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30th November 2018

Our ref:
DAV001/VO/DC
Your ref:
18/01894/OUT

By email & post

Dear Mr Neville,

Outline planning application with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage - OS Parcel 4300, North of Shortlands And South of High Rock, Hook Norton Road, Sibford Ferris (Application No. 18/01894/OUT)

We write in connection with the above outline planning application on behalf of our clients, the Sibford Action Group. Our clients are a group of local residents and professionals, who have co-ordinated a response to this proposal on behalf of the many people living in both Sibford Ferris and Sibford Gower, who are seriously concerned about the likely impact of the proposal upon the villages and community.

This application follows a previous application four years ago on the same parcel of land (14/00962/OUT). The previous application was withdrawn following the Council's resolution to grant permission subject to the completion of a s106 agreement so was not approved. However, the previous application was also for a much smaller development of 8 no. dwellings of which 6 no. were affordable dwellings for local needs and the site, lying outside the built-up limits of the village, was considered as only as a "rural exception site". The previous proposal, being just 8 no. dwellings, was considered by the Council to be an appropriate scale of development for the village and important in meeting local needs. This current proposal is materially different, being three times larger and primarily developer-led speculative housing development.

Whilst the applicant has attempted to address some issues through minor alterations to the scheme following pre-application advice, the principle of development of this scale and in this location is completely unacceptable. This site and Sibford Ferris are not felt to be sustainable locations for a development of this size and permission for this development, which would not only be harmful in itself (see below), would also set a most undesirable precedent for similar development of adjoining land along Hook Norton Road and at Woodway Road, which would urbanise and radically change the character of this rural edge of Sibford Ferris. In addition, there are potentially serious impacts upon the local transport network, agricultural land, the landscape, archaeology and biodiversity.

As such, on behalf of the Sibford Action Group, we **STRONGLY OBJECT** to this latest and most unwelcome application for the detailed reasons set out in this letter. Dealing with each of these matters in turn:

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Principle of the Development

The starting point for the consideration and determination of any planning application like this is Section 38(6) of the *Planning and Compulsory Purchase Act, 2004 (as amended)*, which requires planning applications to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the “saved” policies from the Cherwell Local Plan 1996 and the Cherwell Local Plan 2011-2031 Part 1, adopted originally in 2015.

This proposal is clearly contrary to the overall spatial strategy set out in the Local Plan Part 1, which directs the bulk of the proposed growth in the district to sites both in and around Bicester and Banbury. It limits growth in the rural areas, directs it towards larger and more sustainable villages and aims to strictly control development in open countryside. The Local Plan Part 1 seeks to change the pattern of recent housing growth in the district, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours.

Policy Villages 1 in the Local Plan Part 1 amalgamates Sibford Ferris and Sibford Gower for the purposes of “Village Categorisation” and this results in a joint categorisation as a Category A (service) village. The categorisation is questionable due to the fact the villages have poor walking and cycle links, are physically separated by the steep sides of the Sib valley and have separate Parish Councils. Nevertheless, Policy Villages 1 states that proposals for residential development (Minor Development, Infilling and Conversions) are acceptable in Category A villages, providing they are within the built-up limits of the village. This proposal is not within the built-up limits of the village, is not minor development or infilling and so Policy Villages 2 of the Local Plan Part 1 is the most relevant policy for the assessment of this proposal.

Policy Villages 2 outlines that 750 homes will be delivered at Category A villages over the Plan period to 2031, in addition to the rural allowance for small site ‘windfalls’ and planning permissions of 10 or more dwellings, as of 31st March 2014. The Policy describes that sites will be identified through the preparation of the Local Plan Part 2 [which is in the very early stages of preparation with an “Issues” consultation paper published in January-March 2016 and carries very little weight] through the preparation of Neighbourhood Plans [there is no Neighbourhood Plan in this instance] and through the determination of applications for planning permission.

As the other two elements do not apply, this proposal needs to be considered against the assessment criteria identified in Policy Villages 2 for identifying and considering sites, as the Local Plan says ‘particular regard’ will be given to these criteria. This also clearly demonstrates why we consider the proposal is unacceptable:

1. Whether the land has been previously developed land or is of lesser environmental value

The land has not been previously developed and is classed as Grade 2 agricultural land (see Appendix 1); there is a presumption against the development of such land for residential purposes, as it is classed as the ‘best and most versatile’ agricultural land. Therefore, the proposal conflicts with this criterion.

