

PLANNING DESIGN AND ACCESS STATEMENT

***“OUTLINE PLANNING APPLICATION WITH ALL MATTERS
RESERVED SAVE FOR ACCESS FOR UP TO 9 ENTRY-LEVEL
AFFORDABLE HOUSES AT LAND WEST OF FOXDEN WAY,
GREAT BOURTON”***

MARCH 2021



FERNHILL ESTATES

CONTENTS PAGE

Section	Page
1.0 Introduction	1
2.0 Site and Surroundings	2
3.0 The Proposed Development	3
4.0 Planning Policy Context	4
5.0 Assessment of the Proposals	6
6.0 Conclusion	10

1.0 Introduction

1.1 This statement has been prepared in support of an Outline planning application for up to 9 entry-level affordable houses, on land west of Foxden Way, Great Bourton in accordance with paragraph 71 of the National Planning Policy Framework ('NPPF').

1.2 The description of development is as follows:

“Outline planning application with all matters reserved save for access for up to 9 entry-level affordable houses at land west of Foxden Way, Great Bourton”

1.3 The statement assesses the planning policy framework and its interpretation in relation to the proposed development. Primarily this document demonstrates that the principle of the proposed development is acceptable in terms of location, land-use and the amount of development, in accordance with the national and local planning policy context and other material considerations.

Supporting documents

1.4 In addition to this Planning, Design and Access Statement the application is comprised of the following documents:

- Covering Letter
- Application Form
- Location Plan (Appendix 1)
- Illustrative layout (Appendix 2)
- Written Submissions from Killian Garvey of Kings Chambers (Appendix 3)
- Preliminary Ecological Appraisal
- Transport technical note
- Landscape and Visual technical note
- Drainage Strategy

2.0 Site and Surroundings

- 2.1 The site is located to the south of the village of Great Bourton. Great Bourton is a village which lies approximately 3km to the north of Banbury, to the east of the Southam Road.
- 2.2 There is a full assessment of the sustainability credentials of the site in the Transport technical note included within the planning application documentation.
- 2.3 In terms of services within Great Bourton, the Bell Inn Public House and All Saints Church are both within 300m of the application site. There is also a Community Centre and Village Hall within the village. In addition, the village also has good road links to nearby settlements, such as the villages of Cropredy and Little Bourton and the town of Banbury.
- 2.4 Cropredy Church of England Primary School is approximately 1.3km from the site and The Bridge Store provides the nearest convenience shop within 2km of the site. Cropredy is also the location of the nearest doctor's surgery (1.9km), and the pedestrian linkages to Cropredy have recently been improved, with a footpath now provided along Station Road. The nearest secondary school is North Oxfordshire academy in Banbury, approximately 6km from the application site.
- 2.5 The Site Location Plan is enclosed at **Appendix 1** and an Illustrative layout is enclosed at **Appendix 2**.
- 2.6 Foxden Way forms the eastern boundary of the site. To the north of the site is residential development, with additional new dwellings consented under planning application reference 20/01110/F in June 2020. To the south of the site are the allotments; a facility that is well-used and clearly related to the settlement. To the west of the site is agricultural land, which sits beyond a well-defined field boundary.

3.0 The Proposed Development

- 3.1 This application seeks Outline planning consent with all matters reserved save for access for up to 9 entry-level affordable houses. As regards access, the applicant only wishes to establish the means of accessing the site, with internal access within the site remaining a reserved matter.
- 3.2 The access details are set out in the Transport technical note and detail that the vehicular access from the site can be delivered off of Foxden Way. Given the depth of the highway verge at this point the access can be delivered with minimal impacts on the hedgerow along the eastern edge of the site.
- 3.3 The development proposals also incorporate a pedestrian linkage from South View to the allotments, which will enhance pedestrian safety for existing residents who currently access the allotments by walking along School Lane, Crow Lane and Foxden Way.
- 3.4 The Illustrative layout (Appendix 3) demonstrates one way in which a development can be progressed that assimilates with this village-fringe location. In addition, the Illustrative layout incorporates substantial landscaped areas on the western, eastern and southern boundaries and incorporates outward-facing built form in order to soften the boundaries and take account of the village-fringe character of the site. Within these green edges the pedestrian linkage to the allotments will be provided as well as additional planting of native species in order to augment the existing landscaped edges, as well as providing an area for a drainage basin. To the north there is an appropriate set back of development to preserve the residential amenity of new and existing residents.

