
- 8.5 I recognise the social benefits that would arise from the proposals including the provision of affordable housing. I do not however consider that these social benefits would outweigh the impacts arising on heritage and landscape grounds along with the loss of best and most versatile agricultural land.
- 8.6 The social benefits also need to be considered in respect of the considerable amount of new residential development that has been successfully delivered at Banbury over the last 9 years since adoption of the Local Plan: Bankside Phase 1, Banbury 2 - Southam Road, Banbury 3 - Bretch Hill, Banbury 5 - Hanwell Fields, Banbury 16 - Bloxham Road, Banbury 17 - Salt Way and Banbury 18 - Warwick Road have already delivered over 4,000 homes; and a further 2,500+ homes are still being delivered currently on the remaining approved parts of Banbury 2 Southam Road, Banbury 4 - Oxford Road, Banbury 17 - Salt Way and Banbury 18 - west of Warwick Road. There is no deficiency in need arising at Banbury that this speculative proposal would seek to address.
- 8.7 Whilst it is accepted that the housing figures contained in BSC1 are out of date following the Local Plan Review. The spatial approach to growth and distribution is still relevant and should attract significant weight as per the Heyford Park Appeal decision.
- 8.8 The housing target of 7,319 homes by 2031 for Banbury as contained in Policy BSC1 is expected to be met with 6,474 homes having been completed by 2028 [Table 17. AMR CD.6.10]. Given the historic delivery in Banbury it is entirely reasonable to expect the shortfall of 845 dwellings to come forward over a 3 year period. There is not therefore considered to be a housing need for Banbury between now and 2028. Consideration also needs to be made towards Footnote 39 of the NPPF which states *the delivery of large scale developments may need to extend beyond an individual plan period.*
- 8.9 I acknowledge that based on the housing delivery figures contained in table 17 of the AMR [CD.6.10] delivery of housing in and around Bicester up until 2031 is expected to deliver in the region of 7800 homes. This does represent a shortfall in the targets contained in policy BSC 1 for 10,129 dwellings.
- 8.10 Given the fact this site is neither near Bicester nor Oxford City, it would not be reasonable to consider that this site would meet housing needs for these locations.
- 8.11 This Planning Inquiry will not deal with what the new housing target figure for Banbury will be, as that will form part of the Cherwell Local Plan Review 2040 Examination. In short, the development of an unallocated site, in the open countryside, which would direct housing away from Banbury, will be contrary to the Council's spatial approach to growth and distribution of development (which directs the majority of housing growth to Bicester and Banbury).

8.12 For completeness, I have set out below what I consider to be the benefits and adverse harm of the scheme:

Planning Balance table

Provision of open market housing	Moderate weight in the context of Cherwell District Council being able to demonstrate an adequate housing supply.
Affordable housing provision	Significant weight in the context of the priority for affordable housing across the District. Moderate rather than significant weight is attached as the requirement for affordable housing is a policy requirement (BSC 3) of any residential development above 11 dwellings.
Loss of best and most versatile agricultural land.	Significant weight in the context of paragraph 180 (a and b) of the NPPF and Policy Villages 2. Cherwell District Councils ability to demonstrate an adequate housing land supply and Banbury on course to meet its housing targets over the plan period as required by Policy BSC1 means the loss of BMV land is avoidable.
Landscape and Visual Harm	Significant weight is attached to the irreversible landscape and visual harm to the character of the landscape that would occur from developing undeveloped agricultural land in this location. Significant weight is also attached to the landscape harm arising from the coalescence of Banbury and Hanwell that would arise as a result of the proposals.
Heritage	Significant weight is attributed to the impact of the proposals on setting of the Hanwell Conservation Area, Grade I Listed St Peters Church and Grade II* Listed Hanwell Castle. I do not consider that clear and convincing justification has been provided to demonstrate that the benefits of the proposal in terms of housing provision outweigh the impacts that would arise on these heritage assets.
Providing jobs during the construction stage.	Limited weight as these would be temporary, time limited, benefits over the course of the construction.
New residential spend which would support services and facilities in the area	Moderate weight as the expenditure would be expected on a similar sized housing scheme.
Biodiversity Net Gain.	Moderate weight is attributed to the expected biodiversity net gain of 38% for habitats and 10% net gain for hedgerows. Biodiversity Net Gain. Only moderate weight is attributed due to that would arise from loss of BMV land and the fact Biodiversity Net Gain is mandatory.

