

Case Officer: Katherine Daniels

Recommendation: Refuse

Applicant: Mr Geoffrey Noquet

Proposal: Planning Permission in Principle is sought for the provision of 3-7 dwellings within the area outlined in red on the accompanying Ordnance Survey Map

Expiry Date: 8 November 2024

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village settlement. The site lies immediately adjacent to The Pheasant Pluckers' Inn (formerly known as the 'Bishop Blaize') and is located within the current car park of the public house. Immediately to the west of the application site is the former bottle store which is attached to the public house and is now in use as a holiday let. Immediately to the east of the site lies the vehicle access to the car park.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks *permission in principle* for the development of 3-7 dwellings. The application was accompanied by a site location plan edged in red.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

82/00329/N - Change of use of the premises to a single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered, and the pub was sold as a going concern) - Application withdrawn

85/00698/N - Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application) - Application withdrawn

99/01783/F - Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.- Application granted

06/00248/F - Single storey bar extension to provide non-smoking restaurant facility. - Application granted

06/01697/F - Change of use from licenced premises to dwelling house. - Application refused

07/00630/F - Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house - Application refused

09/01275/F - Alterations and extension to barn to provide 4no en suite letting rooms. - Application withdrawn

09/01557/F - Change of use from closed public house to dwelling - Application withdrawn

12/00011/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry

12/00678/F - Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12) - Application refused and appeal dismissed

12/00796/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused

13/00116/F - Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor - Application granted

13/00743/F - Erection of two new dwellings - Application withdrawn

13/00781/F - Change of use of a redundant barn/store into a 1-bedroom self-contained holiday letting cottage - Undetermined. Non-determination appeal allowed

13/00808/CLUE Certificate of Lawful Use Existing - Change of use from A4 to A1 - Application refused

13/01511/CLUE - Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories - Application returned

4/01383/CLUP - Certificate of Lawful Use Proposed - Change of use from A4 to A1 - Application refused

15/01103/F - Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling - Application refused and appeal dismissed

16/01525/F - Erection of a two-storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed - Application refused

16/02030/F - Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F - Application refused and appeal allowed

17/01981/F - Change of use from A4 to C3 (ACV Listed) - Application refused and appeal dismissed

18/01501/F - Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse – Appeal against non-determination – Appeal dismissed.

21/04166/F – Permission is sought to re-position and amend the structure of the previously allowed 3 bedroom building. Refused and appeal dismissed.

23/00662/F – Retrospective – change of use of public house (sui generis) to hotel/bed breakfast (C1). Appeal against non-determination. Appeal dismissed.

24/00613/F - Amended design to 16/01525/F - Erection of a single storey building providing 3 no en-suite letting rooms amended to three bedroom cottage for holiday let.
Approved

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **6 November 2024**, by advertisement in the local newspaper expiring **7 November 2024** 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 **7 November 2024**.

5.2. 46 comments raised by third parties are summarised as follows

- No requirement for housing
- Overdevelopment of the site
- Impact on viability of public house
- Impact on conservation area
- Highway Safety

5.3. 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 Parish Council: Parish Council does not have a quorum to make comments on this application.

OTHER CONSULTEES

6.3. OCC Archaeology: Requests a pre-determinative condition imposed

6.4. CDC Drainage: No comments or objections

6.5. OCC Local Highway Authority: Object due to insufficient information

6.6. CDC Environment Health: No comments received

6.7. CDC Ecology: No comments received

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
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD8: Water Resources
- 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
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps
- S29: Loss of existing village services

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

8. APPRAISAL

- 8.1. Paragraph 012 of the Planning Practice Guidance in respect of Permission in Principle states that: "*The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.*"

8.2. Paragraph 011 of the PPG explains that: “A decision on whether to grant permission in principle to a site following a valid application or by entering it on Part 2 of a brownfield land register must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise”.

8.3. The key issues for consideration in this case are therefore:

- Location
- Land Use
- Amount of development

Location and Land Use – Principle

Policy Context

8.4. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England. The NPPF is supported by Planning Practice Guidance (NPPG).

8.5. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, the NPPF includes a ‘*presumption in favour of sustainable development*’ (para. 10). Paragraph 11 continues by stating that applying the presumption to decision-making means:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:*
 - i) the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed;*
 - ii) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

8.6. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the ‘tilted balance’.

