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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 23 July 2026
Time: 4.00 pm
Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Robert Parkinson (Chair)

Councillor Chris Aramini-Brant
Councillor Jean Conway
Councillor Yvonne Greene
Councillor Fiona Mawson
Vacancy (Liberal Democrat)

Councillor Douglas Webb (Vice-Chair)

Councillor Besmira Brasha
Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor Lisa Smith

Substitutes

Councillor Rebecca Biegel
Councillor Mark Gorman
Councillor Lesley McLean
Councillor Edward Fraser Reeves
Councillor Dr Kerrie Thornhill
Councillor John Willett

Councillor Nicola Borkmann
Councillor David Hingley
Councillor Rob Pattenden
Councillor David Rogers
Councillor Linda Ward

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chair to report on any requests to address the meeting.

Requests to address the meeting (including the application, whether you will speak in support of or objection to the application, your contact details) should be submitted to democracy@cherwell-dc.gov.uk

The deadline for requests to address this meeting is noon on Wednesday 22 July 2026.

Addresses can be made virtually or in person. Full details of public participation at Planning Committee meeting is available in the Constitution, [Planning Committee Procedure Rules](#).

There will be no public speaking on agenda item 11 as this is not a planning application for determination by Cherwell District Council.

4. Minutes (Pages 6 - 24)

To confirm as a correct record the Minutes of the meeting of the Committee held on 2 July 2026.

5. Chair's Announcements

To receive communications from the Chair.

6. Urgent Business

The Chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Proposed Pre-Committee Site Visits (if any)

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Review and Monitoring Reports

8. Planning Performance Report (Pages 25 - 36)

Report of Assistant Director – Planning

Purpose of report

This report details the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

Recommendations

The Planning Committee resolves:

1.1 To note the report.

9. Appeals Progress Report (Pages 37 - 52)

Report of Assistant Director - Planning

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The Planning Committee resolves:

1.1 To note the position on planning appeals contained within the report.

10. Planning Enforcement Report (Pages 53 - 65)

Report of Assistant Director – Planning.

Purpose of report

To update Members on current planning enforcement activity within the second quarter of 2026.

Recommendations

The Planning Committee resolves:

1.1 To note the content of the report and current planning enforcement position.

11. Campsfield Immigration Removal Centre (IRC), Evenlode Crescent, Kidlington, OX5 1GN (Pages 66 - 112) 26/01402/CROWN

****No public speaking permitted on this item as it is not a planning application for determination by Cherwell District Council. Individuals can make their own representations on the application to the Planning Inspectorate during the consultation period****

The Planning Committee is asked to authorise officers to advise the Secretary of State, the Planning Inspectorate and the Home Office that Cherwell District Council raises no objection to Crown application CROWN/2026/0000004 / Cherwell reference 26/01402/CROWN, subject to:

1. The Secretary of State being satisfied that the submitted national need, operational need and security evidence justifies the proposed expansion of Campsfield Immigration Removal Centre;

2. The Secretary of State being satisfied that the proposal constitutes Grey Belt development which is not inappropriate development for the purposes of the National Planning Policy Framework, or, in the alternative, that very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm;
3. The development being controlled by planning conditions covering the matters set out in this report; and
4. Any necessary planning obligations, Crown undertaking or other binding mechanism being secured to address travel plan monitoring, public transport and active travel mitigation, off-site biodiversity net gain, highway works, monitoring and any other mitigation required to make the development acceptable in planning terms.

Recommendations

The Planning Committee resolves:

- 1.1 To authorise officers to advise the Secretary of State, the Planning Inspectorate and the Home Office that Cherwell District Council raises no objection to Crown application CROWN/2026/0000004 / Cherwell reference 26/01402/CROWN, subject to:
 1. The Secretary of State being satisfied that the submitted national need, operational need and security evidence justifies the proposed expansion of Campsfield Immigration Removal Centre;
 2. The Secretary of State being satisfied that the proposal constitutes Grey Belt development which is not inappropriate development for the purposes of the National Planning Policy Framework, or, in the alternative, that very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm;
 3. The development being controlled by planning conditions covering the matters set out in this report; and
 4. Any necessary planning obligations, Crown undertaking or other binding mechanism being secured to address travel plan monitoring, public transport and active travel mitigation, off-site biodiversity net gain, highway works, monitoring and any other mitigation required to make the development acceptable in planning terms.

Planning Applications

12. **Land To The East of Claydon Road, Cropredy** (Pages 115 - 137)
25/03234/OUT
13. **Land Adjoining And West Of Bloxham Recreation Ground, South Newington Road, Bloxham** (Pages 138 - 169)
25/02895/OUT
14. **Land At Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchington Road, Islip** (Pages 170 - 219)
25/02918/OUT
15. **Part Of Os Parcels 1864 And 3655 South West Of Milestone Farm, Broughton Road, Banbury** (Pages 220 - 251)
25/02863/OUT

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

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If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

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Queries Regarding this Agenda

Please contact Matt Swinford / Martyn Surfleet, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 15 July 2026

Agenda Item 4

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 2 July 2026 at 4.00 pm

Present:

Councillor Robert Parkinson (Chair)
Councillor Douglas Webb (Vice-Chair)
Councillor Chris Aramini-Brant
Councillor Besmira Brasha
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lisa Smith

Substitute Members:

Councillor Rebecca Biegel (In place of Councillor Dr Isabel Creed)

Apologies for absence:

Councillor Dr Isabel Creed
Councillor Yvonne Greene
Vacancy (Liberal Democrat)

Officers:

Paul Seckington, Head of Development Management
Shawn Fleet, Principal Planning Officer
Nick Wyke, Development Management Team Leader
Suzanne Taylor, Principal Planning Officer
Michael Sackey, Senior Planning Officer
Hansah Iqbal, Planning Officer
Denzil Turbervill, Head of Legal Services
Matt Swinford, Democratic and Elections Officer

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Declarations of Interest

10. Borough House Marlborough Road Banbury OX16 5TH.

Councillor Chris Aramini-Brant, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, advised that he believed Banbury Charities owned the building and as a trustee of Banbury Charities would leave the meeting for the duration of the item.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

11. Borough House Marlborough Road Banbury OX16 5TH.

Councillor Chris Aramini-Brant, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, advised that he believed Banbury Charities owned the building and as a trustee of Banbury Charities would leave the meeting for the duration of the item.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

12. 39 Sheep Street, Bicester, OX26 6JJ.

Councillor Chris Aramini-Brant, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lisa Smith, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

18 **Requests to Address the Meeting**

The Chair advised that requests to address the meeting would be dealt with at each item.

19 **Minutes**

The Minutes of the meeting held on 4 June 2026 were agreed as a correct record and signed by the Chair.

20 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting and would be invited to speak by the Chair at the appropriate time. Members of the public were requested to remain quiet during the meeting and not cause disturbance.

2. The Chair reminded Members that should they need to leave the room for any reason, that they should be mindful of timing and endeavour to be present for officers' presentation, public addresses and participate in the debate. Members were advised that voting was ultimately a matter for their own judgment.

21 **Urgent Business**

There were no items of urgent business.

22 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed pre-committee site visits.

23 **Oxfordshire Strategic Rail Freight Interchange**

The Committee considered a report of the Head of Development Management which recommended the Committee approve the Council's relevant representation comments to the Planning Inspectorate in respect of the submitted Oxfordshire Strategic Rail Freight Interchange Development Consent Order application subject to the approval of any amendments by the Chair of the Planning Committee and the Deputy Leader of the Council in their role as Portfolio Holder for Planning.

In introducing the report, the Principal Planning Officer explained that the application fell within the category of being a Nationally Significant Infrastructure Project and would be determined by the Planning Inspectorate. As the development was within the council's administrative area, Cherwell District Council had been identified as a Host Authority by the Planning Inspectorate. Oxfordshire County Council had also been notified of the proposal and identified as a Host Authority. The Planning Inspectorate had contacted both councils to seek views on the proposal as part of this phase of the consultation, the relevant representations phase.

The Principal Planning Officer advised that the previous consultation response considered by Planning Committee in November 2025 had been the earlier Stage 2 consultation, with the response prepared and submitted in conjunction with Oxfordshire County Council. This submission however needed to be made by Cherwell District Council only as the submission served two purposes. Firstly it allowed the Council to express its views on the application as originally submitted highlighting areas of interest to the Examining Authority and areas of additional work that may be needed, and secondly, it secured for the Council the status of an Interested Party.

It was proposed by Councillor Webb and seconded by Councillor Conway that, in line with the officer recommendation, subject to any amendments approved by the Chair of the Planning Committee and the Deputy Leader of the Council in their capacity as Portfolio Holder for Planning, Cherwell District

Council's Relevant Representation comments on the Oxfordshire Strategic Rail Freight Interchange Development Consent Order application be submitted.

Resolved

- (1) That, subject to any amendments approved by the Chair of the Planning Committee and the Deputy Leader of the Council in their capacity as Portfolio Holder for Planning, Cherwell District Council's Relevant Representation comments on the Oxfordshire Strategic Rail Freight Interchange Development Consent Order application be approved.

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Himley Village North West Bicester Middleton Stoney Road Bicester

The Committee considered applications, 24/03392/M106 AND 25/00366/DOV_5, an application for a Deed of Variation to vary the S106 Legal Agreement entered into in respect of planning permission reference 14/02121/OUT for the modification to Schedule 9 of the signed Section 106 Agreement relating to affordable housing, specifically the various clauses and definitions that require a 30% provision to a reduced level to be agreed under this application at Himley Village North West Bicester, Middleton Stoney Road, Bicester for CALA (Cotswolds Ltd).

Peter Hodgson, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Webb and seconded by Councillor Conway that applications 24/03392/M106 AND 25/00366/DOV_5 be approved, in line with officer recommendation, and the proposed modification be made to the section 106 agreement attached to application 14/02121/OUT with the exact wording to be delegated to the Assistant Director for Planning (and any amendments to the wording as deemed necessary).

In reaching its decision the Committee considered the officer's report and presentation, the address of the public speaker and the written updates.

Resolved

That, in line with the officer recommendation, it be agreed that the following modification be made to the Section 106 agreement attached to application 14/02121/OUT, with the exact wording (and any amendments to the wording as deemed necessary) delegated to the Assistant Director Planning:

- Amendments to Schedule 9 Affordable Housing needed to vary the % of AH from 30% to 10% and subject to review mechanism.
- Addition of a review mechanism to Schedule 9 Affordable Housing at the mid and late stages of the development (triggers to be agreed –

initial recommendation of approximately 800 dwellings and 1,200 dwellings) which should:

- Allow additional AH to be provided if the scheme is more viable AND; Be one way (i.e. if scheme viability is worse a lower % AH is not allowed).
- To be agreed – whether review to involve a fresh ‘open book’ viability assessment of actual costs and actual sales values compared with the original financial viability assessment OR a formula-based approach based on the original viability assessment.
- To be agreed – Review mechanism to also allow a review of other S106 contributions to see if they are still justified or if they could be reduced/removed to allow additional AH to be delivered.

25

Borough House Marlborough Road Banbury OX16 5TH

The Committee considered application 24/01909/F for the change of use of part of building to form 10no apartments (Use Class C3) including the partial demolition and alterations to the rear elevation and associated works – revised scheme of 23/00401/F at Borough House, Marlborough Road, Banbury, OX16 5TH for Fellside Estates.

Tom Mason, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Webb and seconded by Councillor Mawson that application 24/01909/F be approved, in line with the officer recommendation.

In reaching its decision the Committee considered the officer’s report and presentation, the addressof the public speaker and the written updates.

Resolved

- (1) That, in line with the officer recommendation, authority be delegated to the Assistant Director Planning to grant permission for application 24/01909/F subject to:
 - i) the conditions set out below (and any amendments to those conditions as deemed necessary) and
 - ii) the completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):
 - a) Payment of a financial contribution towards off site indoor sports provision in the locality of £5,063.33 towards strategic facilities (index linked)
 - b) Payment of a financial contribution towards off site outdoor sports in the locality of £20,170.30 towards strategic facilities (index linked)

- c) Payment of a financial contribution towards off site provision of community hall facilities of £6,924.78 (index linked)
- d) Payment of a financial contribution towards educational infrastructure TBC
- e) Payment of the Council's monitoring costs TBC.

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans "21020 (D) 201 Revision D", "21020 (D) 202 Revision D" and "21020 (D) 203 Revision D" and "21020 (D) 204 Revision D"

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Brick sample

3. No development shall commence above slab level unless and until a brick sample panel minimum (1m² in size) has been constructed on site to match the brickwork on the existing building and showing the mortar to be used in the repointing and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed, and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the Conservation area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

Detailed schedule of materials for the extension

4. No development shall commence above slab level unless and until a detailed schedule of materials for the extensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Parking provision for vehicles

5. Notwithstanding the details submitted, no development shall commence until and unless a plan detailing the proposed parking provision for vehicles to be accommodated within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Repointing of the brickwork

6. Prior to the any repointing of the brickwork, details including mortar specification details and sample of the repointing to an inconspicuous location to match the core sample of the existing mortar shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Treatment of the existing and proposed doors

7. Notwithstanding the submitted details, details of the treatment of the existing and proposed doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of the new openings including method statement, materials samples, and details

8. Notwithstanding the details submitted, no development shall commence unless and until details of the new openings including method statement, materials samples, and details to match the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Joinery details including windows and doors

9. Notwithstanding the details submitted, no development shall commence above slab level unless and until joinery details including windows, doors and at a scale of 1:10 including cross sections and colour/finish have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details including panelling, flooring, internal walls, staircases, and AOV system/services

10. Notwithstanding the details submitted, no development shall commence above slab level unless and until details including panelling, flooring, internal walls, staircases, and AOV system/services have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and

saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details and positioning of external vents

11. Notwithstanding the submitted details, details and positioning of external vents shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details full details of soil vent pipes

12. Notwithstanding the submitted details, details full details of soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

No features of architectural or historic interest shall be altered, replaced, or removed.

13. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest shall be altered, replaced, or removed. Any such features encountered during the work shall be drawn to the attention of the Local Planning Authority.

Reason - To safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any fire upgrade

14. Notwithstanding the submitted details, details for any fire upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any plastering

15. Notwithstanding the submitted details, details for any Plastering shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any thermal upgrade

16. Notwithstanding the submitted details, details for any thermal upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Rainwater goods

17. The rainwater goods installed to serve the development hereby permitted must be cast iron and painted black and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Regulation 41 of the Habitat and Species Regulations 2010

18. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned

Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Travel Information Pack

19. Prior to first occupation the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason: To ensure all residents are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

Covered cycle parking facilities

20. Prior to the first use or occupation of the development hereby permitted, and notwithstanding the details submitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

Details of the waste storage

21. Prior to the first occupation of the development hereby approved and notwithstanding the details submitted, details of the waste storage shall be submitted and approved in writing to the Local Planning Authority. The bin stores shall thereafter be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be permanently retain in association with the use and used for no other purpose whatsoever.

Reason – In the interests of the amenity of future occupiers and to ensure that the completed development is in keeping with and preserves the character and appearance of the Conservation Area and to comply with saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

- (2) It was further resolved, that when the statutory determination period for this application expires on 31 July 2026, if the Section 106 agreement/undertaking was not completed and the permission was not able to be issued by this date and no extension of time has been agreed between the parties, authority be delegated to the Assistant Director Planning to refuse application 24/01909/F for the following reason:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate planning obligations required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies INF1, PSD1, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1, Policies COM2, COM20, COM23 and COM24 of the draft Cherwell Local Plan 2042, and Government guidance contained within the National Planning Policy Framework.

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Borough House Marlborough Road Banbury OX16 5TH

The Committee considered application 24/01910/LB, a listed building consent application for partial demolition and alterations to the rear elevation and internal alterations, to facilitate the change of use of part of building to form 10no apartments (Use Class C3) - Re-submission of 23/00402/LB at Borough House, Marlborough Road, Banbury, OX16 5TH for Fellside Estates.

Tom Mason, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Webb and seconded by Councillor Mawson that application 24/01910/LB be approved, in line with officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation, and the written updates.

Resolved

That, in line with officer recommendation, authority be delegated to the Assistant Director Planning to grant consent for application, 24/01910/LB, subject to the conditions set out below (and any amendments to as deemed necessary).

Conditions

Time Limit

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this consent, the development shall be carried out strictly in accordance with the form and following approved plans “21020 (D) 201 Revision D”, “21020 (D) 202 Revision D” and “21020 (D) 203 Revision D” and “21020 (D) 204 Revision D”

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Brick sample

3. No development shall commence above slab level unless and until a brick sample panel minimum (1m² in size) has been constructed on site to match the brickwork on the existing building and showing the mortar to be used in the repointing and has been inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed, and pointed in strict accordance with the approved stone sample panel and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Detailed schedule of materials for the extension

4. No development shall commence above slab level unless and until a detailed schedule of materials for the extensions shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of internal services and service routes

5. Notwithstanding the submitted details, details of internal services and service routes including ventilation and extract equipment and methods

of installation. This should include details of external vents which shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Partitions of the development

6. Notwithstanding the details submitted, details of any partitions of the development including a cross section shall be submitted to and approved in writing by the Local Planning Authority before any work commences in respect of those elements. The development shall not be carried out other than in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Repointing of the brickwork

7. Prior to the any repointing of the brickwork, details including mortar specification details and sample of the repointing to an inconspicuous location to match the core sample of the existing mortar shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Treatment of the existing and proposed doors

8. Notwithstanding the submitted details, details of the treatment of the existing and proposed doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details of the new openings including method statement, materials samples, and details

9. Notwithstanding the details submitted, no development shall commence unless and until details of the new openings including method statement, materials samples, and details to match the existing building have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Joinery details including windows and doors

10. Notwithstanding the details submitted, no development shall commence above slab level unless and until joinery details including windows, doors and at a scale of 1:10 including cross sections and colour/finish have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details including panelling, flooring, internal walls, staircases, and AOV system/services

11. Notwithstanding the details submitted, no development shall commence above slab level unless and until details including panelling, flooring, internal walls, staircases, and AOV system/services have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
Details and positioning of external vents

12. Notwithstanding the submitted details, details and positioning of external vents shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details full details of soil vent pipes

13. Notwithstanding the submitted details, details full details of soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

No features of architectural or historic interest shall be altered, replaced, or removed.

14. Unless such work is clearly and specifically referred to on drawings or other documents approved, no features of architectural or historic interest shall be altered, replaced, or removed. Any such features encountered during the work shall be drawn to the attention of the Local Planning Authority.

Reason - To safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any fire upgrade

15. Notwithstanding the submitted details, details for any fire upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any plastering

16. Notwithstanding the submitted details, details for any Plastering shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Details for any thermal upgrade

17. Notwithstanding the submitted details, details for any thermal upgrade shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall not be carried out other than in accordance with the approved details.

Reason - To safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Rainwater goods

18. The rainwater goods installed to serve the development hereby permitted must be cast iron and painted black and shall be retained as such thereafter.

Reason - To ensure and retain the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Regulation 41 of the Habitat and Species Regulations 2010

19. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of

the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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39 Sheep Street, Bicester, OX26 6JJ

The Committee considered application 26/00228/CDC, for the installation of a marine-ply board for public art murals use on the side of the building and planters either side at 39 Sheep Street, Bicester, OX26 6JJ for Cherwell District Council.

It was proposed by Councillor Biegel and seconded by Councillor Brasha that application 26/00228/CDC be approved, in line with officer recommendation.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

That in line with officer recommendation, authority be delegated to the Assistant Director Planning, to grant permission for application 26/00228/CDC, subject to the conditions set out below (and any amendments to as deemed necessary).

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: 'Location Plan' and 8469.ASP.7.0 Rev A 'Proposed Elevation/site plan.'

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

The meeting ended at 5.56 pm

Chair:

Date:

This report is public.	
Planning Performance Report	
Committee	Planning Committee
Date of Committee	23 July 2026
Portfolio Holder	Portfolio Holder for Planning and Enforcement, Councillor Chris Aramini- Brant.
Date Portfolio Holder agreed report.	15 July 2026
Report of	Assistant Director Planning – David Peckford

Purpose of report

This report details the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the report.

2. Executive Summary

- 2.1 This is a report to the Planning Committee on the Council's performance in respect of determining planning applications, with particular reference to major¹ and non-major² applications based on government targets.
- 2.2 Performance is measured using the Ministry of Housing, Communities and Local Government (MHCLG) guidance *Improving Planning Performance: Criteria for Designation (updated 2024)*. If a Local Planning Authority (LPA) is designated as underperforming in either 'major' or 'non-major' applications, applicants for those types of applications may apply directly to the Secretary of State (through the Planning Inspectorate) for determination, rather than the LPA.
- 2.3 Under the current criteria, designation decisions are based on measures of planning performance relating to the speed and quality of decision-making. For speed of decision-making, performance is assessed using a one-year assessment period, reduced from the previous two-year period from September 2024 onwards.
- 2.4 The table below sets out the designation thresholds:

¹ Major development is defined as the (a) winning and working of minerals or the use of land for mineral-working deposits; or (b) waste development; or (c) the provision 10 or more dwellinghouses; or a development on a site area of 0.5 hectares or more if it is not known how many dwellings are proposed; or (d) the provision of a building(s) where the floorspace to be created is 1,000 sqm or more; or a development carried out on a site area of 1 hectare or more.

² Non-major development is defined as any applications for planning permission for development which is not major development.

Measure and type of Application	Threshold
Speed of major Development	60%
Speed of non-major Development	70%
Quality of major Development	10%
Quality of non-major Development	10%

2.5 **Speed** is measured on the percentage of decisions made:

- (a) within the statutory determination period (8 weeks for non-major development, 13 weeks for major development and 16 weeks for EIA development (applications subject to an Environmental Impact Assessment)), or
- (b) within such extended period as has been agreed in writing between the applicant and the LPA.

2.6 **Quality** is measured on the percentage of the total number of decisions on applications made by the LPA during the assessment period being overturned at appeal.

Implications	Commentary
Finance	This report is provided for information only. Cherwell District Council is now designated as underperforming for major applications. This means that applicants may choose to submit their planning applications directly to the Secretary of State. In such cases, application fees are paid to and retained by the Secretary of State, resulting in a potential loss of income for Cherwell District Council. Also, the cost of defending appeals can be costly, with additional risk of significant costs when exceeding the 10% quality threshold. To date, we are forecasting a budget spend of a £100,000. It should be noted that appeals are currently being managed within the service but if future appeals costs exceed the budget of a £100,000 and the service is no longer able to absorb appeal related costs within the budget envelop, then a request may need to be made to draw on the appeals reserve.

	Kimberley Digweed – Finance Business Partner – 15 th July 2026			
Legal	As this report is purely for information there are no legal implications arising. The report sets out the designation criteria which the Council will need to meet in order to be taken out of designation as well as the impact of designation for applicants and the Council. Legal Services will be working with colleagues to provide advice and assistance where required to ensure the Council achieves the required thresholds. Denzil Turbervill, Head of Legal Services – 15 July 2026			
Risk Management	This is an information report where no recommended action is proposed, as such there are no risks arising from accepting the recommendation. Risks related to Major applications performance, and service's designation are being managed and monitor through the Corporate Risk Register. Celia Prado-Teeling, Performance Team Leader, 15 July 2026			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader, 15 July 2026
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable

Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Report Details

Speed of Decisions

- 3.1. The table below sets out the Council's performance against the National Target for 2021, 2022, 2023, 2024 and 2025. It also sets out the current performance for 2026.

Speed	Major applications (13/16 week target or agreed extension of time)	Non-major applications (8 week target or agreed extension of time)
National Target	60%	70%
CDC performance 20/21 (Apr 2020 to Mar 2021)	92% (54/59 apps)	79% (600/895 apps)
CDC performance 21/22 (Apr 2021 to Mar 2022)	96% (72/75 apps)	91% (1289/1409 apps)
CDC performance 22/23 (Apr 2022 to Mar 2023)	96% (52/54 apps)	93% (1145/1230 apps)
CDC performance 23/24 (Apr 2023 to Mar 2024)	88% (49/56 apps)	83% (914/1096 apps)
CDC performance 24/25 (Apr 2024 to Mar 2025)	87% (48/55 apps)	87% (846/978 apps)
CDC performance 25/26 (Apr 2025 to Mar 2026)	81% (35/43 apps)	79% (684/863 apps)

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**** The data for 2026 is not yet complete, as it runs to the 31st March 2026**

- 3.2. In summary, the Council have been achieving and exceeding the National Targets for the past 6 years.
- 3.3. In a recent article published by Planning Resource, the Council is identified as being within the bottom 20 Council's with the lowest percentage of 'non-major' decisions made within eight weeks or agreed time in 2025 (12 months to 31st March 2026) with percentage at 79.3%. CDC were 19th in the list. Whilst 79.3% remains above the threshold of 70% it is a matter to monitor and manage going forward.

Quality of Decisions

- 3.4. The table below sets out the Council's performance for the accounting periods ending 2023, 2024, 2025 and 2026 based on the government's quality of decision requirements for major and non-major applications.

Quality	Major applications % allowed at appeal	Non-major applications % allowed at appeal
National target	No more than 10%	No more than 10%
CDC performance 2023 (April 2021 to Mar 2023)	5.0% (7 appeals allowed out of 141 decisions made by the LPA)	1.1% (27 appeals allowed out of 2381 decisions made by the LPA)
CDC performance 2024 (April 2022 to Mar 2024)	10.4% (12 appeals allowed out of 115 decisions made by the LPA)	1.1% (21 appeals allowed out of 1943 decisions made by the LPA)
CDC performance 2025 (April 2023 to Mar 2025)	11.2% (13 appeals allowed out of 116 decisions made by the LPA)	1.5% (31 appeals allowed out of 2079 decisions made by the LPA)
CDC performance 2026*** (April 2024 to Mar 2026)	5.05% *** (5 appeals allowed out of 99 decisions made by the LPA)	1.3% *** (26 appeals allowed out of 2487 decisions made by the LPA)

	(there are 4 appeals pending)	(there are 11 appeals pending)
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*** The data for 2026 is not yet complete, as it runs to the 31st March for decisions on applications, then allows a period until December 2026 for the appeals of applications decision between Apr 2024-Mar 2026 to be decided. At prese

- 3.5. In summary, the Council has met the National Targets for non-majors Quality for each of the last four accounting periods.
- 3.6. For Major Quality decisions, we went over 10% in 2024. MHCLG wrote to us in March 2025 advising that we had breached the threshold (for 2024 accounting period) and gave us an opportunity to put an exceptional circumstances case to them to avoid designation. This was submitted and MHCLG agreed that the Council, while going over the 10% threshold was not poor performing, recognising the improvements the Council was putting in place, but that they *“will continue to closely monitor the authority’s performance. If the authority fails to show continued improvement, the Secretary of State may designate the authority in the future”*.
- 3.7. We went over the 10% threshold again for Major Decisions in 2025 (11.2%). We received a letter from MHCLG in April and again were provided with the opportunity to put an exceptional circumstances case forward. Unfortunately, on 15 June 2026 MHCLG chose to designate the Council as poor performing on our quality of major decisions, alongside 8 other Councils, due to being over the 10% threshold.

