

PINS Ref	APP/C3105/A/13/2208385
Site	South Lodge, Fringford Road, Caversfield, Bicester, OX27 8TH
Appellant	Cala Homes (Midlands) Ltd
Council	Cherwell District Council

OPENING SUBMISSIONS OF THE COUNCIL

1. This is an inquiry into an appeal against the Council's decision on 4 October 2013 to refuse outline planning permission at the Site for "up to 200 residential units, access, amenity space and associated works including a new village shop/hall" (Council's ref: 13/01056/OUT). The Council gave four reasons for its decision:

"1. The proposal represents development beyond the built up limits of Caversfield where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment by introducing an incongruous, prominent, urbanising and discordant built form into this rural setting to the detriment of the visual amenities of the area. The application is, therefore, contrary to Policies H15, H18, C7, C8, C28 and C30 of the adopted Cherwell Local Plan, Policies ESD13, ESD15 & ESD18 and Villages 1 and 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance contained in the [NPPF].

2. Development of this site would erode an important green buffer gap between the planned expansion of Bicester and the village of Caversfield which would be harmful to the setting and identity of Caversfield itself and also that of the setting of the RAF Bicester Conservation Area as it would fail to preserve or enhance its setting contrary to Policy ESD15 and ESD16 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance in the [NPPF].

3. The applicant has failed to demonstrate that the proposed access is adequate in terms of its visibility so close to a junction which already suffers from substandard visibility. Together with the proposed pedestrian layout and general lack of information with regard to the parking requirements

the proposed development would be detrimental to the safety and convenience of highway users, contrary to Government guidance contained within the [NPPF].

4. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF1 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance contained within the [NPPF].”
2. Since issuing these reasons for refusal, the Council has accepted that it no longer has a 5-year housing land supply and that the first reason should therefore be read subject to this acceptance. The Council considers that these reasons for refusal give rise to the following main issues:
 - (1) the impact of the proposed development on the character and appearance of the area, including the erosion of the green buffer gap between the planned expansion of Bicester and the village of Caversfield;
 - (2) the impact of the proposal on the setting of the RAF Bicester Conservation Area;
 - (3) the impact of the proposal on the safety and convenience of highway users;
 - (4) the impact of the proposal on local infrastructure, and whether adequate provision is proposed to be made by way of planning obligation to deal with this impact;
 - (5) whether the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, this being the appropriate test to apply in the absence of a 5-year housing land supply.
 3. There are other matters that are relevant to the overall planning balance, most notably the provision made in the proposal for affordable housing and the social and economic benefits that could be said to flow from the scheme as a whole, but the parties disagree on the weight to be attached to these matters in the final analysis.
 4. At this early stage in the inquiry, it is sufficient to outline the following points on the main issues.

Issue 1: Impact on character and appearance of the area

5. The proposal is in clear breach of the development plan. Policy H18 of the adopted Cherwell Local Plan restricts residential development outside the built-up limits of settlements to that which is essential for agriculture or other existing undertakings. The Site lies outside the built-up limits of both the village of Caversfield and the town of Bicester in the open countryside and the proposed development is not of a type that is allowed by this policy.

6. At this point, the Appellant prays in aid the NPPF as a material consideration and, in particular, the advice in paragraph 49 which states that “[r]elevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. It is accepted that the Council does not have a 5-year supply, this does not mean that all policies relating to housing in the development plan, in their entirety, are to be considered out-of-date. That is to over-simplify matters greatly given that the advice in paragraph 49 is directed not at “housing policies” generally, but at “policies for the supply of housing”. It should be uncontentious that a housing policy, so far as it restricts development in the countryside, is consistent with the core planning principle of “recognising the intrinsic character and appearance of the countryside” (NPPF, para. 17).

7. In summary, the Council’s expert on landscape and visual effects, David Huskisson, shall explain that:
 - (1) The Site lies within the Oxfordshire Farmlands Character area in a district-level assessment, the most notable feature of which is “eighteenth century parklands”. The Site should be seen in the context of the parkland estate of Caversfield House which lies immediately to its west. There is intervisibility across the Site which gives depth and interest to the landscape, local views and to the setting of Caversfield and Caversfield House.
 - (2) The overall sensitivity of the landscape as high, combined with the high magnitude of landscape effect arising from the proposed development, would result in an overall substantial adverse effect on the landscape, causing a very significant deterioration in the landscape resource at the local and district level.