2. Whether significant adverse impact on heritage or wildlife assets could be avoided

The proposal is unlikely to affect the setting of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area given that the Conservation Area is focused upon the historic core of the village(s). Wildlife assets are addressed below in the ‘Ecology’ section.

3. Whether development would contribute in enhancing the built environment

As the application is at the outline stage, the appearance, landscaping, layout and scale of the development are all matters reserved for approval, at a later date. At this stage, it cannot be presumed that the development will enhance the built environment and the details shown on the submitted drawings are not fixed or approved at this stage so are just illustrative and have no

planning status. The development will be substantial and outside the built-up limits of the village in open countryside on the southern approach to Sibford Ferris. Therefore, the proposal is likely to have a considerable physical and visual impact upon the environment on the rural edge of the village and, in the absence of any other information to the contrary, it can only be concluded that the development conflicts with this criterion.

4. Whether best and most versatile agricultural land could be avoided

The applicant comments that the vast majority of land around the Sibfords is Grade 2 or Grade 3. As demonstrated by Appendix 1, the land here is Grade 2 agricultural land so affects the best and most versatile land; the proposal therefore conflicts with the requirements of this criterion.

5. Whether significant adverse landscape and impacts could be avoided

An LVIA has been produced, but it is unclear at this stage whether the CDC Landscape Officer deems the assessment satisfactory. Nevertheless, it should be noted that the land around the Sibford villages comprises a succession of steep-sided valleys and narrow valley floors with a pattern of small fields and mixed farming, predominantly permanent pasture. The proposal will have an urbanising effect on this rural edge of the village, which is on rising land and in a field with no sub-division or enclosure except for a sparse hedge along Hook Norton Road. The likely impact is exacerbated by the scale of the development and the size of the site, which is disproportionate to any similar such development in the village(s) in recent times. Indeed, the Sibfords' Community Plan (2012) concluded that only small to medium groups of development were preferred (1-6 or 7-10 houses). The proposal therefore conflicts with this criterion. See also 'Landscape Impact' section below.

6. Whether satisfactory vehicular and pedestrian access/egress could be provided

Although access proposals are shown on the Illustrative Masterplan, this is only for indicative purposes and therefore could be altered at reserved matters stage, if this application is approved in principle. The pedestrian footpath connectivity is positive but would not be a significant enough benefit to tip the balance of acceptability of the development proposal.

The access is sited only around 50m north of a change in the speed limit from the national speed limit of 60mph to 30mph and given the straight alignment and width of Hook Norton Road, the speed of northbound cars is likely to be higher than 30mph, meaning a longer sightline will be required. The only way to ascertain if this is necessary would be to perform an ATC speed survey to establish sightline requirements.

A concern is also raised about the proximity of the proposed access to the Sibford School entrance on Hook Norton Road. The Transport Statement submitted by the applicant has made the assumption that most traffic would turn right from the site down the Hook Norton Road, which could cause conflicts at peak times in conjunction with turning traffic arriving and departing from Sibford School. The Transport Statement has used assumptions based upon the 2011 Census travel to work data that only 17% of development traffic would travel northbound towards Sibford Ferris village and 83% will travel southbound towards the Whichford Road junction with the Hook Norton Road. Travel to work data would not include trips to Sibford Gower, accessible most easily through Sibford Ferris, where most of the services, including the village primary school and nursery for the Sibfords are located (see Appendix 2). Furthermore, anyone travelling north towards Stratford-upon-Avon, Banbury or to the M40 via Gaydon would turn left from the application site and drive through the village having to negotiate narrow

roads due to their alignment or parked cars restricting the width available for passing vehicles.



Figure 1 - The site in relation to the change in speed limit and Sibford School

It would be unreasonable to assume that the pedestrian connections between the villages are suitable, due to issues such as a lack of a pedestrian footpath along parts of the route e.g. Hawks Lane and the walking distance and topography involved. There are therefore considerable doubts about the proposal's compatibility with this criterion in a location which experiences peak School arrival/departure time congestion.