What Designation Means

- 3.8. The designation relates specifically to applications for major development (for example, larger housing schemes or commercial developments) **submitted on or after 15 June**.
- 3.9. While the Council will continue to determine planning applications as normal, the designation introduces an additional option for applicants:
 - Applicants for major development can continue to apply to Cherwell District Council, or
 - They can choose, under a Section 62a of the Town & County Planning Act 1990, to apply directly to the Planning Inspectorate (PINS) for a decision,.

- 3.10. This does not remove the Council's planning powers, but it does provide an alternative route for determining major planning applications. If applicants submit to PINS, then they receive the application fee.

Section 62a Application Process

Pre-application Stage

- 3.11. Applicants can seek pre-application advice directly from the Planning Inspectorate before submitting a Section 62A application. Whilst this provides applicants with access to advice from the eventual decision-maker, the Planning Inspectorate's guidance is clear that designated LPAs continue to have an important role and should remain engaged in pre-application discussions wherever possible. Early engagement with the LPA is particularly important in identifying local policy considerations, infrastructure requirements, environmental constraints and potential planning obligation requirements.

Validation and Consultation

- 3.12. Once an application is accepted, the Planning Inspectorate notifies the LPA and sets out a programme for the determination of the proposal. The authority is responsible for publicising the application, carrying out neighbour notifications where necessary and consulting statutory consultees. The LPA must also provide planning history, relevant development plan policies, constraint information and any other information reasonably required by the Inspectorate. Given the compressed timetable applied to Section 62A cases, authorities need to mobilise resources quickly and ensure consultees are engaged at the earliest opportunity.

Local Planning Authority Response

- 3.13. A critical stage in the process is the submission of the LPA's substantive response to the Planning Inspectorate. Authorities are normally expected to provide a full planning assessment and recommendation within approximately **21 days** of notification, although the Inspectorate may vary this where circumstances require. This response should clearly assess the proposal against the development plan, national policy and other material considerations, and should identify any draft planning conditions and planning obligation requirements. Given the relatively short response window, Section 62A applications can place significant pressure on planning officers, specialist consultees and legal teams.

Section 106 Obligations

- 3.14. Where a development requires mitigation through a Section 106 Agreement, the LPA remains responsible for identifying and negotiating the necessary planning obligations. This includes preparing heads of terms, engaging with service areas and infrastructure providers, and ensuring obligations satisfy the statutory tests. Although the Planning Inspectorate determines the application, it relies heavily on the authority's local knowledge to establish whether obligations are necessary and how they should be secured. Delays in agreeing heads of terms or drafting legal agreements can have a direct impact on determination timescales and require close coordination between planning and legal officers.

Determination and Resource Implications

- 3.15. The Planning Inspectorate seeks to determine Section 62A applications within broadly equivalent statutory timescales to those applying to local planning authorities, with procedures ranging from written representations through to hearings or inquiries depending on the complexity of the proposal. While the application fee is paid directly to the Planning Inspectorate, the LPA is still expected to commit substantial officer, legal and technical resources throughout the life of the application. Consequently, authorities can find themselves undertaking much of the work associated with a major planning application without receiving the associated planning fee income, making effective project management and prioritisation essential.

Action Plan

- 3.16. The Council is currently preparing a comprehensive Action Plan to support the earliest possible removal of designation. This work is being undertaken in partnership with the MHCLG and PAS, both of whom have committed to supporting the Council through the improvement process. The Action Plan will be evidence-led and will demonstrate that the Council has critically assessed the factors that contributed to designation and has identified appropriate actions to secure and sustain improvement.
- 3.17. The Action Plan will focus on strengthening performance management, reviewing appeal outcomes and decision-making processes, improving governance and oversight arrangements, maintaining strong engagement with Members, and ensuring that lessons learned are embedded into future practice. It will also include measures to ensure that any Section 62A applications submitted directly to the Planning Inspectorate are handled efficiently and within all required timescales.
- 3.18. Alongside the Action Plan, the Council is developing an implementation programme with clear ownership, performance monitoring and reporting arrangements. Additional resource is being considered to support service improvement, performance analysis, project management and Section 62A responsibilities. This will

help ensure that improvements are not only delivered but can be evidenced to MHCLG and PAS over time.

- 3.19. The Council's objective is to demonstrate sustained improvement in both planning performance and organisational capability. Working closely with PAS, MHCLG and learning from authorities that have successfully exited designation, the Council intends to build a robust case for de-designation as soon as sufficient evidence of improvement is available.

Data going forward

- 3.20. We were designated based on our performance for the period Apr 23 - Mar 25. MHCLG has already published data for the next quarter (and the 2 years preceding that) and shows we are under the 10% threshold (9.4%). This will also be the case for the two quarters after that (4.72% and 4.95%) For the 2026 accounting period for major decisions we are currently at 5.05%. However, at present we have four outstanding appeals. If all four of these appeals are allowed this would take the number of appeals allowed up to 9.09%. This also brings us below the 10% threshold.

Appeals allowed up to Mar 26						Appeals Allowed up to June 26					
Jul 23 - Jun 25		All Major Decisions	Appeals allowed	Pending	Result	Oct 23 - Sep 25		All Major Decisions	Appeals allowed	Pending	Result
Quarter 02	Jul - Sep 2023	20	6		30.00%	Quarter 03	Oct - Dec 2023	14	0		0.00%
Quarter 03	Oct - Dec 2023	14	0		0.00%	Quarter 04	Jan - Mar 2024	15	0		0.00%
Quarter 04	Jan - Mar 2024	15	0		0.00%	Quarter 01	Apr - Jun 2024	16	0		0.00%
Quarter 01	Apr - Jun 2024	16	0		0.00%	Quarter 02	Jul - Sep 2024	14	4		28.57%
Quarter 02	Jul - Sep 2024	14	4		28.57%	Quarter 03	Oct - Dec 2024	17	1		5.88%
Quarter 03	Oct - Dec 2024	17	1		5.88%	Quarter 04	Jan - Mar 2025	9	0		0.00%
Quarter 04	Jan - Mar 2025	9	0		0.00%	Quarter 01	Apr - Jun 2025	12	0	0	0.00%
Quarter 01	Apr - Jun 2025	12	0	0	0.00%	Quarter 02	Jul - Sep 2025	9	0	0	0.00%
	total	117	11	0	9.40%		total	106	5	0	4.72%
		Threshold to be under			10.00%			Threshold to be under			10.00%
If pending appeals allowed					0.00%	If pending appeals allowed					0.00%
					0.00%						0.00%

Appeals Allowed up to Sept 26						Appeals Allowed up to Dec 26						
Jan 24 - Dec 25		All Major Decisions	Appeals allowed	Pending	Result	Apr 24 - Mar 26		All Major Decisions	Appeals allowed	Pending	Refusals that can be appealed	Result
Quarter 04	Jan - Mar 2024	15	0	0	0.00%	Quarter 01	Apr - Jun 2024	16	0	0	0	0.00%
Quarter 01	Apr - Jun 2024	16	0	0	0.00%	Quarter 02	Jul - Sep 2024	14	4	0	0	28.57%
Quarter 02	Jul - Sep 2024	14	4	0	28.57%	Quarter 03	Oct - Dec 2024	17	1	0	0	5.88%
Quarter 03	Oct - Dec 2024	17	1	0	5.88%	Quarter 04	Jan - Mar 2025	9	0	0	0	0.00%
Quarter 04	Jan - Mar 2025	9	0	0	0.00%	Quarter 01	Apr - Jun 2025	12	0	0	0	0.00%
Quarter 01	Apr - Jun 2025	12	0	0	0.00%	Quarter 02	Jul - Sep 2025	9	0	0	0	0.00%
Quarter 02	Jul - Sep 2025	9	0	0	0.00%	Quarter 03	Oct - Dec 2025	9	0	0	0	0.00%
Quarter 03	Oct - Dec 2025	9	0	0	0.00%	Quarter 04	Jan - Mar 2026	13	0	4	0	0.00%
	total	101	5	0	4.95%		total	99	5	4	0	5.05%
		Threshold to be under			10.00%			Threshold to be under				10.00%
If pending appeals allowed					0.00%	If pending appeals allowed					9	9.09%
					0.00%	if pending appeals and refusals allow					9	9.09%

- 3.21. Whilst being under 10% for the next 3 quarters of data, there is a risk we may go over 10% again in the quarter ending June 2026. This is because there is 1 refusal that could still be appealed, which alongside the other 4 pending appeals, if all allowed, could take us over the 10% threshold to 10.42%. For the next 2 year rolling period ending Sept 2026 we are currently at 1%, but this could increase to circa 5% if pending appeals allowed, and 7% if all refusals appealed and allowed. Also to note that there are a number of decisions still to be made between now and the end of September and if refused could also end up at appeal.

Appeals allowed up to Mar 27							Appeals allowed up to Jun 27						
jul 24 - jun 26		All Major Decisions	Appeals allowed	Pending	Refusals that can be appealed	Result	oct 24 - sep 26		All Major Decisions	Appeals allowed	Pending	Refusals that can be appealed	Result
Quarter 02	Jul - Sep 2024	14	4	0	0	28.57%	Quarter 03	Oct - Dec 2024	17	1	0	0	5.88%
Quarter 03	Oct - Dec 2024	17	1	0	0	5.88%	Quarter 04	Jan - Mar 2025	9	0	0	0	0.00%
Quarter 04	Jan - Mar 2025	9	0	0	0	0.00%	Quarter 01	Apr - Jun 2025	12	0	0	0	0.00%
Quarter 01	Apr - Jun 2025	12	0	0	0	0.00%	Quarter 02	Jul - Sep 2025	9	0	0	0	0.00%
Quarter 02	Jul - Sep 2025	9	0	0	0	0.00%	Quarter 03	Oct - Dec 2025	9	0	0	0	0.00%
Quarter 03	Oct - Dec 2025	9	0	0	0	0.00%	Quarter 04	Jan - Mar 2026	13	0	4	0	0.00%
Quarter 04	Jan - Mar 2026	13	0	4	0	0.00%	Quarter 01	Apr - Jun 2026	13	0	0	1	0.00%
Quarter 01	Apr - Jun 2026	13	0	0	1	0.00%	Quarter 02	Jul - Sep 2026	10	0	0	0	0.00%
	total	96	5	4	1	5.21%		total	92	1	4	1	1.09%
		Threshold to be under				10.00%			Threshold to be under				10.00%
If pending appeals allowed				9		9.38%	If pending appeals allowed				5		5.43%
if pending appeals and refusal				10		10.42%	if pending appeals and refusals al				6		6.52%

Comparison with neighbouring councils on Speed

- 3.22. The tables below show a comparison of the performance figures with neighbouring district councils for the year 01/04/2025 to 31/03/2026 (which is the most recent data available).

- 3.23. The tables focuses on Majors applications

- 3.24. In addition to performance figures, additional data is provided regarding the total number of applications received; the use of Extensions of Time (EOT) and Planning Performance Agreements (PPA) and the percentage of applications granted.

Major Applications						
Council	Total number of applications determined	Number determined within time or EOT	% within time or EOT	Number determined within time without using EOT	% within time without EOT	% granted permission
Oxford City Council	32	30	94%	1	3%	97%
West Northamptonshire Council	63	58	94%	8	13%	92%
Stratford Upon Avon District Council	39	36	92%	4	10%	85%
West Oxfordshire District Council	37	34	92%	7	19%	78%
South Oxfordshire District Council	46	38	91%	4	9%	63%
Buckinghamshire Council	145	129	89%	30	21%	86%
Cherwell District Council	43	35	81%	9	21%	84%

- 3.25. The tables show that we are meeting and exceeding government targets on determining applications in time. Whilst CDC is bottom of the list, we are roughly in line with the authorities that share a border with this district.
- 3.26. As part of ongoing. planning improvement, we will be enhancing our performance monitoring.

4. Alternative Options and Reasons for Rejection

- 4.1. None. This report is submitted for information.

5. Conclusion and Reasons for Recommendations

Speed

- 5.1. Speed of determination for major and non-major applications continue to exceed the Government's performance targets.

