



Appeal Statement

Proposed Residential Development for up to 46 dwellings -
Land at Tappers Farm, Oxford Road, Bodicote, Banbury,
Oxfordshire, OX15 4AB

for Hollins Strategic Land LLP

LPA ref: 18/00792/OUT

Project : 18-554
Site address : Land at Tappers Farm,
Oxford Road, Bodicote,
Banbury, Oxfordshire,
OX15 4AB
Client : Hollins Strategic Land LLP
Date : February 2019
Author : Stephen Harris

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

No part of this document may be reproduced without the prior written approval of Emery Planning.

Emery Planning Partnership Limited
trading as Emery Planning.

Contents:

1. Introduction	1
2. The Appeal Proposal	9
3. Relevant planning history	12
4. Planning Policy Context	13
5. Proposition 1	18
6. Proposition 2	25
7. Proposition 3	34
8. Proposition 4	60
9. Proposition 5	61
10. Appendices	64

1. Introduction

- 1.1 Emery Planning is instructed by Hollins Strategic Land LLP (the Appellant) to prepare this Appeal Statement in support of their appeal against the decision of Cherwell District Council to refuse their outline planning application for the erection of up to 46 no. dwellings with associated works and provision of open space on land at Tapper's Farm, Oxford Road, Bodicote, Banbury, Oxfordshire. Access is submitted for full consideration at this stage, with all other matters (layout, appearance, scale and landscaping) reserved for future determination.
- 1.2 In this Appeal Statement we will address the planning considerations when addressing the two reasons for refusal. The first reason for refusal has two limbs to it, the first being housing need which this statement addresses and the second being the impact of the development on the character and identity of Bodicote. My colleague Nigel Evers of Viridian Landscape Planning has prepared a separate Appeal Statement on the landscape and visual impact to specifically address the second limb of the first reason for refusal. Mr Evers was the landscape consultant for the appeal application.
- 1.3 The second reason for refusal will be addressed through the submission of a legal agreement.

Qualifications

- 1.4 This Appeal Statement has been prepared by Stephen Andrew Harris who is a Chartered Town Planner with over 20 years' experience in private practice. I am a Director of Emery Planning, based in Macclesfield, Cheshire and I have considerable experience in dealing with housing and sustainability matters across the country. I am familiar with the site and the details of the case and was the lead consultant for the refused application. Therefore, I am familiar with the policies of the adopted and emerging development plan.

Propositions

- 1.5 The reasons for refusal state:

"1. Taking into account the number of dwellings already permitted across the Category A villages and Cherwell District Council's ability to demonstrate a 5.4 year housing land supply, which exceeds the requirement for a 3 year housing land supply the proposal is unnecessary and undesirable as it would result in development of an area of open land which is important in distinguishing the settlements of Banbury and Bodicote and would undermine the character

and identity of Bodicote. This would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.

2 In the absence of the completion of a satisfactory Planning Obligation under s106 of the Town and Country Planning Act 1990, the Local Planning Authority is not convinced that the necessary infrastructure directly required to mitigate the impact of this development will be provided. This would not be in the interests of delivering sustainable, mixed and balanced communities by providing affordable housing, appropriate public open space and its future maintenance arrangements, providing adequate health services and community and sports provision, meeting education needs and enhancing sustainable transport options. This would be contrary to Policies INF1, BSC3, BSC7, BSC10, BSC11, BSC12 and SLE4 of the adopted Cherwell Local Plan (2011-2031) Part 1, the Council's Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018) and the National Planning Policy Framework."

1.6 In this Appeal Statement, we will assess the appeal proposal against the following five propositions which are:

- **Proposition 1:** The LPA officers have examined this proposal and concluded that planning permission should be granted.
- **Proposition 2:** The principle of development complies with the development plan and the proposed development is an appropriate and logical extension to Bodicote.
- **Proposition 3:** The appeal site should be released now to assist in meeting the market and affordable housing need in the development plan.
- **Proposition 4:** A completed Section 106 agreement will be provided to address the second reason for refusal.
- **Proposition 5:** The proposal would amount to sustainable development for which Government policy sets a presumption in favour and should be permitted without delay.

Executive Summary

The Decision Making Process

1.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration.

1.8 Paragraph 11 of the Framework then sets out two options for how decisions on planning applications should be taken. It states:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

1.9 The application was submitted on the basis that it accords with the development plan. This was also the view of the officers of the Council in their report to the Planning Committee on 25th October 2018. Between the submission of our application and the committee report, an appeal at Launton was allowed on the basis that it was in accordance with the development plan. Despite the consistent approach of an Inspector in a similar case, the view of officers of the LPA, and the case set out in our planning statement, members decided the application should be refused.

1.10 The Appellant maintains that the development complies with the development plan because it would provide:

- a development that accords with the settlement hierarchy as set out in Policy BCS1 and the criteria in Policy Villages 1 and 2 which supports the principle of development.

It should be noted that a proposal can be compliant with the development plan if it meets either Villages 1 or Villages 2. There is no allegation of conflict with Villages 1 or BSC1 in the decision notice so whilst Villages 2 does form part of the reason for refusal, that does not override the conformity with Villages 1 and therefore compliance with the development plan. In any event, there is no conflict with Policy Villages 2.

- The delivery of 35% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing;
- Development in an accessible location which can accommodate the development scheme socially, economically and environmentally. It is clear from our evidence that the development is acceptable having regard to the environmental policies in the development plan, including those specific policies listed in the decision notice, these being ESD15, C15 and C33. This was also the position of the professional officers of the LPA.

Housing Need

1.11 We dispute the allegation that the development is not necessary for the following reasons:

- The housing requirements in policies BSC1 and Villages 2 are minima. There is no conflict even if there was any exceedance by the development proposals. The Inspector in the Launton appeal confirmed that the 750 dwelling requirement was not a limit and "*that conflict would only arise if there was a material increase over and above the identified 750 dwellings*". There is rightly no allegation in the reason for refusal that allowing the development would have any impact on the spatial strategy in the development plan.
- There is a significant shortfall in meeting the housing requirement and trajectory in the District 7 years into the plan period which equates to:
 - 2,028 against the annual requirement; and,
 - 1,262 against the housing trajectory.
- On the projected completions of 1,238 dwellings for 2018/19, the shortfall would be:
 - 1,932 against the annual requirement; and,
 - 2,224 against the housing trajectory.
- The requirement to deliver 750 dwellings in Policy Villages 2 will not be met by existing commitments. Having assessed sites in the supply, we conclude there is a residual need for at least 37 dwellings to meet the minimum of 750 dwellings if all other commitments deliver in full in the plan period. This appeal for 46 dwellings would assist in meeting that requirement.

- There is a significant shortfall in the delivery of affordable housing which equates to 1,175 households;
- There are 1,044 households on the housing register at present, with 65% (679 household) in priority need.

1.12 It is clear that this element of the first reason for refusal is unfounded and there has been a persistent under delivery of both market and affordable housing. Preventing policy compliant developments will not assist in providing those in need of a suitable home now and will not boost the supply of housing as required by the Framework. Therefore we consider the delivery of the 46 dwellings along with 16 affordable homes to be a significant benefit and a material consideration weighing in favour of the development.

Character of the Area

1.13 We dispute the allegation that the development would undermine the character and identity of Bodicote and that there is conflict with Policy C15 for the following reasons.

1.14 Policy C15 states that *"the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them"*. The policy is not a restriction in principle on development of any land between two settlements and there is no designation of land for the purpose of Policy C15 on the 1996 proposals map. Therefore a judgement must first be made on whether a site is important in distinguishing settlements; in this case Bodicote and Banbury.

1.15 Our view when submitting the application was that Policy C15 was not engaged as it was not a site important in distinguishing the settlements. The proposed area of open space was located on the northern part of the site, not for issues of separation of settlements, but to continue a lateral green link when combined with the other areas of woodland and open space¹.

1.16 Nevertheless, during determination, Policy C15 was considered by the officers and in their assessment of the proposal made three specific points.

1.17 The first was that that since the policy was adopted in 1996 there has been a material change in the local area in that a significant level of development has been allocated and granted permission to the south of Banbury which blurs the division of the settlements. Therefore the importance of the site in distinguishing Bodicote and Banbury is diminished in the view of

¹ Paragraph 6.2.9 of the LVIA (CD1.6)

officers². The LPA has not engaged with the Appellant since the refusal despite a draft Statement of Common Ground being sent on 21st December 2018. Therefore if the view of the LPA is now that Policy C15 places a restriction on all development of open areas between settlements, then for the purposes of this appeal we consider the policy is out of date based on the significant changes in the area since it was adopted in 1996 as set out in the committee report. In that scenario the tilted planning balance would be engaged.

- 1.18 The second is that whilst C15 is a saved policy, there is no policy in the CLP2031 on coalescence in an up-to-date local plan. Indeed the Local Plan Inspector specifically deleted such a policy as he considered C15 would still apply in conjunction with policies in the new plan. Specific reference is made by the Inspector in paragraph 105 of his Report to policy ESD13³ which is not listed in the reasons for refusal.
- 1.19 The third is the planning judgement of the officers was that the proposed open space to the north would provide a *“degree of separation between the two settlements will help maintain their separate identities. The part of the site which makes the most contribution to this is the northern part of the site which is to be retained as open space”*. The officer concludes a very limited conflict with Policy C15.
- 1.20 It can therefore be concluded that if Policy C15 is engaged, which we say it is not, it is a policy where any conflict is very limited due to the design of the development and the location of the proposed open space. Should the appeal be allowed and the development built, the identity of Bodicote and Banbury will not be diminished and they will remain separate settlements.
- 1.21 Policy C33 has 3 specific tests and the evidence of Mr Evers assesses each in detail. The overarching point is that none of the 3 tests apply to the appeal proposal and the policy is not engaged and there is no conflict with it.
- 1.22 Policy ESD15 (The Character of the Built and Historic Environment) is a general design policy primarily concerned with achieving acceptable siting, layout and high quality design, and controlling matters of detail at the reserved matters stage. Notwithstanding the above interpretation, the policy is listed in the decision notice, albeit there is no specific reference to which part of the policy there is conflict with.

² Paragraph 8.25 of committee report (CD2.1)

³ Paragraph 105 of Inspectors Report (CD3.4)

1.23 Mr Evers assesses the character of the locality. Our overall position is that the proposed development would relate well to the existing settlement boundaries of Bodicote and the surrounding built form. The proposed development would not extend beyond the existing housing and built form along Oxford Road. It would be viewed as a logical extension to and the infilling and rounding-off of the existing built-up area boundaries.

1.24 We can therefore conclude that there is no conflict with policies C15, C33 and ESD15. However even if there was any conflict then it would be very limited for the reasons summarised above and as explained in the committee report and the evidence of Mr Evers.

Planning Balance

1.25 On the positive side of the planning balance, the proposal would provide the following:

- a scale of development that accords with the housing requirement and spatial strategy in Policy BCS1 and ESD1;
- development that is located in the highest tier of settlement in Policy Villages;
- a development which accords with the criteria in Policy Villages 1 and paragraph C.262 and is a minor development within the context of Bodicote;
- a development which complies with the 11 criteria in Policy Villages 2 and will assist in meeting the policy requirement to delivery 750 homes in Category A settlements;
- the delivery of open market housing to assist in boosting the supply of housing where there is currently a significant shortfall when measured against the housing requirement and housing trajectory in the development plan on a policy complaint development;
- delivery of a small and medium sized site which would accord with the clear objective of the Government in paragraph 68 of the Framework and is a benefit which was given great weight in paragraph 8.12 of the committee report;
- the delivery of 35% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing delivery;
- a development that would respect and enhance the local landscape character through the retention of the north-west part of the site as open space and through appropriate planting to mitigate any localised effects of the development in accordance with adopted Local Plan Policy ESD13 and ESD15;
- a high quality design-led scheme with a density of development that is in character with the area in accordance with the policies in the development plan, which includes Policy ESD15;

- a net gain in biodiversity that accords with Policy ESD10;
- development in a very accessible location which can accommodate the development scheme socially, economically and environmentally;
- the provision of open space to meet the needs of existing and proposed residents and which will ensure the identity of Bodicote is maintained; and;
- a range of social and economic benefits including the provision of New Homes Bonus, CIL, Council Tax revenue now, construction jobs and increase spending for local services and facilities.

1.26 The proposal therefore complies with the development plan and, in accordance with paragraph 11c of the Framework under the traditional planning balance, permission should be granted without delay.

