

Application Reference: 24/00097/F
Application by: Mr H.L. Foster
Site Address: Land south of Widnell Lane, Bicester

From: Andrew Coleman, 14 Lower End, Piddington, Bicester, Oxon OX25 1QD

I object to the latest planning application for this site. I made a personal objection to the original planning application for 12 pitches and the subsequent appeal, and I would like those objections to be taken into account when considering this application. Although I am repeating some of them here, I am also making some important additional points. I would also like to point out that the history of the applications is incomplete in the 'Site History' section for this application online. The missing items are:

- 17/00145/F -- an original application for 16 pitches that was refused;
- 17/01962/F -- a subsequent application for 6 pitches that was originally refused by CDC but allowed on appeal;
- 20/01122/F-- an application for 12 pitches that was refused by CDC and rejected again on appeal.

This site history is essential for anyone wanting to look back at previous applications and comments. The one application in the Site History section (20/01747/F) is very relevant but was actually for an adjacent plot of land

[1 Retrospective application?](#)

This application is called a 'Retrospective' application. I am confused by this. My understanding is that a retrospective application would be for a project that has begun, or been completed, before permission has been applied for. In this case, permission for this development had been applied for and refused by Cherwell District Council and also had an appeal dismissed. I would have thought that under these circumstances any work that has commenced would be illegal and thus a cause for prosecution, not an opportunity for the applicant to make yet another application.

[2 Disregard for previous planning conditions](#)

The applicant did have permission for 6 pitches on this site, subject to conditions. He has shown complete disregard for those conditions by beginning work on the site before meeting the pre-commencement conditions – this included constructing an entrance which blocked a drainage stream and covering the entire site with hardcore with no regard to environmental concerns (see Figs 1 and 2). I have no idea whether this permission is still valid, but I would hope not given the deliberate flouting of conditions.



Fig. 1 The site after being illegally covered with hardcore



Fig. 2 The site entrance (with a view of ready-made concrete lorries beyond)

3 Environmental concerns

Ponds on a neighbouring field, also owned by the applicant, were shown by an earlier environmental survey to be habitats for great crested newts. These were filled in by the applicant, and much of the rest of the field was covered in hardcore. At the earlier appeal for this development (APP/C3105/W/21/3272481) the applicant even had the nerve to suggest that 'while unfortunate, this [i.e. filling in the ponds] now favoured the proposal as suitable habitats for great Crested Newts (GCNs) had been removed' (quoted from the Planning Inspector's appeal decision). The field is now home to derelict caravans and burnt out sheds (See Figs 3 and 4). It is clear that the applicant has no concern for the environment or appearance of the countryside, nor any scruples about ignoring planning conditions. The applicant has submitted a new

addition to the original wildlife survey, but this makes no mention of the ponds that have been illegally filled in by the applicant.



Fig. 3 The adjacent site where ponds were illegally filled by applicant



Fig. 4 Another view of the adjacent site

4 Cowpastures Farm cement batching, storage and distribution plant

Since the original application for a gypsy/traveller site was made, a concrete equipment and ready-made concrete supplier, and aggregate storage facility with workshop, has been established and developed at Cowpastures Farm, which adjoins the proposed gypsy/traveller site.

At the very least, an examination of the effect of this on the health and well-being of future residents should be conducted before considering approving the application. Looking from Widnell Lane across the proposed gypsy/traveller site I was able to count 20 or more concrete transporting lorries at Cowpastures Farm. This would clearly have an adverse effect on any future residents of the site. See Figs 2 and 5.



Fig. 5 Ready-made concrete lorries viewed across site from entrance on Widnell Lane

5 Interpretation of the current Local Plan, and the new Local Plan 2040

In my earlier objection I was concerned that the intention of BSC 6 is not being respected if this development is allowed. BSC 6 exists to ensure that traveller sites are in appropriate locations with respect to the environment, the local population, and the health and well-being of the travellers who would occupy a site. Clearly the criterion of being within 3 km of Banbury, Bicester or a Category A village must be significant, and it can only be significant in relation to the services that can be accessed in Banbury, Bicester or the Category A village -- services such as doctors, schools, dentists, shops, petrol stations, libraries, etc. None of these essential services are within 3 km of the Widnell Lane site, and to accept that Arcott has none of these essential services and still to claim that the location is acceptable would make a mockery of BSC 6 and make it virtually worthless as a planning tool. **It seems that CDC has come to the same conclusion, as in the Draft Local Plan Review 2040 the requirement in Core Policy 42 is for sites to be within 3km by road of a Main Town, Service Centre or Larger Village – in Core Policy 35 Arcott is not defined as a Larger Village but as a Smaller Village, which makes it clear that in future this site will not be considered to be in a suitable location.** The Draft Local Plan has now been through public consultation and although this plan does not yet have Development Plan status, it should still be a material planning consideration.

