

Case Officer: Saffron Loasby

Recommendation: Refuse

Applicant: Blue Cedar Homes Limited

Proposal: Erection of 5no two storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Expiry Date: 24 August 2023

Extension of Time: 24 August 2023

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Sibford Ferris village and covers an area of 0.94ha. The northern and eastern boundaries to the site are marked by existing residential properties while the southern edge of the site is marked by a hedgerow boundary beyond which is a further field which has an extant planning permission for 25 dwellings, originally allowed at appeal under application 18/01894/OUT and a subsequent Reserved Matters application 21/02893/REM. To the west the site is marked by Woodway Road and open fields.
- 1.2. The existing houses adjoining the site to the north and east are two-storeys in height while the boundaries between these dwellings are a mix of hedgerows and fences. Other than the hedgerow boundaries the site is an area of open agricultural land which currently has the appearance of a paddock, but from google maps the site has clearly been used for agricultural use with evidence of ploughing in the past.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the development of the site for five detached two storey dwellings with garages and associated open space. Access would be provided off a spur road to link into the approved residential development to the south of the site. A footpath between properties would allow public access to the rear of the site, into informal open space.
- 2.2. The applicant has confirmed that the bungalows would be age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure. The bungalows would be controlled by an age restriction of 55 years and above for the occupiers.

3. RELEVANT PLANNING HISTORY

- 3.1. The most significant planning history for this application site is that of an earlier refused scheme for the development of the site for six detached bungalows under planning reference 21/04271/F. This application was refused and later dismissed at appeal. The two reasons for the refusal were as follows:

1. By reason of its siting outside of the built limits of the settlement, and having regard to the number of dwellings delivered in the rural areas (770 dwellings completed at 31st March 2021), the proposal represents development in an unsustainable location, remote from key amenities, especially for elderly residents. Notwithstanding the Council's present lack of a five-year housing land supply the proposal conflicts with Policy BSC1 of the Cherwell Local Plan 2011-2031 and saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework. This identified harm significantly and demonstrably outweighs the proposal's benefits of providing additional housing.
 2. By reason of its scale, layout and design, the proposal would be out of keeping with the form and pattern of development in the local area, resulting in significant and demonstrable harm to the character and appearance of the area. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the National Planning Policy Framework
- 3.2. The appeal decision appears to focus on the design of the scheme and its impact on the character of the area, which formed part of reason two for the initial refusal. The appeal decision remained generally silent on the first reason for refusal, but did refer to it in paragraph 9. Whilst the Inspector appeared to take the view LPP1 Policy Villages 2 ('PV2') takes precedence over LP H18 in this instance, it was stated that such a view does not conflict with the Inspectors view on the neighbouring site, where it was stated that there would be no conflict with this policy in relation to the proposal considered there. The Inspector appeared, though, not to realise that PV2 relates to development proposals of 10 or more dwellings. This will be discussed further in the assessment section of this report.
- 3.3. The site is also linked to the neighbouring planning history as the access road into the site is obtained via the development to the south. The history of which is detailed below.
- 18/01894/OUT - Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage. Refused and approved on Appeal.
 - 21/02893/REM - Approval of reserved matters pursuant to condition 1 of planning permission 18/01894/OUT for details of layout, appearance, scale, landscaping, access and parking for 25 dwellings. Approved.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place regarding this specific proposal. The previous application for six bungalows, later dismissed at appeal, was the subject of a pre-application enquiry. A meeting with the applicant and agent was carried out; however, the application was submitted before a response was provided though after the target date for the response. As such no written advice had been provided to the applicant prior to the submission of this application.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **17 June 2023**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for

comments was **22 June 2023**. There were 108 letters of representation. All of which objected to the scheme with no letters of support.

5.2. The comments raised by third parties are summarised as follows:

- Historical refusals and dismissed appeals
- Poor infrastructure
- Increase in traffic
- Village classification needs updating
- Air pollution
- Drainage problems
- Impact on the character of the rural area
- Housing targets already exceeded
- Illogical siting of retirement homes
- Already retirement provision located in more suitable places
- Water pressure problems
- Encroachment into the countryside.
- Use of new homes for local needs (not 55+)
- Landscape impact
- Poor design
- Contrary to community plan
- Unsustainable development
- Development not aimed at local people
- Conflict with Councils development plan
- Sound 5yr land supply
- Change of outlook for residents
- Sibford wants to welcome more young people not more elderly
- Light pollution from development
- Ecological impacts
- Poor existing services and no S106
- No affordable housing provision
- No overwhelming benefits with this scheme
- Brownfield development first
- Impact on the Cotswold AONB
- 2 storey dwellings are worse than single storey.

5.3. The agents, during the consultation process also submitted a 6-page document providing a professional review of the application from a legal representative on behalf of the applicants. This document provides an opinion and advice as to the “*correct*” decision given the nature of the evidence in the context of the relevant legal and policy context to be applied by a decision maker, i.e., the Council.