Quality

- 5.2. Based on the quality of decisions, the Council has met the Government's performance for Quality for non-majors for 2025, narrowly missing the target for majors. This has resulted in the council being designated for poor performance on quality of major decisions.
- 5.3. An Action Plan is being put into place, working closely with MHCLG and PAS, with a view to try and seek de-designation as soon as possible. Data for the three quarters following Mar 25, show us under 10% for each of those quarters, including the 2026 accounting period. However, in the period ending Jun 2026 we are at risk of going over 10% again.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	None
Background Papers	None
Reference Papers	None
Report Author	Paul Seckington, Head of Development Management
Report Author contact details	Paul.seckington@cherwell-dc.gov.uk
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director for Place and Regeneration, Ian Boll 15 July 2026

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	23 July 2026
Portfolio Holder	Portfolio Holder for Planning and Enforcement, Councillor Chris Aramini-Brant.
Date Portfolio Holder agreed report.	15 July 2026
Report of	Assistant Director Planning, David Peckford

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	There are no direct financial implications arising from this report. The council is aware that there are appeals in the system where the costs are unclear during this moment of time however, the council has taken action to minimise the cost of appeals where it can, but it's not clear what the costs associated with these appeals will be yet. It should be noted that if future appeal costs were to exceed core budget and if the service is unable to absorb these costs, then a

	request for use of reserves will be necessary, the position will be closely monitored by the council.			Kimberley Digweed, Finance Business Partner: 15 July 2026
Legal	As this report is purely for information there are no legal implications arising.			Denzil Turbervill Law & Governance Legal Services: 15 July 2026
Risk Management	This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Corporate Risk Register as and when necessary.			Celia Prado-Teeling, Performance Team Leader: 15 July 2026
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			

Property	Not applicable
Consultation & Engagement	Not applicable in respect of this report

Supporting Information

3. Background

- 3.1 When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2 Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the Enforcement Notice served. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3 Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4 Monitoring all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

Written Representations

4.1 New Appeals

Written Representations	Informal Hearing	Public Inquiry
3	0	1

4.1.1 The new Written Representation appeals are:

- **2 appeals relating to Permission in Principle**
 - Plot 1, F I M Renewable Energy Farm, Mill Lane, Kirtlington, Kidlington, O5 3HW – Permission in Principle – Proposed conversion of existing building to form 2 no dwellinghouses
 - Land to the Rear of Mole End, Main Street, Great Bourton, Oxfordshire, OX17 1QU – Permission in principle- development of between 8 no and 9 no residential dwellings

- **1 appeal relating to a Retrospective Planning Permission**

- Land 7608 Adjacent to Crowcastle Lane, North of Kirtlington Allotments, Kirtlington, Oxfordshire, OX5 3HP - RETROSPECTIVE - Retention and re-location of an existing storage container, which is to be timber clad, and retention of existing permeable hardstanding.

4.1.2 The new public inquiry is:

- Land behind the Moors – Outline application for 340 dwellings , land for community use, public open space

4.1.3 Details of the new appeals can be found at Appendix 1

In Progress/Awaiting Decision

Written Representations	Informal Hearing	Public Inquiry
7	0	3 as 1 event

4.1.3 Details of all the planning appeals can be found at Appendix 1

Enforcement Appeals

4.2 New Appeals

4.2.1 There are no new enforcement appeals

4.2.2 There are 4 enforcement appeals awaiting decisions

4.2.3 Details of all the enforcement appeals can be found at Appendix 2

4.3 Forthcoming Public Inquiries and Hearings

4.3.1 There are no new Public Inquiries or Hearings

4.3.2 There are 3 Public Inquiries waiting to be heard

4.4 Award of costs

None

4.5 Appeals Results

4.5.1 **25/02983 – Land in Between Rose View and Gold Hill Cottage, Main Street Hethe, Oxfordshire, OX27 8HD**

Erection of a new single dwellinghouse and new home office.

Appeal Allowed

The Inspector allowed the appeal and granted planning permission for a single dwelling, giving significant weight to an existing fallback permission for a very similar scheme. The proposed changes—raising the roof height by around 0.3m and adding a front dormer—were considered minor. The main issue was the effect on the character and appearance of the Hethe Conservation Area.

In assessing this, the Inspector found that the slight increase in ridge and eaves height would be largely imperceptible and in keeping with the varied building heights and rooflines in the village. Although dormers are generally discouraged on front elevations, examples within the Conservation Area indicated that they are not entirely uncharacteristic. The proposed dormer, set within a large roof slope, was therefore judged not to harm the area's character. The development was found to comply with relevant local and national planning policies and to preserve the Conservation Area's significance.

Other concerns raised, such as overlooking, privacy, and parking, were not considered materially different from the approved fallback scheme and did not justify refusal. Permission was granted subject to conditions covering matters including approved plans, privacy protections, drainage, ecology, materials, contamination, archaeology, and sustainability.

4.5.2 25/02505/F and 25/02506/ADV – Opposite 52 Bridge Street, Banbury, Oxfordshire, OX16 5PN

The proposed installation of 1 no BT Street Hub with 2 no digital internally illuminated display screens and removal of associated existing BT payphone(s).

Appeals Dismissed

The Inspector considered two linked appeals for a BT Street Hub and associated digital advertisements within Banbury Conservation Area, assessing their impact on heritage character and public safety. The Hub, a tall structure with prominent digital screens, was found to be visually intrusive and out of keeping with the historic streetscape. It would add to existing street clutter, reduce the sense of openness, and detract from the setting and significance of nearby listed buildings, including Banbury Town Hall. Although this harm was classified as “less than substantial,” it still carried significant weight. The public benefits of connectivity, communication services, and digital features were acknowledged but given only moderate weight due to lack of clear evidence of local need.

While the Inspector concluded that pedestrian and public safety impacts would be acceptable, this was a neutral factor in the overall planning balance. The fallback position of retaining existing kiosks carried little weight and would not offset the identified harm. Consequently, the proposals were found to conflict with policies aimed at protecting heritage and local character, and the public benefits were insufficient to outweigh this harm. Both appeals—Appeal A for the development and Appeal B for the advertisements—were therefore dismissed.

4.5.3 24/01378/CLUP – Manor House, Islip Road, Bletchington, Oxfordshire, OX5 3DP

Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015

Appeal Allowed

The Inspector allowed the appeal and granted a Lawful Development Certificate for the proposed outbuilding, finding that it would have been lawful at the date of the application. The proposal was correctly assessed under Section 192 as a proposed development, since only groundworks had begun. The key issue was whether the building would be incidental to the enjoyment of the dwellinghouse under Class E permitted development rights.

The Inspector accepted that the building's functions—swimming pool, yoga/dance space, and associated changing facilities—constituted normal domestic leisure activities and were incidental rather than primary living accommodation. Despite its relatively large size, the outbuilding was considered reasonably required for a family of six, with adequate but not excessive provision for circulation, supervision of children, and supporting facilities such as a WC and shower.

Overall, the Inspector concluded that the scale, layout, and use of the outbuilding were proportionate and genuinely ancillary to the main dwelling. Therefore, it would have benefited from permitted development rights, making the Council's refusal not well-founded and the proposal lawful.

4.5.4 25/000762/F – 113 Danesmoor, Banbury, OX16 1PZ

RETROSPECTIVE - raising of front garden to level off

Appeal Dismissed

The appeal was dismissed because the Inspector found that the raised concrete front garden harms the character and appearance of the area. The site is part of a uniform terrace with open, green frontages that create a consistent and verdant street scene. By raising and fully covering the frontage with a 1.3-metre-high structure, the development introduces a bulky and visually intrusive feature that disrupts this uniformity, particularly given its prominent end-of-terrace position. Landscaping was not considered a sufficient solution, as it may not be permanent and could even emphasise the structure's height.

The development was also found to negatively affect neighbouring residents' living conditions. Its elevated and dominant form creates an overbearing presence and an unattractive outlook from nearby properties, while also increasing opportunities for overlooking and reducing privacy. Although the aims of improving access and providing bin storage were acknowledged, the Inspector concluded these benefits did not outweigh the harm and could be achieved by less intrusive means. As a result, the proposal conflicts

with local planning policies on design and residential amenity, and the appeal was dismissed.

4.5.5 26/00169/F – 16 Oak Lane, Ambrosden, Bicester, OX25 2SH

Single storey front, first floor side and two storey rear extensions

Appeal Allowed

The appeal was allowed and planning permission granted for extensions at 16 Oak Lane, including a single-storey front, first-floor side, and two-storey rear extension. The Inspector focused primarily on the effect of the proposed first-floor side extension on the character and appearance of the host dwelling and the surrounding area, as the Council had no objection to the other elements of the scheme.

While the Council considered the stepped design of the side extension to be awkward and visually harmful, the Inspector disagreed. They found that, although different from other nearby extensions, the stepped form would break up the mass of the building and avoid the appearance of a large, unrelieved wall. Combined with the use of render, this would result in a less visually dominant and more balanced addition that would sit comfortably within the street scene.

Overall, the Inspector concluded that the proposal would not harm the character or appearance of the property or its surroundings and would comply with relevant local planning policies. Planning permission was therefore granted, subject to conditions covering adherence to approved plans, use of appropriate materials, and protection of neighbouring privacy.

4.5.6 25/01513/F – 71 Ravencroft, Bicester, Oxfordshire, OX26 6YE

RETROSPECTIVE - Change of Use of amenity land to garden and installation of new fence to site boundary.

Appeal Dismissed

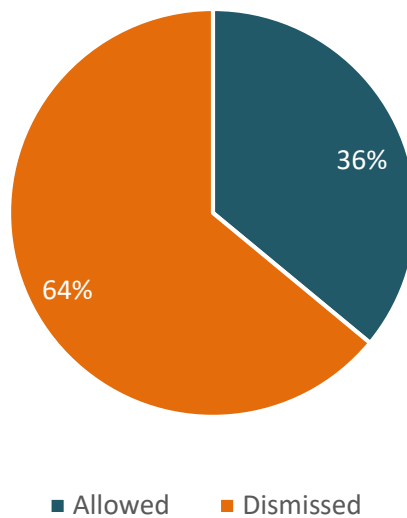
The Inspector dismissed the appeal, concluding that the development harms the character and appearance of the area. The site sits in a prominent corner within a residential estate defined by open frontages, landscaping and a strong sense of greenery. Previously, the area included a grassed strip and planting that contributed to this character, with a boundary wall set back from the pavement. The replacement fence, now running directly along the pavement, appears far more prominent, stark and intrusive, particularly as it lacks any meaningful screening.

The removal of the grass strip and introduction of hardstanding were found to erode the verdant and spacious qualities of the street scene, with limited opportunity for mitigation through planting. Other considerations, such as security concerns, land ownership and prior advice, were given little weight and did not justify the harm identified. As the proposal conflicted with local planning policies aimed at protecting character and appearance, and no material considerations outweighed this conflict, the appeal was dismissed.

4.6 **Appeal Decision Data**

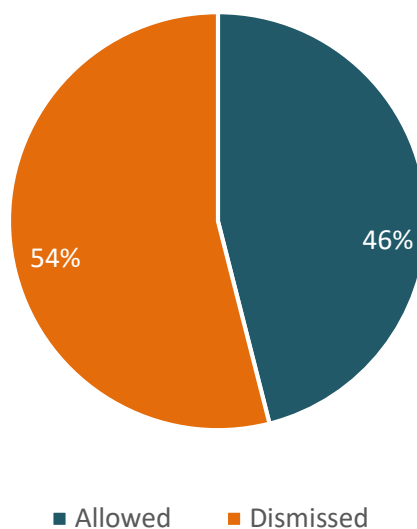
4.6.1 So far in 2026 there have been 25 appeal decisions, 9 allowed and 16 dismissed

Appeal Decisions 2026 (so far)



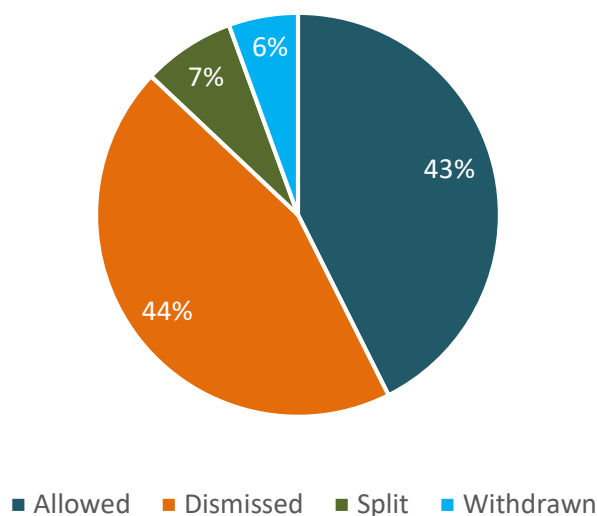
4.6.2 In 2025 there were 63 appeal decisions, 29 allowed and 34 dismissed

Appeal Decisions 2025



4.6.3 In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn.

Appeals Decisions 2024



4.6.4 The above data shows that the proportion of appeals being allowed is decreasing.

Delegated/Committee Decisions

2026

4.6.5 So far in 2026, there have been 25 appeal decisions following delegated decisions, and 1 following a committee decision (The Bell Inn, Great Bourton, a committee overturn) Cherwell District Council.

4.6.6 Of the 24 delegated decisions, 9 were allowed (36%) and 15 (60%) were dismissed. The 1 committee decision (4%) was dismissed (100%)

2025

4.6.7 In 2025, there were 52 appeal decisions that followed delegated decisions, and 11 appeal decisions that followed Committee decisions. Of the 11 committee decisions, 8 were committee overturns, and 3 went with recommendation.

