

Cherwell District Council

Planning Committee

21 May 2015

**Land west of Oxford Close and north of Corner
Farm, Station Rd, Kirtlington**

14/01531/OUT

**Outline – demolition of existing bungalow and
agricultural buildings and residential development
of up to 95 dwellings including highway works,
landscaping and public open space**

Report of Head of Development Management

This report is public

Purpose of report

To advise the Planning Committee of changes to the Council's 5 year housing land supply position which occurred after it resolved that the Council would have refused planning permission for this application (which is the subject of an appeal against non-determination), and to seek a further resolution to amend the reasons planning permission would have been refused to take account of this change.

1.0 Recommendations

- 1.1 That the Planning Committee notes the policy implications of the changes to the Council's 5 year housing land supply position.
- 1.2 That the Planning Committee resolves to amend the reasons the Council would have refused planning permission for the application to those detailed at section 3 of this report.

2.0 Report Details

- 2.1 The application is for outline permission for a residential development of up to 95 dwellings on the western edge of Kirtlington village, on land to the west of Oxford Close accessed off Station Road/Lince Lane. It is the subject of a current appeal against non-determination which is scheduled to be heard at a public inquiry in mid-July. The Planning Committee previously considered the application at its meeting on the 19 March 2015, and resolved that had it

determined the application, it would have refused planning permission for the following reasons:

1. *Notwithstanding the Council's present inability to demonstrate that it has a five year housing land supply as required by paragraph 47 of the NPPF, the development of this site as proposed cannot be justified on the basis of the land supply shortfall alone. The proposal constitutes development which by virtue of its scale, size and form fails to respect the traditional settlement pattern of Kirtlington, extending beyond its built up limits into the open countryside, resulting in an incongruous, unsustainable and inappropriate form of development which pays little regard to the traditional settlement pattern and which would relate poorly to the remainder of the village, and cause demonstrable harm to the character of the village and visual amenities of the immediate locality, contrary to Policies H18, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan and Central government advice within the National Planning Policy Framework.*
 2. *In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to Policy H5 of the adopted Cherwell Local Plan and Policy INF1 of the Submission Local Plan and Central government guidance within the national Planning policy Framework.*
- 2.2 Paragraph 49 of the NPPF states that: *relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.* Where Paragraph 49 applies, there is an 'enhanced' presumption in favour of sustainable development which means that planning permission should be granted unless: *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.* This is the policy context in which the Planning Committee previously considered the application and resolved that it would nevertheless have refused planning permission in view of the demonstrable harm that would be caused.
- 2.3 The Council published its Annual Monitoring Report (AMR) for 2014 on 31 March 2015. In this document the Council concludes that it can now demonstrate a 5.1 year housing land supply (including a 5% buffer) for the period 2015 to 2020. This being the case, the 'enhanced' presumption in favour of sustainable development no longer applies by virtue of Paragraph 49 of the NPPF, and the weight that should be afforded to the benefits of the proposal in terms of meeting housing need is reduced. Officers have prepared the Council's Statement of Case in respect of the appeal in this context.
- 2.4 In addition the AMR demonstrates that considerable progress has already been made to meeting the requirement of the Cherwell Submission Local Plan for a total of 750 homes to be delivered at the Category A villages (of which Kirtlington is one) over the plan period 2014 to 2031. Officers consider this is further evidence that the proposal is not necessary now to meet the District's rural housing needs requirements, and adds weight to the Council's concern about the scale, size and form of the development being incongruous,

inappropriate and unsustainable in relation to the character and form of the existing village.

- 2.5 In view of this, and to align with the Council's Statement of Case, it is recommended that the reasons the Council would have refused planning permission are amended to those detailed at section 3 of this report, below.

3.0 Amended putative reasons for refusal

1. The proposed development, by reason of its scale, size and form, fails to respect the traditional linear settlement pattern of Kirtlington and extends beyond its built up limits into the open countryside, resulting in an incongruous and inappropriate form of development that would relate poorly to the remainder of the village and would cause demonstrable harm to its rural character and setting and the visual amenities of the area. In the context of the Council's ability to demonstrate an up-to-date 5.1 year housing land supply, this harm decisively outweighs the benefits of the proposal which is unnecessary, undesirable and unsustainable development in this location. Therefore the proposal is contrary to saved Policies H13, H18, C8, C27, C28 and C30 of the adopted Cherwell Local Plan and draft Policies ESD13, ESD16 and Villages 2 of the Cherwell Submission Local Plan and Central government advice within the National Planning Policy Framework.
2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure and affordable housing directly required as a result of this scheme will be delivered. This would be contrary to saved Policy H5 of the adopted Cherwell Local Plan and draft Policy INF1 of the Cherwell Submission Local Plan and Central government guidance within the national Planning policy Framework.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The Council can now demonstrate a 5.1 year housing land supply, and this has implications for the current appeal in respect of planning application ref: 14/01531/OUT, in particular the reasons why the Council would have refused planning had it determined the application.
- 4.2 It is recommended that the reasons the Council would have refused planning permission are amended to reflect the Council's current housing land supply position, and to be consistent with the Council's Statement of Case which has been prepared in respect of the appeal.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative option has been identified and rejected for the reasons as set out below:

To note the changes to the Council's 5 year housing land supply position, but not agree the recommended changes to the reasons the Council would have refused planning permission for application ref: 14/01531/OUT.

This option is not recommended as the previously agreed reasons for refusal do not reflect the Council's current housing land supply position, and to leave them unchanged could undermine the Council's case in respect of the appeal.

7.0 Implications

Financial and Resource Implications

- 7.1 If the recommendation to amend the reasons for refusal is not agreed, this could have cost implications in respect of the appeal as the Council's case in respect of housing land supply would be unclear.

Comments checked by:

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Legal Implications

- 7.2 The reasons for refusal must be amended to reflect the change in the Council's housing land supply position.

Comments checked by:

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8.0 Decision Information

Wards Affected

Kirtlington

Lead Councillor

Cllr Gibbard, Lead Member for Planning

Document Information

Appendix No	Title
N/A	N/A
Background Papers	
The agenda, written updates and minutes for Cherwell District Council's Planning Committee meeting on 19 March 2015 – application ref: 14/01531/OUT was considered as item 9 on the agenda.	
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