

CHERWELL DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Banner Homes Ltd against the decision of Cherwell District Council to refuse outline planning permission for residential development for the construction of 82 dwellings on land at Cotefield Farm, Bodicote.

Appellant	:	Banner Homes Ltd
Appeal Site	:	Land at Cotefield Farm, Oxford Road, Bodicote
LPA Reference	:	11/00617/OUT
PI Reference	:	APP/C3105/A/11/2159619

Proof of Evidence

of

Linda Jayne Griffiths
B A (Hons) MRTPI

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INTRODUCTION

My name is Linda Jayne Griffiths. I hold a BA Honours Degree in Town and Country Planning and I am a full member of the Royal Town Planning Institute. I have been employed by Cherwell District Council since October 1987. I am a Senior Planning Officer within the Major Developments Team. I am the Planning Officer responsible for presenting professional planning evidence at this Inquiry on behalf of Cherwell District Council following the Planning Committee's decision to refuse planning permission on 11 August 2011.

1 Appeal Site Location and Proposal

- 1.1 The appeal site comprises 3.77 hectares of agricultural land used for arable purposes. It lies on the southern side of the built up limits of Bodicote in open countryside. Access to serve the proposed development would be taken from the existing improved access onto the Oxford Road. In the north-western corner of the appeal site is an existing agricultural access onto Molyneux Drive. It is intended that this would be used to provide pedestrian access from the development into Bodicote village. The appeal site rises in height from the south to a ridge that runs on a north-east to south-west alignment. It is elevated in comparison with the buildings that make up the Cotefield Farm complex. There are no buildings on the appeal site.
- 1.2 The proposal seeks consent for the erection of 82 dwellings and flats, 40% of which are proposed to be affordable units. The proposed density of the development is 30 dwellings per hectare. The application has been submitted in outline form with all matters, with the exception of the access, reserved for future consideration. The application was not accompanied by an Environmental Statement, but does include indicative elevations, Planning Support Statement, Design and Access Statement, Transport Statement, Landscape Assessment, Phase 1 Habitat Survey, Flood Risk Assessment, Phase 1 Environmental Risk Assessment, Affordable Housing Statement, a Tree Survey and Hedgerow Evaluation and an Archaeological Evaluation. Outside of the appeal site boundary to the south-west there is an existing tree planting belt and the indicative scheme shows a new tree belt along the southern boundary.

2 Relevant Planning History

- 2.1 In 2005 an outline application was submitted for residential development 05/02180/OUT. This was refused and an appeal lodged. The appeal was subsequently withdrawn (decision notice appendix 1).
- 2.2 In 2010 an outline application was submitted for residential development of 86 No. dwellings (10/00585/OUT refers). This was recommended for refusal on a number of grounds but was withdrawn prior to the Planning Committee Meeting.

3 Policy Considerations

3.1 Central Government Policy

- PPSI : Delivery Sustainable Communities**
- PPS3 : Housing**
- PPS5 : Planning for the Historic Environment**

- PPS7 : Sustainable Development in Rural Areas**
- PPS9 : Biodiversity and Geological Conservation**
- PPG13 : Transport**
- PPG17 : Open Space**
- PPS25 : Development and Flood Risk**

The Government's Ministerial Statement in 'Planning for Growth' is also a material consideration.

- 3.2 **The South East Plan** 2009 was adopted in May 2009, and is the regional spatial strategy (RSS) up to 2026. RSSs are to be removed under provisions within the Localism Act to abolish them, but in the meantime they remain part of the Development Plan. The RSS seeks sustainable and distinctive communities and leaves local development documents to identify the location for growth. The following policies are considered relevant.

Policy SP3 requires urban areas to be the prime focus for development in order to foster accessibility to employment, housing, retail and other services to avoid unnecessary travel.

Policies CC1 and CC2 seek to achieve sustainable development.

Policy CC7 requires that where new development creates a need for additional infrastructure a programme of delivery is required.

Policy H1 sets out the regional housing provision for the period 2006-2026 in relation to sub-regions and districts.

Policy H2 requires that LPAs work in partnership to allocate and manage a land supply to deliver both the District housing provision and the sub-regional/regional provision.