4.6.8 Of the 52 delegated decisions at appeal, 32 were dismissed (62%) and 20 allowed (38%).

4.6.9 Of the 8 overturns, 1 was dismissed (12%), and 7 were allowed (88%). Of the 3 committee decisions that went with officer recommendation, 1 dismissed (33%) and 2 were allowed (66%)

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6. Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	Planning Appeals Details
Appendix 2	Enforcement Appeals Details
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Tracy Bennett, Appeals Administrator Paul Seckington, Development Manager
Report Author contact details	tracy.bennett@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director for Place and Regeneration, Ian Boll 15 July 2026

Appendix 1 - Planning Appeals

New Written Reps Appeals Received: 3

Application Number	Location	Description (summary)	LPA Decision:	Start Date
26/02893/PIP	Plot 1, F I M Renewable Energy Farm, Mill Lane, Kirtlington, Kidlington, OX5 3HW	Permission in Principle - Proposed conversion of existing building to form 2 no. dwellinghouses	Refused Delegated	15/04/2026
26/00351/PIP	Land to the Rear Of Mole End, Main Street, Great Bourton, Oxfordshire, OX 17 1QU	Permission in principle – development of between 8 no and 9 no residential dwellings	Refused Delegated	02/06/2026
	Land 7608 adjacent to Crowcastle Lane, North of Kirtlington Allotments, Kirtlington, Oxfordshire, OX5 3HP	RETROSPECTIVE - Retention and re-location of an existing storage container, which is to be timber clad, and retention of existing permeable hardstanding.	Refused Delegated	12/06/2026

New Informal Hearing Appeals Received: 0

New Public Inquiry Appeals Received: 1

Application Number	Location	Description (summary)	LPA Decision:	Start Date
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25/01346/OUT	Part OS Parcel 0006 North Of The Moors Kidlington	Outline planning application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space and associated infrastructure, including demolition of 162 The Moors to enable all modes access	Refused Committee	29/06/2026
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Public Inquiry Appeals Waiting to be Heard: 3

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01340/OUT	OS Parcel 6124, East of Baynards Green Farm, Street to Horwell Farm, Baynards Green, Oxfordshire, OX27 7RD	Application for outline planning permission (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, HGV parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure.	Refused Committee	16/04/2026

21/03627/OUT	OS Parcel 0006, South East of Baynards House, adjoining A43 Baynards Green, Ardley, Oxfordshire, OX27 7RD	Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping	Refused Committee	16/04/2026
21/03628/OUT	OS Parcel 2636, NW of Baynards House, Ardley, OX27 7SQ	Outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure	Refused Committee	16/04/2026

Written Reps Appeals Outstanding : 7

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford.	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Refused Delegated	06/07/2024

24/01646/ CLUP	Greenhill Leisure Park, Greenhill Farm, Station Road, Bletchington, Kidlington, OX5 3BQ	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation.	Refused Delegated	27/03/205
25/00794/TPO	4 Paxmans Place, Banbury, Oxon, OX15 5EU	Tree T1 - Maritime Pine - Remove to ground, grind stump and replant with 1 No Sweet Gum (pot grown, 3-4m high) in same location - subject to TPO 13/1991	Refused Delegated	25/11/2025
25/01235/F	6-8 Bowmont Square, Bicester, Oxfordshire, OX26 2GJ	RETROSPECTIVE - On-site use and location of commercial shipping container for stock storage purposes only; installation and mounting of external wall mounted condenser fan units for the use of the shop; installed air con and cabinet chillers and construction of permanent access ramp/steps with guardrail, to provide inclusive shop access.	Refused Delegated	13/02/2026
25/03055/F	73 High Street, Kidlington, OX5 2DN	First floor extension over an existing converted garage (part retrospective).	Refused Delegated	15/04/2026
26/00039/OUT	Land West of Foxden Way, Great Bourton,	Outline planning application with All Matters Reserved save for access for up to 5 age-restricted (over 55) self/custom-build single storey bungalows at land west of Foxden Way, Great Bourton	Refused Delegated	27/04/2026
26/00019/F	Manor Court, North Side, Steeple Aston, Oxfordshire, OX25 4SE	Two storey rear extension to replace existing single storey extension; window replacement; associated internal refurbishment.	Non-determination Delegated	28/04/2026

Appendix 2 – Enforcement Appeals

New Enforcement Appeals Received: 0

Enforcement Appeals Outstanding: 4

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28/11/2023
23/00525/ENF	Heathfield Yard, Street through Heathfield Village, Heathfield, Oxfordshire, OX5 3DX	Erection of a large building for scaffolding and portacabins without planning permission.	Enforcement Notice	04/06/2025
25-11-ENF 22/00012/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington, Banbury, OX17 1QE	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08/09/2025 On hold waiting for further instruction from PINs.

25-11-ENF 22/00527/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	Without the benefit of planning permission, the erection of a building outlined in green on the attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'. Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is taking place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.	Enforcement Notice	08.09.2025 On hold waiting for further instruction from PINs (Planning Inspectorate).
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This report is public	
Planning Enforcement Report	
Committee	Planning Committee
Date of Committee	23 July 2026
Portfolio Holder presenting the report	Portfolio Holder for Planning and Enforcement, Cllr Aramini-Brant
Date Portfolio Holder agreed report	15 July 2026
Report of	Assistant Director - Planning

Purpose of report

To update Members on current planning enforcement activity within the second quarter of 2026.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the content of the report and current planning enforcement position.

2. Executive Summary

- 2.1 This report provides an update on planning enforcement activity to the second quarter of 2026. Caseloads have remained broadly stable, with 122 new investigations opened in the quarter and 134 cases closed, resulting in a continued reduction of older and more complex cases.
- 2.2 The Council has issued four formal enforcement notices in 2026 to date and continues to take proportionate action to address breaches of planning control, secure compliance and maintain public confidence in the planning system.
- 2.3 Quarterly performance reporting resumed in March 2026 following a hiatus since 2021.

Implications & Impact Assessments

Implications	Commentary
Finance	This report is for information only, therefore there are no direct financial implications arising from this report. Kimberley Digweed – Finance Business Partner 15 July 2026
Legal	This report is for information only and there are therefore no legal implications arising directly from this report.

	The report shows that the number of active cases has been steadily reducing. Legal Services work closely with colleagues in enforcement to provide advice and assistance as and when required on enforcement matters. Denzil – John Turbervill, Head of Legal Services. 15/07/2026		
Risk Management	There are no risk implications arising as a direct consequence from this report. Current performance demonstrates effective management of planning enforcement workloads, with continued progress in reducing caseloads and maintaining public confidence through proportionate and timely enforcement activity, these constitute a mitigating factor for any potential risks linked to performance decline. Celia Prado-Teeling, Performance and Insight Team Leader, 15 July 2026		
Impact Assessments	Positive	Neutral	Commentary
Equality Impact		☒	There are no implications arising from the gathering and publication of this data.
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		☒	Not applicable
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		☒	Not applicable
Climate & Environmental Impact		☒	Not applicable
ICT & Digital Impact		☒	Not applicable
Data Impact		☒	Not applicable

Procurement & subsidy	☒	Not applicable
Council Priorities	Corporate plan priorities for 2025-2026: • Economic prosperity • Community leadership • Environmental stewardship • Quality housing and place making	
Human Resources	N/A	
Property	N/A	

Supporting Information

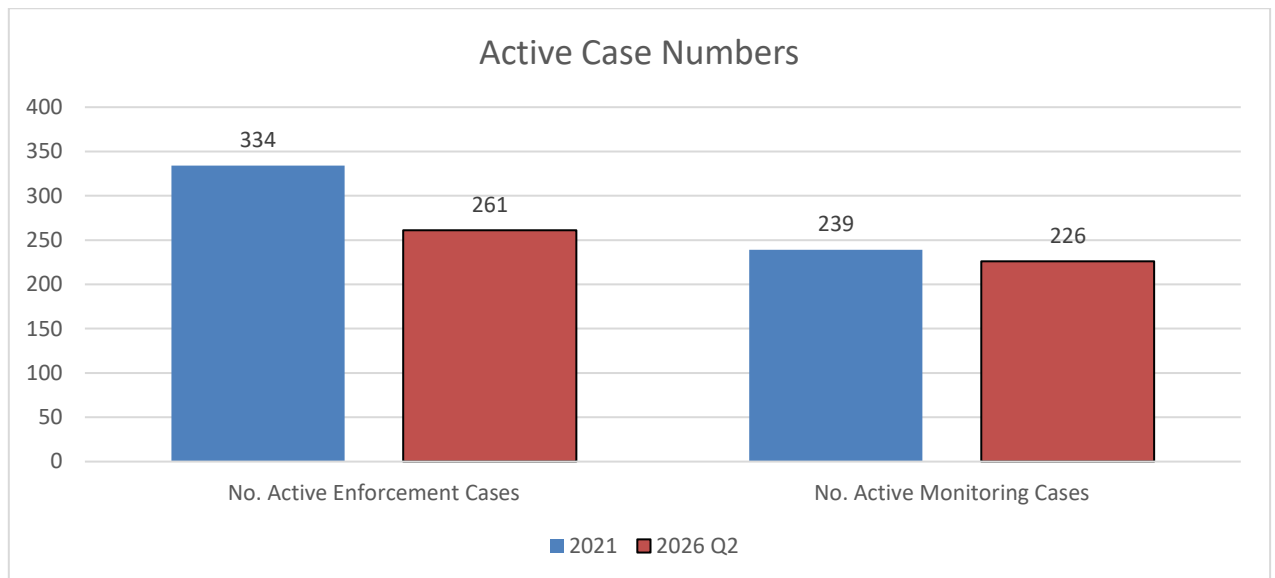
3. Background

- 3.1 Planning enforcement is a discretionary function that plays an important role in maintaining public confidence in the planning system and addressing development that causes unacceptable planning harm.
- 3.2 This report provides Members with an update on planning enforcement activity during the second quarter of 2026, including enforcement workloads, notices issued, appeal activity and notable case updates.
- 3.3 This is the second quarterly enforcement report presented since the reinstatement of performance reporting in 2026. The service has maintained a broadly stable workload whilst continuing to reduce the number of long-running and historic enforcement cases.
- 3.4 The report focuses on cases where formal enforcement action has been authorised or significant progress has been achieved. Details of ongoing investigations that have not yet reached a formal stage are generally excluded, as publication could prejudice the Council's ability to investigate potential breaches effectively.