1.27 Even if there was any adverse impact evidenced through the appeal it would be limited and would not outweigh the significant benefits. Therefore in the context of paragraph 11 of the Framework, the proposal is a sustainable development and planning permission should be granted accordingly.

2. The Appeal Proposal

- 2.1 This planning appeal seeks outline planning permission for up to 46 no. dwellings with associated works and provision of open space. Matters of scale, layout, landscaping and appearance are all reserved for future consideration; however for illustrative purposes an indicative layout plan was included within the submission.
- 2.2 During the determination of the planning application, the number of proposed dwellings was reduced from 52 to 46. This followed consultation responses and the officer seeking a more detailed development footprint in order to protect the existing trees, provide a wider ecological corridor and define the main area of open space. This illustrative layout was then proposed to be conditioned as set out the update to committee (Condition 4 of Core Document 2.2).

Design considerations

Appraising the context – site constraints and opportunities

- 2.3 The topography of the site is flat, although there are differences in levels to the site perimeter and it is enclosed by built development to the southern, eastern and western boundaries.
- 2.4 The site is urban fringe of the settlement boundaries for Bodicote and would form part of the surrounding built form which largely comprises a range of house types and layouts and primary school.

Amount and scale

- 2.5 Scale is a reserved matter for detailed consideration as part of a future reserved matters application; however the proposed development would amount to 46 dwellings. The scale of the new dwellings is likely to be in the form of two-storey houses in order to reflect the character and appearance of the surrounding residential development.
- 2.6 In accordance with CLP 2031 Policy BSC3: Affordable Housing, 35% of the dwellings would be provided as affordable, however the exact tenure mix can be agreed with the Council in accordance with CLP 2031 Policy BSC4: Housing Mix as part of a future reserved matters application.

Layout

- 2.7 Layout is a reserved matter for detailed consideration as part of a future reserved matters application. However the indicative site layout shows a coherent and legible response to the character and appearance of the surrounding area following the comments from the planning officer. It confirms that the proposed houses would be set within plots that provide in-curtilage parking and generously sized gardens and the layout would sit comfortably within the overall built form of the area.
- 2.8 The proposed development aims to achieve green infrastructure improvements through provision of a large area of open space and a landscaping buffer to the north and east of the site. A Local Area of Play (LAP) to the south of the site is also proposed. Precise landscaping details will be addressed in a future reserved matters application.

Appearance

- 2.9 Appearance is a reserved matter for detailed consideration as part of a future application. However, the proposed houses would be constructed with facing brick and tiled roofs to complement the existing properties within the surrounding area.
- 2.10 Precise design details will be addressed in a future reserved matters application, however in accordance with CLP 2031 policies ESD1: Mitigating and Adapting to Climate Change; and ESD3: Sustainable Construction, the proposed development would adopt sustainable construction and low carbon energy practices.

Landscaping

- 2.11 Landscaping is a reserved matter for detailed consideration. However a robust and attractive structural illustrative landscaping scheme has been submitted with the planning application which shows the retention of key trees with additional planting in the interests of the character and appearance of the area.
- 2.12 The indicative site layout also illustrates the applicant's desire for the development to optimise the existing trees and vegetation within the site. The majority of trees and hedges will be retained, with limited removal where necessary. Retention of the existing tree stock with complementary new planting will enable the development to successfully integrate within the local surroundings.

Access

- 2.13 Access to and from the site is proposed from the Bankside link road that connects the A4260 Oxford Road with the Bankside / White Post Road roundabout. The access will be relocated to the east of the existing access to the farm shop, in order to optimise visibility splays at the junction with the highway.
- 2.14 The proposed scheme provides well-defined, legible and overlooked routes through the site so that residents can benefit from the local services and public transport options available beyond the application site.

Impact on the character and appearance of the area

- 2.15 The indicative layout shows a development that could complement the character and appearance of the surrounding built form with well-designed housing and a robust and attractive landscaping scheme.
- 2.16 The proposal has therefore been informed by the environmental and technical reports prepared in order to demonstrate the site's suitability for development.

3. Relevant planning history

3.1 The planning history of the site is set out below.

Application Ref.	Proposal	Decision
00/01330/F	Change of use to allow a winter storage area for 8 No. caravans.	Application Permitted
02/01756/F	Use of agricultural land for car boot sales and increase caravan storage numbers from 8 to 12.	Application Refused
03/02193/F	Allow increase of caravan storage numbers from 8 No. to 14.	Application Permitted
04/00516/F	Increase statutory number of permitted car boot sales from 14 to 21 per year.	Application Permitted
04/02679/TPO	Fell 1 No. Horse Chestnut subject to TPO 1/93	Application Permitted
08/02000/AGN	Erection of 2 no. agricultural storage buildings	Prior Approval Not Required
09/00457/F	Retrospective: Use of site as a farm shop.	Application Permitted

3.2 The above applications are applicable to the previous or current use of the site.

3.3 A pre-application submission was previously made on the site for residential development. The details are:

Application Ref.	Proposal
16/00346/PREAPP	Pre- Application Enquiry - Re-development of the site for residential - 22 dwellings

3.4 Paragraphs 4.2 and 4.3 of the Committee Report refer to the advice given.

3.5 That advice was given back in 2016 and the issues raised have been duly considered through the application submission and the determination by officers.

4. Planning Policy Context

- 4.1 Section 38 of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 For the purposes of the proposed development, the development plan comprises the Cherwell District Local Plan 2011 – 2031 Part 1 and the saved policies of the Cherwell Local Plan 1996. Consideration should also be given to the policies of the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG).

Development Plan Context

- 4.3 The development plan comprises the Cherwell District Local Plan (CD3.2) adopted in July 2015 and the saved policies of the Cherwell Local Plan 1996 (CD3.1). The relevant policies are listed in the Statement of Common Ground. The assessment of the proposal against the policies is set out in later sections.

Other Material Considerations

Partial Review of Cherwell District Local Plan 2011 – 2031 - Oxford's Unmet Housing Need (CD3.6)

- 4.4 In Part 1 of the CLP 2031, the Council committed to work seeking to address the unmet objectively assessed housing need (OAN) from elsewhere in the Oxfordshire Housing Market Area (HMA).
- 4.5 Work on a partial review of the CLP 2031 has been ongoing in recent years. In September 2016, under the duty to co-operate, the apportionment of Oxford's unmet housing need to the Oxfordshire districts was agreed. This included a further 4,400 homes to be provided within Cherwell District (2011 – 2031). The 4,400 dwellings are additional to the existing level of need identified in Part 1 (22,840 dwellings).
- 4.6 Consultation on the Proposed Submission Draft of the Plan was undertaken between July 2017 and October 2017, prior to going before the Council Executive for approval in February 2018.

- 4.7 The Plan has been submitted for Examination to the Secretary of State (SoS). A Preliminary Hearing held on 28th September 2018 and the Inspector issued a Procedural Note on 29th October 2018 (CD3.7). The Preliminary Hearing was held to discuss whether to proceed to Main Hearings, suspend the process, or call a complete halt. The Inspector has determined that the Examination can proceed to Main Hearings with a series of Matters and Issues in early December 2018. An examination date is yet to be confirmed.
- 4.8 The overarching point is that Cherwell will have to deliver an additional 4,400 dwellings to meet Oxford's needs. Whilst that is to be delivered on sites north of Oxford and settlements in the south of Cherwell District, it nevertheless shows continued need for significant levels of development. This is also the case with the Oxfordshire Housing and Growth Deal, to support ambitious plans to deliver 100,000 homes by 2031.

Cherwell District Local Plan (CLP 2031) 2011 – 2031 (Part 2)

- 4.9 Following initial Issues Consultation in January 2016, work on Part 2 of the Local Plan has stalled as work on the review of Part 1 of the CLP 2031 was progressed as a priority. At present, Part 2 of the CLP 2031 cannot be afforded any weight.

Cherwell Developer Contributions SPD (February 2018) (CD3.6)

- 4.10 The Developer Contributions SPD was adopted by the Council in February 2018. The SPD sets out the Council's approach to seeking contributions for the delivery of infrastructure required to support development. This includes for transport, education and community facilities and services.

National Planning Policy Framework (NPPF)

- 4.11 The National Planning Policy Framework (the NPPF) was published in July 2018.
- 4.12 At the heart of the Framework is a presumption in favour of sustainable development for decision-taking (paragraph 11). This means:

“Approving development proposal that accord with an up to date development plan without delay; or

Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless:

- i) The application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing development proposed; or
- ii) Any adverse impact of development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole."

4.13 Chapter 2 of the Framework seeks to clarify what is meant by sustainable development. In doing so it states that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. These are as follows:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – including contributing to protecting and enhancing our natural, built and historic environment.

4.14 Chapter 5 sets out the Government objectives for delivering a sufficient supply of new homes. The guidance states that a key objective is to "significantly boost" the supply of new homes. It is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups and specific housing requirements are addressed and land with permission is developed without unnecessary delay.

4.15 Paragraph 68 states that "*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly*". To promote the development of a good mix of sites it sets out 4 actions that local planning authorities can take. Of most relevance to the appeal proposal is part c which states:

“c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes”.

4.16 The appeal proposal would accord with this clear objective of the Government and this was given great weight in paragraph 8.12 of the committee report.

4.17 Chapter 12 of the Framework deals with delivering well-designed places and states that new developments are expected to:

a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

4.18 Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. However the Framework states specifically that;

“Being clear about design expectations, and how these will be tested, is essential for achieving this.”

4.19 Whilst this development is in outline, design was a consideration of officers during determination which resulted in a reduction in the number of dwellings, a greater level of open space and agreement on a parameters plan to apply at the reserved matters stage.

4.20 Chapter 15 and paragraph 170 in particular sets out guidance on conserving and enhancing the natural environment. Of particular relevance to the appeal proposal are:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

4.21 Within this context there is no allegation by the LPA that this is a valued landscape, or that there is harm to the character and beauty of the countryside as such, and that there is no issue in respect of biodiversity. Indeed it is accepted that there would be a net biodiversity gain.

National Planning Practice Guidance (PPG)

4.22 The NPPG was published in March 2014. It provides guidance on the application of policies in the Framework and is a material consideration in the determination of planning applications and appeals.

4.23 Section 21b of the NPPG relates to the determination of planning applications. Paragraph 21b-012-20140306 states that in instances where there are conflicts between development plan policies, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted. In relation to conflicts between policies adopted at the same time, the NPPG states that the conflict should be resolved by giving regard to all material considerations, including local priorities and needs.

4.24 Further references from the Framework and PPG are set out later in this Appeal Statement.

5. Proposition 1

The LPA officers have examined this proposal and concluded that planning permission should be granted.

- 5.1 Following their consideration of the proposal, the professional officers of the Council concluded that planning permission should be granted and recommended this to the planning committee on 25th October. The committee report sets out the matters for consideration as part of the case. In total, twelve planning considerations were examined and the planning officer was informed by the various statutory and non-statutory consultee responses and other consultation letters during the determination period.
- 5.2 The twelve planning considerations are set out below and we summarise the key conclusions of officers on each.