Policy H3 requires the delivery of a substantial increase in affordable housing.

Policy H4 requires that Local Planning Authorities identify the full range of existing and future housing needs in their areas and encourage a range of housing types to be provided.

Policy H5 deals with housing design and encourages a regional target of 40 dwellings per hectare.

Policy T1 encourages development that is sustainable in terms of public transport and the need to travel.

Policy NRM5 seeks conservation and biodiversity improvements.

Policy C4 seeks positive and high quality management of the region's open countryside.

Policy BE1 encourages local authorities to ensure that new development helps provide significant improvements to the built environment.

Policy BE5 encourages positive planning to meet the defined needs of rural communities for small scale affordable housing, business and services. In addition it seeks to ensure that the distinctive character of the village is not harmed.

Policy S3 encourages local planning authorities to ensure adequate provision of pre-school, school and community learning facilities.

- 3.3 **The Adopted Cherwell Local Plan** (adopted by the Council in 1996) remains the current adopted local plan and as such part of the Development Plan for the area. The Plan contains the following relevant saved policies: H5, H12, H13, H18, TR1, R12, C2, C7, C8 C13, C27, C28 and C30.
- 3.4 **The Non-Statutory Cherwell Local Plan** was produced to replace the adopted Cherwell Local Plan. It was not possible to adopt it prior to the Government's introduction of the Local Development Framework system, but it was nevertheless approved by the Council in December 2004 for development control purposes following the Council's decision to proceed with the Local Development Framework. It contains relevant housing policies H1, H2, H3, H4, H7, H15 and H19; transport policies TR1, TR3, TTR4, TR5, TTR9 and TR11; urban design policies D2, D3 and D5; environmental policies EN23, ENN24, EN25, EN30, EN34, EN36 and EN47; and recreation policies R8 and R9.
- 3.5 **The Draft Core Strategy** February 2010 does not currently carry the weight of an adopted document and is to be subject to further consultation. The following policies are relevant to the appeal proposal: Policy H1 (Housing Distribution), H2 (Sustainable Housing Delivery), H3 (Efficient Use of Land), H4 (Affordable Housing Target), H5 (Affordable Housing Requirements), RA1 (Village Categorisation) and RA2 (Distribution of housing in the Rural Areas).
- 3.6 Draft Planning Obligations SPD July 2011

4 The Council's Case

- 4.1 The Council's decision to refuse the application (11/00617/OUT) was based on the principle that the site is not located on an allocated site for housing development, and is not within the built up limits of the village of Bodicote but is on agricultural land in open countryside. The site is not identified within the adopted Cherwell Local Plan nor the Non-Statutory Cherwell Local Plan 2011 for housing development. Accordingly, the appeal proposal for housing is contrary to the principles set out in PPS1, PPS3 and PPS7 and Policies H13, H18 and C13 of the adopted Cherwell Local Plan.
- 4.2 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the Development Plan consists of the saved policies in the Adopted Cherwell Local Plan and the South East Plan. Whilst the Non-Statutory Local Plan 2011 is not part of the statutory Development Plan, it has been approved by Cherwell District Council for development control purposes and is therefore a material consideration which should be afforded some weight. The Draft Core Strategy currently carries limited weight as it is still subject to consultation.
- 4.3 It follows that the main question to be asked at the inquiry is whether the scheme complies with the Development Plan and if it does not, whether there are material reasons for allowing the proposal.

4.4 **Why the Proposal is Contrary to the Development Plan**

The philosophy behind the South East Plan (Policy SP3) is to steer new housing development into the urban areas and small rural towns. Within Cherwell District, the urban areas are the towns of Banbury and Bicester. New development is directed towards these towns in the interests of providing sustainable development with easy access to jobs, facilities, public transport, minimising the use of the car and protecting the countryside. As a result, there is a general policy of restraint in relation to proposals for development outside these towns and, in particular, in the rural areas of the district.

4.5 Paragraph 4.16 of the text supporting Policy SP3 of the South East Plan states that:

‘The spatial strategy is based on an urban focus, which aims to concentrate development and support services, thereby making the best use of already developed land and setting out opportunities for sustainable urban expansions. Policy SP3 sets out a regional level policy designed to achieve this aim, and includes a target for the proportion of new development on previously-developed land.’