8.7. NPPF paragraph 12 advises: ‘*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning*

authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

- 8.8. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 8.9. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

Housing Land Supply Position Statement (Update) January 2024 Context

- 8.10. The former NPPF (September 2023) contained a requirement to include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains that former requirement.
- 8.11. This changes the calculation of the five-year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation (updated January 2024 to reflect the NPPF of Dec 2023) is now as follows:

Table 1

Step	Description	Five Year Period 2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

- 8.12. Additionally, it is advised at paragraph 226 of the revised NPPF:

"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this

Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

- 8.13. The Council has an emerging Local Plan Review 2040 that has reached Regulation 18 stage and therefore the Council maintains that it only needs to demonstrate a four-year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five-year housing requirement.
- 8.14. 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 need updating. Paragraph 77 and footnote 42 of the NPPF require that in such circumstances the five-year supply of land should be calculated using the Government’s standard methodology.
- 8.15. As set out in the Council’s Housing Land Supply Statement (February 2023), 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 land supply. This results in the Council having a five-year housing land supply position of 5.74 years for the period 2023-2028, which means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan.

Development Plan

- 8.16. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (‘CLP 2015’) and the saved policies of the Cherwell Local Plan 1996 (‘CLP 1996’).
- 8.17. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states: *‘The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car’.*
- 8.18. Policy BSC1 sets out the Council’s housing strategy, focusing development on Banbury, Bicester and Heyford Park. Paragraph E.10 of the Plan states, *‘Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement’.*
- 8.19. Policy BSC2 states *“It is also important to make efficient use of land. In general, new housing should be provide data net density of at least 30 dwellings per hectare. However, the density of housing development will be expected to reflect the*

character and appearance of individual localities and development principles that are appropriate to the individual circumstances of sites.”

- 8.20. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas and seeks to deliver new development to the most sustainable locations. It includes Sibford Ferris and Sibford Gower as a Category A village when assessed together. Despite its relative lack of facilities, Burdrop is taken to form part of Sibford Gower. In the case of Category A villages allows for minor development, infilling and conversions within the built limits of the settlement.
- 8.21. Policy Villages 3 relates to Rural Exception Sites. It provides support for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through allocated sites, subject to several criteria being met.

Assessment

- 8.22. As outlined above the site is located at Burdrop, which together with Sibford Ferris and Sibford Gower, and in spite of its lack of facilities, forms a Category A Village. Residential development is permissible within the built limits of Category A villages if it comprises the conversion of non-residential buildings, infilling or minor development comprising small groups of dwellings. When considering whether minor development (normally below 10 dwellings) would be acceptable paragraph C.262 states that regard will be given to the following criteria:
- 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
 - careful consideration of the appropriate scale of development
- 8.23. In this case, the application site comprises the public house and associated car parking and beer garden. The site is considered to be within the confines of Burdrop. The site slopes away towards Sibford Ferris.
- 8.24. Policy Villages 1 only allows for minor development, limited infill and conversion in category C villages. Paragraph C.264 of the Cherwell Local Plan Part 1 (2011-2031) defines infill development and states: 'Infilling refers to the development of a small gap in an otherwise continuous built-up frontage.' Given the character of the site and its surroundings, including the historic and functional importance of the public house, and the site's prominent location within the Conservation Area, it is considered that the construction of 5-7 dwellings within the small gap would have a negative impact on an important gap between the public house and the neighbouring property and on the character and appearance of the area and the Conservation Area. Given the amount of housing proposed, it is not considered it would result in 'infill development' and that, if it was constitute infill development, it would not be appropriate as such for these reasons.
- 8.25. In addition, no evidence has been submitted to demonstrate that there is a need for the provision of these dwellings to support the existing public house on site. And, importantly, the site as defined by the red line includes the public house itself. Approval of this permission in principle application would allow for the change of use of the public house to residential use and would therefore result in the loss of the public house as a facility and the loss of a community service in the village, the value of which has been indicated by the number of objections received to this application.