- (3) The visual effects of the scheme would be substantial adverse and moderate/substantial adverse from the outset at several receptors, in particular from the public right of way to the north, and from the Site's road frontages. Views from the western end of Skimmingdish Lane and two properties in the conservation area would be detrimentally affected, and there would be harmful effects on the northbound approach on Fringford Road and in views from the B4100. These effects could not be satisfactorily mitigated within 10 years.
- (4) Critically, the Site is an integral part of the proposed Caversfield Green Buffer, proposed to safeguard the setting of Caversfield and the conservation area from the Bicester eco-town. The loss of the Site to the proposed development would render what would remain of the Green Buffer worthless as the scheme would "block" the window of open countryside that radiates out from Bicester between Fringford Road in the east and the B4100 in the west.
8. For these and other reasons developed in evidence, the Council shall demonstrate that the proposal would have significant and demonstrable adverse impacts on the character and appearance of the area which should be given substantial weight in the overall planning balance.

Issue 2: Impact on the setting of the RAF Bicester Conservation Area

9. In addition to the landscape and visual harm described above, the proposed development would also have a substantial adverse impact on the setting of the RAF Bicester Conservation Area. Fringford Road was intended to delineate the end of the domestic site of the airfield. It marks the boundary of development to the east. The residences along Skimmingdish Lane have a distinct military character and there is minimal interaction with the remainder of Caversfield due to the introverted nature of military sites. This is compounded by the late 20th century development to the north, which turns its back on Fringford Road. An opportunity for interaction could have been taken in the 1960s-70s when Barnfield Close was constructed, but this was another introverted scheme which saw its focus as the domestic site, rather than Fringford Road.
10. In this context, any extensive development on the western side of Fringford Road would lack cohesion with the remainder of Caversfield. This, in turn, would detract from the setting of the conservation area, which is marked by a hard-edged, inward-looking character experienced in

an area of open countryside. This experience would be lost if the Site were to be substantially developed, as proposed, on the other side of Fringford Road. As will be expanded upon in evidence, the proposal would have a significant and demonstrably harmful impact on the setting of the conservation area, which should also be weighed in the planning balance.

Issue 3: Highway safety

11. The Council understands that this issue has now been resolved between the Appellant and the County Council, albeit that the County Council has some observations to make on some sections of the Statement of Common Ground that are relevant to this issue. The Council shall await the County Council's appearance at the inquiry to clarify its position.

Issue 4: Infrastructure requirements

12. The Council notes that the Appellant has submitted a final section 106 planning obligation in support of the appeal. There are some matters of detail arising from the obligation which can be discussed at the roundtable stage. The Council understands that the Appellant may still be challenging the need for some contributions sought. The Council has provided a statement of justification in respect of all contributions which it shall elaborate upon in due course.

Issue 5: Planning balance

13. The Council accepts that the more onerous planning balance should be applied in this case given that it cannot show a 5-year housing land supply. It is noted that the Appellant has provided, at Appendix 29 of Mr Bateman's evidence, a detailed paper challenging the Council's claim to have a 4.7 year supply (including 20% buffer) for the period 2013-2018. Given that the Council accepts that it does not have a 5-year supply, and that it will not seek to argue that a 4.7 year supply should be given more weight than a lower supply, it is not considered necessary at this development control inquiry for the inspector to come to his own independent judgment as to what he may consider the precise level of supply, below 5 years, to be. The Council has taken a proportionate approach to the preparation of its evidence given its acceptance that it does not have a 5-year supply. In these circumstances, it is considered sufficient for the inspector simply to record the parties' disagreement in relation to the *exact* level of supply, but to proceed on the basis of their common ground that the Council does not have a 5-year supply. Accordingly, the planning balance in paragraph 14 of the NPPF applies and the Council shall demonstrate, by

reference to the material issues, that the adverse impacts of the proposed scheme would significantly and demonstrably outweigh its benefits.

Conclusion

14. For these reasons, which shall be expanded upon in evidence by reference to all other material issues, the proposal is contrary to the development plan and there are no material considerations of sufficient weight to warrant granting permission despite the breach. This appeal should be dismissed.

GWION LEWIS
Landmark Chambers
London

25 March 2014