- 5.4. It covers the background of the application referring specifically to the most recent appeal decision. It refers to need, policy content, pre-application submissions, Council documents such as the Housing and Economic Land Availability Assessment (HELAA), consultee responses and lack of objection around transport, flooding, drainage, or heritage and how the scheme has been amended to address the concerns raised in the previously dismissed appeal. The document concludes that the applicants have overcome all known reasons for refusal, that the scheme is policy compliant and notwithstanding the councils 5-year HLS, the scheme should be approved without delay.
- 5.5. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SIBFORD GOWER PARISH COUNCIL: **Objects** for the following reasons.
- Large public opposition to the proposed development
 - Previously approved 25 dwellings already a great cause for concern locally, this scheme exacerbates this concern
 - Approving 25 dwellings does not suggest a precedent for more development
 - The level of development in the village is having a huge impact on the character of the village
 - Previously dismissed appeal on this site for 6 bungalows
 - The council can demonstrate a 5-year housing land supply
 - Proposal is contrary to policies BSC1 and Policy Villages 1 and 2 of the Local Plan Part 1 and harmful to the districts housing strategy
 - Proposal is harmful to the character and appearance of the area including the intrinsic character and beauty of the countryside, contrary to Policy ESD15 of the LPP1 and C28 of the LP1996
 - The proposal is harmful to residential amenity of adjacent properties, thus contrary to Policy C31 of the LP 1996, ESD15, NPPF and the National Design Guide 2021.
- 6.3. **Sibford Action Group**, comprising (approximately 165) residents living in Sibford Gower and Sibford Ferris (and supported by the Parish Council) strongly object to the proposed scheme. A letter of representation written on behalf of the residents by Chadwick Town Planning raising objections around the following summarised reasons. Full details are available to view online.
- Conflict with the development plan
 - Harm to the character and appearance of the area
 - Detrimental impact on the residential amenities of adjacent properties.

OTHER CONSULTEES

- 6.4. **Strategic Housing:** The scheme is below the threshold for affordable housing and is not a rural exceptions scheme for affordable housing. Whilst the proposal is aimed at over 55's it doesn't appear to involve any sort of supported or affordable provision where we may wish to liaise with County teams who would have potential clients. Strategic Housing therefore **do not have any comments** to make on this application.
- 6.5. **Thames Water: No comments** to make on this application.
- 6.6. **CDC Public Rights of Way: No comments.**
- 6.7. **Building Control:** A building regulations application will be required for the proposals.
- 6.8. **Environmental Management: No objection.** Suggested condition for a Construction Environment Management Plan (CEMP), no comments on noise, air quality, odour or light and agreement on the contaminated land report submitted as part of the application.
- 6.9. **Conservation:** It is noted that this is a revised application on this site. The land is not located within a conservation area and is not considered to be within the setting of any Listed Buildings, therefore due to the nature of the application we **do not wish to make detailed comments at this time.**
- 6.10. **OCC Highways: No objection.** OCC did not object to the previous version of the proposals – application no. 22/01773/F. CDC refused the application and an appeal was then lodged and dismissed. The new proposals are not materially different to application 22/01773/F and are actually more modest in scale. The proposals are unlikely to adversely impact the local highway network in traffic and safety terms. OCC does not object to the granting of planning permission.
- 6.11. **CDC Ecology: No objection subject to conditions** for a LEMP (Landscape and Ecological Management Plan and CEMP. Condition also suggested if development delayed, and further ecological assessments being required. Observations made regarding planting beds and discrepancies on the submitted ecological enhancements proposed.
- 6.12. CDC Arboriculture, CDC Housing Standards, Ward Councillor, Severn Trent Water Ltd, CDC Waste and Recycling, CDC Landscape Services and BBO Wildlife Trust have not responded at the time of writing this report.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development

- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
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7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sibford Community Plan 2012
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Housing and Economic Needs Assessment (December 2022)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Highway Implications
- Residential amenity

- Drainage
- Ecology impact
- Sustainable construction
- Landscape Impact
- Other Matters

Principle of development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District relevant to this application comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 8.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs through more limited and managed growth to ensure sustainable outcomes are achieved.
- 8.4. Policy ESD1 of the CLP 2015 states that the Council will seek to mitigate the impact of new development within the District on climate change by "distributing growth to the most sustainable locations as defined in this Local Plan (and) delivering development that seeks to reduce the need to travel".
- 8.5. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 paraC.255). Together, Sibford Ferris and Sibford Gower are recognised as a Category A village. Policy Villages 1 supports conversions, infill (as defined by the Local Plan) and acceptable minor development within the built up limits of Category A Villages.
- 8.6. In this instance, the site is undeveloped, agricultural land that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south. The site is bounded on the fourth side by Woodway Road then open countryside.
- 8.7. The undeveloped nature of the site, its rural character, and its relationship with the surrounding built development means that the site is considered to fall outside the built up limits of the village. The site clearly forms part of the wider open countryside surrounding the village rather than part of the established built form of the village. The development of the site would therefore not be supported by Policy Villages 1 of the CLP 2015 which only allows for development within the built limits.
- 8.8. Given the location of the site, outside of the built up limits of the settlement, it is considered to lie within open countryside. Therefore, Saved Policy H18 of the CLP 1996 applies which seeks to restrict new development outside of the built up limits of settlements unless the dwelling is essential for agriculture or for an identified local affordable housing need. These do not apply in this case and therefore the proposal would conflict with Saved Policy H18.

