



FERNHILL ESTATES

10th February 2022

FAO: James Kirkham
Development Management
Place & Growth Directorate
Bodicote House
Banbury
OX15 4AA

Dear James,

Re: 21/00922/OUT - Land west of Foxden Way, Great Bourton, OX17 1QY

As discussed in late 2021, we have considered comments from yourself, the statutory consultees and local residents in relation to our application to deliver 9 First Homes on land west of Foxden Way, Great Bourton.

The updated information comprises:

- Location Plan (Dwg No: 333-L01 Rev. A)
- Illustrative Masterplan (Dwg No: 333-P01 Rev. A)
- Proposed site access drawing with visibility splays (Dwg No: T21512 001 Rev. E)
- Proposed footway connection to South View (Dwg No: T21512 003 Rev. B)
- Transport technical note Rev. C

The amended submission reduces the red line area from 0.92ha down to 0.56ha as it condenses the built form into approximately the northern half of the previous submission in accordance with comments from the Council and other consultees in relation to the size of the plots proposed.

The description of development has also been amended to apply for “First Homes”, which were announced in 2021 to replace “Entry Level” policy. The revised NPPF was not amended accordingly, which has led to a contradiction between the NPPF and Planning Practice Guidance/Ministerial Statements on the matter. However, following discussions with the Council, it has been requested that the application has been amended to relate to “First Homes”.

In addition to the above, the primary amendments relate to the pedestrian connectivity of the site – both to South View to the north-west and to the allotments to the south. At the northern end this necessitates an amendment of the red line to ensure that it provides continuity with the adopted highway network on South View, whilst to the south it removes the intention to provide an access directly into the allotments (which has not received support from the Parish Council) and instead proposes a new footway connection on the western side of Foxden Way.

These measures will deliver enhanced pedestrian safety for existing residents seeking to access the allotments down Foxden Way and lead to a reduced distance to the allotments for some existing residents.

The continued intention to provide a dormer bungalow at the eastern edge of the site, in addition to the significant reduction in the area of land proposed to be built on, reduces any perceived landscape impacts – although we remain of the view that the previous proposals were supportable from a landscape and visual perspective.

In landscape terms, we would also seek to highlight the appeal decision at Broad Town, Wiltshire (Appeal Ref: 3249284) in the context of the Landscape Comments from Ms. Ward (Landscape Planning Officer). The primary concern raised by Ms. Ward is that *“The site is on the periphery of the village and outside the visual boundaries of settlement”*. As Ms. Ward will be aware of from our Planning Statement, we agree that the site is beyond the boundary of the settlement – as is a requirement of sites seeking to comply with paragraph 72 of the NPPF (July 2021).

The aforementioned appeal was on an application for 10 entry level affordable dwellings and considered the landscape harm of that site at paragraphs 15-16, where it stated that:

“15. It is clear that the very nature of proposals advanced pursuant to Paragraph 71 of the Framework would deliver an implicit level of landscape change at the edge of a settlement, with a certain degree of tolerance for harm built into its provisions. Accordingly, in my mind, the starting point for considering compliance with local design policies and standards in the context of Paragraph 71 of the Framework can only logically involve detailed matters about the design of housing, not matters of principal landscape change.

16. For me to consider compliance with local design policies and standards in the context of principle landscape change would be a contradiction of the provisions within Paragraph 71 of the Framework, which allow small numbers of entry level homes to emerge at the edge of a settlement on the basis that the benefits would outweigh any limited changes and potential landscape harm.”

Whilst we consider our proposals to be fully supportable from a landscape and visual perspective, we do of course accept that the delivery of new housing into a greenfield will lead to a change to the landscape at the site-level. However, such harm will be the case for all First Homes exception sites by the very nature that they are required to be beyond settlement boundaries on sites that will inherently be greenfield in nature. We enclose a copy of the appeal decision with this letter. I should add that this appeal decision was subject to an unsuccessful legal challenge. I also attach a brief note from Counsel addressing this case law.

We trust that the above, and the accompanying information is clear, and we look forward to engaging with the Council as this application progresses towards determination.

Yours sincerely,

A black rectangular redaction box covering the signature of Russell Crow.

Russell Crow