4.0 Planning Policy Context

- 4.1 Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise under Section 38(6) of the 2004 Act. This is reinforced within the NPPF.
- 4.2 Therefore, consideration must be given to the adopted Development Plan, supplementary planning guidance and any relevant emerging documentation. All relevant documents are set out below in order of national and local levels.

National Planning Policy Framework (2019)

- 4.3 The National Planning Policy Framework ('NPPF') as revised was adopted in February 2019. The NPPF is a significant material consideration in the determination of this planning application.
- 4.4 The overarching aim of the NPPF is to achieve sustainable development by satisfying the economic, social and environmental dimensions. In the context of both Plan-making and decision-taking the NPPF sets a presumption in favour of sustainable development.
- 4.5 Paragraph 11d states that the application of the presumption in favour of sustainable development in terms of decision taking 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-date, 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 proposed; 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."*
- 4.6 Paragraph 50 of the NPPF states that councils should look to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 4.7 Para 71 relates specifically to entry-level housing sites and states that:
- "Local planning authorities **should support** the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:*
- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards."*

Adopted Cherwell Local Plan 2011-2031 Part 1

- 4.8 This document contains the strategic planning policies for development and the use of land; it was formally adopted in July 2015.
- 4.9 The most relevant policies to this application include:
- **PSD1** - This policy highlights that the Council will take a pro-active approach to development proposals, reflecting the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will seek to secure development that improves the economic, social and environmental conditions in the area; and
 - **Policy Villages 1** - This policy sets out a hierarchy of villages and allocates Great Bourton as a Category B Village in which minor development, infilling and conversions are considered acceptable.

Cherwell District Housing Strategy 2019-2024 and Action Plan 2019/20

- 4.10 The Foreword to the Council's Housing Strategy opens by stating that: *"A safe and secure home that is suitable for our family is something we all have a right to"*.
- 4.11 Despite this, the Strategy and Action Plan are necessitated by the fact that there are over a thousand low-income households waiting for affordable housing within Cherwell District. The Housing Strategy also notes that the Council needs to *be "proactive and relentless... in the pursuit of new housing solutions."* The Housing Strategy goes on to acknowledge that housing is also at the top of the national agenda due to the national housing crisis.
- 4.12 The Council's Housing Strategy acknowledges that new build housing has been concentrated in the main towns of Banbury and Bicester and that there is a need to increase delivery of affordable housing in rural areas of the District. Accordingly, the Action Plan (at section 1.2.3) sets the target of increasing the delivery of rural exception sites, to enhance the affordable housing choice within rural areas.

5.0 Assessment of the proposals

- 5.1 This section will assess the proposals against the Development Plan and other material considerations. The principle of the development is acceptable as:
- applying section 38(6) of the 2004 Act, paragraph 71 of the NPPF is a material consideration that outweighs any conflict with the Development Plan; and
 - the most important policies for determining this application in the Cherwell Local Plan: Part 1 are out-of-date as they do not incorporate any provision for entry-level homes as defined at paragraph 71 of the NPPF. In this context, any impacts of granting permission would not significantly and demonstrably outweigh the benefits.
- 5.2 Please note that Killian Garvey of Kings Chambers has provided written submissions relating to the acceptability of the principle of this development, which is enclosed at **Appendix 3**.
- 5.3 Given the importance of paragraph 71 of the NPPF, it is important to first demonstrate compliance with its requirements. Paragraph 71 sets out that *“Local planning authorities **should support** the development of entry-level exception sites... unless the need for such homes is already being met within the authority’s area”*.
- 5.4 A Freedom of Information request was submitted to the Council on 27th January 2021, asking if any entry-level homes that had been consented or delivered in Cherwell District. On 10th February 2021, the Council responded stating that they do not hold this information and as such have no record of the delivery of any entry-level sites. Furthermore, we can find no evidence of any specific entry-level housing being consented within Cherwell District, which is to be expected given that the adopted Local Plan: Part 1 does not account for any such needs. In addition, we note that paragraph 5.177 of the Council’s 2020 Annual Monitoring Report states that: *“**no affordable homes on exception sites were completed during 2019/20.**”*
- 5.5 The Council’s housing evidence base is somewhat dated, with the Oxfordshire SHMA dating back to 2014. However, Table 54 of this document states that there is a total need in Cherwell of 688 affordable dwellings per annum and a net need of 407 affordable dwellings per annum.
- 5.6 Based on table 20 of the Council’s December 2020 AMR, net delivery against net need has been as follows:

Year	Completions (net)	Need (Net)
2011/12	204	407
2012/13	113	407
2013/14	140	407
2014/15	191	407
2015/16	322	407
2016/17	278	407
2017/18	426	407
2018/19	507	407

2019/20	446	407
Total	2627	3663

- 5.7 Whilst delivery has increased in recent years, affordable needs have not been met in the Plan period by a significant number of dwellings. This fact is supported by MHCLG's live table 600, which sets out numbers on the housing waiting list of Local Authorities across the country. In the case of Cherwell this has risen from a low point of 547 in 2014 up to 1,294 households in 2020; an increase of 747 dwellings.
- 5.8 In terms of the local area, it is notable that Claydon, Great Bourton, Mollington, Wardington and Cropredy are seen as being inter-related as per paragraph C.266 of the Local Plan Part 1. Having spoken to the Council's housing team it is apparent that there are 15 residents on the housing waiting list across these settlements, who could benefit from affordable or entry-level housing in this location.
- 5.9 Indeed, we note that in commenting on an application for 60 dwellings in nearby Cropredy (Ref: 16/01468/OUT), Cropredy Parish Council commented that: *"The Parish Council welcome appropriate developments within the village but this should be in the form of infilling or a small development. **A small development of affordable housing would be particularly welcomed.**"* The Bourtons Parish Council endorsed the comments of Cropredy Parish Council.
- 5.10 Whilst this site is in Great Bourton, the Local Plan acknowledges that there is an inter-relationship between rural communities and the Primary School in Cropredy is only 1.2km from this site. Cropredy is also heavily constrained by heritage designations and flood risk, which has led to less development in that settlement than many other Service Villages, reducing the possibilities for the delivery of new affordable homes in the local area.
- 5.11 In our view, therefore, it is clear that the need for entry-level properties is not being met in Cherwell District Council, or specifically in this locality ,based on:
- i. the Council's housing strategy;
 - ii. the housing waiting list;
 - iii. comments on nearby applications by the Parish Council;
 - iv. the Council's response to the Freedom of Information request, confirming that there was no evidence of the delivery of entry-level properties; and
 - v. Cherwell District Council's evidence base demonstrating that the need for entry-level properties is not being met in Cherwell District Council, or specifically in this locality.
- 5.12 Given this position, there are a number of further requirements for sites to be considered acceptable against the requirements of the NPPF, including:
- ***"These sites should be on land which is not already allocated for housing"*** – the site is not allocated for housing;
 - ***Proposals should "comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework"*** – the applicant will

provide a s106 agreement to secure the delivery of entry-level homes on the site in a format that has been relied on in planning appeals pertaining to paragraph 71 of the NPPF;