- 8.9. Policy Villages 2 of the CLP 2015 also allows for further development at Category A villages albeit it does require an assessment of several criteria including an assessment of the impact on landscape, built environment and access to services and facilities. However, this only relates to developments for 10 or more dwellings so is not relevant to the current proposal. This approach has been supported in respect of a number of appeals.
- 8.10. Overall, therefore, the development of the site would clearly conflict with the provisions of the Development Plan when read as a whole which is the starting point for decision making. It is therefore necessary to consider whether other material considerations outweigh this conflict whilst having regard to the primacy of the Development Plan enshrined through planning law and the NPPF.
- 8.11. Cherwell's housing land supply position is reported in the Council's 2022 Annual Monitoring Report (AMR). In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies including Policy BSC1 are "out of date". Paragraph 74 and footnote 39 of the NPPF requires that in such circumstances the 5 Year supply of land should be calculated using the government's standard methodology.
- 8.12. The use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply and consequently Cherwell District Council is able to demonstrate a 5.4 year supply. However, whilst it is for the Local Plan Review to set the revised requirement, the delivery of homes across the district remains an important material consideration in the planning balance.
- 8.13. That said, what this housing land supply position does mean is that the tilted balance is not applied.
- 8.14. The site is not previously developed land. The site is within an area of Grade 2 (possibly Grade 1 according to the Council's GIS mapping) agricultural land. This would weigh against the proposal.
- 8.15. The site to the south was granted permission at appeal. The Planning Inspector held that, although the proposals would involve the loss of Grade 2 agricultural land, this has to be balanced against the benefits which the proposals could make to the provision of additional housing. The appeal proposal was for a significantly larger number of dwellings on the site and hence a larger area of agricultural land lost to development than the current proposal.
- 8.16. It is considered that the conclusions of the Planning Inspector are a material consideration and that the benefit of the additional 6 dwellings must weigh against any refusal on the grounds of lost agricultural land in this instance.
- 8.17. Previously, the applicant has advised that the site has been farmed on an agricultural tenancy by the adjacent owner of the land to the south. Access for agricultural operations has been conducted from his land to the south. Now that the southern land has been sold for development purposes the access is no longer available. The applicant states that farm tenant has no desire to farm it and has surrendered his tenancy. Furthermore, the landowner considers that, because of the size and shape of the site, the cost of travelling to it, and the size of modern equipment, it is no longer viable for farming.

- 8.18 Sibford Ferris is a Category A village as a 'cluster' with Sibford Gower and Burdrop, and across the three settlements there are a range of services that help residents meet their day-to-day needs. Taken together, these villages are somewhat more sustainable than some other Category A villages. That the Inspector considered the site to the south, a significantly larger development than the current proposal for 5 dwellings, to be sufficiently sustainable for residential development of this scale, is a material consideration in the assessment of the current application.
- 8.19 It is also noted that this site was reviewed in the HELAA under site reference HELAA 267, with the conclusion that the site had few physical constraints and limited potential impacts and was considered suitable for residential development of up to 20 dwellings. Paragraph E.19 of the Local Plan states, "If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability". Planning Inspectors have previously afforded the HELAA conclusions limited weight as they have not been through a planning application and associated consultation.
- 8.20 The development of the site would urbanise it and change its character and given the proposal's design would be unlikely to contribute to enhancing the built environment (NB. the key test in this regard is instead whether it would cause harm). However, the site is relatively small and visually contained. Given the site's location, bounded on two sides by residential development and an approved development on a third, it is considered that, subject to design, the proposal would not result in a significant adverse impact on the landscape for this edge of village development.
- 8.21 Access can be achieved through the future residential development to the south with a direct access onto the Hook Norton Road which has extant permission.
- 8.22 Overall, the principle of the proposal conflicts with Policy Villages 1. The NPPF places great importance on boosting the supply of homes and notes it is important that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 states that: 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly'. It is also clear that the development is aimed at providing accommodation for a specific group namely those aged 55 and above. The applicant has provided evidence that Cherwell follows, but substantially exceeds the national trend toward owner-occupation as the dominant tenure for older people. The applicant states that around four out of every five older people in Cherwell are homeowners. The profile of the Cherwell in relation to the age of its population is currently very slightly below the national average but those 65 years of age will make up a quarter of the total population of the district by 2040. This will be a major factor in shaping future policy for housing, health and social care authorities. Between 2020 and 2040 the applicant states that there will be 9,500 more people in the District who are 85 years of age or more and this will present a major challenge for health and social care agencies.
- 8.23 The applicant considers that due to the above points in the absence of an adequate supply of appropriate, contemporary accommodation options pressures will increase on higher-end services, such as Registered Care Homes providing Personal Care and Registered Care Homes providing Nursing Care. The applicant has highlighted that although the age specified is 55+ this is in line with the National Planning Practice Guidance definition of age-restricted general market housing which is housing generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.