- **Principle of proposal**

- *“Bodicote is designated a Category A Village under Policy Villages 1 of the CLP 2031 and is therefore one of the most sustainable of the District’s villages. Whilst development with the open countryside is to be strictly controlled, in this case the site appears more as an undeveloped parcel of land in an urban/suburban context rather than as part of the open countryside setting of the village”. (paragraph 8.6)*
- Policy Villages 1 supports minor development in the built up limits of the villages. No such limits are defined in the policy, so whether the proposal is within the built up limits is a matter of planning judgement. The Officer's view is that the site is within the villages built up limits as set out in the following extracts:
 - Site appears more as an undeveloped parcel of land in the urban/suburban context rather than part of the open countryside setting of the village. (paragraph 8.6)
 - The site already contains an element of built development (farm shop and storage). To the East lies development along Oxford Rd with Longford Park beyond, to the south development at Park End, to the west the primary school and to the north White Post Rd, with the wooded area and flyover beyond. The site is therefore “well contained by the existing built up development, both of Bodicote and Banbury”
 - the application site’s character is more akin to the former and these very particular circumstances lend weight to a view that the site lies within the village’s built up limits; although this is a matter of judgement. (paragraph 8.7)

- The officer considers in paragraphs 8.8 and 8.9 whether the 46 dwellings could be considered “minor development” having regard to the factors set out in paragraph C262 of the CLP2031. The Officer considers the scale and specific site circumstances with particular regard to the “very accessible” location, links with Banbury and Oxford, and the extensive facilities in the area. Paragraph 8.14 concludes compliance with Policy Villages 1.
- On Policy Villages 2:
 - The direct relevance of the Launton appeal decision is set out in paragraph 8.10.
 - In that decision the Inspector noted relatively slow delivery of permissions granted (paragraph 8.10). Actual delivery still falls below the 750 unit requirement in the policy and in any event officers confirm that the 750 figure is not a ceiling (paragraph 8.12). Although the grant of consent would result in planning permissions for over 750 homes, the spatial strategy would not be undermined (paragraph 8.13).
 - In considering compliance with this policy, regard must be given to the criteria within the policy including the site’s environmental value, impact of development and deliverability. It is considered that the development of the site would comply with these criteria (paragraph 8.10).
 - Overall the proposal is in compliance with Policy Villages 2.
- The officer then concludes in paragraph 8.14:
 - *“the proposal is considered to comply with the Council’s spatial strategy and with the principles of Policy Villages 1 and 2 by ensuring that development is focused in locations within or immediately adjoining Banbury and Bicester or the most sustainable villages, is of an appropriate scale, is supported by services and facilities, does not exacerbate travel patterns that are overly reliant on the private car and does not give rise to unacceptable adverse impacts (as demonstrated by the planning assessment set out below). There are no policies within the NPPF which would provide a clear reason for refusal”*
- In paragraph 8.15 the officer sets out that the development would make a valuable contribution to housing delivery (including affordable housing) and is located immediately adjacent to the urban area of Banbury which is expanding to the east and west of the site. It is also surrounded by existing development on all sides. It is a highly accessible location and the proposal would amount to sustainable development for which Government policy sets a presumption in favour. In these very particular site circumstances the principle of development is supported.

- **Visual impact and effect on the character of the village and its setting**

- The key points from the committee report are:
 - Officers accept the site is heavily influenced by built development (paragraphs 8.17 and 8.18).
 - Any contribution the openness makes to the character of the village is very localised to the Oxford Road approach and the flyover (where it is seen in a more urban context of surrounding built development) and its northern boundary from White Post Rd.
 - Its contribution to openness from Oxford Rd is reduced by the mature boundaries. The trees are the most defining characteristic.
 - Views from White Post Road are in the context of the built development on Oxford Road beyond it, and again the trees are the most significant feature.
 - The northern part of the site is the most sensitive in landscape and visual terms. The provision of a large area of open space at the north of the site contributes towards maintaining a degree of visual separation (paragraph 8.20). The protected trees, which are a key feature of the site, are to be retained and enhanced.
 - Much of the village's rural character and setting comes from views out of the village into the surrounding countryside, which is possible at many points in the village. The application site does not perform the same function, and the site is not discernible from the historic core (paragraph 8.22)
- The Officer agrees with the submitted landscape appraisal and the significance of effects that are identified and the conclusion is that *"On balance, it is not considered that the proposed development would result in harm to the character, appearance, identity or setting of the village such that a refusal on these grounds would be reasonable, taking into consideration the benefits that would result from boosting the delivery of housing (including affordable housing) in sustainable locations"* (paragraph 8.24).

- **Coalescence**

- The key points from the committee report are:
 - Policy C15 dates from 1996 and, although the policy is saved, the context has since changed, not least by the further grant of residential development on the southern edge of Banbury at Longford Park and Salt Way which blurs the distinction between the settlements. The importance of the site in distinguishing Bodicote and Banbury is therefore diminished (paragraph 8.25).

- In any event, the part of the site which makes the most contribution to any degree of separation is the northern part of the site, which is to be treated as open space, and which will provide a degree of separation between Bodicote and Banbury (paragraph 8.27). Therefore any conflict with C15 will be very limited. At paragraph 9.6, the Officer reiterates that the retention of the northern part of the site as green space will "help preserve" a sense of separation between the settlements.
- The officer concludes in paragraph 8.15 that "Given the very particular site circumstances set out above, it is considered that there are material planning considerations that outweigh this very limited conflict". They also confirm that a degree of separation between the two settlements will help maintain their separate identities.
- **Highways/Access** - Whilst traffic was an issue raised by local residents, the report confirms no objection from the highway authority. They confirmed that the proposed development could be accommodated on the local highway network. The indicative plan shows that the development would link into the footpath network.
- **Impact on Trees/Hedgerows** - there are no objections in terms of the tree implications from this development. The Arboriculture Officer has no objections to the amended plans as they avoid the unnecessary removal of protected trees. Further detail can be assessed at the reserved matters stage through planning conditions. Paragraph 8.35 of the committee report confirms that the Landscape Strategy Plan and indicative species list shows the retention and enhancement of existing trees and hedges, new native tree planting with specimen trees to provide succession for existing trees, new ornamental tree planting, new native and ornamental hedging along with species rich grassland.
- **Heritage Impact** - the proposed development would not affect any heritage assets or their setting.
- **Ecology and Biodiversity Impact** - the officers confirmed that there was no objection from Natural England or the Council's ecologist and the appropriate conditions are set out. The report confirms that there would be a modest net gain in biodiversity achieved by provision of amenity grassland, species rich grassland, SuDs features and hedgerow restoration. Further net gains beyond this can be achieved by the provision of enhancements such as bird and bat boxes, hibernacula and improvement and enhancement of hedgerows and trees.
- **Drainage** – Oxfordshire County Council, the Environment Agency and Thames Water have all been consulted as part of this application and have raised no objection to the proposed development subject to the imposition of planning conditions. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications.
- **Illustrative layout and site capacity** - In this case an indicative layout has been provided in support of this application and this shows that an acceptable layout can be achieved and that the areas of open space and all highways would be well

overlooked. A Parameters Plan has also been submitted at the LPAs request which is to be conditioned.

- **Impact on residential amenity and noise** - officers confirm that the application is in outline and subject to detailed design. However officers concluded that the illustrative layout demonstrates that the proposed development could be satisfactorily accommodated on site without having any unacceptable adverse impacts upon the amenities of neighbouring residents.
- **Impact on local infrastructure and S106 matters** - a range of financial contributions are set out which would be included in the Section 106 agreement subject to the CIL tests being met.
- **Other matters** - matters of ground conditions and utilities are addressed and reference was also made to the Launton appeal decision.

5.3 In the final part of the report, the matters which weigh for and against the development in the planning balance and its compliance with the development plan are then summarised and officers determined that the appeal site would be a sustainable location for housing and *“would amount to sustainable development for which Government policy sets a presumption in favour and is recommended for approval.”*

5.4 In our view the officers overall planning balance was correct when assessing the proposal against the development plan and other material considerations. Members of the committee took a contrary view and therefore we set out in the following Propositions why permission should be granted.

5.5 Before we assess our Propositions we consider the Launton appeal case which was referred to by the committee report as it has very similar parallels to the appeal proposal

Launton Decision

5.6 The appeal was for the development of up to 72 dwellings with associated large area of public open space at Launton.

5.7 The main issues were set out in paragraph 7 and were:

- Whether the location and scale of the proposed development would conflict with the development plan's strategy for the distribution of housing in the district; and
- The effect of the proposed development on the character and appearance of the settlement of Launton and the surrounding area.

5.8 The first main issue is of particular relevant to our client's appeal.

Policy Context

5.9 The policy context now is identical to that considered in the decision and the Ministerial Statement was also taken into account by the Inspector.

Location and Scale of Development

5.10 Paragraphs 11 to 23 of the decision assessed the housing requirement and need, the spatial strategy and the interpretation of Policy Villages 1 and 2. The key points arising from the decision are:

- Like Bodicote, Launton is a Category A village, although as we will set out in Proposition 3, Bodicote is nearly twice the size in population terms;
- There is no further distribution of delivery within the villages and no timeframe or trajectory for delivery associated with the overall delivery (paragraph 13). The LPA in that case considered that there was no need to release further sites to meet the requirement in Villages 2. That was rejected by the Inspector who focused on the wording of the policy on the 750 requiring the delivery of homes, not the number of planning permissions granted;
- The 750 figure is not a "ceiling" and conflict would only arise if there was a material increase or exceedance over and above the 750 dwellings. This is in accordance with the Framework's objective to secure a significant boost (paragraphs 13 and 18);
- A key point in Launton was that there was no harm to the plan's strategy (paragraph 20). This was taken within the context that the Inspector stated 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" (paragraph 17). In our client's appeal no adverse impact on the spatial strategy is alleged, and no allegation that development here would harm the focus on the key towns of Banbury and Bicester (paragraph 20);
- no evidence was given that granting permission would prevent development at a more sustainable location. As will we set out the appeal site is considered a very accessible location adjacent to Banbury.
- Therefore, no conflict with policies BSC1, Villages 1 or Villages 2. This was agreed by the professional Officer in her report for our appeal.

5.11 Paragraphs 24 to 34 then assessed the site specific issues relating to that site which it is not necessary to assess here.

- 5.12 Paragraph 37 then discusses housing land supply as that was a contested matter. The Inspector took account of the Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire which was published after the Inquiry closed. However, given his overall conclusion would be that the proposals accord with an up-to-date development plan, the development had the benefit from the presumption in favour of sustainable development under paragraph 11(c) of the Framework and this would not change taking on board the governments WMS on Housing Land Supply in Oxfordshire.
- 5.13 With regard to the benefits of the housing he gave the positive contribution to the supply and delivery of housing in the district a benefit of significant weight and due to the high need for affordable housing he also gave that a significant positive benefit.
- 5.14 He also gave the provision of open space a minor benefit as a result of result of the enhancements to biodiversity.
- 5.15 Paragraphs 46 to 50 then set out his conclusion which was that *"the proposed development would be in accordance with the development plan as a whole and as such would amount to sustainable development in the context of paragraph 11 of the Framework for which there is a presumption in favour of"*.
- 5.16 For the reasons we set out later in this statement the Launton appeal and the interpretation and conclusions of the Inspector are highly material for this appeal.

6. Proposition 2

The appeal site should be released now to assist in meeting the market and affordable housing need in the development plan.

- 6.1 The first reason for refusal is based on the development not being necessary as the Council is able to demonstrate a 5.4 year housing land supply which exceeds the requirement of 3 years as set out in the Ministerial Statement (CD4.2). Reference is also made to the level of development already permitted across the Category A villages.
- 6.2 This reason was drafted contrary to the officer recommendation in the committee report as well as the conclusion of the Inspector at Launton. Paragraph 37 of the Launton decision summarises the position succinctly. It states:

“37. At the outset of the Inquiry in my opening I identified whether the Council can demonstrate a five year supply of deliverable housing sites as a main issue to address. I dealt with housing land supply as a discreet topic and conducted this as a hearing style discussion session. I have taken account of the latest Written Ministerial Statement in relation to Housing Land Supply in Oxfordshire. However, given my conclusions in respect of the main issues above, if I accept the Council's position on its Housing Land Supply, my overall conclusion would be that the proposals accord with an up-to-date development plan. They would therefore benefit from the presumption in favour of sustainable development under paragraph 11 c of the Framework. This overall conclusion would not change taking on board the governments WMS on Housing Land Supply in Oxfordshire. It is therefore not a matter on which my decision turns.”

- 6.3 Our case is not predicated on engaging paragraph 11d of the Framework and this was the position adopted by the Inspector at Launton. It is also the position adopted by the officers of the Council as set out in the committee report where the officer concludes that *“the proposal would amount to sustainable development for which Government policy sets a presumption in favour and is recommended for approval”*.
- 6.4 Therefore this appeal statement does not present a critical housing land supply assessment for the District. This should not be considered as an acceptance of the housing land supply as expressed in the 2018 AMR which states that the Council *“has 5.0 years supply of deliverable sites for 2018-2023 and 5.2 years for 2019-2024 (the latter being effective from 1 April 2019)”*. It should be noted that the updated supply figure in the 2018 AMR is less than the supply figure of 5.4 years in the reason for refusal which was based on the previous AMR. Therefore between

both AMRs the housing supply has reduced and on the basis of the Council's own figures their housing supply is very marginal on the requirement in paragraph 73 of the Framework.

- 6.5 However, even with the Ministerial Statement, in the context of boosting housing land supply, demonstrating a 3 year supply is the minimum requirement and should not result in developments which are policy complaint or where the traditional planning balance is in favour of granting permission being refused. Paragraph 3.16 of the AMR confirms this. It states:

*"The introduction of a three year requirement for Oxfordshire provides additional security in the event of supply fluctuations and therefore less pressure to release additional land in the event that supply falls below five years. **However, it remains important that the district continues to maintain housing supply to deliver both the objectives of the adopted Local Plan and the Housing and Growth Deal.**"*

- 6.6 That objective can only be achieved through further planning permissions on sites such as the appeal site, which comply with the development plan or where the tilted planning balance is in favour of the development.
- 6.7 Notwithstanding that overall point, we set out below why the Council cannot rest on its current supply.