See the 'Transport' section below for further information.

7. Whether the site is well located to services and facilities

This is a particularly strong argument against the proposal. The applicants attempt to counter it in their Planning Statement by referring to the Taylor Review, which concluded that rural villages find themselves in a "Sustainability Trap", where policy dictates that development can only occur in locations already considered to be 'sustainable'. This Review is not planning policy and is now about 10 years old and has little, if any, weight. Furthermore, we cannot conceive how Sibford Ferris can be considered a sustainable location for the development of 25 no. dwellings, when previously a development of just 8 no. dwellings (as a rural exception site) was considered to be an 'appropriate scale'. The proposal is of a disproportionate and inappropriate scale and the site is not well-located in relation to services and facilities, including public transport, employment, etc. See 'Sustainability of Sibford Ferris', below.

8. Whether necessary infrastructure could be provided

Necessary infrastructure can be provided and secured through a s106 agreement providing it is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

9. Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period

It is anticipated that the land is deliverable but this is not of significant weight given the housing land supply position in the district (5.4 years as at July 2018 Housing Land Supply Update).

10. Whether land the subject of an application for planning permission could be delivered within the next five years

Unknown – see 9 (above).

11. Whether the development would have an adverse impact on flood risk

An increase in hard-standing or impermeable land could increase flood risk elsewhere, due to the fact the site is currently permeable agricultural land. The Flood Risk Assessment has identified a risk of perched Groundwater Flooding, which requires further monitoring and mitigation measures.

The conclusion from this review of the proposal is that it clearly conflicts with virtually all of the principal criteria and is not in accordance with this key policy in the Development Plan for the reasons set out above and amplified below.

Policy Villages 2 allocated 750 dwellings to be provided in the District's twenty-three Category A settlements, until 2031. This is in addition to any windfall development within the built-up limits of the village. Cherwell District Council's Annual Monitoring Report (AMR, 2017) outlined that 664 dwellings have been approved towards meeting the requirement in Policy Villages 2. The Blackthorn Road, Launton appeal decision (Ref: APP/C3105/W/17/3188671) in September 2018 allowed the development of a further 72 no. dwellings, bringing the total permitted dwellings to at least 736 dwellings. This leaves an allowance of just 14 dwellings until 2031.

The Inspector in the Launton appeal, stated:

'The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principal towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location. This demonstrates that the overall intention of the strategy to deliver housing in the most sustainable locations of the main towns and strategic allocation and to limit development in the rural areas is succeeding.'

Although the 750 dwellings number in Policy Villages 2 is not an upper limit, it is unlikely that the District Council will be comfortable exceeding this number substantially in 2018/19, over ten years before the end of the Plan period. The sustainable housing growth strategy inherent in the Local Plan Part 1 could be compromised by exceeding this figure, causing excessive or unbalanced growth too early in the Plan period, which the principal objective of the strategy aims to avoid for various reasons, but underpinned by sustainability principles. The proposal therefore conflicts with the strategic objectives of the policy and Local Plan Part 1.

In addition to the material conflict with both the strategic intention and detailed criteria of Policy Villages 2, the proposal is not in accordance with Policy BSC 2 (The Effective and Efficient Use of Land – Brownfield Land & Housing Density). The Policy BSC 2 states:

'Housing development in Cherwell will be expected to make effective and efficient use of land. The Council will encourage the re-use of previously developed land in sustainable locations...'

This proposal is neither on brownfield land nor in a sustainable location. The density of the proposal is also so low that it conflicts with the policy in that it is not an efficient use of land.

Principle - Development Plan Conflict

As set out above, in accordance with Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case, there are no material considerations to indicate a decision should be made other than in accordance with the Development Plan (Cherwell Local Plan 2011-2031 Part 1 and the "saved" policies of the Cherwell Local Plan 1996). The proposal clearly conflicts with the principal policy – Policy Villages 2 – and the objectives of the Local Plan Part 1 and should be refused.

This is at a time when the District Council can demonstrate 5.4 years' housing land supply (July 2018) and when Oxfordshire Authorities need only demonstrate a 3-year housing land supply following the Written Ministerial Statement on Housing Land Supply in Oxfordshire (HLWS924). This is to protect the Council and the district whilst the Oxfordshire Authorities progress the Joint Statutory Spatial Plan (JSSP) funded by the Oxfordshire Growth Deal, which

will provide the long-term spatial development strategy for the area. Therefore, there is no pressing need for housing in this location, or at this time, especially unsuitable development of an inappropriate scale in such an unsustainable location.