- 8.24 Policy BSC4 of the CLP 2015 states that opportunities for the provision of extra care, specialist housing for older and/or disabled people and those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities. The Oxfordshire Market Position Statement highlights that there is a general need for housing for elderly people across the county. The development would provide age restricted housing (which can be controlled by a condition) and this is considered to be a benefit of the scheme that will need to be weighed in the planning balance.
- 8.25 Notwithstanding, an age restriction of 55 and above should not be taken to suggest that the residents of the dwellings would be unable to walk and / or cycle to places in and around the village. As with any new resident to the village aged 55 or above they would not necessarily be of an age which prevents them from walking and / or cycling as suggested by a number of objectors to the proposal who possibly see the suggestion of retirement bungalows as being occupied by elderly or frail residents which is not necessarily the case.
- 8.26 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and advises that housing should be located where it will enhance or maintain the vitality of rural communities. It states that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Paragraph 80 continues by stating, amongst other things, that planning policies and decisions should avoid the development of isolated homes in the countryside. Within the CLP 2015, the classification of villages under Policy PV1 has been undertaken using criteria including: population size; range of services and facilities; and whether there were significant known issues in a village that could be materially assisted by an increase in housing (for example to maintain pupil numbers at a school). The classification of settlements under policy PV1 and the direction of growth to the category A villages under policy PV2 therefore meets the NPPF aspiration to ensure that the rural housing needed to maintain the vitality of rural communities it located appropriately. With this proposal the development would provide another choice of accommodation within the village, and due to its location, the development would not be seen as an isolated development but as a natural extension to the western edge of the village.

Conclusion

- 8.27 Sibford Ferris village has very limited services, but together with Sibford Gower and Burdrop is a Category A village that a Planning Inspector concluded was sufficiently sustainable for a larger development on land immediately to the south of the site. The applicant has previously confirmed that the development of the site could be achieved within a five-year period and is available to develop. Although located outside the built form of the village the site is located adjoining the village boundary and is surrounded on three sides either by existing or approved residential development.
- 8.28 The site is not located within a flood zone and with no objections or comments being raised from the lead local flood authority, the Environment Agency nor Seven Trent Water it is considered that the development could be designed to ensure no adverse impact on the drainage. The site is classified as Grade 2 agricultural land which weighs against the proposal, although the site to the south is also Grade 2 agricultural land and was allowed at appeal for a larger development than that proposed here.
- 8.29 However, the proposal conflicts with Policy Villages 1 and 2 and the Council has a housing supply position of 5.4 years meaning that the relevant development plan

policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.

- 8.30 Policy Villages 1 of the CLP 2015 designates Sibford Ferris as a 'service village' where minor development, infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to the size of the village and the level of service provision, the site's context within the existing built environment, whether it is in keeping with the character and form of the village, its local landscape setting and careful consideration of the appropriate scale of development.
- 8.31. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Sibford Ferris village, and therefore within the countryside. The proposal for development on a greenfield would have an urbanising impact.
- 8.32. The assessment in the 2018 HELAA is material albeit of limited weight: The purpose the use of a HELAA is to inform assessments of housing land supply and although that is an important evidence source to inform plan making it does not in itself determine whether a site should be allocated for development; it is the role of the HELAA to provide information on the range of sites which are available to meet need but it is for the development plan to determine which of the sites are the most suitable to meet those needs.
- 8.33 Sibford Ferris is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). Sibford Ferris is recognised as a 'Category A' village, by virtue of its close association with Burdrop and Sibford Gower. In terms of scale, the Sibfords combined population (2011) is approximately 984 and the village had not seen any significant new housing since this data was collated. It is located some 7.5 miles from Banbury and 7.7 miles from Chipping Norton, with bus links to both Banbury and Stratford upon Avon (4 no. pick-up times west-bound and 5 pick-ups east-bound). It has recreation and community facilities, a primary school, nursery, shop/post office, public house and GP surgery. The Sibfords are considered to be one of the more sustainable Category A villages within the district given the services and facilities available within the village group.
- 8.34 As the proposal seeks permission for residential development on the edge of a Category A Village, it such does not find support under Policy Villages 1. As the proposal is for 5 dwellings on land outside, but immediately adjacent to the built-up limits of the village of Sibford Ferris, it can therefore be considered under Policy Villages 2 of the CLP 2031.
- 8.35 The acceptability of the proposal therefore needs to be tested against the criteria listed in Policy Villages 2 of the CLP 2015 (as set out in para 8.13 above), as well as other material planning considerations. However, in the first instance it is important to consider the matter of scale and quantity of development, and whether the proposal is in accordance with the overarching housing strategy of the CLP 2031.

8.36 Currently, 703 dwellings have now been completed at Category A villages, with 101 under construction, and 270 dwellings with planning permission on sites not yet started.

8.37 The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

8.38 As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 101 dwellings are under construction, with another 270 with the benefit of planning permission that has not started. Therefore, the total number of dwellings delivered under PV2 will exceed 750 set out in the policy.

8.39 Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point may soon be reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target has been reached.