Housing Delivery in Cherwell

- 6.8 The housing requirement for the District is set out in the CLP 2031.
- 6.9 Policy BSC 1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 dwellings over the plan period (2011 – 2031). This equates to 1,142 dwellings per annum. Table 1 below sets out the completions against the requirement for the first 7 years of the plan period (2011 to 2018). This takes no account of the 4,400 dwellings proposed in the Partial Review or the Oxfordshire Housing and Growth Deal, to support ambitious plans to deliver 100,000 homes by 2031. Both show the importance of a significant housing need in Cherwell going forward.

Table 1

Year	Requirement (net dwellings p.a.)	Net Completions	Over / under provision
2011/12	1,142	356	-786
2012/13	1,142	340	-802
2013/14	1,142	410	-732
2014/15	1,142	946	-196
2015/16	1,142	1,425	+283
2016/17	1,142	1,102	-40
2017/18	1,142	1,387	+245
5 Year Total	7,994	5,966	-2,028

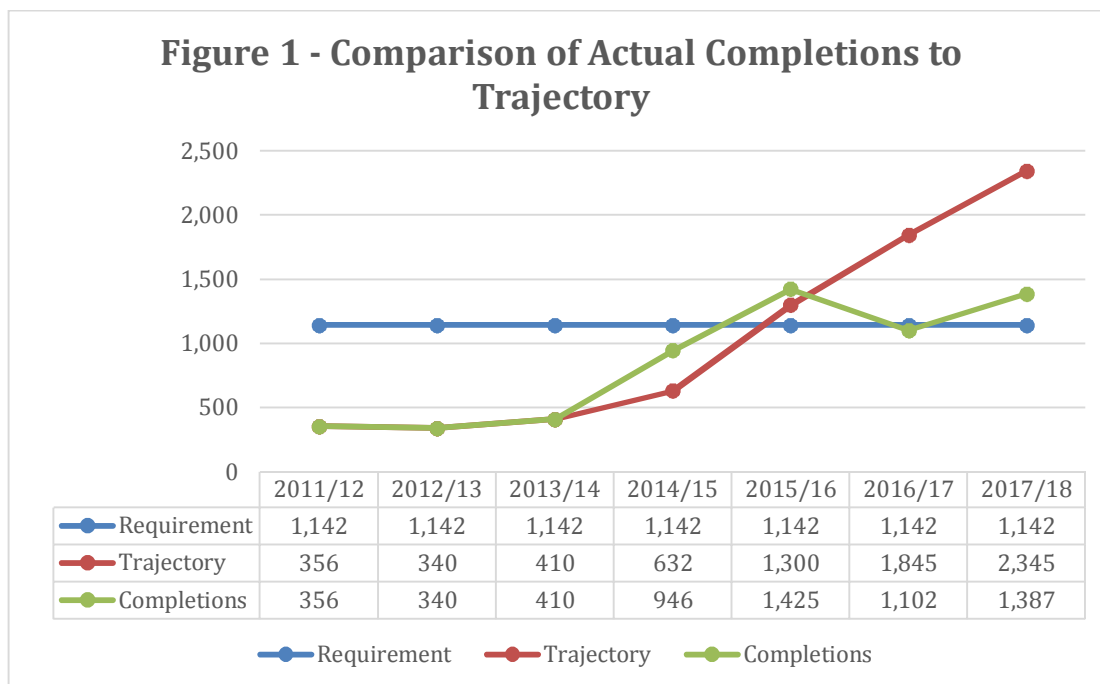
6.10 Table 1 shows that in the Local Plan period there have been 5 years of under delivery and 2 years of over delivery which equates to a shortfall of 2,028 homes. Section E of the Local Plan sets out an expected trajectory of 5,490 dwellings between 2015 and 2018. In this time 3,914 dwellings were completed. Therefore in the 3 years since adoption, the Council is 1,576 dwellings short of the trajectory. At the time of writing the results of the Housing Delivery Test have not been published. However it is clear that against the development plan requirement there is a significant under-delivery.

6.11 Table 2 below then compares delivery to date against the trajectory in the adopted CLP2031.

Table 2

Year	Requirement (net dwellings p.a.)	Trajectory in Local Plan	Actual Delivery
2011/12	1,142	356	356
2012/13	1,142	340	340
2013/14	1,142	410	410
2014/15	1,142	632	946
2015/16	1,142	1,300	1,425
2016/17	1,142	1,845	1,102
2017/18	1,142	2,345	1,387
Total	7,994	7,228	5,966

6.12 Table 2 is also illustrated in Figure 1 below. This shows the first 3 years (2011 to 2014), which were known at the time the trajectory was found sound (Years 1 to 3 in Figure 1 below) so there is no divergence in the figures. However post adoption there is a significant divergence from 2015/16.



6.13 Therefore when the Local Plan Inspector found the local plan and trajectory sound it was on the basis that there would have been 7,228 dwellings completed by April 2018. At 1st April 2018 the total completions is 5,966 dwellings which is a significant shortfall of 1,262 dwellings, equating to 1.1 years of the housing requirement. This is highly material when considering the housing need as these are dwellings that should have been provided now, to meet a need that exists now, but that have not been. Therefore the benefit of releasing additional land for housing now is significant.

6.14 Table 16 of the 2018 AMR has projected completions of 1,238 dwellings for 2018/19. The trajectory for 2018/19 is 2,200 completions so the divergence and the cumulative shortfall will only increase by at least another 1,000 dwellings.

6.15 Therefore at the District level, we are well beyond the date when the Local Plan Inspector expected that there should have been a significant uplift in completions. Whilst completions have increased, at 1st April 2018 there is a significant shortfall of:

- 2,028 against the annual requirement; and,
- 1,262 against the housing trajectory.

6.16 On the projected completions of 1,238 dwellings for 2018/19, the shortfall would be:

- 1,932 against the annual requirement; and,
- 2,224 against the housing trajectory.

6.17 Therefore it is clear that the District is not meeting the housing requirement and there is a significant shortfall against both the housing requirement and housing trajectory in the CLP2031.

Delivery in the Rural Areas and Category A Villages

6.18 Outside the main towns of Bicester and Banbury, the remainder of the District is to contribute 5,392 dwellings to the requirement over the plan period. The housing trajectory on Page 275 of the CLP2031 sets out how that overall figure of 5,392 is to be met. For ease of reference the figures are:

Table 3 – Distribution of Requirement for Rural Areas

	Trajectory	Completions	Permissions at 1/4/14
Former RAF Upper Heyford (Villages 5)	2,361		761
DLO Caversfield	196	85	111
Rural Areas (incl. Kidlington) - 10 or more dwellings	1,885	247	888
Windfall sites - less than 10 dwellings	950	196	
Total	5,392	528	1760

6.19 Therefore at the time of adoption of the CLP2031 there were 528 dwellings completed and 1,760 with planning permission.

Affordable Housing

Policy Context

- 6.20 Policy BSC 3 sets out the Council's position regarding affordable housing provision in new developments. Outside of Banbury and Bicester, all new developments comprising 11 or more dwellings (gross) will be expected to provide at least 35% of new housing as affordable homes on site. All qualifying development will be expected to provide 70% of the affordable housing as affordable / social rented dwellings and 30% as other forms of intermediate affordable homes.
- 6.21 Where the policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only.

Assessment

- 6.22 Paragraph 68 of the CLP2031 Inspectors Report (CD3.8) helpfully summarises the position on affordable housing need. He states:

"In relation to affordable housing, a net need of 407 new affordable units a year has been identified in the 2014 SHMA, excluding any contribution from the private rented sector. This high level of need is properly reflected in the full OAN figure for the district of 1,140 new homes annually from 2011 – 2031 and the housing trajectory (App 8). The Council's own active involvement with a district wide community land trust and self-build projects, including a major one at Graven Hill, Bicester (Bic 2), should materially assist in meeting the affordable housing needs."

- 6.23 Table 18 of the 2018 AMR the sets out the delivery of affordable housing since 2011 as follows:

Year	Completions
2011/12	204
2012/13	113
2013/14	140
2014/15	191
2015/16	322
2016/17	278
2017/18	426
Total	1,674

6.24 Therefore based on an annual need of 407 dwellings per annum, the need for affordable homes since 2011 has been 2,849 affordable homes, yet only 1,674 have been delivered which is 58% of the required amount.

6.25 At the 3rd December 2018 Executive meeting of the District, Item 6 was to “*To consider and approve the draft Housing Strategy 2018-2023 and Action Plan 2019-20 for public consultation for 7 weeks from December 2018 to January 2019*”. A number of background papers were published alongside the agenda, one of which was titled “State of the District’s Housing 2018”. A copy is CD3.9.

6.26 The key points of relevance to this appeal are:

- The 407 annual need continues to apply;
- As at April 2018 there were 1,044 active housing register applications;
 - The majority of applicants (65%) are in Bands 1 to 3. These are households assessed as being in priority housing need. The remainder (35%) are in band 4 (low housing need). These are households assessed as being adequately housed but are on a low income and would find it difficult to meet their needs on the open market. (page 10)
- The predominant households on the housing register are families (requiring 2 and/or 3 bedroom properties) and older people (requiring 1 bedroom properties). Over 80% of the properties needed by applicants are 1 or 2 bedroom. (page 11)
- The most requested places to be re-housed are Banbury, Bicester and Kidlington. The village locations in the district which are most requested are:
 - Adderbury;
 - Ambrosden;
 - Arccott;
 - Bloxham;
 - Bodicote;
 - Deddington;
 - Drayton;
 - Launton;
 - Upper Heyford; and,

- Yarnton.

6.27 It is clear from the latest available data that there 679 households in priority housing need in the latest housing register. The specific locations requested include Bodicote and Banbury. Therefore additional permissions are required to assist in meeting this immediate priority need. Paragraph 8.15 of the committee report recognised this and stated:

“8.15. The development would make a valuable contribution to housing delivery (including affordable housing) and is located immediately adjacent to the urban area of Banbury which is expanding to the east and west of the site. It is also surrounded by existing development on all sides. It is a highly accessible location and the proposal would amount to sustainable development for which Government policy sets a presumption in favour. In these very particular site circumstances the principle of development is supported.”

6.28 The proposed development will fully comply with the objective of Policy BSC 3 and will satisfy the 35% requirement. This equates to 16.1 dwellings. In accordance with Policy BSC 3, a financial contribution would be made for 0.1 of a dwelling, with 16 affordable dwellings being accommodated on site.

6.29 This development therefore would play an important social role in supporting strong, vibrant and healthy communities and is a significant social benefit which should be given significant weight in the consideration of the proposal.

Conclusion

6.30 To conclude on this proposition:

- The housing requirements in BSC1 and Villages 2 are minima. There is no conflict by any exceedance by the development proposals. There is no such allegation in any event in the decision notice that the proposal would lead to harm to the overall strategy of the development plan; would prevent development in a more sustainable location; or would cause any other planning harm such as to bring the proposal into conflict with Policy Villages 2. The provision of additional housing should self-evidently be seen as a benefit in view of the Government's requirement to significantly boost in these circumstances
- There is a significant shortfall in meeting the housing requirement and trajectory in the District 7 years into the plan period which equates to:
 - 2,028 against the annual requirement; and,
 - 1,262 against the housing trajectory.

- On the projected completions of 1,238 dwellings for 2018/19, the shortfall would be:
 - 1,932 against the annual requirement; and,
 - 2,224 against the housing trajectory.
- The evidence is the minimum of 750 dwellings in required in Villages 2 will not be met by existing commitments.
- There is a significant shortfall in the delivery of affordable housing which equates to 1,175 households;
- There are 1,044 households on the housing register, with 65% (679 household) in priority need.

6.31 It is clear that the reason for refusal is unfounded and there has been a persistent under delivery of both market and affordable housing. Preventing policy compliant developments will not assist in providing those in need of a suitable home and will not boost the supply of housing as required by the Framework. Therefore we consider the delivery of the 46 dwellings to be a significant benefit, along with the additional significant benefit of 16 affordable homes

7. Proposition 3

The principle of development complies with the development plan and the proposed development is an appropriate and logical extension to Bodicote

7.1 Having addressed the need for the development in Proposition 2, we now deal with the second part of the first reason for refusal which states that the proposal is:

“unnecessary and undesirable as it would result in development of an area of open land which is important in distinguishing the settlements of Banbury and Bodicote and would undermine the character and identity of Bodicote. This would be contrary to Policy Villages 2 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C15 and C33 of the adopted Cherwell Local Plan 1996.