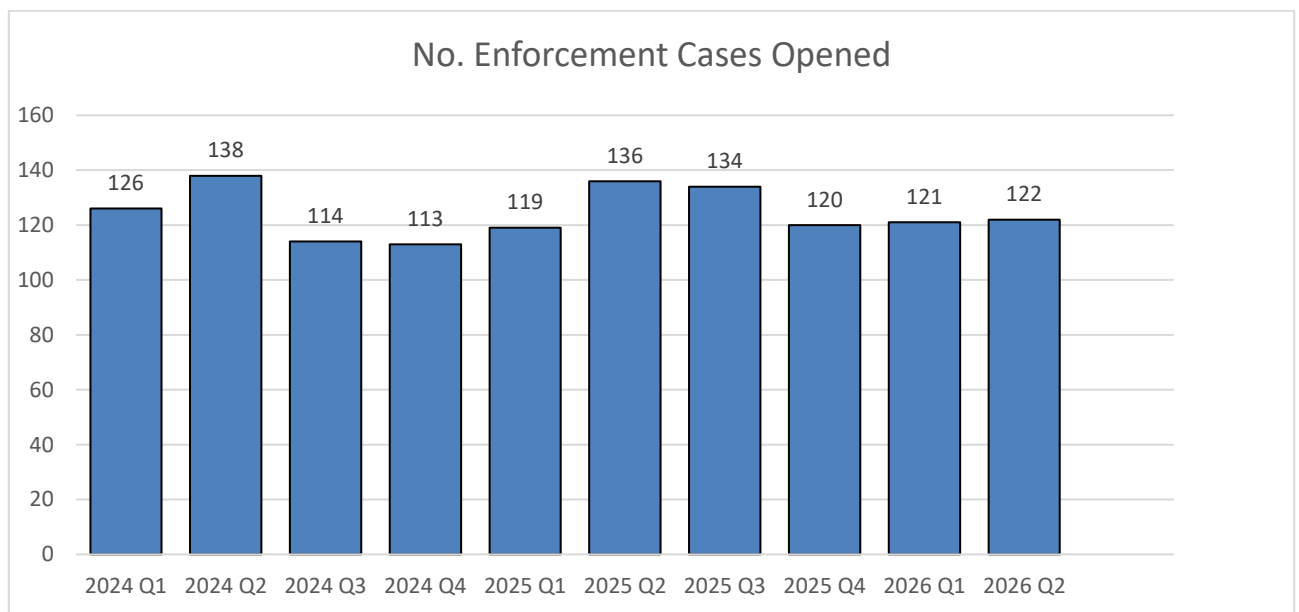
4. Details

Caseloads and throughput

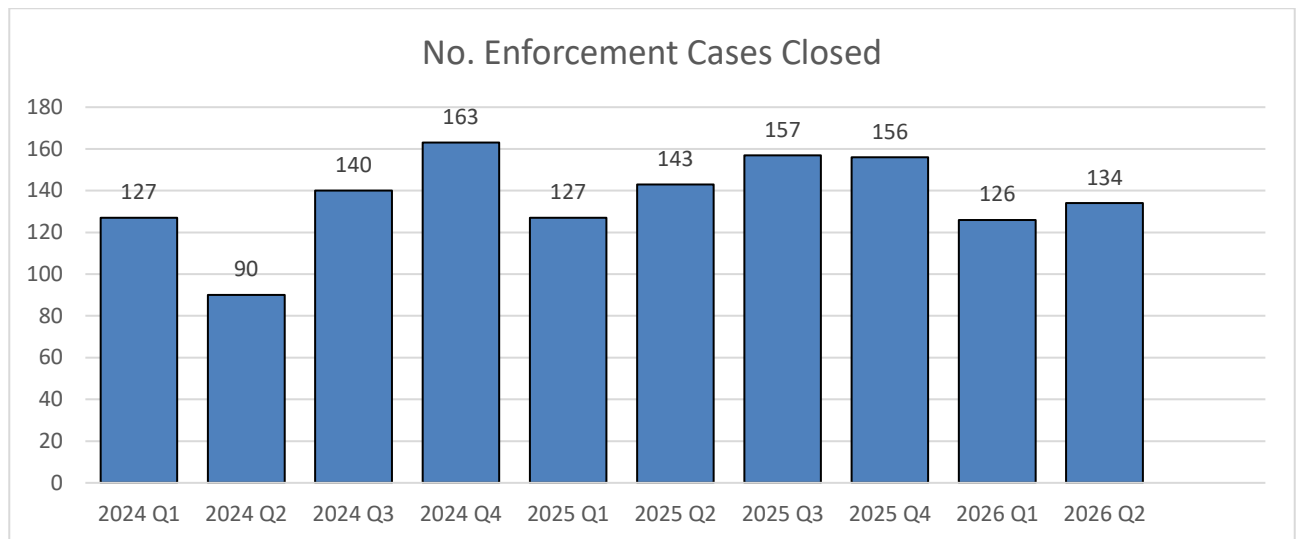
- 4.1 There are currently 261 active enforcement cases, compared with 275 reported during the previous quarter. In addition, the service is managing 226 active development monitoring cases.



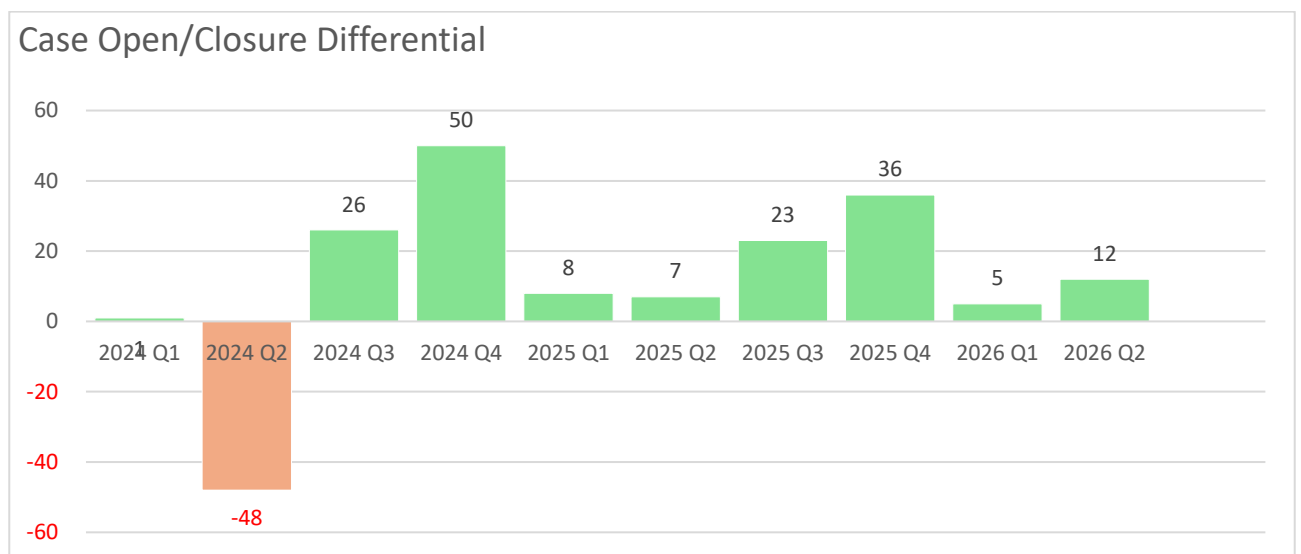
- 4.2 Levels of reported alleged breaches of planning control remain consistent, with 122 new enforcement investigations registered during Q2 2026. This compares with 121 cases in the previous quarter and 134 cases during the same period in 2025. A further 30 development monitoring cases were opened during the quarter.



- 4.3 During Q2 2026, 134 enforcement cases were closed. Whilst this represents a modest reduction compared with the 143 cases closed during the same quarter in 2025, closure rates remain strong and continue to exceed the number of new cases received.

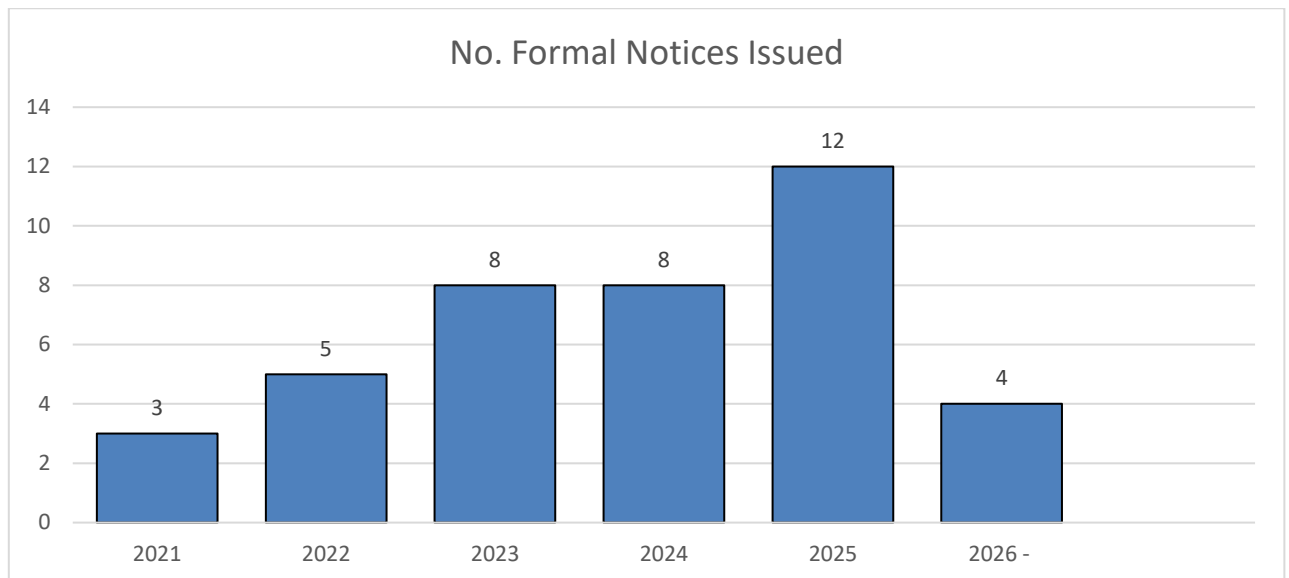


- 4.4 During 2025, the service closed 75 more enforcement cases than were opened. This reflected a targeted programme of work to reduce historic case backlogs whilst maintaining timely investigations into new complaints. This positive trend has continued during 2026, with a net reduction of five cases during Q1 and twelve cases during Q2. The continued reduction in active caseload demonstrates the effectiveness of this approach and enables officers to focus resources on the most significant breaches of planning control.

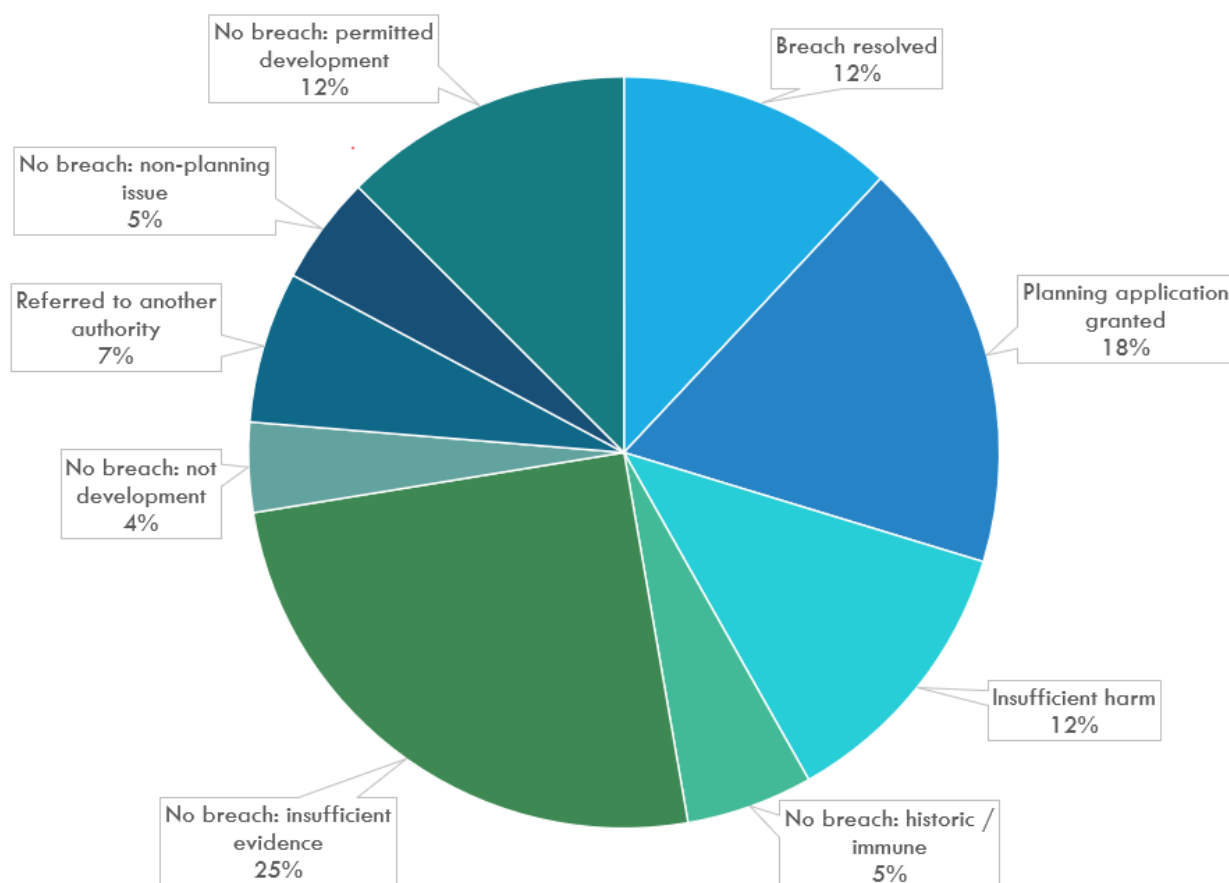


Notices issued and prosecutions

- 4.5 Four formal notices have been issued during 2026 to date. The Council remains on course to match or exceed the number of notices issued in recent years.



- 4.6 The profile of enforcement case outcomes remains broadly consistent with previous reporting periods. Approximately 25% of cases were closed because insufficient evidence was available to substantiate a breach of planning control. Planning permission being granted retrospectively accounted for 18% of closures.
- 4.7 Other common closure outcomes included development being confirmed as permitted development (12%), the identified breach not meeting the expediency threshold for formal action due to limited planning harm (12%), and breaches being remedied voluntarily by landowners or occupiers (12%).
- 4.8 These figures demonstrate that enforcement activity extends significantly beyond the service of formal notices. A substantial proportion of cases are resolved through investigation, negotiation and voluntary compliance, ensuring that enforcement resources remain focused on those cases where formal intervention is justified.



Appeals

- 4.9 Two new enforcement notice appeals were lodged during Q2 2026 and are currently being defended by the Council.
- 4.10 Nationally, enforcement appeals submitted through the written representations procedure continue to experience significant delays, with determination periods commonly exceeding twelve months. Members will be updated on the outcome of these appeals through future quarterly reports.

Enforcement Register

- 4.11 The Council has a statutory duty to maintain an Enforcement Register and make it available for public inspection. The tables below provide a summary of formal notices issued during 2024, 2025 and 2026.
- 4.12 Ward Members are notified whenever a new enforcement notice is served within their ward.
- 4.13 To avoid compromising ongoing investigations, only cases where formal enforcement action has been taken are included within this report. Investigations that remain active but have not yet reached a formal stage are not reported publicly.
- 4.14 Where criminal proceedings or appeal processes are ongoing, updates will be provided once those proceedings have concluded to ensure that the Council's

position is not prejudiced.