- 8.26. Proposals resulting in the loss of the public house (mostly to a dwellinghouse) have been regularly refused permission over the years (06/01697/F, 07/00630/F, 12/00678/F, which was dismissed at appeal, 17/01981/F, which was dismissed at appeal, 18/01501/F, which was dismissed at appeal, and 23/00662/F, which was dismissed at appeal, plus 12/00011/CLUE, which was dismissed at public inquiry, plus 12/00796/CLUE, and 13/00808/CLUE), there having been insufficient evidence to demonstrate that the public house is not viable.
- 8.27. No viability evidence has been submitted for the loss of the public house, as the red line includes the public house and insufficient information has been submitted to demonstrate that the public house is no longer viable. In addition, it is considered that development of the gap between the public house and the properties to the east with residential development would also have a negative impact on the viability of the public house. Planning permission has been granted for a three bedroom cottage for holiday let (24/00613/F), which would support the income of the public house. The residential development of the site would not allow for this development to be implemented.
- 8.28. Overall, therefore, the proposed development conflicts with Policy ESD1 and Villages 1 of the CLP 2015 all of which seek to provide a strategic policy approach which directs new dwellings to the most sustainable locations, and saved Policy S29 of the CLP 1996.
- 8.29. The proposal would therefore not be in accordance with the distribution of housing the Development Plan seeks to achieve under the aforementioned policies and is therefore considered to be contrary to Development Plan. It would also fail to accord with relevant paragraphs of the NPPF, including paras 83, 109 and 114 (sustainable development) and para 97 (loss of valued facilities and services).
- 8.30. However, planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.31. It is therefore necessary to consider whether there are other material considerations that outweigh the conflict with the Development Plan.
- 8.32. The sustainability of Burdrop is an important consideration. As part of Sibford Gower and Sibford Ferris, Burdrop is recognised as a Category A village in the CLP 2015. Category A villages are considered the more sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth, although Inspectors have dismissed appeals at some of the less sustainable Category A villages (Finmere, Fringford, Chesterton, Weston on the Green). Burdrop is one of the smaller Category A villages. It does have a primary school and a public house along with a GP service. There are other amenities available at Hook Norton and further away at Banbury but neither settlement is accessible by bicycle or readily accessible by public transport.
- 8.33. Overall, it is considered that, whilst some limited services would be available to residents on foot, given the distance and nature of routes residents of the site are likely to be heavily reliant on the private motor vehicle to meet their day to day needs. This weighs significantly against the proposal given the strong drive in the NPPF for sustainable patterns of development that aren't reliant on the private car.
- 8.34. It is acknowledged that the proposed dwellings would make a small contribution to housing in the district and the construction phase would bring with it modest economic benefits. These points give moderate weight in favour of the application.

- 8.35. However, the proposal as submitted does not provide any substantial material consideration to outweigh the identified harm and non-compliance to local policy identified in the previous applications and the current proposal.

Conclusion

- 8.36. The application site lies within the built limits of Burdrop which allows for infill development where there would lead to a continuous frontage. It is clear given the number of dwellings proposed that the development would lead to backland development, which is not supported by Policy Villages 1. The construction of dwellings on the site would lead to viability issues for the public house, which is a valued community facility and given the red line includes the public house the proposal would also result in its loss. No evidence has been submitted to demonstrate the public house is no longer viable or that residential development can be provided on the site without adversely affecting the viability of the public house. In addition, the site is in an inherently unsustainable location and future residents would be highly reliant on the private car. The limitations of what can be secured under a PIP application is not considered to add weight in favour of the application. These points are considered to significantly outweigh the benefits of the scheme identified above and therefore the location of the site is considered unsuitable for residential use.

Location and Land Use – Impact on the character of the area

- 8.37. Also relevant to the matters of location and land use are the impact the proposed development would have on character and appearance of the locality.
- 8.38. 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 on to 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. It goes on to state that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 8.39. The site is located within the Conservation Area of Sibford Gower and Burdrop. An application for a building between the gap has been dismissed at appeal. The Public House and associated garden is an undesignated heritage asset. Development on this site would have a detrimental impact upon the rural character of the village.
- 8.40. 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 on to 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.
- 8.41. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality

design. The Policy continues by stating that new development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. Development should also respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.

