



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

SUMMARY 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'*.

- 1.1** My name is Nick Wyke. I am a qualified town planner, working as a Principal Planner in the Major Developments team at Cherwell District Council. I am familiar with the appeal site and the surrounding area.
- 1.2** I have made my own assessment of the planning merits of the proposed development, and, in my professional judgement, I agree with the Council's three reasons for refusal.
- 1.3** My evidence assesses the planning considerations relevant to this appeal, which I consider to be:
- 1) Where Cherwell can demonstrate a sufficient supply of housing land.
 - 2) The degree to which the proposed development would result in landscape and visual harm to the local area.
 - 3) Whether the proposed development would harm the setting of nearby heritage assets (Hanwell Conservation Area, St Peter's Church and Hanwell Castle).
 - 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;
 - 5) The provision of infrastructure contributions required as a result of development and whether they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development; and
 - 6) The overall planning balances.
- 1.4** In preparing my proof of evidence, I have considered the evidence from the Council's heritage expert witness, Dr Nicholas Doggett, Jon Goodall, the Council's expert Five Year Housing Land Supply witness and Mr Mark Cooper, the Council's own landscape evidence.
- 1.5** My view is that based on the evidence provided by Jon Goodall, Cherwell District Council Annual Monitoring Report (December 2023) and the Cherwell District Council Housing Update Position Statement (January 2024) Cherwell District Council are able to demonstrate at least a 4 year housing land supply against a 5 years worth of housing need as required by paragraph 226 of the NPPF. On this basis the presumption in favour of sustainable development as contained in paragraph 11 (b) of the NPPF is not engaged.
- 1.6** The development of this unallocated site would result in irreversible landscape and visual harm and would result in the coalescence of Banbury with the village of Hanwell.
- 1.7** The proposals will result in less than substantial harm to the setting of the Hanwell Conservation Area, St Peter's Church and Hanwell Castle. I do not consider that this harm is outweighed by the public benefits including the provision of affordable housing as required by paragraph 208 of the National Planning Policy Framework (NPPF).
- 1.8** I consider that given Cherwell District Council can demonstrate a land supply to meet its needs, coupled with the fact housing delivery in Banbury is expected to be on course to meet its targets as contained in Policy BSC1 that the loss of Best and Most Versatile Agricultural Land is entirely avoidable.

- 1.9** Overall I consider that this site is not suitable for new housing development and the proposal would be contrary to National and Local Planning Policy. This level of conflict weighs heavily in the determination of the case, and it significantly and demonstrably outweighs the benefits of the scheme, all of which would be expected of a policy compliant scheme.
- 1.10** Whilst the absence of a signed s106 agreement is reason for refusal, both parties are working together to ensure that an agreed s.106 agreement can be presented to the Inspector before the Inquiry opens.
- 1.11** My submission ends with a declaration that the evidence I have presented reflects my genuine professional opinion.