4.6 The Council's adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan and Draft Core Strategy all reflect this policy approach. Development in rural areas is therefore restricted and, in accordance with the advice in PPS3 and PPS7, focused on meeting the needs of local populations. .

4.7 The rural villages within the District are categorised by the range of services and facilities available within them. Policy H13 of the adopted Cherwell Local Plan and Policy H15 of the Non-Statutory Cherwell Local Plan identifies Bodicote as a ‘Category 1’ settlement where new residential development is restricted to:

- (i) Infilling which is defined as the development of a small gap in an otherwise continuous built up frontage suitable for residential development.
- (ii) Minor development comprising small groups of dwellings on sites within the built up area of the village. The phrase ‘minor development’ is to be interpreted with regard to the size of the village and the general location of the site within the village structure.
- (iii) The conversion of non-residential buildings.

4.8 A development of 82 dwellings on a site of 3.77ha in open countryside beyond the built up limits of the village does not constitute infilling or minor development within the built up limits.

4.9 A development on agricultural land in open countryside in a rural location is not in accordance with Policy SP3 of the South East Plan, which seeks to direct development to sustainable urban locations and to previously developed land.

4.10 The appeal site lies indisputably beyond the residential built up limits of the village of Bodicote. These limits are clearly defined by the rear gardens of the properties in Keyser Road, Molyneux Drive and Blackwood Place. As the appeal site lies beyond the continuous built up limits of Bodicote in open countryside, development on this site must be considered by reference to Policies H13, H18, C8 and C13, of the adopted Cherwell Local Plan and Policies H15, H19, EN30 and EN34 of the Non-Statutory Cherwell Local Plan which seek to resist development beyond the built up limits of villages except where they are required to serve an essential agricultural or other need.

4.11 Sustainability

Central Government Guidance in PPS1, 'Creating Sustainable Communities', promotes development in areas where there is a good integrated transport system, facilities and jobs. This avoids people having to travel distances to work and to community facilities, thereby protecting the open countryside and diverting new development to areas where such facilities already exist. As previously stated, in accordance with the policy, new residential development within Cherwell District is largely guided towards the urban areas of Banbury and Bicester which have the greatest range of facilities and are the most sustainable locations. Some development is permitted within the more sustainable rural locations, including infilling, development of small sites within the built up limits of the village and rural affordable housing sites. .

- 4.12 Bodicote is identified within the draft Core Strategy as one of the most sustainable villages. However, it is necessary to consider the relationship of the appeal site to Bodicote village itself, in particular whether it is likely that residents would access facilities within the village, such as the school, village hall and playing fields, on foot or whether they would be more likely to use a car. During the negotiations for a statement of common ground, the appellants have so far declined to accept the proposal of the County Council that the development, if permitted, should be subject to a condition requiring the submission of a travel plan. Such a plan would seek to ensure the use of more sustainable modes of transport than the private car.
- 4.13 Moreover, the County Council advises that Bishop Loveday School is at 98% capacity, that this is expected to be the case for some years and that the school is not suitable to be extended further. It is likely therefore that primary education provision, as well as secondary provision, in respect of this development would need to be made elsewhere with primary school children needing to be transported outside the village of Bodicote. This demonstrates that the proposal performs poorly in terms of sustainability. Development in or adjacent to the main urban areas where there is a greater range of facilities and better accessibility by means other than the private car, is clearly to be preferred.
- 4.14 Whilst a public footpath link is indicated to link the development with the village onto Molyneux Drive, this would be the only link directly into the village. The boundaries of the site immediately abut the rear gardens of the existing properties in Keyser Road and Blackwood Place, which currently form the edge of the village. The only vehicular access into the site is south of the village, beyond its built up limit from the A4260, via an access which currently serves the Garden Centre and adjacent Cotefield Farm complex. This would need to be improved by the provision of an acceleration lane to serve the appeal development. Furthermore the development proposed does not have a frontage to the A4260 but is set back some 150m and located behind the existing garden centre.
- 4.15 Having regard to the above, it is considered that the new residential community proposed, which would effectively turn its back on the village, would exist very much as an independent and separate community. It could not be easily integrated into the existing Bodicote village and would be likely to be dependent on the use of the private car rather than walking and using public transport to access facilities, services and employment. The rejection by the appellant of a condition requiring the submission and implementation of a travel plan serves only to heighten this concern.