7.2 As we have examined in Proposition 1 this was not the conclusion of officers of the Council.

7.3 It is the Appellant's position that for a proposal to be development plan compliant it needs to accord with either Policy Villages 1 or Policy Villages 2. The purposes of Villages 1 and 2 are set out in paragraph C.251 of the CLP2031. In summary, Villages 1 sets out the settlement hierarchy with Category A and B villages deemed appropriate for minor development, with the criteria to assess proposals in paragraph C.262.

7.4 Policy Villages 2 then provides for additional planned development (at least 750 dwellings) to meet the District's requirements in BSC1. The 11 criteria to assess a proposal under Villages 2 are then set out in the policy.

7.5 Therefore if a proposal complies with Villages 1 as being minor development, then it does not need to comply with Villages 2. If a proposal is not considered to be minor development in accordance with Villages 1, then it is considered under Villages 2. The officer's position was that the proposal complied with both policies in any event and it is highly material that Policy Villages 1 is not referred to in the decision notice and on that basis there is no conflict with the development plan.

7.6 We now assess compliance with the policies in the development plan in greater detail to address the first reason for refusal.

Assessment of Policies

Policy BSC 1

- 7.7 Policy BSC 1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 dwellings over the plan period (2011 – 2031). Banbury is the District's largest town. It is identified within the CLP 2031 as a focus for major retail, employment, housing and cultural development. Like the District's other main settlement of Bicester, Banbury is considered a sustainable location to meet the District's future housing needs. This can be seen from Policy BSC 1 where Banbury and Bicester would deliver some 17,400 of the 22,840 dwellings for the District over the plan period (2011 – 2031).
- 7.8 Outside the main towns of Bicester and Banbury, the Council envisage the remainder of the District contributing 5,392 dwellings to the requirement over the plan period. Policy Villages 1 and 2 set out the policy context to assist in meeting that need.
- 7.9 Policy BSC1 is not listed in the reasons for refusal therefore the proposal has been deemed to be necessary to meet that specific requirement and it has been considered that development on the appeal site would not harm the spatial strategy set out in the policy.

Policy ESD1

- 7.10 Policy ESD 1 (Mitigating and Adapting to Climate Change) sets out a number of criteria. The most relevant to the principle of development are:
- Distributing growth to the most sustainable locations as defined in this Local Plan; and,
 - Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 7.11 Policy ESD1 is not listed in the reasons for refusal and as we have set out in Proposition 1, officers emphasised and accepted the locational suitability and accessibility of the site. Nevertheless it is important to set out why we consider the proposal complies with the policy.
- 7.12 Bodicote is regarded as a 'Category A' village (alternatively a 'Service Village') within Policy Villages 1. As a Category A village, Bodicote scores highly in the Council's Village Categorisation Update (October 2014) undertaken to inform the Local Plan. Bodicote benefits from a number of shops and local services, in addition to good public transport, cycle and

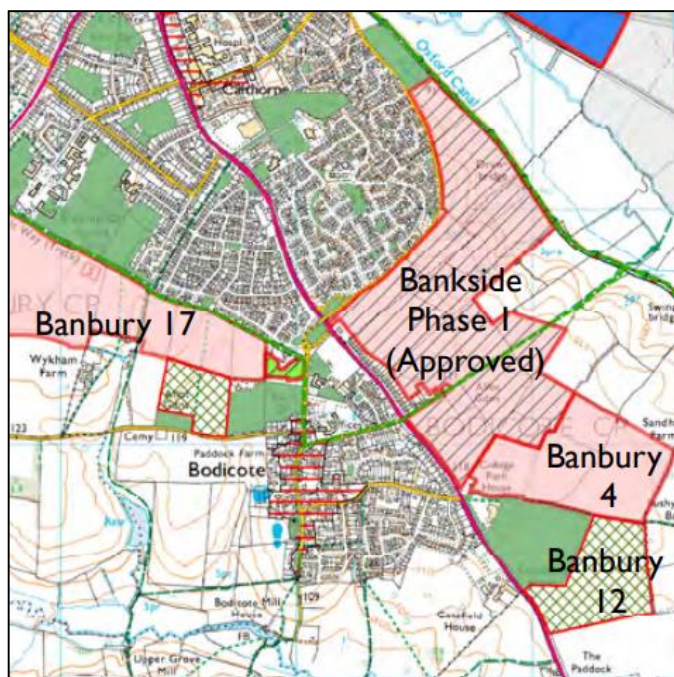
pedestrian links to Banbury. Combined with Bodicote's immediate proximity to Banbury, our view is that the appeal site is in a highly sustainable location. This is clearly expressed in paragraph 8.15 of the committee report which states that the development:

*"It is located in a **very accessible location** close to Banbury and with good bus links to both Banbury and Oxford". (paragraph 8.8) (**our emphasis**)*

*"is a **highly accessible location** and the proposal would amount to sustainable development for which Government policy sets a presumption in favour. In these very particular site circumstances the principle of development is supported" (paragraph 8.15) (**our emphasis**)*

7.13 The specific locational advantage of this site is also set out in the committee report where paragraph 8.6 states that "The site, whilst lying within Bodicote Parish, can be considered to immediately adjoin Banbury". Reference is also made to the "very specific circumstances" of the site.

7.14 This is also illustrated by the allocations made in the CLP 2031 for Banbury which are in reality extensions to Bodicote and not Banbury. These can be seen from the extract of the CLP 2031 below and that the development at Bankside/Longford Park has vehicular, cycle and pedestrian links west into Bodicote. Therefore the new services and facilities within that development are easily accessible by foot and cycle from the appeal site.



- 7.15 Therefore Bodicote, a Category A village, is a settlement which is being extended significantly to meet the needs of Banbury. This development of 46 dwellings would deliver homes to assist in meeting the requirements of Policy Villages 1 and/or 2. The importance of the villages is set out in paragraph C.261 which states that there is a need for Cherwell's villages to sustainably contribute towards the housing requirements in Policy BSC1.
- 7.16 Even if the level of housing need identified for Category A villages is exceeded in future, the development of this site would not prejudice the local plan's spatial strategy of biasing housing development towards the main towns of Bicester and Banbury. Indeed there is no allegation that the overarching strategy in the Plan would be harmed or that there would be any conflict with ESD1 as a result of the appeal proposal. This was also the conclusion of the Officer in that the Plan's strategy would not be harmed by the appeal proposals (paragraph 8.13).

Policy Villages 1

- 7.17 Policy Villages 1 (Village Categorisation) sets out the settlement hierarchy and categorises them based on their sustainability. Bodicote is categorised as a Service Village under Category A of the policy. Category A villages are considered the most sustainable and suitable locations for development, outside of the main towns of Bicester and Banbury. As the most sustainable service centres, Category A settlements will be also be considered suitable for minor development (in addition to infilling and conversions) and paragraph C262 sets out the criteria to be considered when assessing whether proposals constitute acceptable "minor development". Officers concluded the proposal complied with Villages 1 and it is not a policy listed in the decision notice.
- 7.18 A judgement was therefore made on whether the scale of development would be in accordance with the policy. Paragraphs 8.8 and 8.9 of the committee report states:

"8.8.....In this context consideration should be given to whether the addition of a further 46 dwellings could reasonably be considered minor development in accordance with the principles of Policy Villages 1. Whilst this policy typically seeks to manage sites for fewer than 10 houses this is not exclusively so2 and regard must be given to the relative nature of scale and specific site circumstances.

8.9. Whether minor development is acceptable or not should be considered in light of Para C262 of the CLP 2031 which states that when assessing whether development proposals constitute acceptable 'minor development' regard should be given to the size of the village and its service provision; the site's

context; whether development is in-keeping with character and form of the village; landscape setting and consideration of scale. These are all considered in this report."

7.19 Paragraph C.254 of the CLP 2031 is referenced in footnote 2 of paragraph 8.8 of the committee report. It states:

"The Policy ensures that unanticipated development within the built-up limits of a village is of an appropriate scale for that village, is supported by services and facilities and does not unnecessarily exacerbate travel patterns that are overly reliant on the private car and which incrementally have environmental consequences. Policy Villages 1 seeks to manage small scale development proposals (typically but not exclusively for less than 10 dwellings) which come forward within the built-up limits of villages."

7.20 Therefore the judgement of the officers was that the development met Policy Villages 1. It is highly material that despite members of the Council refusing the application, Policy Villages 1 is not a reason for refusal.

7.21 Our position is that the proposal would be a minor development within the context of Bodicote and the criteria in paragraph C.262 of the CLP2031 which states:

"In assessing whether proposals constitute acceptable 'minor development', regard will be given to the following criteria:

- the size of the village and the level of service provision;*
- the site's context within the existing built environment;*
- whether it is in keeping with the character and form of the village;*
- its local landscape setting; and,*
- careful consideration of the appropriate scale of development, particularly in Category B (satellite) villages.*

7.22 With regard to its size, paragraph C.255 states that villages have been categorised based on the following criteria:

- population size;*
- the number and range of services and facilities within the village (shops, schools, pubs, etc.);*

- whether there are any significant known issues in a village that could be materially assisted by an increase in housing (for example to maintain pupil numbers at a primary school);
- the accessibility (travel time and distance) of the village to an urban area by private car and public transport (including an assessment of any network constraints);
- accessibility of the village in terms of walking and cycling; and,
- local employment opportunities.

7.23 The Addendum to Topic Paper 2: Housing Village Categorisation Update 2014 (CD3.10) assesses all 89 villages in Cherwell. Following an assessment against each of these, the settlements in Cherwell were categorised, with the highest tier being Category A, which is the designation given to Bodicote.

The size of the village and the level of service provision

7.24 With regard to the size of the village, at 2011, Bodicote had a population of 2,126 people. It therefore ranked 7th out of the 89 villages in the District. In addition to those figures, the population for Bodicote at 2011 would not take account of the Bankside/Longford Park development which is for 1,690 dwellings so at an average household size⁴ the population of in the immediate area will increase by 4,056 people when that development is eventually complete.

7.25 The Addendum to Topic Paper 2 set out the range of services and facilities in each of the 89 villages. The key services are listed in paragraph 12 of that document and as will be noted on page 4, Bodicote has all the services and facilities listed. The services and facilities at Bankside/Longford Park development were not taken into account and with that development well underway, residents of Bodicote have and will have access to a greater range of services and facilities. Prospective residents of the appeal site would have convenient access to all services and facilities by foot and cycle in Bodicote and in the southern part of Banbury. The access points can be seen from the site visit.

The site's context within the existing built environment

7.26 The development is bounded by existing residential development along the southern boundary, the A4260 Oxford Road along the eastern boundary with development immediately beyond and the primary school to along the western boundary. The northern boundary, from where the

⁴ National average of 2.4 persons per household

access is to be taken, is White Post Road with Banbury further north. Overall the proposal would integrate with the form part of built development in the vicinity and be a logical extension to Bodicote.

Whether it is in keeping with the character and form of the village

7.27 In character terms, the site is an open area, with hedges along its boundaries with the public realm, and with existing development in the south-western part (the farm shop) which continues over the boundary to the buildings of the school. There is residential development along the Oxford Road, east of the site, and to the south, which is Park End and the bulk of the village. Its context is therefore developed.

7.28 Adjacent land, such as on the far side of White Post Road (north), forms part of the proposed green link, and the north-western part of the site serves the green link function with views across that part of the site north-eastwards, until stopped by the car dealership and fuel station on the far side of Oxford Road, and south-westwards towards the proposed access to the Gladman development.

Its local landscape setting

7.29 Mr Evers confirms that the countryside setting for Bodicote is to the west and south, and not to the north around the site. As a result, the Appeal Site does not make any contribution to the setting of Bodicote, except on a very local scale in the vicinity of the site itself. It is definitely not countryside.

7.30 In terms of visual effects, development would only be locally visible, only to receptors of low sensitivity, and would not result in adverse visual effects of significance. That is largely as a result of the essentially suburban nature of the area, which would only be reinforced with forthcoming development. Users of the roadside footways in the vicinity of the site do not experience views of open countryside, but development and areas of open space.