Design, and impact on the character of the area

8.40 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

8.41. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

8.42. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and ensuring a high-quality design.

8.43. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- 8.44. This application seeks planning permission for the development of an agricultural field for 5 no, age restricted two storey dwellings. The site is undeveloped land outside of the existing built form of Sibford Ferris village but with existing residential properties to the north, east and approved residential development to the south. All three boundaries are marked by a mix of landscape features and the proposal would seek to retain and hence the landscape along these boundaries.
- 8.45 The site is currently an area of agricultural land with no built form and as such the proposal to build 5 two storey dwellings would result in a significant change in the character of this part of the village. That said the proposed development also proposes a large area of green space to the west of the development to enhance and improve the existing landscaping along the edge of the site which forms the edge boundary to the village. This would be retained and would form an effective screen to the development helping to soften the appearance and impact from outside the site. The existing landscaping was considered to be a more effective screen for bungalows than it would for two-storey dwellings, which would be more visible from footpaths to the north and west.
- 8.46 Turning to the design of the dwellings, all 5 would be two storey, with no additional accommodation provided within the roof space. Although it is accepted that the majority of dwellings within the village are of a two-storey design the design of the proposed dwellings are quite different to the properties within the immediate surroundings, particularly in terms of layout and overall context with their surroundings. It is noted in the Inspectors report that “The landscaped context of the village further ensures that it is subservient to the wider countryside with little visible intrusion”. Policy ESD15 requires all new development to respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.47 Bungalows were previously considered an appropriate design solution for this visually sensitive edge of village location; however, the design and layout of the scheme was not supported. The Inspector advised at paragraph 17 of his report APP/C3105/W/22/3298098 that given the topography of the site the development would take a considerable time to screen and filter views of the development in the countryside, including the public right of way and adjacent to Woodway Road. In this scheme the developable area has been pushed towards the eastern boundary comprising a row of 5 two storey dwellings to follow on from the approved development line to the south of the site, the access road also feeding off the access to serve the new residential development to the south of the site. This allows for the western edge of the site to be further planted and a greater expanse of land to separate the development from the countryside.
- 8.48. The 5 dwellings would all face east overlooking the access road which extends from south to north in a relatively straight line. Private driveways and garages are also accessed from this road. All properties would face the rear of the dwellings currently comprising the existing edge of the development confines. To the east of the application site these properties comprise three detached dwellings on sizeable plots and of varying design and scale. The aim of this amended design is to continue the line of development from that of the approved scheme to the south. However, the closeness of the 5 dwellings with limited space between them from south to north changes the context of this small addition of development and does not flow with the properties to be built to the south, nor the development to the north and east. The layout, whilst attempting to be simple in form, is actually detrimental to the wider

countryside in that it creates a rather cramped form of two storey dwellings that do not reflect any of the immediate existing or proposed surroundings.

- 8.49 To the north, the proposed plot 5 sits 'end on' to a large, detached property known as Faraday House. The proposed dwelling design has included an unusual roofscape and has hipped the roof away from its neighbour. Assumed to reduce the potential visual and overbearing impact the property may have on the occupiers of Faraday House and curtilage. This dwelling is not considered to be of a design conducive of the locality, however, had the fundamentals of the scheme been acceptable this could have been easily amended. The same applies to the unbalanced fenestration detail of plots 3 and 4.
- 8.50 To the south of the proposal site the approved scheme sees the potential of 3 detached dwellings (located on plots 16, 17 and 18). These comprise wide detached plots, with attractive double fronted house designs that are separated by large spaces, all of which have large front and rear curtilages. Agreed materials comprise natural stone and slate for these dwellings with red brick and coloured render amongst the wider development to the south. The expanse of these three properties to the south, is not dissimilar to the expanse of the entire application site from north to south.
- 8.51 With regards to the materials to be used on the proposed dwellings, the use of similar materials to those used on the development to the south is preferable and the scheme aims to do this. Plots 1 and 5 propose the use of natural stone, plot 2 render, and plots 3 and 4 would comprise of red brick. Roofing materials propose natural slate with garages comprising red brick and timber boarding. These materials, subject to finer detail, are all considered to be appropriate in this locality. It is considered that the use of a good quality red brick and natural slate, both of which are also shown on the submitted materials plan, would be acceptable, and the use of appropriate materials can reasonably be required by condition of any permission given.
- 8.52 Concern has been raised by some objectors that the development of this site would impact upon the character of the village and in particular reference to the impact on the Conservation Area has been raised. Although the development is located close to the Conservation Area officers note that the site is not located within nor abuts the edge of the Conservation Area. The site is closest to the Conservation Area to the north of the site, but the existing dwelling of Faraday House is located between the site and the Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.53 In this instance it is considered that as the development is not located within nor abutting the Conservation Area the proposal would not result in any adverse impact upon the character of the Sibford Conservation Area.
- 8.54 Whilst the impact on the conservation area is minimal the new proposed expanse of built form of tightly sited dwellings on land with a rising topography, the visual impact of the development, despite the potential for additional landscaping, will have a significantly detrimental impact on the character and appearance of this part of the village. Whilst it is noted how the scheme has changed from bungalows to two storey dwellings, the design and layout of the proposed housing would still result in an overly built up and visually incongruous development that still falls short of integrating with its context and surroundings.