Whilst the Government's objective is to significantly boost the supply of homes (Paragraph 59 of the National Planning Policy Framework, 2018 (NPPF)), this does not override the status of the Development Plan in this instance, which is up-to-date and supported by a 5-year supply of housing land. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. However, a development of this scale in this location is inappropriate, unsuitable, unsustainable and harmful to the village. It would also potentially inhibit development in a more sustainable location or Category A village. Therefore, the presumption in favour should not apply and, in any event, the proposal conflicts with the Development Plan for a variety of reasons.

Sustainability of Sibford Ferris

Sibford Ferris and Sibford Gower were amalgamated and considered together to form one Category A Settlement, for the purposes of Policy Villages 1.

Whilst the Category A settlements are considered to be the more sustainable villages, there is a wide disparity between the services, facilities, accessibility and other sustainability characteristics of say Adderbury, Bloxham and Deddington as opposed to the Sibfords yet they are all grouped as Category A settlements.

Even considered together, the Sibfords are not considered to be suitable or capable of absorbing:

- the growth produced by the 25 no. dwellings currently under consideration;
- any further development that would follow if an undesirable precedent was created by the approval of the current proposal; and
- windfall development that may come forward within the built-up limits of the villages.

Both Sibford Ferris and Sibford Gower have experienced very little development in recent years, which is largely a reflection of their limited capacity, lack of facilities and poor accessibility. Whilst being strong communities the settlements have survived relatively unscathed due to their relatively isolated hilltop location, surrounded by rolling countryside.

The majority of services in the locality are in Sibford Gower (see Appendix 2). It is unlikely that Sibford Gower will be accessed on foot, due to the lack of continuous public footpaths along the route between the villages, the distance and uneven topography. Therefore, the potential residents of the new development would most likely drive to reach the Nursery, Primary School, Public House, Village Hall, Church(es) and the GP Surgery in Burdrop.

The small food shop in Sibford Ferris, although within walking distance and valuable facility, is not sufficient for use as more than a small, local convenience store. The Sibfords' Community Plan (2012) detailed that nearly three quarters of respondents used the village shop, but only for up to thirty percent of their shopping overall. Villagers still drive to nearby settlements for a supermarket, or any other shops and most services for the other 70% of their shopping needs. Appendix 3 details the greater than average road distances to employment centres, a secondary school and other services. The lack of shops and services within walkable distance along with a lack of regular public transport services leads to a reliance upon vehicular transport amongst existing residents and this issue will only be compounded with a significant increase in residents.

It has been noted there is some support for the application due to its ability to sustain pupil numbers at the Village School. Whilst this is a potential benefit, it is of limited weight in the overall balance of benefits arising from the scheme compared with the adverse impacts that would arise from the development.

The lack of sustainability of the Sibfords is a clear argument weighing substantially against the proposal and in conjunction with the other items in this letter, comprise a compelling case to refuse this application.

Planning History of the Site

It has been noted by the applicant that the site has been subject to a previous resolution to grant planning permission for eight dwellings, six affordable local needs dwellings and two market dwellings categorised as a "rural exception site" (14/00962/OUT). It is appropriate to note that the application was withdrawn before any planning permission was granted as the necessary s106 agreement to secure the affordable housing in perpetuity was not completed. As Lord Steyn noted in the House of Lords' discussion of the case *R v London Borough of Hammersmith and Fulham and Others, Ex P Burkett and Another* [2002] UKHL 23:

'Until the actual grant of planning permission the resolution has no legal effect.'

It is therefore clear that a previous resolution to grant planning permission has no legal standing as a consideration in support of this application. Furthermore, the previous scheme was significantly different to the current proposal. The previous scheme was primarily affordable or local needs homes and of a much smaller scale. In contrast, this proposal is primarily for developer-led, market homes, 16 no. in total and a smaller proportion of 9 no. affordable dwellings. While there may be a need in The Sibfords for affordable dwellings it is imperative that the differences between the two applications are understood. In the previous case, the market housing was argued to make the provision of affordable homes viable. This is not the case here. Although affordable housing would be a significant benefit, this should not outweigh the harm that would be caused to the site, the village and the surroundings, in sustainability terms, by such a large development and a significant number of market dwellings in this location.