- 4.16 PPS3 'Housing' states that when assessing the design quality of a proposed development, it should be considered whether it (para.16):
"is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density , layout and access";

"creates or enhances a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity"
- 4.17 Moreover, in deciding planning applications, PPS3 advises local planning authorities to have regard to (para. 69):
- achieving high quality housing
 - ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people
 - the suitability of a site for housing, including its environmental sustainability
 - using land effectively and efficiently
 - ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives, e.g. addressing housing market renewal issues
- 4.18 Paragraph 71 of PPS3 further advises that:
"Where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites, [...] they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69."
- 4.19 Due to the location of the appeal site in the open countryside, and having regard to its relationship with the village itself and the criteria in paragraph 69 of PPS3, it is considered that the development of the site as proposed would be unacceptable. The site is not suitable for housing development because of its location beyond the built up limits of Bodicote, is less sustainable than a site within or adjacent to an urban area and would detract from the character and appearance of the open countryside which is designated as being of high landscape value. Nor would it use land efficiently and effectively, being a greenfield site beyond the built up limits. Furthermore its development as proposed would be contrary to the council's interim housing policy which seeks to address the shortfall in housing. This will be considered in more detail later in the proof. Its development would therefore result in an undesirable intrusion into the open countryside which is also designated locally as an Area of High Landscape Value, contrary to Policies H13, H18, and C13 of the Adopted Cherwell local Plan.
- 4.20 PPS7 'Sustainable Development in Rural Areas' states at para 1 as follows:
- (iv) "New building development in the open countryside away from existing settlement, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of the intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife and the wealth of its natural resources and so it may be enjoyed by all.
 - (v) Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites

perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.

- (vi) All development in rural areas should be well designed, and inclusive, in keeping and scale and with its location, and sensitive to the character of the countryside and local distinctiveness.”

4.21 The development of the site as proposed would not accord with this advice in that it is a greenfield site, in open countryside, is not allocated for development and does not relate well to the existing village because it cannot easily be integrated into it because of its isolated nature in terms of the vehicular access and relationship with the existing built form. Furthermore, due to the elevated nature of this part of the site, the development would not be sensitive to the character and appearance of the open countryside. Moreover, the development could not be considered locally distinctive as the layout does not reflect the traditional form of development in this locality, namely narrow gabled steeply pitched terraced properties, with varying eaves and ridge heights, sited along the back edges of the footway giving a sense of enclosure, or larger properties situated in more spacious grounds. By contrast, the layout of the proposed scheme would be suburban in its design with a series of detached properties with garages to the side set back from the road with minimal gaps between them.

4.22 **Delivery of Affordable Housing**

There is a large shortage of affordable housing in the District as highlighted in the Council's Draft Core Strategy (paragraph' A.142, p.62 (attached at appendix 3). The Council's Housing Strategy (2005-2011) had a target of building a minimum of 600 new affordable homes in Cherwell over the strategy period (with an aspiration to build at least 960 in the same period).

4.23 The formal monitoring of development is recorded in an Annual Monitoring Report (AMR). On 6 December 2011, the Council's 2011 AMR was approved by the Council's Executive. It reported that 640 affordable homes were delivered from 2005 to 2011 (excluding acquisitions); an average of 107 per annum. The AMR (paragraph' 5.55) explains that future supply can be expected from existing deliverable and developable sites identified within the AMR. Further supply will arise from new strategic sites being identified through the Core Strategy

4.24 The Draft Core Strategy 2010 (informed by an Affordable Housing Viability Study) proposed lowering the threshold for requiring affordable housing in rural areas from 6 dwellings (as in the Non-Statutory Local Plan and accompanying Affordable Housing Supplementary Planning Guidance) to 3 dwellings. It also proposed increasing the rural affordable housing requirement (where land values are generally higher) from 30 to 35%. This is reflected in the Council's Draft Planning Obligations SPD.