Site recreation and play facilities.	Neutral weight is applied and it is a policy requirement to provide these facilities.
Suds	Neutral weight as the application site is in Flood Risk Zone 1 and is not considered at risk of flooding.

8.13 For these reasons, I consider that the proposals forming the basis of this appeal would be contrary to the overarching principle of sustainable development and the harm the development would cause, which would be long-term and enduring, would significantly and demonstrably outweigh the benefits.

9. Planning Conditions and S106.

9.1 It is without prejudice that should the appeal in question be allowed, and planning permission is granted, then the conditions contained in Section 5 of the Appellants Statement of Case will be included in the any appeal decision.

9.2 A Section 106 Agreement is in the process of being agreed between Cherwell District Council, Oxfordshire County Council and the Appellant. This will secure the following obligations and in doing so would satisfy policy INF1.

Cherwell District Council Obligations.

- 40% affordable housing to NDSS and CDC requirements and standards;
- £194,365.42 towards improvements/enhancements at Hanwell Fields Community Centre and / or other community facility in the locality;
- £17,463.35 towards the costs of employing a community development worker;
- £342,895.10 towards the provision of a 3G football pitch in Banbury;
- £141,940.96 towards the provision of an Indoor Tennis Centre in Banbury or improvements to other indoor sports facilities in the locality; and
- £38,080.00 towards public artwork to be created in the vicinity of the site.

Oxfordshire County Council Obligations.

- TBC towards Strategic Highways works
- £170,000 towards Strategic Highways works
- £275,060 towards Public Transport Services;
- £3120 towards a Traffic Regulation Order;
- £1890 towards Travel Plan Monitoring;
- £65,000 towards PROW;
- £1,598,085 towards secondary and special school education; and

- £15,973 towards Expansion and Efficiency of household waste recycling centres.

10. Conclusion and Summary.

- 10.1 To conclude, I consider that an annual supply of specific deliverable sites can be demonstrated to meet at least 4 years supply against five years worth of housing need as required by paragraph 226 of the NPPF. The tilted balance contained in paragraph 11 (d) is not therefore engaged.
- 10.2 I consider that the development of this site would lead to irreversible landscape harm, changing from what is currently a rural undeveloped parcel of land into a satellite extension to Banbury. In doing so, it would lead to the coalescence of Banbury and Hanwell resulting in material harm to the Hanwell Conservation Area, Grade 1 Listed St Peter's Church and Grade II* Hanwell Castle. Therefore, I consider these adverse impacts would breach policies ESD13, ESD15 of the CLP or paragraphs 206, 207 or 208 of the NPPF.
- 10.3 Should the Inspector consider the tilted balance is engaged, I consider that these adverse impacts would significantly and demonstrably outweigh the benefits.
- 10.4 As the housing delivery figures contained in the AMR (2023) [CD.6.10] show, Cherwell District Council is likely to be on course to meet its identified housing need in Banbury over the plan period (2011-2031). Given the Council consider they can demonstrate a sufficient housing land supply over a 4/5 year period the development of Best and Most Versatile Agricultural Land can be avoided. The requirements of Policy Village 2 of the adopted Local Plan and paragraph 180 of the NPPF have not therefore been met.
- 10.5 I consider that the proposals do not accord with the development plan or the NPPF and respectfully request that the Inspector upholds the decision of the Local Planning Authority and dismisses the appeal.