- 8.55 The retention and enhancement of the landscaping boundary to the site would ensure that the appearance of the development would be softened over time, however this would not hide the urbanising effect the development would have on this rural edge. Additionally, a positive built edge should use the built form and planting to frame views into the development rather than to simply screen it.
- 8.56 For these reasons it is considered that in terms of design and appearance the proposal represents a form of development that still falls short of the requirements of the adopted policies.

Highway Implications

- 8.57 Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. In addition to this paragraph 111 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.58 This application seeks to provide a link to Hook Norton Road via the new access road provided through the approved new estate to the immediate south of the site. Once within the site the access road would continue to the north of the site creating a cul-de-sac. A small footpath is located between plot 2 and 3 allowing pedestrian access to the land to the rear.
- 8.59 Given the views of the Local Highway Authority Officers consider that the proposal would not result in any highway safety issues and that there is no highway reason to warrant a refusal of permission.

Residential amenity

- 8.60 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.61 This application seeks planning permission for the development of the site with 5 detached two storey dwellings. The site shares a common boundary with existing residential properties to the north and the east the boundaries of which are marked by a mix of open style fences and existing landscaping. As the layout of the development is to face towards the shared boundaries there is the potential that the development would result in a loss of privacy to the existing residential properties. However, the distance between the front of the dwellings and the shared boundary is in the region of 17m with a further 20m before the rear elevation of the existing property. This distance, whilst also two storey would ensure that an adequate distance would be maintained to ensure that the development will not result in any significant loss of privacy or outlook or light pollution.
- 8.62 The distance between plot 5 and Faraday House is approximately 17m. Given the dwelling would be immediately south of Faraday House, it is not the most neighbourly, although in design terms it is an adequate distance to not result in

overlooking (especially given the lack of openings at first floor and the flank elevation) or being overbearing. It will ultimately alter the view from the outlook of Faraday House, but this is not a reason for refusal on its own. The design of plot 5 has been previously questioned, however apparent that the design has come about because of the relationship between the two buildings.

- 8.63 Given the above, it is considered that the development is acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers. The development therefore complies with the adopted Policies.

Drainage

- 8.64 Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of which states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 8.65 Paragraph 165 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

- 8.66 Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 8.67 Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

- 8.68 The site is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding. The applicant has submitted a Drainage Strategy Technical Note in support of the application. This strategy outlines that in accordance with the Sustainable Drainage Systems (SUDS) hierarchy, rainfall run-off should be managed in the following preferential order:

1. Infiltrated to ground.
2. Discharged to local watercourse.

3. Discharged to a local surface water sewer network.
4. Discharged to a local combined water sewer network.

The Strategy continues by stating that given the advice contained within the geotechnical report, runoff from the individual plots would be collected via a positive piped system and conveyed to a communal infiltration basin feature in the proposed open space area to the southwest. Areas of hardstanding would be formed using a permeable surface and will cater only for rainfall falling directly upon that area, no additional inflows would be included. In this way the surface would mimic the existing rainfall action. Thames Water have made no comment on the scheme as submitted.

- 8.69 In considering the details of the drainage strategy no comments have been received and no objections were raised from the earlier scheme, with more development proposed across the site. Seven Trent Water provide the foul drainage in the area and in considering this application Seven Trent have previously confirmed that foul water is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. As a pumped solution is being proposed for foul water discharge from this site, a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent have made no comment on the scheme as submitted.
- 8.70 Furthermore, in considering the development on the adjoining site for a larger development the Planning Inspector in allowing the appeal confirmed that the site lies in the Flood Zone 1 and a Flood Risk Assessment submitted with the appeal identified that the risk of flooding was low. Furthermore, the scheme does include sustainable urban drainage. Based on this and the no objections raised to the application it is considered that subject to the necessary infrastructure being in place there is no drainage reason to warrant a refusal in this instance.

Ecology impact

- 8.71 The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 8.72 Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 8.73 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be

made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests: (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment? (2) That there is no satisfactory alternative. (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 8.74 The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation). Policy Context
- 8.75 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.76 Paragraph 175 states, amongst other things, that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.77 Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 8.78 These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 8.79 The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Assessment
- 8.80 The application is supported by a detailed ecology assessment of the application site. The report highlights that an ecological survey and appraisal of the site and proposed development was undertaken on the 23rd December 2021. The survey was also supported with a desk-based review of maps, satellite imagery, and information supplied by the Thames Valley Environmental Records Centre.