4.25 The appeal proposal offers 40% affordable housing which would provide a total of 32 affordable housing units across the development. However, even having regard to the shortage of affordable housing within the District, the affordable housing element would not be delivered without the remaining 50 dwellings, which is fundamentally in conflict with the development plan for the reasons given above.

4.26 However, the 40% affordable housing proposed in this scheme is not considered sufficient to outweigh the harm caused by a development of this size, beyond the built up limits of the village, in conflict with other policies in the development plan. Furthermore as previously stated the target of the Council's Housing Strategy (2005-

2011), in respect of the delivery of affordable housing has been met and delivery from existing identified sites and from new strategic sites over the coming years should significantly boost delivery.

4.27 Housing Land Supply

When the appeal proposal was initially considered and a recommendation made to the Planning Committee that the application should be refused, the District Council considered that it had a 5 year housing land supply. The Council's position was supported in two appeal decisions in June 2011 (APP/C3105/A/10/2134007 and APP/C3105/A/10/2132662). Therefore, the development of the site in question, located beyond the residential built up limits of Bodicote in open countryside, on land not allocated or identified for development, was considered to be contrary to Development Plan Policies with no need for the site to be released for development.

4.28 However, in an appeal decision issued in August 2011 (APP/C3105/A/11/2147212) in respect of the erection of 140 dwellings on land adjacent to the Talisman Road development in Bicester (appeal decision attached at appendix 2), the Inspector concluded that the supply of deliverable housing sites was likely to be below the 5.2 years that was being advanced by the Council at that time but probably not quite so low as the 3.9 years proffered by the Appellant. The appeal decision was issued on 18 August 2011, shortly after the consideration of this appeal proposal by the Planning Committee.

4.29 On 6 December 2011, the Council's 2011 Annual Monitoring Report ("AMR") was approved by the Council's Executive. The 2011 AMR included a comprehensive review of housing land supply taking into account the comments made by the Inspector in the Talisman Road case. The review concluded that the District only had 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. For that part of the district within the South East Plan's 'Rest of Oxfordshire' area, there was a 1.7 year supply for both 5 year periods.

4.30 As a consequence of the current 5 year land supply position, paragraph 71 of PPS3, requiring applications to be considered favourably [subject to other policies and considerations], takes effect. It is noted that the Draft National Planning Policy Framework proposes a continuation of the five year supply requirement and suggests that Local Planning Authorities will be expected to provide an additional 20% on top of their five year requirement to ensure choice and competition in the market for land.

4.31 Housing Land Supply Position Statement

PPS3 (para's 52 & 62) upholds the principles of 'Plan, Monitor, Manage' and requires management actions where performance does not reflect housing trajectory requirements. In this context, on 6 February 2012, the Council's Executive approved a Housing Land Supply Position Statement to:

- i. assist in monitoring and managing the district's housing land supply position so that the district returns to a five year land supply;
- ii. to provide contextual information and policy advice for development management decision-making in the interests of controlling the release of land in a sustainable way which accords with the evidence base for the emerging Core Strategy; and,

- iii. to provide a clear understanding of the implications of the current land supply position and potential land releases which will contribute to the five year housing land supply and to the longer term housing trajectory where consistent with completion of the Core Strategy.
- 4.32 The 'Position Statement' is intended to be a material consideration in the determination of planning applications of 10 or more dwellings until it is superseded by the Core Strategy or until the District returns to a position of having a five year housing land supply, whichever is the sooner. The Executive report and Position Statement are provided at appendix 4.
- 4.33 The Position Statement takes into account the Written Ministerial Statement: Planning for Growth (23 March 2011) and the Draft National Planning Policy Framework. It sets out how supply could be managed, and from where new deliverable housing sites might appropriately come forward. The Statement is accompanied by the Executive's resolutions to authorise officers to undertake detailed pre-application discussions with interested promoters in the interests of identifying appropriate opportunities for addressing the housing land supply shortfall that accord with the principles set out in the Housing Land Supply Position Statement; to work proactively with promoters and developers to ensure that all reasonable measures are taken for bringing forward and delivering appropriate sites within required timescales and for ensuring that developments are constructed to high standard; and, to instruct officers to ensure that all reasonable opportunities are taken for bringing forward the delivery of sites already approved for new housing development but where development has either not yet commenced or where delivery has stalled.
- 4.34 The Statement seeks to uphold the urban focus of existing and emerging policy. It supports an approach of increasing the supply of deliverable sites in the most sustainable locations where services and facilities, jobs and public transport are most readily accessed, where the need for affordable housing is concentrated, and where there are significant opportunities for economic growth and the provision of new infrastructure which would benefit the wider community. The Statement looks to the most deliverable and Core Strategy compliant sites for meeting the land supply shortfall and strongly discourages the sporadic release of land in less sustainable rural areas where targeted opportunities for meeting local needs require further coordinated, consideration.
- 4.35 The approach to managing supply is set out in detail in para's 31-35 of the Position Statement. They set out the most appropriate sources for housing land as well as criteria for assessing site suitability:

"An Active Approach to Managing Supply

31. In summary, it is considered that until such time that the Core Strategy supersedes this position statement, or the district returns to a five-year land supply position (whichever is the sooner), the shortfall in housing supply would be most appropriately be met from the following sources:

- i. development within the built-up areas of Banbury and Bicester*
- ii. development on sites identified for residential development in the Non-Statutory Cherwell Local Plan 2011*

- iii. development on sites identified for other mixed use development in the Non-Statutory Local Plan 2011 (as part of mixed use proposals)*
- iv. extensions to the built-up areas of Banbury and Bicester which are demonstrably in accordance with or complementary to the emerging Core Strategy*
- v. very limited development within the built-up areas of villages having regard to village categorisation policies.*

32. The following criteria should also be considered:

- i. is there a five year supply requirement for additional housing?*
- ii. is sufficient housing demonstrably deliverable by 31 March 2017?*
- iii. would the proposed development undermine the continued preparation of the Core Strategy having regard to the scale of growth, the residual housing requirements, transportation issues, the mix of development and community aspirations?*

from PPS 3

- iv. would the development contribute to creating mixed and sustainable communities?*
- v. would the development be in a suitable location which offers a range of community facilities and with good access to jobs, key services and infrastructure?*
- vi. would the development be easily accessible and well connected to public transport?*
- vii. would the development make efficient and effective use of land?*
- viii. would the proposal produce high quality housing which is integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access?*
- ix. would a mix of housing be achieved, both market and affordable?*
- x. would the development be appropriately designed taking the opportunities available for improving the character and quality of an area and the way it functions?*
- xi. would the proposal create or enhance a distinctive character that relates well to the surroundings?*

33. The assessment of whether proposed developments would be in suitable locations should also include consideration of the following:

- i. landscape sensitivity and visual impact;*
- ii. highways and traffic impact;*
- iii. the need to avoid coalescence of settlements and to protect the identity of settlements;*
- iv. settlement patterns;*
- v. the impact of flood risk;*
- vi. the impact on the historic environment;*
- vii. the impact on ecology and biodiversity.*

34. Notwithstanding these considerations, the primary requirement will remain whether or not proposals are acceptable having regard to the statutory Development Plan and all other material considerations.

35. The Council will need to carefully and regularly monitor housing supply having regard to any changes in circumstances including any new land releases, providing reports to the Planning Committee and the Executive as appropriate in addition to the Annual Monitoring Report. This will need to include regular updates from the promoters and developers of sites who may need to be asked to provide regular progress reports.

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4.36 Paragraph 22 of the Position Statement states:

“...there are very significant, live and potentially deliverable opportunities for Banbury and Bicester that have the capacity to contribute greatly in meeting the five year land supply requirement and the Draft National Planning Policy Framework’s proposal for an additional 20%. It is important that these opportunities are explored before other options to avoid the unnecessary release of land in less sustainable locations. The extent of the five year supply shortfall is such that the cumulative effect of uncoordinated, sporadic development in rural areas is likely to be harmful to the district and would undermine existing and emerging policies for urban led growth. Longer term land supply issues will be addressed in the Core Strategy in an integrated, planned and coordinated way.”

