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Development Management
Cherwell District Council
Bodicote House
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Your Ref: 23/01316/F

Dear Sir/Madam

Erection of 5 two storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure - Land South of Faraday House, Woodway Road, Sibford Ferris (Application No. 23/01316/F)

I am part of a large group (over 165 members) of local residents living in Sibford Ferris and Sibford Gower - the Sibford Action Group ('Action Group') – and write to strongly object to the latest and current planning application (23/01316/F) for 5 no. age-restricted dwellings on land south of Faraday House, Woodway Road, Sibford Ferris ('the site') for the reasons set out in this letter.

Background

The Action Group was formed in 2018 when the village was faced by a proposal (Application No. 18/01894/OUT) for 25 dwellings at Hook Norton Road, Sibford Ferris, which was refused by the Council but subsequently allowed on appeal in November 2019 (APP/C3105/W/19/3229631).

In 2018, the Action Group was very concerned not only about the application (18/01894/OUT) but also about the effect any permission might have in encouraging further developments, which the Action Group and many local residents fear are in danger of irrevocably changing the nature, character and intrinsic qualities of this part of the village and the rest of Sibford Ferris.

Regrettably, this concern has proven to be well-founded. Firstly, with the previous proposal for the erection of 6 no one-storey age restricted dwellings (55 years) on land south of Faraday House (App. No. 21/04271/F) being refused by the Council and then dismissed on appeal by the Planning Inspectorate as recently as 3rd March 2023 (APP/C3105/W/22/3298098). Added to this is the further "duplicate" application for 6 no. dwellings (App. No. 22/01773/F), which was withdrawn after being recommended for refusal at the Council's Planning Committee meeting on 8th December 2022.

If this was not enough, the Council's *Parish Profile for Sibford Ferris (2021*) shows this and other sites put forward as part of a "Call-for-Sites" exercise for the Review of the *Cherwell Local Plan 2022-2031 Part 1* to 2040. This is depicted on Figure 1. This and the series of applications and appeals over the last 5 years shows the considerable pressure for further residential development beyond the built-up limits of the small village and into the attractive open countryside surrounding Sibford Ferris that has arisen following the Hook Norton Road appeal decision.

Such pressure must be relieved, if local residents' fears are to be addressed and if the character of this part of the village and the rest of Sibford Ferris is to be retained.

Figure 1 – Pressure for Residential Development in this Locality

The Action Group considers that just because one development has been unfortunately allowed does not mean this latest, amended and harmful proposal should also be approved.

Every proposal has to be considered on its own particular planning merits. Importantly, in this case, the policy situation has materially changed – see below – which is significant as it strengthens the Action Group's objections to this latest application. The proposal is clearly contrary to the statutory Development Plan and any material considerations are only of limited weight so do not override or outweigh the primacy of the Development Plan in this case.

The proposal would produce a cramped form of development, which fails to respond to local character, the rural nature and qualities of Sibford Ferris and its beautiful rural surroundings whilst also having an adverse effect upon the residential amenities of neighbouring properties.

The Sibford Action Group therefore object to the proposal for the following summarised reasons:

1. Conflict with the development plan;
2. Harm to the character and appearance of the area; and
3. Detrimental impact upon the residential amenities of adjacent properties.

1. Conflict with the Development Plan

Section 38(6) of the *Planning and Compulsory Purchase Act, 2004* and Section 70(2) of the *Town and Country Planning Act, 1990* require that planning applications be determined in accordance with the adopted development plan unless material considerations indicate otherwise. This is reinforced by Paragraph 12 of the *National Planning Policy Framework*, which states:

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

The current application conflicts with an up-to-date Development Plan and therefore planning permission should be refused. There are no material considerations in this particular case that indicate that the Development Plan should not be followed in this case.

a) Development Plan

The Development Plan for this area comprises the adopted *Cherwell Local Plan Part 1 2011- 2031* ('Local Plan Part 1') and the "saved policies" of the adopted *Cherwell Local Plan 1996* ('Local Plan 1996').

The housing strategy in the Local Plan Part 1 is to focus strategic housing growth in the towns of Banbury and Bicester with a small number of strategic sites outside of these towns, whilst allowing some limited growth within the rural areas to meet local and district-wide needs and sustain villages.