Precedent of the Development

Whilst each application must be considered on its own individual planning merits having regard to the Development Plan and any other material considerations, if necessary, we are extremely concerned that an undesirable and unfortunate precedent could be created with the grant of planning permission for this application, which would lead to further unsustainable growth and development outside the built-up limits of the village in the attractive countryside that surrounds it.

The only other site referred to as suitable in the District Council's Housing and Economic Land Availability Assessment (HELAA, 2018) – promoted by the land-owner - is located adjacent to the current application site. The adjacent site, referred to as "Land at Woodway Road, Sibford Ferris", is considered in the HELAA to be potentially suitable for development, subject to satisfactory access, amongst other issues. It should be stressed, at this point, that the HELAA is principally a list of sites put forward by land-owners to be taken account of in the preparation of a Local Plan and it is not a comprehensive indication of the appropriateness of a site for development in the Local Plan itself. Therefore, only limited weight can be attached to the HELAA.

Nevertheless, with this site coming forward prior to Woodway Road, it would open-up access to the other site from Hook Norton Road, rather than Woodway Road, which is essentially a single track, completely unsuitable for access to a housing development. The applicant states:

"...sensible to design this proposal so that it would not prejudice future development in the longer term of the only other site found suitable in The Sibfords. This would mean that any future proposal in that location would not need to add additional traffic to Woodway Road."

It is clear that this development – confirmed by the Illustrative Masterplan with its link to the adjacent, smaller field which may be 'suitable' for development - would provide the access necessary to bring this adjacent site forward. The proposal would not only have a significant impact on this part of the village in itself but is also more than likely to lead to further undesirable development, if approved, as not only physical access would be facilitated but a precedent for more development on adjoining land would be established, which would be very difficult for the Council to resist if it approved this scheme. It should also be noted that the site forms part of a much larger agricultural field, with no sub-division or boundaries, except a sparse hedgerow along Hook Norton Road. If the principle was established for development in this location, there is the risk that further development could ensue to the south towards Hook Norton.

Size of Development

The scale of the proposed development in comparison to the size of Sibford Ferris is disproportionate, in sustainability, physical and new housing terms. The village only has approximately 476 inhabitants (Census, 2011), so increasing such a small village by 25 no. dwellings (by circa 2.5 people per household) would mean a 13% increase, which is significant and disproportionate.

In terms of actual size, the Illustrative Masterplan seems to demonstrate that the development would increase the size of Sibford Ferris by approximately 25% (in area terms) – a significant increase.

This application alone proposes to increase the number of households in Sibford Ferris by about 17%. The HELAA notes that the Land at Woodway Road, adjacent, could accommodate 20 no. dwellings. A further 20 no. dwellings in addition to the 25 dwellings currently proposed would increase the size of Sibford Ferris by 31%, rather than just 17%. An increase in the number of households by just 17% is unsustainable, but an increase of 31% would be completely unacceptable under any circumstances.

In the Sibfords' Community Plan (2012), 64% of people said they would be willing to envisage up to 10 new houses, 31% up to 20 and only 3% over 20 houses. This proposal would clearly be against the wishes of the local community and the Parish Councils' objectives via the Community Plan.

In addition, the HELAA (2018) stated that a small scheme of approximately 10 dwellings would be potentially suitable for the site. This proposal is significantly in excess of this with potential for more on the site itself and on adjoining land (with access through the site) if a precedent was set by this proposal. This compounds the strong policy, sustainability and other objections to the proposal.

Policy C28 of the "saved" policies of the Cherwell Local Plan 1996, states that "control will be exercised over all new development... to ensure that the standards of layout... are sympathetic to the character of the urban or rural context of that development". Further to this, Policy C30 outlines that design control will be exercised to ensure new housing development is compatible with [amongst other issues] the character, scale and density of existing dwellings in the vicinity. The scale of the development is not sympathetic in any way to the rural context of Sibford Ferris and is not compatible with the character, scale and density of existing dwellings. Therefore, the development is contrary to Policies C28 and C30 of the Cherwell Local Plan 1996.