Careful consideration of the appropriate scale of development

7.31 As noted above, the population of Bodicote was 2,126 people. At the average household size of 2.4 persons per dwelling, the proposal would result in an additional population of 110 people. This would equate to an increase in the population of 5%. This does not take account of Bankside/Longford Park. If a calculation is undertaken based on the population of Bodicote

and Bankside/Longford Park, then the appeal site would equate to 0.74% increase in the population if that development is taken into account.

- 7.32 A further judgement on compliance with Villages 1 on population increase was made by the Inspector in Launton where he concluded that a development of 72 dwellings would accord with the policy. It should be noted that the population of Launton in the Addendum to Topic Paper 2 was 1,204 dwellings, whereas Bodicote was 2,126 dwellings, so in population terms Bodicote is significantly larger. The Launton development would result in an additional 172 people, which would equate to an increase of 14.3% in the population of that village.
- 7.33 Therefore the development accords with Policy Villages 1 and the principle of development accords with the development plan notwithstanding whether or not the appeal is in accordance with Policy Villages 2. In any event the Appellant, as did the officers of the LPA, conclude that the development does accord with Policy Villages 2 for the reasons set out below.

Policy Villages 2

- 7.34 Policy Villages 2 (Distributing Growth across the Rural Areas) states that a total of 750 homes will be delivered at Category A villages. This is to be met through sites identified through the preparation of the Local Plan Part 2; through the preparation of neighbourhood plans where applicable; and, through the determination of applications for planning permission. With the Part 2 plan not progressing and the absence of a neighbourhood plan, planning applications are the only mechanism to deliver housing under Policy Villages 2.
- 7.35 There are two parts to Policy Villages 2. The first states that a total of 750 homes will be delivered at Category A villages. These 750 homes are in addition to those completed or with planning permission at 31st March 2014. As set out by the Launton Inspector, this 750 requirement is homes delivered and not with planning permission.
- 7.36 At the time the application was submitted the 2017 AMR was the latest available data. That calculated that there was a residual requirement of 86 dwellings to be granted planning permission and not on homes delivered. However before determination in October, the Launton appeal was allowed which added 72 dwellings to the supply. This was taken into account by officers in recommending approval in the committee report.

7.37 The updated housing figures in the 2018 AMR are now available. On the Category A requirement, it states:

“5.79. Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site ‘windfalls’ and planning permissions as at 31 March 2014. Therefore new planning permissions given at the Category A villages from 1 April 2014 and completions on those sites will contribute to the requirement of 750 dwellings. Category A villages are identified as the more sustainable villages in the district under Policy Villages 1.”

“5.80. During 2017/18 there were 65 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 1 April 2014 a total of 746 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. These are sites with either planning permission or a resolution to approve, and identified developable sites. These are included in the Housing Delivery Monitor in Appendix 2. Between 1 April 2014 and 31 March 2018 there were a total of 168 net housing completions on the above sites. This equates to 22.4% of the total requirement of 750 dwellings. At 31 March 2018 there are 4 dwellings remaining from the Policy Villages 2 requirement.”

7.38 The latest figures show a residual requirement of 4 dwellings based on permissions. However it is important to note that the 750 requirement is not a maximum figure and the requirement is homes delivered, not those with planning permission. This is confirmed in paragraph 8.12 of the committee report where it states the “750 dwellings is not a ceiling” and paragraphs 13 and 18 of the Launton appeal decision which state:

“All parties accept that the headline figure is not a ceiling and that conflict would only arise if there was a material increase over and above the identified 750 dwellings. This is consistent with the Framework’s approach to significantly boost the delivery of housing.”(paragraph 13)

“18. The 750 figure is not an upper limit and it would require a material exceedance to justify arriving at a conclusion the policy was being breached.” (paragraph 18)

7.39 Therefore the provision of these 46 dwellings would assist in meeting that requirement as it is a deliverable site. Even if the 750 figure was exceeded by allowing this appeal, there is no allegation that the development would threaten the local plan’s spatial strategy.

7.40 Notwithstanding that there is not the necessary number of sites with planning permission to deliver the 750 homes, we now assess actual delivery in the Category A villages which is the

policy test. As will be noted delivery is a key point raised in both the committee report and the Launton appeal decision which is due to the emphasis placed in both the revised Framework and PPG.

7.41 The Launton decision assessed the number of completions since 2014 which “equates to a delivery rate of some 34 units per annum based on the delivery since 2014”⁵. The Inspector went on to conclude that “If that were continued the delivery would be too low to reach 750 in the plan period”.

7.42 That decision was based on the supply at 1st April 2017. The 2018 AMR states that:

“Between 1 April 2014 and 31 March 2018 there were a total of 168 net housing completions on the above sites. This equates to 22.4% of the total requirement of 750 dwellings. At 31 March 2018 there are 4 dwellings remaining from the Policy Villages 2 requirement”.

7.43 Therefore the average of 42 completions per annum is slightly higher than the average calculated by the Launton Inspector. However applying the same methodology of extrapolating that average completion rate to the end of the plan period the 750 requirement would not be met. We calculate it would be 714 dwellings.

7.44 As part of this appeal we have assessed the sites in the supply in the Category A settlements to understand their likely delivery to meet the 750 requirement in Policy Villages 2. The sites are listed in Table 41 of the AMR (Core Document 3.3) and if all sites were to deliver there would be a residual requirement of 4 dwellings.

7.45 Following our assessment of the sites in light of the deliverability tests in the Framework and the PPG, then we discount 2 sites, these being:

- Site 6 Arccott Hill Farm.
- Site 17 81-89 Cassington Road, Yarnton.

7.46 Our reasons for these discounts are as follows.

Arccott Hill Farm, Buchanan Road, Arccott

7.47 The planning history (Appendix EP1) is:

⁵ Paragraph 17

- 10/00806: Outline planning application for the development of 17 dwellings was approved on 14/07/2011.
- 12/01003: A reserved matters application submitted by SG Orchard and Son was approved on 18/10/2012. The outline planning permission states that development must commence one year from the approval of the reserved matters and therefore the permission expired in October 2013.

7.48 The development is projected for completion in 2020/21. However Appendix 2 of the AMR states:

"A Reserved Matter application (12/01003/REM) was approved on 18/10/12. Implementation was required within a year of the decision (18 Oct 2012). Planning permission lapsed on 18 October 2013. Site taken out of the 5 year housing land supply. This is a potential site if needed to address any identified shortfall in the Council's housing supply. HELAA (2018) site HELAA265. The 2018 HELAA considered the site to be developable. Site to be kept under review."

7.49 We exclude this site as it has not got the benefit of any application and is in the supply simply because it had a lapsed consent and is considered suitable. We discount the 17 dwellings.

81-89 Cassington Road, Yarnton

7.50 An outline application 13/00330/OUT (Appendix EP2) for erection of 16 dwellings and new access road was approved subject to legal agreement on 6 March 2014.

7.51 The AMR states:

"Agents (Savills) advised (October 2018) that the landowner is considering their position now that the commercial unit at the front of the site has been built and is operational. Advised that the expected delivery rate should remain unchanged."

7.52 However the application for the 16 dwellings was withdrawn on 14/11/2018. Therefore we discount 16 dwellings as there is no planning permission due to withdrawal of the application

7.53 Therefore 33 dwellings can be excluded which in addition to the 4 dwellings would total 37 dwellings to meet the 750 requirement. This appeal proposal (46 dwellings) would assist in meeting that need. This means that even if all the sites, with the exception of the two we have discounted come forward, 713 homes would be delivered. That figure is broadly consistent with the figure of 714 we have calculated above based on average completion rates.

- 7.54 In any event, harm to the spatial strategy is not listed in the reason for refusal and it would not be a reasonable approach to take an exceedance of 8 or 9 units over the 750 to be in any way be harmful, such as to trigger a conflict with Villages 2. Having regard to the factors accepted as relevant by the Launton Inspector this issue would arise only if there was a material increase over and above the identified 750 dwellings.
- 7.55 In addition, approving this development would not prevent development in a more sustainable location in view of the sustainability credentials of Bodicote (paragraphs 20 to 21 Launton). Indeed due to the level of services and facilities at Bodicote there are few in any more sustainable Category A settlements.
- 7.56 Therefore the allegation of conflict with Policy Villages 2 based on the proposal being unnecessary is unfounded.
- 7.57 We now turn to the second part of Policy Villages 2 which sets out 11 criteria. At the outset the policy does not require compliance with each of the criterion; rather they are planning considerations for a proposal to be assessed against as emphasised by the phrase "*particular regard will be given to the following criteria*". We therefore assess the proposal against each criterion by reference to the environmental and technical reports undertaken to demonstrate compliance with each.

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

- 7.58 There is no allegation or reason for refusal on this criterion.
- 7.59 The existing site comprises the Bodicote Flyover Farm Shop together with its associated hard-standing, and an area for the lawful storage of up to 14 no. caravans. This element of the site is previously developed land (PDL). The farm shop comprises an amalgamation of various smaller buildings of an agricultural appearance together with further sporadic outbuildings. The appearance and layout of the farm shop is of no architectural merit.
- 7.60 The remaining 1.7 hectares (approx) of land comprises arable land with a number of mature trees located throughout. This land has been well managed and maintained for many years to such an extent that the accompanying Phase 1 Habitat Survey Report concludes that the site currently performs little ecological function and that the proposed development would result in an increase in biodiversity, in accordance with Policy ESD10.

- 7.61 Whilst development would change the character of this greenfield site, the supporting assessments demonstrate that the site can be developed without harm to the overall character of the area.
- 7.62 Given the low risk from on-site sources of contamination, the risks to controlled waters have been assessed as low. A phase 2 ground investigation is recommended to be undertaken at the relevant time.
- 7.63 The proposed development meets the requirements of the adopted Local Plan, 'Challenges and Objectives' for sustainable development, which identifies a need for contamination to be addressed effectively as part of any development proposals.
- 7.64 The redevelopment of an area of PDL together with the ecological benefits that are envisaged should be considered a benefit of the proposal. The proposal accords with the objectives of Policy BSC2.

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

- 7.65 There is no allegation or reason for refusal on this criterion.
- 7.66 There are two issues for consideration under this criterion, these being heritage and ecology.

Heritage

- 7.67 The Lodge to Bodicote House (Grade II) approximately 130m to the south west and the Council offices at Bodicote House (Grade II) approximately 170m to the south are the closest designated heritage assets. Approximately 30 more listed buildings are found within the Bodicote Conservation Area, situated further to the south west of the appeal site.
- 7.68 It is considered that there is no adverse impact on any heritage asset due to the proximity of the site and intervening built development and landscaping, a point accepted in paragraphs 8.37 to 8.39 of the committee report.

Ecology

- 7.69 An Extended Phase 1 Habitat Survey by REC accompanies the application.
- 7.70 The ecological survey concludes that the proposed development will increase the biodiversity of the site, through the introduction of a series of enhancements.

- 7.71 In relation to protected species, the survey identified the farm shop (B1) as having low bat roosting potential and recommended a single further dusk / dawn survey. The report concluded that the only terrestrial habitats with any value for amphibians are the boundary hedgerows, which are to be maintained. In relation to amphibians, it recommends reasonable avoidance measures during the sites proposed development. The only other recommendation relates to a nesting bird check of the site, prior to any development. This is a standard requirement for any development site.
- 7.72 Policy EDS10 (Protection and Enhancement of Biodiversity and the Natural Environment) states that a net gain in biodiversity will be sought in proposed developments. The ecological report confirms that the proposed development will increase the biodiversity of the sites and it sets out the measures to achieve this improvement. As such, the proposed development accords with Policy EDS 10.

3) Whether development would contribute in enhancing the built environment

- 7.73 The existing site is unremarkable in landscape terms. It is relatively flat and is not subject to any significant tree coverage but does have a number of mature trees subject to a TPO, which we are retaining with proposals that will also enhance the trees and hedges as set out in paragraph 8.35 of the committee report. There are no public rights of way extending through or adjacent to it.
- 7.74 The proposed development would relate well to the existing settlement boundaries of Bodicote and the surrounding built form. The proposed development would not extend beyond the existing housing and built form along Oxford Road. It would be viewed as a logical extension to and the infilling and rounding-off of the existing built-up area boundaries.
- 7.75 Views of the proposed development would be 'localised' and framed within the context of the existing built development that encloses the boundaries of the site, the existing housing and A4260 to the east. Views would also be seen within the context of the development that already extends along the A4260, to the south and the school of the west.
- 7.76 The submitted layout shows that the proposed new houses would present active and positive frontages onto the public realm. The house types would complement the existing surrounding built form in terms of scale, massing, design and appearance.