Policy Villages 1 in the Local Plan Part 1 - the most recent and principal element of the development plan in this case - allows for the most sustainable villages to accommodate 'minor development' within the built-up limits of villages and all villages to accommodate infilling or conversions. The Local Plan Part 1 adds that the appropriate form of development will vary depending on the character of the village and development in the immediate locality. The Local Plan also states that in assessing whether a proposal is a "minor development" the Council will have regard to the size of the village, the level of service provision, the site's context within the existing built environment and whether it is in keeping with the character and form of the village and its local landscape setting. Under Policy H18 of the Local Plan 1996, only certain types of development requiring rural locations outside of the built-up limits of villages are allowed and none of these types applies to the current proposal

The site to the south of Faraday House is not allocated for development, is not previously developed land and sits outside the built-up limits of the village. For the reasons set out in this objection, given the location of the site, the small size of Sibford Ferris (with a population of about 470 people), its limited services, rural context and relationship with adjacent homes, the proposal conflicts with Policy Villages 1 [and other policies dealt with in turn below].

Policy Villages 2 identifies the Category A villages – including Sibford Gower/Sibford Ferris combined - as being where a limited amount of development – 750 dwellings - to meet District housing requirements and help meet local needs should be directed, subject to certain criteria. Whilst not a ceiling, the intention of this is to protect and enhance services, facilities, landscapes and natural and historic built environments of the villages and their rural hinterlands whilst recognising the need for some development.

At the time of the Hook Norton Road appeal, the number of dwellings included in extant permissions in the Category A villages across the District exceeded the 750 dwellings, 271 units of the 750 units referred to in Policy Villages 2 had been completed but the Inspector did not consider 'material exceedance' to be an issue. However, this was over 3 and a half years ago and the situation has now materially changed.

In addition, at the time of the recent appeal on this site (APP/C3105/W/22/3298098) even though just a few months ago, the Council was unable to demonstrate a 5-year housing land supply. It stood at 3.5 years. However, this has also materially changed in the intervening months.

Such figures are monitored and reviewed annually by the Council. At the Council's Executive meeting on 6th February 2023 it was concluded that the district had a 5.4 years' supply of housing for the period 2022-2027. In addition, the Council's *Annual Monitoring Report, 2022* was also agreed at the Council's Executive meeting on 6th February 2023 and this confirmed that:

'during 2021/22 there were 184 dwellings completed at Category A Villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 2014 there has now been a total of 703 completions with a further 165 under construction totalling 868 dwellings. A further 48 dwellings are likely to be built out…'

b) Conflict with Local Plan Part 1

The application site is an enclosed field and is on a noticeable slope, sloping east/west and north/south. It is also clear that the site, although bounded by existing residential properties on two sides with the proposed Hook Norton Road development to the south, is located outside the built-up limits of the village and as such, in planning policy terms, is considered to be within open countryside.

The site is not allocated for any form of development as outlined in any adopted or emerging policy document forming part of the Development Plan. Sibford Ferris is somewhat unusually grouped with Sibford Gower as a Category A village under Policy Villages 1, but even combined is not the most sustainable of such villages. However, being outside the limits of the village, the proposal conflicts with Policy Villages 1 and, being less than 10 dwellings, it does not find support from Policy Villages 2 either.

For development of less than 10 units, *Policy BSC 1: District Wide Housing Distribution* of the Local Plan Part 1 sets a "windfall" allowance of 754 houses in the rest of the district outside Bicester and Banbury. The Council's *Annual Monitoring Report, 2022* shows that at 31/03/22 the "windfall" completions (<10 dwellings) for the areas outside the two main towns had reached 817 houses, which already exceeds the target with 8 years left of the Plan period still to go to 2031. It is therefore clear that the rural housing provision in terms of sites of this size is healthy and not below a level of concern, such as to justify granting permission for the proposed development. The proposal is also therefore contrary to Policy BSC1.

c) 5-year housing land supply

Paragraph 74 of the NPPF highlights the need for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. In a situation where the Council is unable to demonstrate a five year supply of land for housing – as on the recent appeal on this site – Paragraph 11 of the NPPF and Footnote 8 indicate that the Development Plan cannot be considered to be up-to-date and that any planning harm is capable of being outweighed by the benefits to the district's supply of allowing additional development in sustainable locations. In such situations, the so-called "tilted balance" is engaged.