Transport

Given the location of Sibford School almost opposite the entrance to the proposed development, it seems likely that at drop off and pick up times there will be congestion and possibly road side parking, which could affect visibility sightlines from the development's access point.

Although the HELAA (2018) suggests limited development is acceptable in Sibford Ferris, it is clear that public transport accessibility is limited and does not occur at times suitable for travel to work or school. The Transport Statement indicated a bus service of 5 buses per day. There are 5 services in the Shipton-on-Stour to Banbury direction, there are only 4 in the reverse direction. Travelling towards Banbury, the first service leaves Sibford Ferris at 7.02, arriving in Banbury at 7.25, with the next service leaving at 10.02 and arriving in Banbury at 10.25. In the other direction the first service leaves Sibford Ferris for Shipston-on-Stour at 10.53. On Saturdays there are only 4 services per day, with no service on a Sunday.

Realistically, the majority of journeys which need to be made outside of Sibford Ferris will be by car. The development is not of a scale whereby it can contribute to an improved bus service and even if it were able to do so, the level of development would not generate sufficient patronage to make increased services sustainable. Even journeys to Sibford Gower are likely to be made by car, as there is a lack of continuous footway between the two villages and significant on street parking, causing safety issues to both pedestrians and cyclists. This could particularly affect the potential for parents with children walking to and from school in Sibford Gower.

An increased volume of traffic is likely to exacerbate existing safety concerns held by many in the village. Policy TR7 of the "saved" policies of the Cherwell Local Plan 1996 states:

"development that would regularly attract ... or large numbers of cars onto unsuitable minor roads will not normally be permitted".

As discussed, the proposal will result in a higher volume of car trips to workplaces, schools and other services, such as a supermarket. It is likely there will be more than one car per dwelling in the proposed development, which could result in a disproportionately larger number of cars using minor or unsuitable roads. The development is therefore contrary to Policy TR7 of the Cherwell Local Plan 1996.

Therefore, in transport terms, it is considered that the proposal is unacceptable.



Figure 2 - Verge parking along Hook Norton Road

Agricultural Land

There is a significant volume of high-quality agricultural land in the area surrounding the Sibfords. Appendix 1 to this letter demonstrates the site is classified as Grade 2 agricultural land, therefore the proposal would affect the best and most versatile land. The applicant makes the argument that the landscape between Sibford Ferris and Sibford Gower is more sensitive than the proposed site. This is not relevant to the proposal, which needs to be considered on its own individual merits and does not justify the use or development of this site, which directly affects the best agricultural land, contrary to the aims of Paragraph 170 of the NPPF, 2018.

Landscape Impact

In the pre-application advice, both yourself and the Council's Landscape Officer requested a Landscape and Visual Impact Assessment (LVIA). The applicants have produced a LVIA, but it is not clear at this stage whether this is sufficient to persuade the Council's Landscape Officer and other CDC officers that the impact of the proposal upon the village is acceptable. We would argue that the proposal would have a significant landscape impact when viewed from a variety of locations around the site, contrary to Policy ESD 13 of the Local Plan Part 1.

The development would be visible from Hook Norton Road, at least two public footpaths and the wider village, which would be detrimental to the character and appearance of this edge of

the village as it is in open countryside, in an area where development is restricted to protect the rural amenities of such localities. In short, the scale of the proposal and its prominent location in the public domain at the southern “entrance” to the village, would cause undue visual intrusion into the open countryside and harm the rural setting and tranquillity in this rural edge location of Sibford Ferris.

Public Rights of Way may require diversions and will be significantly altered due to the proposed development. In any case, the character of the Public Rights of Way will be substantially altered due to the change in surroundings, from previously open countryside views, to being within or dominated by an urban, residential development. The Transport Statement submitted states that the footpaths within the development would be connected with the existing footpath network in the village, but no proposed layout is provided so impact cannot be fully and properly considered.



