

TO: planning@cherwell-dc.gov.uk

15th May 2020

RESPONSE TO PLANNING APPLICATION 20/00964/OUT

ERECTION OF UP TO 8 DWELLINGS: THE BEECHES, HEYFORD ROAD, STEEPLE ASTON

Thank you for consulting MCNP Forum on the resubmission of this application, together with Counsel's opinion, which makes a number of references to the Mid-Cherwell Neighbourhood Plan. We have the following comments:

An important question is whether MCNP's policy PD1 – Development at Category A Villages applies to this application, in particular in relation to the location of the site and the approved settlement area for Steeple Aston. Counsel's opinion (para 17) states that CLP Policy Villages 1 is a strategic policy (referring to it as one of the "hierarchical superior" policies in the Local Plan). Because of this, Counsel takes the view that MCNP policy PD1 is of no effect. We have, however, looked at the report of the Independent Examiner of the MCNP, dated December 2018, from which the following quote is taken (para.43):

"In several instances, CDC has identified differences between the policies of the CLP and the MCNP and I have had to consider whether these mean that these policies do not meet the "basic conformity" test. In some cases, it has been necessary to recommend modifications. In others, notably the approach in Policy PD1 to the definition of the settlement area in Category A villages and to development outside it, I have been satisfied that the distinct approach here does not undermine the intentions of the strategic policy. Taking the Plan as a whole, and subject to the modifications I have recommended, I am satisfied that it is in general conformity with the policies of the CLP."

CDC did not disagree with that finding of the Examiner, and the MCNP was subsequently "made" and became a formal part of the Cherwell Development Plan in May 2019. As a result, the MCNP is the most recent part of the development plan and, as there is no conflict (para. 30 of the NPPF), **MCNP policy PD1 therefore takes precedence over Policies Villages 1 and Villages 2.**

This finding is supported by CDC officers in their report to Committee on another recent application in Steeple Aston (19/02948/F), which stated:

"In assessing new residential development on the edge of Category A villages regard must be had to the provisions of Policy PD1 as set out above. Policy PD1 is considered to be in conformity with Policy Villages 2 of the CLP 2031 and largely reflects its provisions and aims. However, given that Policy PD1 is a more recently adopted policy, specific (in this instance) to Steeple Aston, officers consider that greater weight should be given to this policy in consideration of the principle of development in this instance."

The effect of all this is that The Beeches is outside the settlement area (ie the built-up area) of the village, which is contrary to Counsel's misguided opinion.

The important point about this - as stated in MCNP's letter of objection to the previous application - is that the omission of The Beeches and its entire garden from the settlement area was deliberate, as it was a prime example of the type of large site on the edge of the village on which the MCNP did not wish to encourage development - an intent that is the whole purpose of having a settlement area policy. This discouragement of development on the site in question was effectively endorsed by both the Examiner and by CDC in their agreement to the outline of the settlement area for Steeple Aston, and it is therefore an important and material planning policy reason for considering refusal of the application, subject to criteria.

As regards the criteria for PD1, we argued in our earlier objection that the former paddock land is not "immediately adjacent" to the settlement area (criterion a), and that new housing on the site would significantly change the shape of the settlement area, allowing it to encroach on open countryside behind the linear frontage of Heyford Road housing, and would fail to conserve or enhance the landscape (criterion c).

We therefore considered that the proposed development did not succeed in complying with the required criteria for approval under policy PD1 - a significant reason for refusal. We make the same objection to the resubmitted application.

CONCLUSION: Mid-Cherwell Neighbourhood Plan Forum objects to this application on the grounds that it does not meet all the key criteria of MCNP Policy PD1, which has greater weight than Local Plan policies Villages 1 and 2.

Mid-Cherwell Neighbourhood Plan Forum, May 2020