However, despite this, the previous appeal on the site was still dismissed in March 2023 for reasons including conflict with the Development Plan. This has now materially changed with the Council reporting a 5.4 years' supply of deliverable housing land since February 2023. As such the Development Plan and all of its policies are now up to date. In this instance the site is located outside the built form of the village and therefore is considered an area of open countryside. "Saved" Policy H18 is therefore of relevance and the proposal does not relate to the construction of new dwellings beyond the built-up limit of a settlement which are essential for agriculture or other existing undertakings. The development is therefore considered to conflict with this Policy, Policy Villages 1[1] and Policy Villages 2 is only meant to apply to proposals for 10 or more dwellings[2].

Notwithstanding this position regarding Policy Villages 2 to the proposal, the Inspector on the recent appeal on the site made reference to it, its delivery target of 750 dwellings for Category A (Service Centres) during the Plan period - in addition to the windfall allowance under Policy BSC 1 – and the fact that this has been exceeded. It was intended that sites would be allocated in an emerging Local Plan Part 2 (now Local Plan Review) of Neighbourhood Plan, neither of which apply here.

[1] Policy Villages 1 only permits proposals for residential development within the built-up limits of villages subject to various criteria.
[2] Paragraph C.272 of the Cherwell Local Plan 2011-2031 Part 1

d) Material Exceedance of Rural Housing Target

The *Cherwell Annual Monitoring Report 2022* published in March 2023 reports that 703 dwellings have now been completed at Category A villages, with a further 165 under construction (running total 868) and 48 likely to be built out i.e. sites where part of the development has been completed (running total 916). In addition, there are approvals for a further 314 not yet commenced (running total 1230).

This is with 8 years to go to the end of the Plan period. At close on 50% more than the 750 dwellings requirement and rising, this proposal would add to a material exceedance of the Policy Villages 2 figures, which is clearly unnecessary in terms of satisfying Policy Villages 2 and would cause planning harm to the overall locational strategy of new housing in the district. This is consistent with Inspector's comments on appeals.[3]

The NPPF sets out the Government's definition of sustainable development and the policies through which it envisages the planning system will deliver this. It reinforces the plan-led system. The Development Plan is up-to-date and should be given full weight. There are no material considerations that indicate otherwise.

The Action Group is gravely concerned that uncontrolled development – and other proposals that are threatened to follow in the village if the Local Plan 2040 "Call for Sites" is anything to go by – would undermine the adopted Local Plan Part 1 housing strategy of directing most growth to Banbury and Bicester, where there is access to shops, services, jobs and other facilities and opportunities to travel other than by the car. This helps avoid commuting, congestion, pollution, climate change and harming the environment. The District Council has declared a *Climate Change Emergency*, but none of these environmental objectives will be achieved by approving more and more homes in attractive but relatively inaccessible villages like Sibford Ferris, contrary to the Development Plan.

This poorly conceived scheme is an incursion into the beautiful open countryside surrounding the village (see Figure 1 below – the Hook Norton Road scheme lies to the right of the site). As a further indicator of its unsuitability, it also fails to satisfy locational requirements in Policy Villages 2, including: not being previously developed land; not enhancing the built environment; being on "best and most versatile agricultural land" and having adverse landscape and other impacts.

The Action Group therefore considers that the latest application should be refused by the Council as being contrary to Policies BSC1 and Policy Villages 1 and 2 of the Development Plan with no material considerations of sufficient weight or importance to indicate that any decision should be taken other than in accordance with the Development Plan.

2. Harm to the character and appearance of the area

The site lies outside the built-up limits of the village in an attractive landscape that can be viewed from the Cotswolds Area of Outstanding Natural Beauty. Sibford Ferris is one of the best examples of a village being absorbed within the landscape. Historically, dwellings have been subservient to the landscape, which is rolling, rural and influenced by the Sib Valley and the Ironstone Downs. However, regrettably new development is now threatening this.

On the Hook Norton Road appeal, the Inspector commented that the proposed area of housing with extensive landscaping would be difficult to see from Woodway Road due to the slope the land and height of the hedge. This development, although smaller, is at a lower level, close to public rights of way/National Cycle Network Route 5 and will clearly be visible from Woodway Road. See Figure 2 showing the view of the site from Woodway Road to the west.