7.77 It also noted that the character and appearance of the surrounding area is subject to further change with the Bankside/Longford Park development apparent when travelling along the A4260. The pattern of built development to the western side of the A4260 would mirror that of the eastern side as a result of the proposed development.

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

7.78 The site is part previously developed and part greenfield. However due to its enclosed nature it is not agricultural land or part of a wider agricultural holding. In any event, at 2.19 hectares the development would not be significant within the context of paragraph 170 of the Framework.

5) Whether significant adverse landscape and impacts could be avoided

7.79 In order to inform the development proposals, and in support of the application, a Landscape and Visual Appraisal (LVA) and Addendum were prepared by Viridian Landscape Planning Ltd. In light of the first reason for refusal, a statement has been prepared by Mr Evers.

7.80 The LVA states that the effects of the proposed development would be localised and would be limited to views from the east and the north, as the views from the west would be obscured by the substantial tree cover.

7.81 The assessment concludes that the effects would be localised effects of a development within a largely developed context and that these localised effects would be minimised through the retention of existing trees and vegetation where possible and through the proposed retention of the north-west part of the site as open space.

7.82 The proposal would clearly result in visual change from an open site to one that contains residential development. That level of impact applies to all greenfield sites and in this case any landscape impact would be limited. Furthermore, the proposed plans show that the proposal would complement the character and appearance of the surrounding built form in accordance with the adopted local plan.

7.83 In the context of the above approach, the proposed development will respect and enhance the local landscape character through the retention of the north-west part of the site as open space and through appropriate planting to mitigate any localised effects of the development in accordance with adopted Local Plan Policy ESD13 and ESD15.

7.84 A number of the existing mature trees are incorporated within the proposals design and only a small number of trees will need works undertaking to them in accordance with the findings of the accompanying arboricultural survey. Accordingly, there would be no environmental dis-benefit of the proposal.

Trees

7.85 An arboricultural report has been prepared by AWA Tree Consultants to support the application.

7.86 Based upon the site survey, there are 6 'A' category trees, 21 'B' category trees and 21 trees or groups which are 'C' category. These are all identified in Appendix 3 of the arboricultural report.

7.87 As the application is outline, with all matters except for access reserved, the arboricultural report only makes general statements about the retention of trees as part of the development. It states that where possible category A and B trees should be retained as part of the development. With regard to category C trees, it states that careful consideration should be given to avoid the retention of too many unsuitable trees, but that trees and groups of trees with reasonable future prospects should be retained and incorporated into any new development where possible.

7.88 The report states that where trees are removed, mitigation can be provided by way of replacement planting.

7.89 Advice is provided within the report on appropriate methods of construction close to trees and the suitable measures for tree protection to be adopted during construction works.

7.90 Policy EDS 10 of the adopted LP (Protection and Enhancement of Biodiversity and the Natural Environment) states that *'The protection of trees will be encouraged, with an aim to increase the number of trees in the District'*. The proposed development supports the objectives of Policy EDS 10, as it aims to retain trees wherever possible, especially A and B category trees, and replace trees where removal is necessary or desirable given the quality of the trees in question. This method of mitigation and opportunity for removal of lower quality trees and their replacement with high-quality alternatives helps to support the aims of Policy EDS 10 which is a benefit of the development.

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

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

- 7.91 We assess both of these criteria together and they are also acceptable to the Highway Authority and the LPA.
- 7.92 The application is supported by a Transport Statement (TS) prepared by Ashley Helme Associates.
- 7.93 The TS notes that as part of the proposed development the existing priority-controlled junction is proposed to be closed and that a new priority junction is to be introduced, to the east of the existing junction. It also notes that a pedestrian and cycle access is proposed on Oxford Road.
- 7.94 In relation to accessibility, the TS concludes that the site has good connectivity by foot, cycle and public transport to a range of services, facilities and employment opportunities.
- 7.95 The TS calculates that the proposed development will generate 31 two-way vehicles in the AM peak and 34 two-way vehicles in the PM peak and it concludes that this will have no material impact on the local highway network.
- 7.96 Overall, the TS concludes that the proposed development complies with national and local transport policy and that there are no transport reasons why the application should not be approved.
- 7.97 The proposed development accords with Policy SLE 4 of the adopted LP, which requires all developments to facilitate the use of sustainable modes of transport. It also states that development which is not suitable for the surrounding road network will not be supported.

8) Whether necessary infrastructure could be provided

- 7.98 A statement on utilities to support the application has been produced by UCM. The report concludes that the existing utility infrastructure in the vicinity (including electricity, water and telecoms services) of the site appears to be capable of supporting the proposed development. The Section 106 agreement will set out financial contributions for any necessary improvements to infrastructure.

7.99 The proposed development accords with Policy BSC 9 of the adopted Local Plan, which requires new development proposals to include the provision for connection to Superfast Broadband.

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

7.100 This criterion is not application to the appeal site as it is a site being considered via a planning application and now an appeal.

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

7.101 Hollins Strategic Land has a proven track record of delivery of housing across the country and we would expect all 46 dwellings to be complete within 5 years. Our expectation is that subject to outline planning permission being granted a start on site could be made within 12 months and the development would take some 18 months to construct.

7.102 As set out earlier, paragraph 68 states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites it sets out 4 actions that local planning authorities can take. Of most relevance to the appeal proposal is part c which states:

"c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".

7.103 The appeal proposal would accord with this clear objective of the Government and this was given great weight in paragraph 8.12 of the committee report.

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

Flood Risk

7.104 Betts Hydro have prepared a Flood Risk Assessment and Drainage Strategy to support the application. There is no objection on flood risk or drainage.

7.105 The report confirms that the site lies within Flood Zone 1 and has a very low risk of flooding. Residential development, which is considered to be a 'more vulnerable' development type, as

identified within Planning Practice Guidance (PPG), is deemed to be appropriate development is Zone 1, providing that there is no increased risk of flooding elsewhere as a result of the proposals.

7.106 Although the proposals are considered to have a very low risk of flooding from the majority of flood sources, the main flood risk has been identified as surface water flood risk. The risk of surface water flooding ranges from very low to low, depending mainly of the sites topography. This risk will be reduced and managed following development through a range of mitigation measures identified within the assessment.

Drainage

7.107 Based upon the sites low risk of flooding, the surface water discharge options have been assessed in line with the sustainable drainage hierarchy. The report recommends that further investigation through on-site testing is undertaken at the relevant time.

7.108 The assessment has been undertaken in line with Policy ESD 6: Sustainable Flood Risk Management of the adopted Local Plan, which requires flood risk assessments to be undertaken for development proposals in zone 1 which exceed 1 hectare.

7.109 In light of the above, the proposal is compliant with Policy Villages 2. Our judgement is also endorsed by the Launton decision and the officer recommendation.

7.110 Having dealt with the housing requirement and the spatial strategy, we now deal with the site specific reasons for refusal which are C15, C33 and ESD15.

Policy C15

7.111 The first reason for refusal refers to Policy C15 and that the proposal would result in a development of an area of open land which is important in distinguishing Banbury and Bodicote and would undermine the character of Bodicote.

7.112 Policy C15 of the CLP1996 states:

“C15. The Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them.”

7.113 Paragraph 9.30 states:

“9.30 Each town or village has its own separate identity, and it is important that development on areas of open land between them is restricted to prevent their coalescence. Some gaps are more vulnerable than others; rural communities may feel particularly threatened where they are in close proximity to urban areas eg Banbury and Bodicote, Banbury and Drayton, Banbury and Hanwell, Bicester and Chesterton, Bicester and Launton, Bicester and Wendlebury. In addition there are villages which are separated by small stretches of open land which need to be preserved to maintain the villages' identity eg. Alkerton and Shenington, Sibford Ferris and Sibford Gower, Barford St Michael and Barford St John, Middle Aston and Steeple Aston. Similarly the gap between Upper Heyford village and the former RAF Airbase is narrow and vulnerable and should be maintained as open land.”

7.114 Policy C15 remains as a saved policy because the Local Plan Inspector into the CLP2031 deleted a proposed green buffer policy around settlements in Cherwell, which included Banbury and Bodicote. Paragraphs 101 to 106 of the Inspectors Report (CD3.8) set out his conclusions. A copy of the proposed policy in the Submission Draft is CD3.11. The key conclusions are:

- the policy effectively duplicates some of what is covered under policy ESD 13 (which is sound), notably in relation to the protection of local landscape character;
- as modified, the last section of the policy is intended to make clear that it should not operate as an overall restraint on development, as some fear, but inevitably that is how it will be seen and interpreted by many, bearing in mind the title and the designations on the Policies Maps, in practice.
- whilst the Council says that it is not intended to preclude development, the true purpose of the policy is questionable at best if that is not the case, given the duplication with other plan policies in relation to aspects such as the protection of important landscape features and heritage assets.
- Furthermore, para B260a of the modified plan confirms that infrastructure provision in the green buffers is not excluded and that their boundaries may need to change following the allocation of new sites to meet the local needs of villages in LP Part 2.
- Policy C15 of the adopted LP (TOP SD 31) will also continue to apply to help prevent coalescence between settlements, pending completion of the LP Part 2. In such circumstances, policy ESD 15 is unnecessary, as all the other relevant policies including ESD 13 which addresses some of the same matters should be suitable and sufficient in practice to protect vulnerable gaps between settlements from inappropriate development and avoid coalescence. Accordingly, it is unsound as submitted and as modified and should be deleted (MMs 51 + 63).

7.115 Therefore Policy ESD15 (Green Boundaries to Growth) was deleted and what was Policy ESD16 in the submitted plan became Policy ESD15. The appeal application was considered by the

officers of the Council on the policy context as found sound by the Local Plan Inspector and the saved policies, such as Policy C15.

7.116 We dispute that the allegation that the development would undermine the character and identity of Bodicote and that there is conflict with Policy C15 for the following reasons.

7.117 Policy C15 states that "*the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them*". The policy is not a restriction in principle on development of any land between two settlements and there is no designation of land for the purpose of Policy C15 on the 1996 proposals map. Therefore a judgement must first be made on whether a site is important in distinguishing settlements; in this case Bodicote and Banbury.

7.118 Our view when submitting the application was that Policy C15 was not engaged as it was not a site important in distinguishing the settlements. The proposed area of open space was located on the northern part of the site, not for issues of separation of settlements, but to continue a lateral green link when combined with the other areas of woodland and open space⁶.

7.119 Nevertheless, during determination, Policy C15 was considered by the officers and in their assessment of the proposal made three specific points.

7.120 The first was that since the policy was adopted in 1996 there has been a material change in the local area in that a significant level of development has been allocated and granted permission to the south of Banbury which blur the division of the settlements. Therefore the importance of the site in distinguishing Bodicote and Banbury is therefore diminished in the view of officers⁷. This is illustrated in Figure L9 in the evidence of Mr Evers and the two main developments are as follows and as shown on the proposals map.

Banbury 17 – South of Salt Way – East – Gladman Developments

7.121 The location plan, layout and appeal decision for this development are enclosed as Appendix EP3. Mr Evers refers to this development in his appeal statement. As will be noted from the appeal decision, the issue of coalescence was raised by objectors to the scheme and we refer to paragraphs 19 to 25 of that decision specifically.

⁶ Paragraph 6.2.9 of the LVIA (CD1.6)

⁷ Paragraph 8.25 of committee report (CD2.1)

7.122 In paragraph 19 the Inspector discusses the issue of coalescence but states that the policy requirement (Policy Banbury 17) was for the easternmost part of the site to be informal open space. This open space was to *"to maintain an important gap between the settlements of Banbury and Bodicote, with each maintaining its separate identity and the character of Bodicote Conservation Area protected"*.

7.123 In that development the vehicular access and the spine road was through the open space from White Post Road. The impact from that development on the conservation area was considered by the Inspector which is not an issue for our client's appeal. In any event the Inspector considered that the impact on the conservation area would be less than substantial harm and the planning benefits outweighed that harm.

7.124 There are direct parallels with that development in that our client's appeal proposal provides an area of open space to the north of the site which maintains separation between Banbury and Bodicote, maintaining the separate identity and the character of Bodicote.

Bankside Phase 1

7.125 Bankside is a committed development to the east of Bodicote. It is referred to as Bankside Phase 1 (Approved) on the Policies Map and is for 1,090 dwellings. To the south and contiguous with Phase 1 is Banbury 4 which is for 600 dwellings.

7.126 The approved plans for the site (Appendix EP4) show that the site is in essence an eastern extension of Bodicote but has been brought forward to meet Banbury's housing needs. It can be seen that there is an area of open space between the northern extent of the residential development and Bankside. This is also apparent from visiting the site as the development is well advanced.