Notices Issued in 2024

Ref Number	Address	Date Served	Breach	Commentary
22/00443/ENF	Jackdaw Horton Hill Horton Cum Studley OX33 1AY	11/01/2024	Erection of a closeboard fence adjacent to a highway.	Compliance due; subject to ongoing investigation.
20/00295/ENF	16 Almond Avenue Kidlington OX5 1EN	25/01/2024	Use of outbuilding in rear garden as a dwellinghouse.	Compliance due; subject to ongoing investigation.
21/00326/ENF	Residential property in Banbury	29/08/2024	Untidy and overgrown rear and front gardens and untidy front elevation.	Direct action taken.
23/00428/ENF	73 High Street Kidlington OX5 2DN	03/10/2024	Non-compliance with the approved plans.	Compliance due; subject to ongoing investigation.
23/00316/ENF	Land at Land South Of Little Shotover And East Of Cherry Tree Cottage Horn Hill Road Adderbury	18/10/2024	Change of use of agricultural land to use as domestic and agrochemical liquid and machinery storage.	Complied.
24/00181/ENF	133 Warwick Road Banbury OX16 2AR	31/10/2024	Construction of an outbuilding and raised platform.	Partial compliance; no further action required.

24/00167/ENF	133 Warwick Road Banbury OX16 2AR	31/10/2024	Construction of a single storey rear extension.	Compliance due; subject to ongoing investigation.
15/00256/COU	Land at field adjacent to Hebborns Yard, Bicester Road, Kidlington, OX5 2PX	20/12/2024	Change of use to a mixed use comprising the siting of caravans for residential use and the storage of showground apparatus/rides, machinery, vehicles, trailers etc.	Compliance due; subject to ongoing investigation.

Notices Issued in 2025

Ref Number	Address	Date Served	Breach	Commentary
22/00026/ENF	The Stables, Main Street, Great Bourton, Banbury, OX17 1QU	09/01/2025	Breach of conditions 2 & 5 relating to an authorised gypsy and traveller site.	This case is part of a wide-ranging and complex investigation involving multiple breaches. A more substantial update is likely to be available for the next report.
22/00401/ENF	Land at Mansmoor Road, Charlton On Otmoor	06/02/2025	Change of use to a mixed-use comprising holiday letting, camping, glamping etc. and the erection of associated structures and engineering works in the green belt.	Complied.
23/00525/ENF	Heathfield Yard, Heathfield	15/04/2025	Erection of a large building for scaffolding and portacabins; associated change of use.	Subject to an ongoing appeal (written representations).
23/00404/ENF	26 Lapwing Close, Bicester, OX26 6XR	15/04/2025	Change of use of amenity land and the erection of a fence over 1m adjacent to a highway.	Complied.
24/00146/ENF	5 Cup and Saucer, Cropredy, Banbury, OX17 1NN	01/05/2025	Unauthorised erection of fence over 1m in height adjacent the highway.	Partial compliance; no further action required.

25/00012/ENF	Point To Point Farm, Mollington, Banbury, OX17 1QE	26/06/2025	Unauthorised development involving the erection of a concealed dwelling inside a barn, an equestrian riding arena, Pilates studio and chiropractic clinic.	An appeal was lodged which was downgraded from a Public Inquiry to Written Reps due to lack of appellant engagement. The Council recently chased the Planning Inspectorate for progress on the appeal.
21/00443/ENF	113 Danesmoor Banbury OX16 1QE	27/08/2025	Erection of a raised concrete platform and steps to the front elevation of the property.	Planning appeal recently dismissed. Compliance now due.
25/00117/ENF	46 Chaffinch Way Banbury OX15 4GP	01/09/2025	Erection of fence between dwelling and highway.	Complied.
23/00554/ENF	Stone Valley House, Acre Ditch, Sibford Gower, Banbury, OX15 5RW	20/10/2025	Erection of a shed structure forward of the principal elevation.	Complied.
23/00049/ENF	Tite Lane, Hook Norton	01/12/2025	Unauthorised partial demolition of a wall within a conservation area.	The notice was withdrawn to facilitate negotiations with the landowner. A remedial scheme has now been agreed and due to be completed by 2027.

Notices Issued in 2026

Ref Number	Address	Date Served	Breach	Commentary
21/00377/ENF	OS Parcel 5987 Adj River Cherwell And Part of A34 By Hampton Gay and Poyle, Hampton Gay and Poyle	09/04/2026	Without planning permission, the material change of use of the Land for the importation and storage of waste and the storage and/or processing of motor vehicles. The raising of land levels and the creation of a hard standing.	Subject to an ongoing appeal (written representations).
24/00397/ENF	Land at the Bell Inn, Manor Road, Great Bourton, Banbury, OX17 1QP	27/04/2026	Change of use from public house (sui generis) to a Class C3 dwellinghouse without planning permission.	Withdrawn following review of the appeal submission. The case remains under active consideration.

26/00074/ENF Temporary Stop Notice	Land at Manor View (West of Manor Park), Hampton Poyle, Kidlington, OX5 2PW	29/05/2026	the unauthorised change of use of the land from agriculture to a mixed use for agriculture and storage and the carrying out of operational development including the laying of hardstanding, means of enclosure and engineering operations to provide underground drainage pipes beyond that permitted under planning permission 22/01293/F.	Compliance being monitored.
21/00413/ENF	Land at Cropredy Lawn, Cropredy, Banbury, OX17 1DR	22/06/2026	Unauthorised change of use of agricultural land (Use Class sui generis) to camping site and the installation of 2 No. glamping pods	Awaiting potential appeal.

Case of interest: Kebab Kid, Kidlington signage

4.15 In June 2026, Planning Enforcement and Legal Services successfully resolved a case involving unauthorised advertisements at Kebab Kid, Kidlington.

4.16 Following continued non-compliance, the Council commenced prosecution proceedings and served court papers. Before the matter was due to be heard by the Magistrates' Court, the unauthorised advertisements were removed and the breach remedied. The defendant subsequently agreed to meet the Council's prosecution costs. The case secured compliance with planning control and resulted in no net cost to the public purse, without the need for a contested court hearing.

4.17 *Case of interest: Manor View, Hampton Poyle*

4.18 In February 2026, the Council received reports of unauthorised development within the Oxford Green Belt at land known as Manor View, Hampton Poyle.

4.19 Following investigation, officers identified works and activities that appeared to constitute breaches of planning control. Given the ongoing nature of the development and the potential impact on the openness of the Green Belt, a Temporary Stop Notice was served on 29 May 2026 requiring the relevant activities to cease for a period of 56 days.

4.20 Compliance with the Temporary Stop Notice is being actively monitored. Officers are also assessing whether further enforcement action is expedient, having regard to the planning merits of the case, the degree of planning harm identified and any further information submitted by the landowner.

4.21 This case illustrates the Council's commitment to taking timely and

proportionate enforcement action where unauthorised development has the potential to adversely affect sensitive locations, including the Green Belt.

- 4.22 This investigation forms part of a wider programme of enforcement work in the Bicester Road and Kidlington area. The Council is considering these cases strategically to ensure a coordinated response that addresses both individual breaches and their cumulative impact on the openness and character of the Green Belt.

5 Alternative Options and Reasons for Rejection

- 5.1 None. The report is presented for information

6 Conclusion and Reasons for Recommendations

- 6.1 Planning enforcement activity has remained strong and consistent during the second quarter of 2026. New case referrals have remained stable, closure rates continue to exceed new investigations, and progress is being made in reducing the number of legacy enforcement cases
- 6.2 Formal enforcement action continues to be taken where necessary, including the service of notices and the commencement of legal proceedings where appropriate, whilst many breaches are resolved through investigation and voluntary compliance. This approach ensures that enforcement resources are directed towards cases where intervention is justified and where planning harm can be effectively addressed.
- 6.3 Members are invited to note the current planning enforcement position and the continued progress being made in improving performance and reducing caseloads across the district.

Decision Information

Key Decision	No
Subject to Call in	No
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	None
Background Papers	None

Reference Papers	None
Report Author	Sean Tilbury
Report Author contact details	Sean.tilbury@cherwell-dc.gov.uk, 01295 221503
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director for Place and Regeneration, Ian Boll 15 July 2026

Agenda Item 11
26/01/2022/CROWN

**Campsfield Immigration Removal Centre (IRC)
Evenlode Crescent Kidlington**



26/01402/CROWN

Campsfield Immigration Removal Centre (IRC)
Evenlode Crescent Kidlington



26/01402/CROWN

Campsfield Immigration Removal Centre (IRC)

Evenlode Crescent Kidlington



Case Officer: Rob Duckworth

Applicant: Mark Jackson

Proposal: Outline Planning Application with all matters reserved (except for access) for the expansion of Campsfield Immigration Removal Centre comprising the development of new accommodation blocks and ancillary supporting accommodation, the conversion of existing site infrastructure, demolition of existing structures, creation of additional car parking, landscaping and associated site infrastructure.

Ward: Kidlington West

Councillors: Councillor Lesley McLean & Councillor Lisa Smith

Reason for Referral: Major development / Crown application to be determined by PINS/SoS

Expiry Date: 3 August 2026

Committee Date: 23 July 2026

SUMMARY RECOMMENDATION:

THAT PLANNING COMMITTEE AUTHORISES OFFICERS TO ADVISE THE SECRETARY OF STATE, THE PLANNING INSPECTORATE AND THE HOME OFFICE THAT CHERWELL DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY RAISES NO OBJECTION IN PRINCIPLE TO THE PROPOSED CROWN DEVELOPMENT SUBJECT TO

1. The Secretary of State being satisfied that the submitted national need, operational need and security evidence justifies the proposed expansion of Campsfield Immigration Removal Centre.
2. The Secretary of State being satisfied that the proposal constitutes Grey Belt development which is not inappropriate development for the purposes of the National Planning Policy Framework, or, in the alternative, that very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm.
3. The imposition of planning conditions
4. The imposition of a legal agreement to mitigate the impact of the development

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. Campsfield Immigration Removal Centre (IRC) is located at Evenlode Crescent, Kidlington, to the south of Langford Lane and south of London Oxford Airport. The site lies between Kidlington and Begbroke and forms part of the wider Langford Lane corridor, which contains a mix of airport-related, commercial, employment, institutional and residential uses.
- 1.2. The application site extends to approximately 4.37 hectares and comprises the existing Campsfield Immigration Removal Centre and associated operational land. The established use of the site is within Use Class C2A as a secure residential institution. The site was originally developed and operated as a youth detention facility before becoming an Immigration Removal Centre in the early 1990s. The IRC subsequently closed in 2018, but the Home Office decided to reopen the facility in 2022. Following refurbishment works and reconfiguration, the IRC reopened in December 2025 with a reduced operational capacity of up to 160 detained persons.
- 1.3. The existing site comprises a secure institutional complex with single and two-storey buildings, secure yards, ancillary buildings, prefabricated units, a multi-use games area, hardstanding, internal access roads, car parking, security fencing, gates, lighting and operational infrastructure. The main secure compound is enclosed by high-level security fencing, with mature vegetation around parts of the site boundary. Existing car parking is located to the north-east of the secure compound.
- 1.4. The site is accessed from Langford Lane via Evenlode Crescent. There are two access roads known as Evenlode Crescent. The eastern road provides access to the ambulance station and the IRC. The western road provides emergency access to the IRC via the National Tactical Response Group facility and also serves residential properties on Evenlode Crescent. Langford Lane links to the A4260 Oxford Road/Banbury Road corridor and to the wider Kidlington and Oxford transport network.
- 1.5. The surrounding area is mixed in character. London Oxford Airport lies to the north beyond Langford Lane. Oxford Technology Park lies to the east and is now substantially developed. Agricultural land lies to the south and west. A small number of residential properties are located on Evenlode Crescent to the north-west of the IRC. Begbroke lies further to the south-west, and Kidlington lies to the south-east. The site and surrounding land lie within the Oxford Green Belt.

2. CONSTRAINTS

- 2.1. The main planning constraints relevant to the proposal are:
 - Oxford Green Belt;
 - land between Kidlington and Begbroke, where settlement separation and the perception of coalescence are important considerations;
 - the site's location within the Langford Lane corridor, close to London Oxford Airport and within airport safeguarding consultation zones;
 - nearby residential receptors, particularly properties on Evenlode Crescent and in Begbroke;
 - existing and proposed development at Oxford Technology Park;
 - nearby ecological interests and the need to consider protected species, habitat impacts, biodiversity net gain and Habitats Regulations matters;
 - mature trees and boundary vegetation;
 - potential ground contamination arising from long-standing institutional use;
 - possible unexploded ordnance risk;
 - surface water drainage and foul drainage capacity;
 - construction traffic and residential amenity implications;

- external lighting and security lighting;
 - public perception, fear of crime, community cohesion and the wider sensitivity of immigration removal centre development.
- 2.2. The site lies in Flood Zone 1 and is therefore at low risk of fluvial flooding. However, the scale of the proposal and increase in hardstanding require a site-specific flood risk assessment and surface water drainage strategy.
- 2.3. There are no designated heritage assets within the application site. However, heritage assets exist in the wider area, and the proposal must be considered in relation to any potential effects on setting, alongside archaeology.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is made by the Home Office under the Crown development procedure. It is an outline planning application with all matters reserved except access.

- 3.2. The submitted description of development is:

“Outline Planning Application with all matters reserved (except for access) for the expansion of Campsfield IRC comprising the development of new accommodation blocks and ancillary supporting accommodation, the conversion of existing site infrastructure, demolition of existing structures, creation of additional car parking, landscaping and associated site infrastructure.”