[3] Tappers Farm, Bodicote – Appeal Ref. APP/C3105/W/19/3222428

Figure 2 – View of Site from Woodway Road

The current proposal has been amended in terms of its design, layout and landscaping, with 5 no. two storey dwellings with garages, driveways, small gardens and an access driveway concentrated in about half of the site, close to existing dwellings on Woodway Road, Hook Norton Road and Stewart's Court.

Whilst purportedly "age-restricted dwellings" for people aged 55 years and over, the proposed development – apart from small gardens and a communal area – presents itself as a "standard" residential scheme in a "backland" location with an almost unbroken row of houses and garage buildings running across the contour on the highest part of the site. It would appear as a quite densely packed, row of built development on greenfield, agricultural land intruding into the attractive countryside surrounding the village.

The Inspector in the recent appeal commented:

'The village's context consists of a rolling countryside of fields, hedgerows and wooded areas surrounding it. Within the Council's landscape character assessment, the site is located within the 'Rolling Valley Pastures' landscape character type. Its key characteristics are strongly undulating landform of rounded hills and small valleys; small to medium-sized fields with mixed land uses, but predominantly pasture; densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside. Allied with topography, the landscaped context of Sibford Ferris significantly lessens its urbanising effects into the surrounding countryside.'

Local Plan Part 1 Policy ESD 15[4] requires new development to respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should also be designed to integrate with existing streets and public spaces. Local Plan 1996 Policy C28 requires standards of layout, design and external appearance of new development, including the choice of external finish materials, to be sympathetic to the character of the urban or rural context of that development.

[4] Supported by the Cherwell Residential Design Guide Supplementary Planning Document (July 2018), the NPPF and National Design Guide, 2021

The current proposal has no proper road frontage, is in a "backland" location behind existing established dwellings in large grounds, with what appears to be a private open space separating the dwellings from the countryside. This proposal's location and layout is at odds with the pattern of development in the village, where dwellings are closely aligned with the street frontage on Hook Norton Road or Woodway Road and those behind in spacious plots, with a connection and relationship with the village and surrounding countryside.

The proposal appears as a separate, densely packed private enclave, accessed by a long cul-de-sac road intruding into agricultural land behind existing dwellings, which would lead to an encroachment of uncharacteristic and incongruous built development onto this rural edge of the village. The development would be visible at short and more distant range from highways and public rights of way extending out into the countryside and the Cotswolds AONB.

As the Inspector stated in March 2023 on the recent appeal:

'Well-designed places do not need to copy their surroundings in every way but the design and layout of proposed housing would result in an overly built-up and visually incongruous development, that fails to integrate with its context and surroundings for all the reasons indicated. The development would not be high quality harming the character and appearance of the area, including the intrinsic character and beauty of the countryside. Accordingly, there would be conflict with Policy ESD 15 of the LPP1 and Policy C28 of the LP.'

Despite the changes to the design and layout of the proposal, the Action Group considers that the same or similar criticisms and concerns should be applied to the current application, which would harm the rural character and appearance of the area contrary to the Development Plan polices aimed at ensuring that development is of high quality, which complements, protects and enhances the district, including the intrinsic character and beauty of the countryside.

3. Detrimental impact upon the residential amenities of adjacent properties

"Saved" Policy C31 of the Local Plan 1996 states:

IN EXISTING AND PROPOSED RESIDENTIAL AREAS ANY DEVELOPMENT WHICH IS NOT COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE AREA, OR WOULD CAUSE AN UNACCEPTABLE LEVEL OF NUISANCE OR VISUAL INTRUSION WILL NOT NORMALLY BE PERMITTED.

Policy ESD15 of the Local Plan Part 1 also requires development proposals to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. This is in line with Paragraph 130 f) of the NPPF which requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In this particular case, the amended proposal with two-storey dwellings will be accessed via what will become a long access road (circa 225m) serving a total of 30 no. dwellings (i.e. the proposed 5 no dwellings and the 25 no dwellings at Hook Norton Road) running within just a few metres of the private rear gardens of existing dwellings at Woodway Road, Stewart's Court and Hook Norton Road. The use of this by residents' vehicles, visitors and service vehicles will cause noise, disturbance and intrusion into what is presently open, rural countryside with very quiet ambient noise levels, which will be detrimental to the tranquil, peaceful residential amenities of existing neighbouring properties.

