

<b>PINS Ref</b>	APP/C3105/A/11/2159619
<b>Site</b>	Land at Cotefield Farm, Bodicote, Banbury, Oxfordshire
<b>Appellant</b>	Banner Homes Ltd
<b>Council</b>	Cherwell District Council

### **OPENING SUBMISSIONS OF THE COUNCIL**

1. This is an inquiry into an appeal against the Council's decision on 12 August 2011 to refuse outline planning permission at the Site for a residential development of some 82 dwellings. Two reasons were given for refusing permission, only the first of which is maintained at this appeal in the light of the Appellant satisfactorily addressing the second reason by providing a unilateral undertaking. The Council's outstanding objection to the appeal scheme is as follows:

“The proposed development would be contrary to Policies H13 and H18 of the adopted Cherwell Local Plan, Policies H15 and H19 of the Non-Statutory Cherwell Local Plan 2011 which seek to guide residential development to allocated sites or sites within the existing built-up limits of settlements. In this case the site is not allocated for development in either the adopted or Non-Statutory Local Plan but lies outside the existing built-up limits of the settlement. It is therefore classed as countryside where its development would constitute an unjustified and undesirable intrusion into the countryside surrounding the village of Bodicote, which would be contrary to the policies intended to protect the character and appearance of the countryside. Furthermore the development would increase the outward spread of the village intruding into the unspoilt countryside surrounding the village, neither preserving or enhancing the Area of High Landscape Value, contrary to Policy C13 of the adopted Cherwell Local Plan and Policy EN34 of the Non-Statutory Cherwell Local Plan.”

2. Significantly, the Appellant does not seek to argue that the proposal would not be contrary to policies H13 and H18 of the Local Plan. Rather, the thrust of the Appellant's case is that the release of the Site for housing is justified, notwithstanding that this would be in breach of the development plan, given that the Council falls short of being able to demonstrate a 5-year housing land supply.

3. For its part, the Council accepts that it cannot currently demonstrate a 5-year housing land supply. The clear conclusion of the Council's 2011 Annual Monitoring Report, as approved by the Council's Executive on 6 December 2011, is that the District only has a 2.8 year supply for the period 2011-2016 and a 2.9 year supply for the period 2012-2017, equating to a shortfall of 1597 and 1560 dwellings respectively. It will be no part of the Council's case at this inquiry to hide behind those figures. The Council accepts that this is the current position.
4. However, a shortfall of housing supply is not a passport to the grant of planning permission for any housing scheme without further assessment. Whilst housing schemes are to be considered favourably in such circumstances in accordance with PPS3, it is still necessary to consider whether the scheme in question is, amongst other matters, in accordance with the spatial vision for the area (para. 69, PPS3).
5. In summary, the Council shall demonstrate that this appeal scheme flies in the face of the spatial vision for the area, as expressed in both current and emerging planning policy. Contrary to the Appellant's case, the spatial vision for the area is not that the majority of new housing in the District will need to be accommodated outside the urban areas in category 1 villages such as Bodicote. The emerging Core Strategy makes clear that the vast majority of new housing is projected to be delivered in the two urban centres of Bicester and Banbury. This is in accordance with the long-standing emphasis on an urban-led approach to housing delivery in the Local Plan, the South East Plan and national planning policy.
6. The Appellant seeks to argue that this emphasis should be overridden in this case because in the absence of a 5-year housing land supply, an urban-led focus is a luxury. But that is to presuppose that the Council is in a state of inertia and not working actively to restore its supply of housing land to the required level. That is not the reality.
7. On 6 February 2012, the Council published a 'Housing Land Supply Position Statement' ("**the Position Statement**") demonstrating a real seriousness of purpose in working towards restoring the level of supply. This is not an empty statement of ambition lacking any useful detail. It sets out criteria for assessing sites coming forward for housing outside of the development plan, and gives specific examples of sites that are likely to be suitable for housing in the short term, with more than credible reasons as to why it considers this to be the case. Whilst it is accepted that

the Position Statement cannot be given the weight of a document that has been subject to public consultation and independent scrutiny, it will be the Council's case that it should be given significant weight in the planning balance as a document that sets out a credible and realistic road map for improving the current supply whilst at the same time respecting the importance of a sustainable, urban-led approach to development.

8. The Position Document has been prepared by senior officers of the Council in good faith, with the aim of providing a robust basis for pro-active discussions with developers about finding appropriate locations for new housing. The Inspector is invited to approach the document on that basis.
9. Despite its limitations, the Position Document has strengthened the evidence base sufficiently so as to make it unnecessary to accede to the Appellant's alternative approach of planning on a case-by-case basis by appeal, leading to the type of harmful sporadic and unsustainable development outside settlement boundaries that is advanced here. 16 years after the Local Plan Inspector rejected efforts to have the Site allocated for development, the Council remains of view, in agreement with that Inspector, that:

"A combination of existing and planned developments, together with existing hedge and trees, will screen much of the site from view. The site is, however, clearly visible from a large area to the south. Development of the objection site would reduce the gap between Bodicote and Cotefield Farm, and also result in the loss of best and most versatile agricultural land. [...]"
10. The Council shall develop these arguments further in support of its case that the appeal should be dismissed.

**GWION LEWIS**  
**Landmark Chambers**  
**London**

**28 February 2012**