- 8.42. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant permission in principle for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.43. The site has received planning permission for a single storey holiday let in place of an extant planning permission for 3 letting rooms associated with the public house. This was deemed not to have a harmful impact on the conservation area. However, it is clear the construction of 5-7 dwellings would have a negative impact on the form and character of the village, including the designated heritage asset. It will lead to overdevelopment of the site and would lead to a development which does not reflect the form of the existing village. This would lead to less than substantial harm, which is not outweighed by the public benefits which are limited.
- 8.44. Overall, it is considered that the proposed development would result in harm to the rural character and appearance of the area and rural setting of the village including designated heritage assets, and therefore conflicts with Policies ESD1, ESD13 and ESD15 of the CLP 2015 and C28 of the CLP 1996. The proposal is considered to be contrary to Development Plan when considered as a whole.

Other Matters / Third party comments

- 8.45. The application is for a permission in principle only. The Local Planning Authority can only consider the land use, amount of development and location of the proposed development.
- 8.46. Officers also note the concerns raised by residents in relation to the proposal's effect on highway safety, and the LHA has objected to the proposal, but given the existing use of the site it is unlikely it would result in a severe impact on the highway network *in principle* in terms of location, land use or amount.
- 8.47. Concerns have been expressed about the business case of the proposed development, and the impact that the construction of 5-7 dwellings on site would cause on the local services. Although this is a potential positive, 5 to 7 dwellings would not have a significant impact on the viability of other local businesses.
- 8.48. With regard to biodiversity, the matter of biodiversity net gain is not within the scope of permission in principle (as it is not an application for planning permission), but the subsequent technical details consent (as a grant of planning permission) would be subject to the biodiversity gain condition; at that stage we would expect a biodiversity net gain assessment (and statutory metric), which shows how the development will achieve at least 10% net gain through habitat creation and management and species specific enhancements, such as integrated bird/bat

bricks, bee bricks, hedgehog houses, and high nectar planting should also be incorporated into the plans.

- 8.49. An assessment including any necessary mitigation and biodiversity enhancement would be expected at TDC stage were this application approved.
- 8.50. In respect of neighbour amenity, in the absence of any plans, it is impossible to fully assess the impact of the proposals on the amenities of neighbouring residents. However, given the size of the site and the nature of the surrounding properties, Officers have no reason to believe that a layout and design that is sensitive to residential amenity would not be possible.
- 8.51. This application would be subject to condition on contaminated land and a lighting strategy, and this could also be addressed at the TDC stage.
- 8.52. The ability of the surrounding local services (schools, doctors, etc.) to accommodate future residents would not constitute a reason for refusal for an application of this scale. Developments of less than 10 homes would not be expected to make contributions to these services.
- 8.53. Disruption would occur from the construction phase, but this could be adequately addressed by a construction management plan to be secure by planning condition.
- 8.54. Similarly, concerns on impact on drainage/sewage would be considered at the *technical details* stage if *permission in principle* was granted.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report the proposal would not result in sustainable development and would not be appropriate in terms of location, land use or amount. The social and economic benefits of providing 3-7 dwellings on this site are significantly and demonstrably outweighed by the identified harm. The location and amount of development is therefore considered unacceptable, and it is recommended that permission is refused.

10. RECOMMENDATION

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

The proposed development constitutes residential development within the built up limits of the settlement. Development of this scale at Burdrop is restricted to minor development, infilling and conversions. The proposed development would not constitute 'infilling' and would result in an urbanising form of development and within an important gap to the character and appearance of Sibford Gower and Burdrop Conservation Area which by reason of its location would adversely impact the rural setting of the village, including designated heritage assets and would result in harm to the rural character and appearance and quality of the area. In addition, the proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future residents would be highly reliant on the private car to meet their day to day needs which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. Further, the proposed 5-7 dwellings would lead to the loss of an existing village service, and no supporting information has been submitted to demonstrate the service is no longer viable or that additional dwellings within the site would not adversely affect the viability of the public house. This identified harm would

significantly and demonstrably outweigh the benefits of the proposal, and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole. As such the proposal is contrary to Policies ESD1, ESD13, ESD15, SLE4 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies H18, C28, C33 and S29 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Katherine Daniels

DATE: 8 November 2024

Checked By: Nathanael Stock

DATE: 08.11.2024