- **Sites should “be adjacent to existing settlements”** – the Officer’s Report for the application on the adjacent site at Stonelea (Ref: 20/01110/F) confirms the adjacent land is within the built-up limits of the village and consequently this site is adjacent to an existing settlement;
- **Sites should “proportionate in size to [the settlement]”** – footnote 33 of the NPPF sets out that such sites should not be larger than 1 hectare or exceed 5% of the size of the existing settlement. It is unclear whether this reference to 5% relates to the area of the settlement or the existing number of dwellings our proposals. However, whichever way this is interpreted, is irrelevant, as the proposal is for 9 dwellings on a 0.92ha site, meaning it comfortably accords with this requirement;
- **Proposals should “not compromise the protection given to areas or assets of particular importance in this Framework”** – the site is not within a National Park, an AONB or the Green Belt; and
- **Proposals should “comply with any local design policies and standards”** – given the Outline nature of these proposals it is not possible to assess the proposals against local design policies and standards, however the Illustrative Layout (**Appendix 2**) demonstrates that the site is capable of being delivered in accordance with such standards and this could be appraised robustly at the Reserved Matters stage.

5.13 The full and clear compliance with paragraph 71 of the NPPF makes clear that this is an application that the Council should support – and this is a material consideration that outweighs any perceived conflict with the Development Plan.

Landscape

5.14 Submitted with the planning application is a Landscape and Visual technical note produced by ES Landscape Planning. It concludes that the proposed development has been carefully and sympathetically designed to ensure that the proposals can be integrated in this location without harm to the character and appearance of Great Bourton or the wider countryside setting. It finds that the proposed development of this site complies with national policy and the aims and objectives of Policy ESD 13 of the Adopted Cherwell Local Plan.

Highways

5.15 Submitted with the planning application is a Transport technical note produced by Hub Transport Planning. The report concludes that a safe and suitable access to the site can be achieved via the proposed priority T-junction off Foxden Way. Swept path analysis demonstrates that all vehicles requiring access to the site, including large service vehicles, can be accommodated safely.

5.16 The traffic generation, assignment and analysis undertaken demonstrates that the traffic associated with the proposed development will have a negligible impact on the adjacent highway network during the morning and evening peak hours.

Flooding

- 5.17 The site is in Flood Zone 1 and thus is at the lowest risk of flooding.
- 5.18 Surface water runoff generated at the site will be conveyed, stored and treated within the proposed attenuation basin on site. Surface water stored within the proposed attenuation basin will discharge into the existing ditch network along the eastern boundary of the site at a restricted rate of 3l/s. A total storage volume of 220.3m³ will be available within the proposed attenuation basin to manage flows generated for events up to and including the 1 in 100 year plus 40% climate change storm.
- 5.19 Foul Water generated by the site will be collected and collected be treated on-site via a Klargerster Sewage Treatment Plant or similar and will be discharged as clean water via the surface water sewer network. The relevant agreements will be sought from the Environmental Agency to discharge treated foul water to the watercourse on site.

Ecology

- 5.20 A Preliminary Ecological Appraisal prepared by Turnstone Ecology is submitted with the application and confirms that the habitats recorded on site are of poor ecological value and there is no habitat on site suitable for use by protected species except for nesting birds in the boundary hedgerows. Subject to appropriate mitigation and measures being incorporated into the detailed design proposals and the planting of native species within the extensive green areas provided within the site a significant net biodiversity gain can be delivered.

Historic Environment

- 5.21 The Officer's Report for application 20/01110/F on the land immediately adjacent to the north stated that *"The site is not within a conservation area and the application building is not a listed building and there are no other Heritage Assets within the immediate vicinity of the site"*.
- 5.22 We consider that the Officer's conclusion in that report is applicable to this site.