Figure 3 - Current views of open countryside across the site from Hook Norton Road

Archaeology

We are pleased to note that Oxfordshire County Council’s Archaeologist objects to the proposal due to a lack of formal archaeological investigation. As set out in the Council’s Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal this area has been settled from an early period, as evidenced by the mention of barrows at Sibford Gower (Beesley, 1841), and the remains of an extensive Iron-Age camp at Madmarston Hill (NE of Swalcliffe village) (National Monuments Record). In addition, close by is a large site of Roman occupation at Swalcliffe Lea. The villages are also located on the pre-historic path from the south to Lincoln and York.

The NPPF describes Local Planning Authorities’ obligations:

“Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

In order to be consistent with national policy guidance and Policy ESD 15 of the Local Plan, which requires the conservation of designated and non-designated heritage assets, the District

Council should insist upon formal archaeological investigation before considering and determining this application.

Ecology

It is worth noting the Phase 1 Ecological Survey was followed up by a bat survey, uploaded to the District Council's website on 16th November 2018. The Phase 1 Survey did not identify the need for a further bat survey, as the Phase 1 Survey stated that no mitigation would be required for bats. However, the Phase 1 Ecological Survey did identify the need for Badger mitigation. This identifies the potential need for a more detailed Badger Study which has not been undertaken, it seems, by the applicant. There are biodiversity impacts, therefore, arising from this development, which need to be fully and properly considered and mitigated, if possible, otherwise the proposal would conflict with Policy ESD 10 of the Local Plan and Paragraphs 170 and 175 of the NPPF, 2018.

Statement of Community Involvement

The applicant's Statement of Community Involvement attempts to negate local concerns. However, their responses are generalised and are not enforceable as part of an outline planning application, with all matters reserved.

The "adequate off-street parking" provided by the development is proposed to negate the impact of the existing on-street parking on Hook Norton Road. This additional parking may be beneficial but does not mitigate the increased number of vehicular trips made by the new residents of and visitors to the proposed development.

The applicants' proposal offers "public benefits" comprising a community orchard, allotments and a substantial area of natural green space with a new footpath to link Woodway Road and Hook Norton Road. There is a concern that these "benefits" are not directly related to the development and/or fairly and reasonably related in scale and kind to the development. There is a serious doubt as to whether they pass the tests set out in Paragraph 56 of the NPPF, 2018 and the *Community Infrastructure Regulations, 2010 (as amended)*. In any event, the proposed "public benefits" are not substantial enough to outweigh the significant policy conflicts and negative planning impacts that will result from the development.

Conclusion

In conclusion, for all the reasons outlined, the proposed development is wholly unacceptable and should be refused by the Council pursuant to section 38(6) of the *Planning Compulsory Purchase Act, 2004 (as amended)* as it is not in accordance with the Development Plan and there are no material considerations that justify setting aside the Plan. The proposed development conflicts with Policy Villages 2 and Policies BSC 2, ESD 10, ESD 13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28, C30 and TR7 of the "saved" policies of the Cherwell Local Plan 1996.

In addition, the development conflicts with national policy guidance set out in the NPPF, 2018 and local views set out in the Sibfords' Community Plan, 2012. This site and Sibford Ferris are not sustainable locations for a development of this size. Furthermore, permission for this development would not only be harmful to the local transport network, agricultural land, the landscape, archaeology and biodiversity it would also set a most undesirable precedent for similar development of adjoining land along Hook Norton Road and at Woodway Road, which would urbanise this rural edge of Sibford Ferris.

We would therefore request that you/the Council take these strong objections into account before determining the application and conclude that the application should be refused for the reasons set out.

We would also confirm that we would like to speak at the Council's Planning Committee meeting on behalf of Sibford Action Group who feel very strongly about this issue.

If you require any further information or wish to discuss any of the issues raised, please do not hesitate to contact me.



Yours sincerely,



Duncan Chadwick
Partner

Email: dchadwick@davidlock.com

Appendix 1 – Agricultural Land Classification

Appendix 3 – Distance to Services

Source: Community Insight Profile for Sibford Ferris Area (2018)

Average road distance from Job Centre	Average road distance from Secondary School	Average road distance from GP	Average road distance from Pub	Average road distance from Post Office
12.1km	9.2km	1.4km	1.3km	0.0km
England average = 4.6km	England average = 2.1km	England average = 1.2km	England average = 0.7km	England average = 1.0km
Source: Road distances - Commission for Rural Communities: Distance to Service dataset (2010)				