- 8.81 The report outlines that the proposed development site is not covered by any statutory or non-statutory nature conservation designations, and there are no potentially affected designated sites in the local landscape. It is highlighted that the boundary hedgerow used by common bats and two oak trees, which have low potential to support roosting bats, will be protected. The report considers that habitat affected by the development is of negligible value for foraging bats. It is possible that common mammals move through the study area but that the site is not suitable for supporting ground nesting birds, and the vast majority of boundary hedgerow that could support low numbers of nesting common birds will be retained and protected. The site is not considered to support reptiles or great crested newt.
- 8.82 The submitted ecology assessment and supporting addendum dated May 2023 considers that mitigation measures to include protection of bats, mammals and nesting birds would be included as part of the development. The mitigation includes the design can include new mixed native hedgerow, trees and species-rich grassland, while bat roosting boxes and swift nesting boxes would be installed on the new buildings. The proposed development complies with both national and local planning policies to maintain and enhance biodiversity, in particular those habitats and species identified as priorities in the UK and Oxfordshire, and the scheme provides a net biodiversity gain. The residual ecological effect of the proposed development is considered to be positive in a Local context and an enhancement to the scheme previously submitted.

Conclusion

- 8.83 Officers are satisfied, on the basis of the absence of any objection from Council's Ecology Officer, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Sustainable construction

- 8.84 Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 151 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should:
 - c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
- 8.85 Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be

considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).

- 8.86 Policy ESD 2 relates to Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 8.87 Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.
- 8.88 This application seeks planning permission for the development of this site for 5 detached two storey bungalows. The applicant has provided a sustainability statement which confirms that the proposed development will incorporate many sustainability initiatives which seek to not only comply with the 3 sustainability objectives in the NPPF as well as CLP Policy ESD3. The key features include: the use of air source heat pumps which will be used due to the lack of mains gas in the area. All dwellings are designed to reduce air leakage which assist with the use of the air heat pumps. All dwellings will be provided with electric car charging and additional bicycle storage will be provided for each dwelling. All the dwellings are design to M4(2) provision for future adaptability. PV cells would be provided to the roofs of the dwellings. The scheme would include a SuDS drainage to mimic natural drainage. The development previously included the provision of a communal landscaped garden, however the open space to the rear (west) of the development would encourage biodiversity. Finally, it is confirmed that the dwellings would be installation with appliances, fixtures and fittings to reduce the use of water to 110litres/person/day as required by Policy ESD3.

- 8.89 Based on the above measures it is considered that the development would be completed to assist in the reduction of impact on the environment as required under Policy ESD3.

Landscape and Visual Impact

- 8.90 The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 8.91 Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.
- 8.92 BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 8.93 Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity. Saved Policy C33 of the Local Plan states that, "the Council will seek to retain any undeveloped gap of land which is important....in preserving a view or feature of recognised amenity or historical value".
- 8.94 Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 8.95 The quantum of development proposed would give a density of c.5 dwellings per hectare. However, this also includes the area of land that extends to the west that is not being developed. The density is more realistically around the 13/14 dph figure.
- 8.96 Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes onto state that

proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

- 8.97 BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 8.98 The site is in open countryside and contributes to the rural character, quality and amenity of the area, in particular the rural character and setting of Sibford Ferris village. Its open character and wider views of the historic village and surrounding countryside also contributes to the amenity value and enjoyment of the various public rights of way when passing in close and distant proximity to the site. The site is approximately 1.5km east of the Cotswold Area of Outstanding Natural Beauty (AONB) and the Sibford Ferris, Sibford Gower and Burdrop Conservation Area is approximately 70m to the north of the application site. Whilst the site is not located in the AONB it is acknowledged that it does form part of the setting and as such the landscape character of the AONB should be considered.
- 8.99 The appeal decision for the 25 dwellings to the south refers to the AONB and is accepted by the Inspector to be within the setting of the Cotswold AONB. Whilst it is agreed that the site lies within the setting, the landscape is not considered to be included in the special designation. However, its role in the setting gives it a higher degree of value than the general open countryside.
- 8.100 In the Inspectors report for the 25 dwellings to the south it refers to the character and appearance of the wider landscape in paragraph 24. "The village's linear character means the rural landscape prevails with the village being a subservient element" and observing that "Over the last 20 years new housing has been integrated into the existing settlement pattern in a sensitive way". It was considered that the nature of the character landscape meant that the views of the proposed 25 dwellings development were limited from its immediate boundaries compared to those further away, specifically referring to views from Woodway Road (para 28) and suggested height parameters an important element in reducing visual impacts of the scheme from surrounding receptor points. The layout of that scheme, particularly plots 16, 17 and 18 (those immediately to the south of the application site), were specifically designed around their edge of countryside location, comprising a density of approximately 5dph.
- 8.101 The 30-page Landscape and Visual Technical Note (LVTN) by Pegasus Group on behalf of the applicant and submitted with the application has been informed by desk study, field work and the published material prepared for the development to the south (ref:18/01894/OUT) that was allowed at appeal for 25 dwellings and open space.

Impact on wider Landscape

- 8.102 The document has considered the potential impacts on the landscape character and amenity of the site and surrounding area and concludes limited visual impact on the wider landscape, informing unrestricted views being limited to its immediate environs only.