6.0 Conclusion

- 6.1 Considering the above analysis, we consider that the appropriate application of the policy framework to this proposal is as follows:
- applying section 38(6) of the 2004 Act, paragraph 71 of the NPPF is a material consideration that outweighs any conflict with the Development Plan; and
 - the most important policies for determining this application in the Cherwell Local Plan: Part 1 are out-of-date as they do not incorporate any provision for entry-level homes as defined at paragraph 71 of the NPPF. In this context, any impacts of granting permission would not significantly and demonstrably outweigh the benefits.
- 6.2 In this case, there are key benefits in supporting this development: -
- the meeting of unmet housing needs in Cherwell District against a rapidly growing housing waiting list and specific housing needs in Great Bourton and the surrounding villages;
 - the provision of entry-level housing, thus encouraging local young people to remain in the local area and providing for its continued prosperity and sustainability;
 - the delivery of entry-level housing in the rural area in accordance with the Council's Housing Strategy and in the context of there being zero dwellings delivered on rural exception sites in 2019/20;
 - The delivery of a pedestrian link from South View to the allotments, which will enhance pedestrian safety for current users of the allotments;
 - Enhanced safety at the access to the allotments through the re-location of the 30mpg limit to the south of the allotment access; and
 - A net gain in biodiversity on the site because of the development proposals.
- 6.3 The site is located on the edge of the built area of Great Bourton; however, it is important to acknowledge that Paragraph 71 of the NPPF envisages entry-level housing being located adjacent to existing settlements rather than within them, and this material consideration outweighs this conflict with the adopted Local Plan.
- 6.4 Overall, it is concluded that there are a number of significant benefits to the application proposals across all three dimensions of sustainable development and, when weighed against any perceived harm, it is strongly submitted that the benefits outweigh that harm.
- 6.5 On this basis, and in accordance with para 11(d)(ii) of the NPPF, Outline planning consent with access in detail should be granted.