4.37 The Position Statement also goes on to state at para’ 24 that *“Releasing a significant amount of rural land on a sporadic basis on the edges of villages would, in addition to [causing] cumulative harm and the potential undermining the emerging development strategy, provide no time to consider the implications of the Localism Act for Neighbourhood Planning which offers communities the opportunity for planned, integrated and co-ordinated examination of their future needs”.*

The Proposed Submission Core Strategy will need to consider further the needs of villages or how they might most appropriately be met. It should be noted that objections to the proposed development were received from Bodicote Parish Council and a number of Bodicote village residents.

4.38 It is evident that the development of the appeal site for residential purposes does not comply with the Position Statement. The site is not within the built up limits of either Banbury nor Bodicote but is in open countryside. Moreover, given the relationship between the site and the existing built development of Bodicote, any development of the site could not be easily integrated within it. This is in line with national policy which still seeks to protect the open countryside. The protection of the countryside for its own sake remains a fundamental element of PPS7, and the development of the appeal proposal constitutes an unplanned development of a greenfield site beyond the built up limits of Bodicote contrary to that aim.

4.39 **Intrusion into the Open Countryside**

The first reason for refusal also refers to the development being contrary to Policy C13 of the adopted Cherwell Local Plan. In addition to the AONB, there are other areas of land within the District which are recognised as being of particular environmental quality and are therefore designated locally as being of ‘High Landscape Value’.

4.40 The appeal site is within the ‘Ironstone Downs’ character area. This area is designated an Area of High Landscape Value because of its particular landscape quality. This area of the District, west of the Cherwell Valley is a strongly undulating landscape and mixed farmland is characteristic of this area. Due to the undulating nature of the landscape, new development should be sited with care to avoid locations where development would be either prominent, visually intrusive, out of character or would harm a feature or site which is important to the character of the area. Villages within this area are generally only prominent where valleys are open and wide. Elsewhere, village location and topography means many villages are not visible over long distances. This is the case in respect of Bodicote.

- 4.41 The appeal site is elevated above the adjacent garden centre and can clearly be seen on the approach into Banbury and Bodicote along the A4260, particularly during the winter months (November-March) when the trees and hedgerows are not in leaf. Furthermore, many of the existing properties in Keyser Road and Molyneux Drive which bound the site are generally single storey properties with rooms in the roof space. This is also true of the properties in Blackwood Place. These properties are generally not visually prominent when travelling along the Oxford Road because of their relatively low ridge heights, existing tree and hedge planting and the undulating nature of the adjacent agricultural land and the appeal site.
- 4.42 The development of the appeal site for residential purposes as proposed would be clearly visible on this rising ground, sitting above the adjacent residential development and the existing garden centre development. It would result in an unfortunate urbanisation of this area of open countryside by a development, which although only shown by an indicative layout and sketches, shows dwellings of 2 storeys or more of a height of up to 9.3m to ridge. The Design and Access Statement confirms this assumption. As the land rises at this point, the visual intrusion of the development beyond the built up limits of the village into open countryside would be compounded by the fact that the proposed dwellings have a higher ridge and eaves than the adjacent development. The proposal is therefore considered contrary to Policy C13 of the Adopted Cherwell local Plan in that it would not seek to conserve and enhance the environment and would be an intrusion into the open countryside.
- 4.43 **Planning Obligation**
The proposed development would generate a need for infrastructure and other contributions that would need to be secured, by agreement, through a planning obligation to enable the development to proceed. This agreement is currently being drawn up between the District Council and the appellants and it is hoped that a signed agreement will be submitted in advance of the Inquiry.
- 4.44 **Conclusion**
In conclusion, as the site is not allocated for development, the proposal would clearly be contrary to the development plan and would be an expansion of the village of Bodicote on a greenfield site in the open countryside where new building is strictly controlled. As such, the appeal proposal is therefore contrary to the South East Plan, both the Adopted Cherwell Local plan and the Non-Statutory Cherwell Local Plan policies, and central government advice within PPS1, PPS3 and PPS7.
- 4.45 It is further considered that there are no other material considerations which outweigh these clear policy objections to the proposed development. In particular, the provision of additional housing in the absence of a 5 year housing land supply, and the provision of affordable housing, are not considered sufficient in this case to outweigh the harm which would be caused should permission be granted. The Inspector is therefore respectfully requested to dismiss the appeal.