Residential amenity has a significant and beneficial impact on the way in which people use their homes. The health and well-being of residents is often directly related to the level of residential amenity occupants enjoy. It is a duty of the planning system – as set out in the NPPF - to support sustainable development. Sustainable development incorporates a "social" role which seeks to secure well designed, strong, vibrant and healthy communities, which is heavily influenced by residents' enjoyment of their properties and the associated health and well-being this brings. This will be irrevocably and harmfully

changed by the proposed access road and dwellings located at the eastern side and top of the site, within metres of the open rear gardens of neighbouring properties, which can be seen on Figure 3 overleaf.

Figure 3 – Existing dwellings and their gardens to the east facing the site

Outlook is important as a dwelling without a reasonable outlook is an undesirable place to live. This is even more important and critical in village locations in rural areas where there is a loose-knit pattern of development and residents have become accustomed to having an open outlook onto fields and the countryside beyond. Whilst the planning system operates in the public interest and does not protect private views, it is not unreasonable for proposed development to respect existing residential amenities, deliver suitable living conditions and maintain an acceptable outlook.

The close proximity of the proposal to existing dwellings is evident from Figure 4.

Figure 4 – Proposed Site Plan

The impact of the proposal on existing properties can be gauged from Figure 5, which shows the existing outlook from the garden of Bramley House to the immediate east of the site and will be lost.

Figure 5 – Existing outlook from garden of Bramley House

The physical impact of the dwellings – especially Plot 5 – is perhaps most acute upon Faraday House just 15 metres to the north of the site, as shown on Figure 6 taken from the application.

Figure 6 – View of Proposal from the North (Faraday House)

Where development results in prejudicial harm to the outlook of a residential property and is unduly overbearing it should be resisted as failing to achieve acceptable standards of layout, design and residental amenity and the highest possible standards of design.

In this case, the proposal would have a detrimental impact upon the residential amenities and outlook of existing neighbouring properties, which ought in the public interest to be protected. This would be contrary to Policy C31 of the Local Plan 1996, Policy ESD15 of the Local Plan Part 1, advice in the NPPF and the National Design Guide, 2021. Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. The proposal would fall considerably short of this requirement by failing to be sympathetic to the surrounding built environment and landscape setting.

CONCLUSION

This is the latest in a series of residential development proposals in this part of Sibford Ferris, beyond the built-up limits of the small village and in open countryside, that is threatening the character of the village and its beautiful surroundings. Indeed an appeal on this site for 6 no. dwellings was only dismissed in March 2023, yet two months later a further scheme is submitted.

Each proposal needs to be considered on its own planning merits. Importantly, in this case, the Development Plan policy situation has changed – there is now a 5-year housing land supply in the district – which is significant as it strengthens the policy objections to this proposal. The proposal is clearly contrary to the statutory Development Plan and other material considerations do not override or outweigh the primacy of the Development Plan in this case.

The proposal involves a cramped and uncharacteristic form of development, which fails to respond to local character and the attractive qualities of this part of Sibford Ferris. Its access road, siting of dwellings in close proximity to existing properties and quiet, private gardens would have a detrimental impact upon the residential amenities and outlook of neighbouring properties, which ought in the public interest to be protected.

The Sibford Action Group therefore strongly object to the proposal as it is:

1. Contrary to Policies BSC1 and Policy Villages 1 and 2 of the Local Plan Part 1;
2. Harmful to the character and appearance of the area including the intrinsic character and beauty of the countryside, contrary to Policy ESD 15 of the Local Plan Part 1 and Policy C28 of the Local Plan 1996; and
3. Damaging to the residential amenities of adjacent properties contrary to Policy C31 of the Local Plan 1996, Policy ESD15 of the Local Plan Part 1, advice in the NPPF and the National Design Guide, 2021.

We, on behalf of the Sibford Action Group and the many local residents who have concerns about this proposal, urge you to recommend refusal and the Council's Planning Committee to refuse this latest unwelcome and unacceptable application.

Yours sincerely,

[redacted]