- 8.103 In terms of predicted effects on visual amenity, the LVTN finds the greatest level of visual effects will be experienced by the closest receptors: primarily residents of adjacent residential properties, particularly during construction and completion of the development.
- 8.104 The LVTN concludes that the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary, nor would there be substantial detrimental effects to visual amenity across a wide area.
- 8.105 Officers tend to disagree with the LVTN in respect of the evaluation of potential wider landscape effects. The design aims to soften the development by introduction of the open space to the west to strengthen the existing settlement edge, thus providing a natural interface with the AONB to the west. The photo taken from Viewpoint 3 confirms how much higher the landscape sits in relation to the southern approved development area. The design of which has a far lower density (approximately 5dph across plots 16-18) and has a larger area for landscape mitigation. The proposed design of the 5 two storey dwellings will create a near solid line of newly built form that will sit prominent in this location and quite visible when viewed from both the immediate and wider landscape. Whilst it is agreed that the development would become a small component of the wider view, given the surrounding rolling agricultural land, the proposed development is not considered to be indistinct in the overall composition.
- 8.106 Officers also disagree with paragraph 5.11 of the LVTN in that the changes to Woodway Road will be seen against the backdrop of the existing settlement edge. The new scheme significantly alters the existing settlement edge. The proximity of the dwellings, whilst over time mitigated by the western planting, will completely alter the character and composition of the visual experience.

Impact on the immediate landscape and setting of the village

- 8.107 Whilst long range views of the development may not result in a significantly adverse impact on the wider landscape, it remains the case that the site lies outside the built-up limits of the village, would extend development into the countryside and as such is contrary to saved policies in the adopted Local Plan for protection of the countryside. Officers consider this to be a significant and demonstrable harm to be taken into account in the planning balance.
- 8.108 The development therefore would not contribute in enhancing the built environment and would result in significant adverse local impact on the landscape. Therefore, the proposal conflicts with Policies ESD13, ESD15 of the CLP 2015, saved Policy C33 of the CLP 1996 and Government guidance in the NPPF. This weighs significantly against the development.

Other Matters

- 8.109 The Counsel opinion provided by the applicants was discussed at length with senior officers. The content of which was relatively straight forward in its assessment and offered a difference of opinion in the interpretation of the planning history and current planning policies. The offer to fund the Councils own Counsel opinion was declined and the officers remain comfortable with the Councils position and the reasons for refusal following a full assessment of the proposed scheme.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 9.2 The site is located on the edge of the small rural village of Sibford Ferris in the northwestern edge of Cherwell District. Sibford Ferris along with Sibford Gower and Burdrop are allocated as a Category A village as a 'cluster', while Sibford Ferris on its own is a relatively small village of around 172 dwellings.
- 9.3 Positioned on the western edge of the village the Site is currently a small agricultural field enclosed on two sides with existing residential development and on a third with an area currently being developed for a new estate of 25 dwellings. The fourth boundary to the site is marked by the single-track lane known as Woodway Road and open countryside.
- 9.4 This proposal would provide 5 detached bungalows outside of the built form of Sibford Ferris. The Council has a 5.4 year housing land supply and as such paragraph 11d of the NPPF is not implemented in this instance.
- 9.5 Under Policy BSC1 developments of less than 10 dwellings are considered as 'windfall' developments and the CLP allocates 754 dwellings under this category as an aspiration. The AMR 2021 highlights that the delivery of developments under 'windfall' developments over the plan period is now at a position where the total number of housing completions and the number of dwellings permitted at sites where development has commenced has exceeded 754 dwellings at 771. The position of housing delivery in the rural area is therefore considered to be healthy in respect of the vision of the Development Plan and so the proposal does not find support from Policy BSC1.
- 9.6 The site is an open field not allocated for development in the Development Plan. It is accepted that there is always a need for additional housing and that this includes age restricted housing in the District. However, as outlined in the paragraphs above there is an argument that this site is not appropriate for this type of development. It is considered that the development of this site would conflict with the adopted policies in the Local Plan to which substantial weight should be attached and result in unsustainable growth. The proposed development would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

10. RECOMMENDATION

That permission is refused for the following reason(s):

1. The site is located outside the built form of Sibford Ferris and within an area of open countryside. The Council is able to demonstrate a 5.4-year housing land supply and therefore the housing strategy Policies in the Local Plan are up-to-date and the proposed development would conflict with the adopted policies in the Local Plan and would undermine the housing strategy in the Cherwell Local Plan. The proposal constitutes residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. The proposed development is therefore contrary to Policies PSD1, BSC1, ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of Cherwell Local Plan 1996 as well as the Council's declared climate emergency and would not accord with Government guidance within the National Planning Policy Framework. This conflict with policy and the environmental harm identified significantly and demonstrably outweighs the proposal's benefits.
2. By reason of its location, scale, layout and design, the proposal would be out of keeping with the form and pattern of development of the surrounding area, and would have a poor and incongruous relationship with the existing settlement, would have an urbanising impact on the rural setting of the village, appearing prominent in the open countryside and would adversely affect the immediate landscape setting of Sibford Ferris and the character and appearance of the area. The proposed development is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, the Cherwell Residential Design Guide, National Design Guide, and Government guidance in the National Planning Policy Framework.

Case Officer: Saffron Loasby

DATE: 24/08/2023

Checked By: Nathanael Stock

DATE: 24 August 2023