6 Lack of need for new pitches.

Cherwell District Council's Annual Monitoring Report for 2023, paragraph 4.5, states that there is 'a base requirement of minus 3 pitches [i.e. **a surplus of 3**] over the next 5 years'. Also, paragraph 4.5 states that 'As of the time of writing in October 2023' there was one appeal undetermined. This appeal (at Great Bourton) was successful so 3 more pitches became available, **giving a total surplus of 6**.

7 Bicester Trailer Park

It is suggested in this application that Bicester Trailer Park, a site of 8 pitches, has recently closed, leading to increased need. I don't know if this is true, but I have found no evidence for this, and mobile homes can still be seen on the site when driving past on the A34. Also, I have found no evidence of an application for change of use of this site on the CDC's website. I therefore assume the site still has permission for 8 pitches and cannot be used for any other purpose, so it should not be removed from the council's calculation of available sites.

8 Faults in the calculation of need

Here I'm repeating what I have said in earlier objections, but no one has ever either contradicted what I have said, or admitted I might be right, it has just been ignored. (As is the way when major organisations make a mistake, it is very hard to make them acknowledge it or even address it, as we have seen in the recent Post Office scandal). So here is the argument again.

Unfortunately, CDC has never really had a clear idea of how many pitches are actually needed, and its calculations have always been based on flawed data, which is why applicants have been so successful at appeal.

One major source of error was introduced in 2011/2012. In 2011, the number of pitches available in Cherwell was 54. An application was made for 16 additional pitches at Bloxham (which already had 20 pitches), which would bring the total up to 70. David Peckford (now Assistant Director – Planning and Development) wrote a report supporting the application. In it he said:

'Although the level of need that will be identified by the new Needs Study [the upcoming 2012 GTAA] cannot be predicted, it is likely that household growth and 'concealed need' (for example, overcrowding) will create a requirement for new pitches. The draft PPS refers to an objective of increasing the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.'

And

'The additional pitches [i.e. 16 additional pitches at Bloxham] would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS.'

So, basically, he was supporting the additional pitches as they would fulfil an increased need that was likely to be identified in the 2012 GTAA. Very reasonably, planning permission was granted on this basis.

Unfortunately, this is where things go awry. The 2012 GTAA was produced but instead of taking the 54 existing pitches as the baseline and calculating household growth and concealed need from that figure, it explicitly treats the recently approved

16 pitches as if they are already part of the current supply and occupied, and bases its future-need calculation on the 70 pitches (*“This analysis assumes that all pitches described in Table 4.1 are occupied which includes sites with full planning permission”*). Thus the 16 additional pitches, instead of satisfying a need that might have been identified in the 2012 GTAA had they not been approved, have erroneously increased the ‘need’ identified by the GTAA by 16 plus an extra amount calculated from presumed household growth and ‘concealed need’.

The Local Plan then incorporates the 2012 GTAA figures and all future planning decisions are based on these figures. To make matters worse, the 16 approved pitches were never built and so have always appeared as part of a mythical deficit.

Another flaw was the belief by CDC that the Station Approach Caravan Park was a gypsy/traveller site, when in fact, as became apparent when it closed, it never had been designated a G/T site and at the time of closure was occupied by people who were not gypsy/travellers. So it should never have been included as part of the supply or treated as a loss when it closed. Evidence for this is available in previous objections.

It is clear that unless someone does a physical count of how many gypsy/travellers there are in the district, whether living on sites or waiting to live on sites, no one, least of all CDC it seems, has any idea what the real need is. So the loophole in the planning system that allows pitches to be developed on unsuitable sites because of presumed need will continue to be exploited.