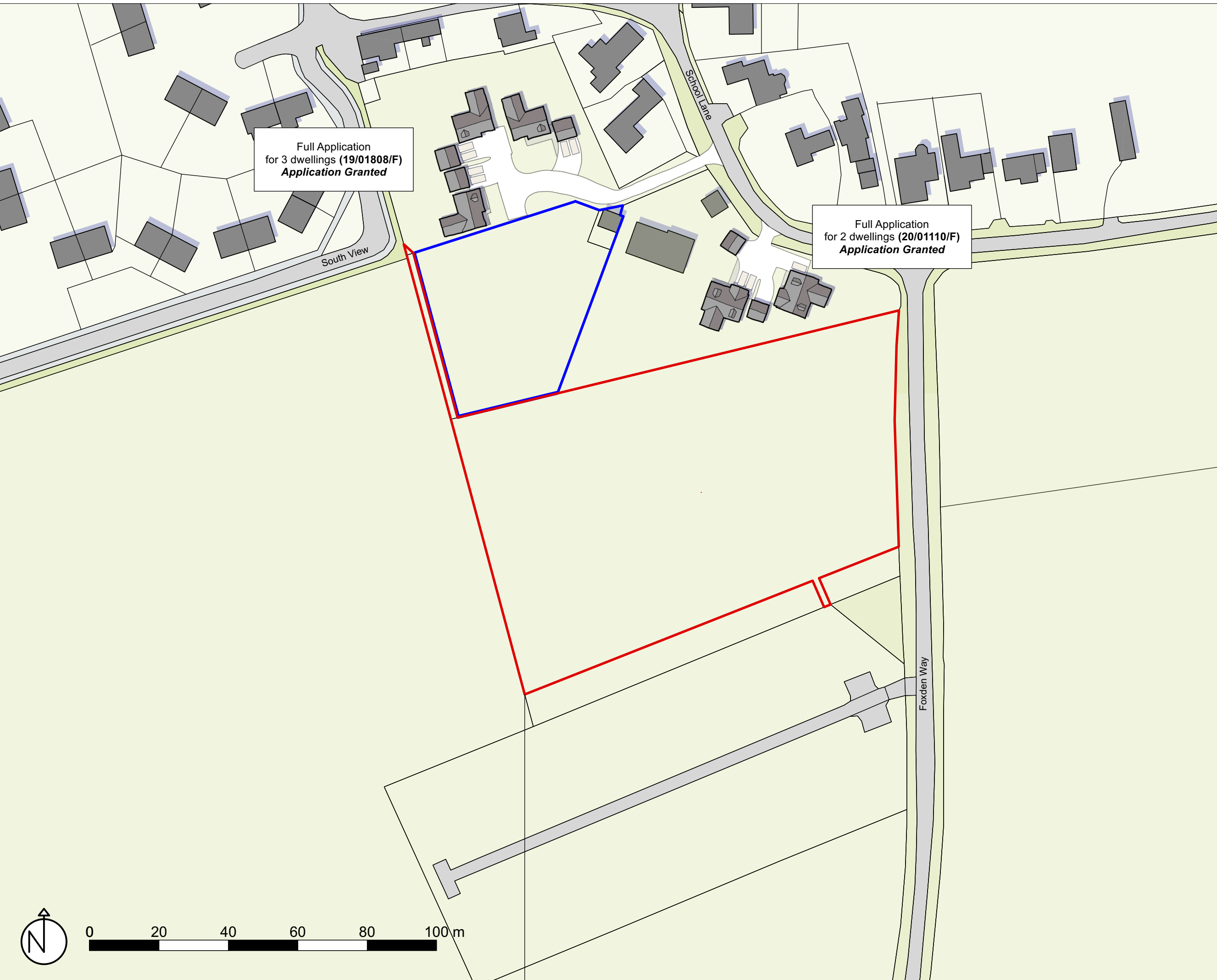
APPENDIX 1

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PLANNING

- Site boundary (0.92ha)
- Other land in the control of the applicant (0.23ha)



Rev.	Date	Description
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Land to the west of Foxden Way,
GREAT BOURTON

Location Plan

Job ref: 333	Drawing number: L01	Revision: -
Scale: 1:1,000 @ A3	Date: March 2021	



part of
edge Placemaking Group Ltd
 Company Reg No: 11447550 VAT No: 299072069

Suite 2
 7 Buttermarket
 Thame
 Oxfordshire
 OX9 3EW

01865 522395
 enquiries@edgeUD.co.uk
 www.edgeUD.co.uk

APPENDIX 2

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PLANNING

- Site boundary (0.92ha)
- - - Proposed footpath
- 1 Pedestrian connection to South View
- 2 Potential pedestrian connection into the allotment
- 3 Dormer bungalows
- 4 Area reserved for attenuation
- 5 Proposed informal green space



Rev.	Date	Description
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Land to the west of Foxden Way,
GREAT BOURTON

Illustrative Masterplan

Job ref: 333	Drawing number: P01	Revision: -
Scale: 1:1,000 @ A3	Date: March 2021	



part of
edge Placemaking Group Ltd
 Company Reg No: 11447550 VAT No: 299072069

Suite 2
 7 Buttermarket
 Thame
 Oxfordshire
 OX9 3EW

☎ 01865 522395
✉ enquiries@edgeUD.co.uk
🌐 www.edgeUD.co.uk



APPENDIX 3

FOXDEN WAY, GREAT BOURTON

OPINION

1. **Introduction**

- 1.1 Fernhill Estates are promoting land west of Foxden Way, Great Bourton ('the Site') for the following description of development ('the Proposed Development'):

Outline planning application with all matters reserved save for access for up to 9 entry-level affordable houses at land west of Foxden Way, Great Bourton

- 1.2 The Site falls within the jurisdiction of Cherwell District Council ('the Council').

- 1.3 Fernhill Estates have asked me to advise in respect to the following matters:

- i. Would the Proposed Development conform with paragraph 71 of the NPPF as an entry-level exception site? (**Question 1**);
- ii. If the Proposed Development does conform with paragraph 71 of the NPPF, what implications does this have (**Question 2**)?

1.4 In my view, the Proposed Development would plainly conform with paragraph 71 of the NPPF. In my view, the consequence of this is that it presents a significant material consideration in favour of the grant of planning permission.

2. **Question 1: Would the Proposed Development conform with paragraph 71 of the NPPF as an entry-level development?**

2.1 Paragraph 71 of the NPPF says:

Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework; and*
- b) be adjacent to existing settlements, proportionate in size to them³³, not compromise the protection given to areas or assets of particular importance in this Framework³⁴, and comply with any local design policies and standards.*

2.2 Paragraph 71 of the NPPF needs to be read in conjunction with footnotes 33 and 34 of the NPPF, which say:

³³ *Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.*

³⁴ i.e. the areas referred to in footnote 6. Entry-level exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt.