7.127 It can be seen that the northern extent of what was acceptable to maintain the character and identity of Banbury and Bodicote is very similar to the northern extent of the development on the appeal site. There is of course the existing development along Oxford Road which consists of the dwellings and the garage between the appeal site and the Bankside development.

7.128 Therefore both Banbury 17 and Bankside have been allocated for development whilst providing an area of open space as required by their policies in the plan to ensure a buffer between Banbury and Bodicote. That same principle applies for the appeal proposal as we now set out.

7.129 Therefore the importance of the site in distinguishing Bodicote and Banbury is diminished in the view of officers⁸. The LPA has not engaged with the Appellant since the refusal despite a draft Statement of Common Ground being sent on 21st December 2018. Therefore if the view of the LPA is now that Policy C15 places a restriction on all development of open areas between settlements, then for the purposes of this appeal we consider the policy is out of date based on the significant changes in the area since it was adopted in 1996 as set out in the committee report. In that scenario the tilted planning balance would be engaged.

7.130 The second is that whilst C15 is a saved policy, there is no policy in the CLP2031 on coalescence in an up to date local plan. Indeed the Local Plan Inspector specifically deleted such a policy as he considered C15 would still apply in conjunction with policies in the new plan. Specific reference is made by the Inspector in paragraph 105 of his Report to policy ESD13⁹ which is not listed in the reasons for refusal.

7.131 The third is the planning judgement of the officers. The proposed development site is a rectangular shape and comprises a field with development bordering the western, southern and eastern boundaries. The proposal would essentially involve a well-designed housing development with built development on 3 of its 4 boundaries. The proposed open space to the north would ensure that there is a retained area of open space between Bodicote and Banbury as accepted by officers. Paragraph 8.27 states that the proposed open space to the north would provide a *"degree of separation between the two settlements will help maintain their separate identities. The part of the site which makes the most contribution to this is the northern part of the site which is to be retained as open space"*. The officer concludes a very limited conflict with Policy C15.

7.132 It can therefore be concluded that if Policy C15 is engaged it is a policy where any conflict is very limited due to the design of the development and the location of the proposed open space. Should the appeal be allowed and the development built, the identity of Bodicote and Banbury will not be diminished and they will remain separate settlements.

7.133 Our position is that areas of open land should only be protected if and to the extent that they are important to distinguishing the settlements and in this case that does not apply to the appeal site and Policy C15 is not engaged.

⁸ Paragraph 8.25 of committee report

⁹ Paragraph 105 of Inspectors Report

7.134 The evidence of Mr Evers sets out the Appellant's position in detail and this statement relies on its conclusion. We can therefore conclude that there is no conflict with Policy C15 and Bodicote and Banbury will not coalesce.

Policy C33

7.135 Policy C33 states:

"C33. The Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value."

7.136 The policy has 3 specific tests and paragraphs 9.76 to 9.78 set out further guidance.

7.137 The evidence of Mr Evers assesses each in detail. The overarching point is that none of the 3 tests apply to the appeal proposal and the policy is not engaged and there is no conflict with it.

7.138 Paragraph 9.76 states that not all undeveloped land within the structure of the settlements can be built on and reference is made to where the existing pattern of the development is loose knit where there will often be a compelling case.

7.139 In this case the site is bounded by existing residential development along the southern boundary, the A4260 Oxford Road along the eastern boundary with development immediately beyond and the primary school to along the western boundary. The northern boundary, from where the access is to be taken, is White Post Road with Banbury further north. Overall the proposal would integrate with the form of built development in the vicinity and be a logical extension to Bodicote. This is confirmed in the committee report which states that *"The site is heavily influenced by built development"*. Therefore it cannot be described as being in a location where there is a loose knit settlement structure which the policy seeks to protect.

7.140 Paragraph 9.77 is to resist proposals that would close or interrupt an important view of a historic building e.g. a church or other structure of historical significance. There is no allegation of any impact on the setting of a listed building or heritage feature so there would not be any conflict with that part of the policy.

7.141 Paragraph 9.78 seeks to discourage proposals that *"would close or interrupt an important vista across open countryside"* and *"the loss of trees of amenity value or the loss of features such as*

boundary walls where they constitute an important element of an attractive or enclosed streetscape”.

7.142 As noted above the site is “*heavily influenced by built development*” and paragraphs 8.19 and 8.20 of the committee report are that there are no wide or long distance views. The only clear views are from White Post Road but even then they are very localised and is not of particular value in the terms of the policy (i.e. a view or feature of recognised amenity or historic value). Paragraph 8.22 states that views into the village and from the open countryside to the village are from other locations and the appeal site “does not perform the same function”.

7.143 Further evidence is provided by Mr Evers and we conclude there is no conflict with Policy C33.

Policy ESD15

7.144 Policy ESD15 (The Character of the Built and Historic Environment) is a general design policy primarily concerned with achieving acceptable siting, layout and high quality design, and controlling matters of detail at the reserved matters stage.

7.145 Notwithstanding the above interpretation, the policy is listed in the decision notice, albeit there is no specific reference to which part of the policy there is conflict with. Therefore the policy needs to be addressed.

7.146 The first point is that the appeal proposal was assessed against the policy in the committee report in paragraphs 8.16 to 8.24 and 8.26. The conclusion was that “*it is not considered that the proposed development would result in harm to the character, appearance, identity or setting of the village such that a refusal on these grounds would be reasonable, taking into consideration the benefits that would result from boosting the delivery of housing (including affordable housing) in sustainable locations*”.

7.147 The second is that whilst this development is in outline, design was a consideration of officers during determination which resulted in a reduction in the number of dwellings, a greater level of open space and agreement on a parameters plan to apply at the reserved matters stage.

7.148 The third is that Mr Evers assesses the character of the locality. Our overall position is that the proposed development would relate well to the existing settlement boundaries of Bodicote and the surrounding built form. The proposed development would not extend beyond the existing

housing and built form along Oxford Road. It would be viewed as a logical extension to and the infilling and rounding-off of the existing built-up area boundaries.

7.149 The submitted layout shows that the proposed new houses would present active and positive frontages onto the public realm. The house types would complement the existing surrounding built form in terms of scale, massing, design and appearance.

Conclusion

7.150 In light of the above, the proposal is compliant with the objectives of Policy PSD 1, in that it is within a sustainable location and generates a number of economic, social and environmental benefits and meets the criteria in Policy Villages 1 and 2. The principle of development therefore complies with the development plan and there is no policy conflict.

7.151 With regard to site specific issues we conclude there is no conflict with policies C15, C33 and ESD 15 as alleged in the reason for refusal.

8. Proposition 4

A completed Section 106 agreement will be provided to address the second reason for refusal.

8.1 The second reason for refusal states:

"In the absence of the completion of a satisfactory Planning Obligation under s106 of the Town and Country Planning Act 1990, the Local Planning Authority is not convinced that the necessary infrastructure directly required to mitigate the impact of this development will be provided. This would not be in the interests of delivering sustainable, mixed and balanced communities by providing affordable housing, appropriate public open space and its future maintenance arrangements, providing adequate health services and community and sports provision, meeting education needs and enhancing sustainable transport options. This would be contrary to Policies INF1, BSC3, BSC7, BSC10, BSC11, BSC12 and SLE4 of the adopted Cherwell Local Plan (2011-2031) Part 1, the Council's Adopted Developer Contributions Supplementary Planning Document (SPD) (February 2018) and the National Planning Policy Framework."

8.2 The various contributions sought are set out in paragraph 8.56 of the committee report. The reason for refusal is a consequence of the application being refused and the Appellant being unable to prepare and finalise a Section 106 agreement with the authority. This would have been the case should members have followed the recommendation for approval and resolved to grant planning permission subject to the signing of a Section 106 agreement.

8.3 Through the appeal process, the Appellant will liaise with the Council to agree a Section 106 agreement or a Unilateral Undertaking addressing the above matters and provide a draft to the Planning Inspectorate within the prescribed timescales and in accordance with the tests in the Framework and PPG.

9. Proposition 5

The proposal would amount to sustainable development for which Government policy sets a presumption in favour and should be permitted without delay.

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a significant material consideration.

9.2 Paragraph 11 of the Framework then sets out two options for how decisions on planning applications should be taken. It states:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.3 Policy PSD 1 outlines the Council's overarching approach for considering development proposals. It states that the Council will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the development plan will be approved without delay. Conversely where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.

9.4 This appeal is submitted on the basis that it accords with the development plan. This was also the view of the officers of the Council in their report to the Planning Committee on 25th October 2018. Between the submission of our application and the committee report, an appeal at Launton was allowed on the basis that it was in accordance with the development plan. Despite the consistent approach of an Inspector in a similar case, the view of officers of the LPA and our planning statement, members decided the application should be refused.

9.5 The Appellant maintains that the development complies with the development plan for the reasons set out in this statement and that of Mr Evers, which in summary are that the proposal would provide;

- a development that accords with the settlement hierarchy as set out in Policy BCS1 and the criteria in Policy Villages 1 and 2 which supports the principle of development. It should be noted that a proposal can be compliant with the development plan if it meets either Villages 1 or Villages 2. There is no allegation of conflict with Villages 1 or BSC1 in the decision notice so whilst Villages 2 does form part of the reason for refusal, that does not override the conformity with Villages 1 and therefore compliance with the development plan. In any event, there is no conflict with Policy Villages 2.
- The delivery of 35% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing;
- Development in a very accessible location which can accommodate the development scheme socially, economically and environmentally. It is clear from our evidence that the development is acceptable having regard to the environmental policies in the development plan, including those specific policies listed in the decision notice, these being ESD15, C15 and C33. This was also the position of the professional officers of the LPA.
- the Appeal Site is suitable for the development proposed, which has evolved through an iterative design process to take account of landscape and visual parameters from the outset. There are no significant adverse effects on landscape or visual receptors, and indeed benefits have been identified. No landscape or visual designations will be adversely affected. The proposals respond to the site and its setting.

9.6 The recommendation for approval was based on a traditional planning balance as at the time of the committee, the Ministerial Statement had been issued which replaced the 5 year requirement in paragraph 73 of the Framework to 3 years. As set out in Proposition 1, the officer set out the benefits and adverse effects and concluded that permission should be granted without engaged the tilted planning balance.

9.7 On the positive side of the planning balance, the development would provide the following:

- a scale of development that accords with the housing requirement and spatial strategy in Policy BCS1 and ESD1;
- development that is located in the highest tier of settlement in Policy Villages;
- a development which accords with the criteria in Policy Villages 1 and paragraph C.262 and is a minor development within the context of Bodicote;
- a development complies with the 11 criteria in Policy Villages 2 and will assist in meeting the policy requirement to delivery 750 homes in Category A settlements;
- the delivery of open market housing to assist in boosting the supply of housing where there is currently a significant shortfall when measured against the housing requirement and housing trajectory in the development plan on a policy complaint development;
- The appeal proposal is a small and medium sized site which would accord with the clear objective of the Government in paragraph 68 of the Framework and is a benefit which was given great weight in paragraph 8.12 of the committee report.
- The delivery of 35% affordable housing which accords with the development plan and would assist in addressing the very significant and persistent shortfall in affordable housing delivery;
- a development that would respect and enhance the local landscape character through the retention of the north-west part of the site as open space and through appropriate planting to mitigate any localised effects of the development in accordance with adopted Local Plan Policy ESD13 and ESD15.
- A high quality design led scheme with a density of development that is in character with the area in accordance with the policies in the development plan, which includes Policy ESD15;
- A net gain in biodiversity that accords with Policy ESD10;
- Development in a very accessible location which can accommodate the development scheme socially, economically and environmentally;
- The provision of open space to meet the needs of existing and proposed residents and which will ensure the identity of Bodicote is maintained; and;
- a range of social and economic benefits including the provision of New Homes Bonus, CIL, Council Tax revenue now, construction jobs and increase spending for local services and facilities.

9.8 Even if there was any adverse impact evidenced through the appeal it would be localised and limited and would not outweigh the significant benefits.

9.9 The proposal therefore complies with the development plan and in accordance with paragraph 11c of the Framework, under the traditional planning balance, permission should be granted without delay.

9.10 Therefore in the context of paragraph 11 of the Framework, the proposal is a sustainable development and planning permission should be granted accordingly.

10. Appendices

- EP1. 81-89 Cassington Road, Yarnton
- EP2. Arncott Hill Farm, Buchanan Road, Arncott
- EP3. Banbury 17 Documents
- EP4. Bankside Document