2.3 Paragraph 71 creates a policy presumption in favour of entry-level exception sites, *'unless the need for such homes is already being met within the authority's area'*. In this instance, through a freedom of information request, the Council confirmed on 10 February 2021 that they have no record of the delivery of any entry-level sites across the authority area. Fernhill Estates have confirmed that they also have no knowledge of any entry-level exception sites in Cherwell. Accordingly, it is clear that the need for entry-level sites is not being met within the authority's area (there being no evidence to suggest that there is). It necessarily follows that the policy presumption would apply, provided the criteria within paragraph 71 is satisfied.

2.4 To engage paragraph 71 the following criteria needs to be satisfied:

i. Be suitable for first time buyers

Fernhill Estates propose submitting a section 106 agreement that will secure the units for first time buyers. The format of this s.106 agreement will mirror agreements that have been approved for entry

level schemes in appeal decisions.¹ As regards whether the units are suitable for first time buyers, as the proposal is in outline, the suitability of the units for first time buyers will be determined through the reserved matters application.

- ii. Be on land which is not already allocated for housing;

The Site is not allocated for housing.

- iii. Comprise entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of the NPPF;

Fernhill Estates will submit a section 106 agreement that secures the units as affordable housing in accordance with Annex 2 of the NPPF.

- iv. Be adjacent to existing settlements

The Site is plainly adjacent to Great Bourton. This is confirmed by the fact that the Council determined that the site at Stonelea (LPA Reference: 20/01110/F) was within the built up limits of Great Bourton. Given the Site's relationship to the site at Stonelea, it is not credible in my view to deny that the Site adjacent to Great Bourton.

- v. Be Proportionate in size to them

¹ For example the appeal granted on 17 November 2020 by Inspector Hanna at Land North of St George's Road, Semington (Appeal Reference: APP/Y3940/W/20/3253180)

This criterion is determined by footnote 33, namely that the site should not be larger than one hectare or exceed 5% of the size of the existing settlement. The site is 0.92 hectares and thus this criterion is satisfied.

- vi. Not compromise the protection given to areas or assets of particular importance in the NPPF

This criterion is determined by reference to footnote 34. This says that entry-level sites should not be in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt. The Site is not situated in any of these designations.

- vii. Comply with any local design policies and standards

The proposal is in outline and thus the detailed design of the proposal is a matter for reserved matters and thus this criterion is satisfied.

2.5 Accordingly, my view is that it is plain that paragraph 71 of the NPPF is complied with.

3. Question 2: If the Proposed Development does conform with paragraph 71 of the NPPF, what implications does this have

3.1 The starting point for the determination of any development proposal is the development plan. In this instance, the proposal is contrary to the development plan, being in the countryside. However, paragraph 11(d) of

the NPPF requires a consideration of whether the most important policies for determining the application are out of date.

- 3.2 In this instance, the adopted development plan does not have any policy that articulates support for entry-level exception sites in accordance with paragraph 71 of the NPPF. This is significant in that paragraph 71 of the NPPF says that local authorities 'should support'. However, in this instance, the adopted development plan has no policy that provides for this. This naturally suggests that the development plan is inconsistent with the NPPF in this respect and thus, whilst it is a matter of planning judgement, it strikes me that this suggests that the development plan is out of date in this respect.
- 3.3 The consequence of this is that the tilted planning balance within paragraph 11(d)(ii) of the NPPF is engaged. Within this balance, the harm must significantly and demonstrably outweigh the benefits to warrant a refusal. Within this context, there is plainly a compelling case in favour of the grant of planning permission, especially having regard for the limited degree of harm identified.
- 3.4 However, even if I am wrong and it was held that the tilted balance was not engaged, a determination would still need to be made against the 'straight' planning balance, per section 38(6) of the Planning and Compulsory Purchase Act 2004. On this balance, there would remain a compelling case in favour of the grant of planning permission, given that the policy presumption from paragraph 71 in favour of entry-level exception sites would be engaged. In my view, this would constitute a significant material consideration in favour of the grant of planning permission.

I advise accordingly.

Killian Garvey

12 March 2021