- 3.3. The accompanying submission material explains that the proposal includes:

- new accommodation blocks;
- a Care and Separation Unit;
- a gatehouse;
- visitors’ reception;
- faith building;
- escorts’ rest area;
- re-use of modular buildings;
- installation of lighting columns;
- replacement security fencing and CCTV;
- a 2m-high fence along the car park boundary;
- internal zonal fencing;
- use of existing access and egress;
- creation of internal roads;
- rearrangement of existing car parking;
- creation of additional parking for staff and visitors;
- associated groundworks and landscaping;
- demolition of existing structures; and
- roof-mounted solar photovoltaic panels.

- 3.4. The proposed development would increase the capacity of the IRC from 160 detained persons to up to 400 detained persons, an increase of up to 240. The number of staff would increase from approximately 256 to approximately 432. The existing floorspace is approximately 5,790sqm GIA. The proposal would provide approximately 10,840sqm additional floorspace, resulting in a total expanded floorspace of approximately 16,337sqm GIA.

- 3.5. The largest element would be new accommodation blocks of approximately 9,708 sqm GIA, with a maximum height of up to 16 metres. Other proposed buildings would

generally be single or two-storey ancillary buildings, including the Care and Separation Unit, gatehouse, visitors' reception and escorts' rest area.

- 3.6. The proposal would increase car parking from 97 spaces to approximately 324 spaces, including 57 escort parking spaces. The proposal also includes motorcycle parking, secure sheltered cycle parking and electric vehicle charging provision.
- 3.7. The expanded IRC would operate on a 24-hour basis but visitors would generally attend within defined visiting hours, and the submitted material indicates that the average number of daily visitors is expected to be around 10 to 15 persons. Detained persons would arrive and leave by vehicle, save for limited circumstances where an individual is discharged and collected by family.
- 3.8. The construction period is expected to be approximately 18 months. Construction hours are proposed to be controlled through a Construction Management Plan. The submitted information estimates approximately 3,360 two-way HGV trips over the construction period, with a peak of around 20 HGV movements per day over approximately 20 weeks. Non-HGV construction traffic could be up to 150 vehicles per day during the peak of the works programme.

4. RELEVANT PLANNING HISTORY

- 4.1. The site has an extensive planning history associated with its institutional and secure residential use. The following history is particularly relevant.
- 4.2. Campsfield House was originally built and used as a youth detention centre. It reopened as an Immigration Removal Centre in November 1993, with capacity for up to approximately 280 detained persons. The IRC use continued until the facility closed in 2018. The established planning use of the site is Use Class C2A.
- 4.3. There have been several permissions for operational, ancillary and minor works associated with the IRC use, including accommodation, plant, support buildings and security-related works.
- 4.4. Of particular relevance is application 14/01778/F. This was a previous application for a comprehensive expansion of the IRC, including substantial additional accommodation and ancillary development. That scheme would have increased the capacity of the IRC by around 290 detained persons, resulting in an overall capacity of approximately 566. The officer report for that application concluded that the proposal constituted inappropriate development in the Green Belt, but that very special circumstances existed which, on balance, were capable of clearly outweighing the Green Belt harm and other identified harm. The application was therefore recommended for approval, subject to referral to the Secretary of State, conditions and completion of a section 106 planning obligation agreement. However, the application was subsequently withdrawn before determination following legal objections to the approach taken at that time.
- 4.5. The 2014 application is not determinative of the current proposal. It is, however, a material part of the site's planning history. It demonstrates that the principle of expansion of this established IRC has previously been considered in detail and that officers previously considered a Green Belt very special circumstances case capable of being made. The current proposal must be assessed against the current development plan, the December 2024 National Planning Policy Framework, current national policy on Grey Belt, the updated operational need case and the submitted technical evidence.

- 4.6. Recent works have also taken place to refurbish and reopen the IRC to its previous approved capacity. The Council previously accepted that several refurbishment works were capable of being undertaken under Crown permitted development rights. The site reopened in December 2025.
- 4.7. There is also a relevant pre-application enquiry, 25/02050/PREAPP, discussed below.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions took place between the applicant and Cherwell District Council under reference 25/02050/PREAPP. The proposal discussed at pre-application stage was an expansion of the existing IRC to provide additional accommodation and increase the overall capacity to approximately 400 detained persons.
- 5.2. The Council's pre-application advice accepted that the continued use of the site as an IRC is established. The advice identified the main planning issue as whether additional built form and intensified use within the existing IRC site could be accepted in the Green Belt.
- 5.3. The advice concluded that the proposal would be inappropriate development in Green Belt terms unless it could properly be treated as 'Grey Belt' development under the updated national policy framework or otherwise justified by very special circumstances. The advice also noted that the established Campsfield compound has clear Grey Belt characteristics. It is previously developed, long-established, visually contained and part of a wider developed corridor already influenced by large-scale development. The advice nevertheless made clear that the Council had not adopted a formal Green Belt/Grey Belt assessment identifying the site as Grey Belt and that the site remains within the Green Belt for development plan purposes.
- 5.4. The pre-application advice considered that some further intensification of the established IRC site could, in principle, be justified, provided the scheme was compact, well-designed and supported by robust evidence of need and considered alternatives. The advice also identified the need for a detailed Green Belt assessment, justification of a very special circumstances case, a landscape and visual appraisal, noise assessment, lighting assessment, transport assessment, travel plan, construction traffic management plan, flood risk and drainage strategy, ecological assessment, biodiversity net gain strategy, airport safeguarding assessment, ground conditions information and sustainable construction evidence.
- 5.5. The advice concluded that a carefully designed, more compact scheme limited to a total capacity of around 400 detained persons could potentially be capable of support in principle, subject to a robust and up-to-date need case, a strong Green Belt/very special circumstances case and satisfactory technical evidence.
- 5.6. The current submission broadly follows the pre-application advice. The submitted scheme is marginally smaller than the 2014 proposal, would accommodate fewer inmates, seeks to make use of the established IRC site, and is supported by technical evidence, most of which is redacted in some way for the sake of national security, including a:
 - Planning Statement,
 - Statement of National Importance,
 - Design and Access Statement,

- Transport Assessment,
- Travel Plan,
- Landscape and Visual Impact Assessment,
- Ecology Impact Assessment,
- Habitats Regulations Assessment Screening Report,
- Biodiversity Net Gain Assessment,
- Flood Risk Assessment and Drainage Strategy,
- Noise Impact Assessment,
- Lighting Assessment,
- Air Quality Assessment,
- Energy Statement,
- Arboricultural Impact Assessment,
- Contaminated Land Assessment,
- Archaeological Desk-Based Assessment,
- UXO Risk Assessment and,
- Waste Strategy.

6. DEVELOPMENT PROCEDURE, PUBLICITY AND CONSULTATION

- 6.1. This is not a conventional planning application for determination by Cherwell District Council. The application has been submitted by the Home Office under the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025. The Planning Inspectorate is administering the application process on behalf of the Secretary of State.
- 6.2. Cherwell District Council is a consultee in the Crown development process. The purpose of this report is to enable Planning Committee to consider the planning merits of the proposal and agree the Council's response for submission to the Secretary of State, the Planning Inspectorate and Home Office.
- 6.3. Publicity has been undertaken under the Crown development procedure. A site notice was displayed, and the public were advised that representations should be made directly to the Planning Inspectorate via the Crown development portal or by post. The final date for representations is 24 July 2026. Any public representations will therefore be considered by the Planning Inspectorate and Secretary of State, rather than being received and reported by the Council in the normal way.
- 6.4. The Council has also supplied the required local planning authority questionnaire and background information to the Planning Inspectorate, including planning history, Parish Council details and consultee information. The Council's committee report is therefore not a summary of representations received by the Council. It is a planning assessment of the proposal and a recommendation on the consultation response that should be made by Cherwell District Council.
- 6.5. The Home Office has also requested protection of sensitive information under the relevant Crown development procedure. The submitted material includes redacted public documents and sensitive material that is not intended for publication. Officers have assessed the proposal on the basis of the public material available to the Council and the planning merits of the development. The Secretary of State will need to be satisfied that any sensitive material relied upon by the Home Office properly supports the operational, security and national need case.

7. RESPONSE TO CONSULTATION

- 7.1. The consultation responses are to be reported to the Secretary of State / The Planning Inspectorate and not through Cherwell District Council. Responses should be available to view in full on the Crown Application website.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced several of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development;
- SLE4 – Improved Transport and Connections;
- BSC8 – Securing Health and Well-Being;
- BSC9 – Public Services and Utilities;
- ESD1 – Mitigating and Adapting to Climate Change;
- ESD2 – Energy Hierarchy and Allowable Solutions;
- ESD3 – Sustainable Construction;
- ESD4 – Decentralised Energy Systems;
- ESD5 – Renewable Energy;
- ESD6 – Sustainable Flood Risk Management;
- ESD7 – Sustainable Drainage Systems;
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment;
- ESD13 – Local Landscape Protection and Enhancement;
- ESD14 – Oxford Green Belt;
- ESD15 – The Character of the Built and Historic Environment;
- ESD17 – Green Infrastructure;
- Kidlington 1 – Accommodating High Value Employment Needs; and
- INF1 – Infrastructure.

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C15 – Prevention of coalescence of settlements;
- C28 – Layout, design and external appearance of new development;
- C31 – Compatibility of proposals in residential areas;
- ENV1 – Development likely to cause detrimental levels of pollution; and
- ENV12 – Contaminated Land.

- 8.3. Other Material Planning Considerations:

- National Planning Policy Framework, December 2024;
- Planning Practice Guidance;
- Cherwell Residential Design Guide SPD;
- Kidlington Framework Masterplan SPD;
- Cherwell Developer Contributions SPD;
- Oxfordshire County Council transport, street design and parking guidance;

- Environment Act 2021 biodiversity net gain requirements;
 - Human Rights Act 1998;
 - Equality Act 2010; and
 - Emerging Cherwell Local Plan Review 2042.
- The emerging Cherwell Local Plan Review 2042 is a material consideration but carries limited weight at this stage bearing in mind it has not been fully examined and there are multiple objections to its various policies and proposals. Nevertheless, it provides useful context, particularly in relation to Green Belt, climate change, design, infrastructure and the Langford Lane/Kidlington area, but it does not replace the adopted development plan.

9. APPRAISAL

9.1. The key issues for consideration are:

- procedural status and scope of the Council's response;
- principle of development and national need;
- Green Belt, Grey Belt and very special circumstances;
- use of previously developed land and spatial strategy;
- design, scale, layout and appearance;
- landscape and visual impact;
- residential amenity, including noise, lighting and construction disturbance;
- highways, access, parking, servicing and construction traffic;
- ecology, protected species, Habitats Regulations and biodiversity net gain;
- trees and landscaping;
- flood risk, surface water drainage and foul drainage;
- heritage and archaeology;
- air quality, contamination, unexploded ordnance and waste;
- airport safeguarding and operational safety;
- community impact, public perception, fear of crime, human rights and equalities;
- planning obligations and conditions; and
- planning balance and conclusion.

Procedural status and scope of the Council's response

- 9.2. This application has been submitted under the Crown development procedure and will be determined by the Secretary of State. The Council's role is to provide a local planning authority consultation response, informed by the development plan, national policy, local planning history and the submitted material.
- 9.3. The Council is not issuing a grant or refusal of planning permission. The appropriate recommendation is therefore not to "approve" or "refuse" in the normal development management sense, but whether the Council objects, raises no objection, or raises no objection subject to matters being secured.
- 9.4. Given the scale, its Green Belt location, public interest and sensitivity of the proposal, it is appropriate for Planning Committee to consider and authorise the Council's formal response.
- 9.5. The absence of direct public representations to the Council does not mean that public concern is irrelevant. The proposal is plainly sensitive and likely to generate significant public interest. However, the Crown procedure directs public representations to the Planning Inspectorate. The Council's report therefore focuses on the planning merits and the matters that the Council considers the Secretary of State should take into account in any determination.

Principle of Development and National Need

- 9.6. The existing use of the site as an Immigration Removal Centre is established. The lawful use falls within Use Class C2A as a secure residential institution and the proposal does not introduce a new use in principle; it seeks to expand and intensify the existing use.
- 9.7. The submitted material states that Campsfield IRC reopened in December 2025 following refurbishment works and now has capacity for up to 160 detained persons. The proposals would increase the total capacity to up to 400 detained persons. The Home Office states that this additional capacity is required to support national immigration enforcement objectives, including enforced removals, detention capacity, resilience within the detention estate and the removal of Foreign National Offenders and failed asylum seekers where detention is considered necessary.
- 9.8. The Statement of National Importance explains that the proposal is considered by the Home Office to be nationally important because it supports essential public services and border infrastructure, assists national immigration enforcement, and responds to a significant operational shortfall in detention capacity. The submitted Planning Statement also explains that demand for immigration detention capacity exceeds current supply and that the Home Office is seeking to increase detention capacity to support a higher level of removals.
- 9.9. The Council is not responsible for immigration policy and cannot substitute its own view for that of the Home Office on the national policy need for IRC capacity. The planning question is whether the asserted national and operational need is a material consideration capable of weighing in favour of the development, and if so, how much weight it should be given.
- 9.10. The need case attracts significant positive weight. The proposal would provide national public infrastructure for a function that is the responsibility of central Government. The development would also make use of an existing secure institutional site rather than introducing a new IRC use onto a wholly undeveloped or unrelated site. The existing site has relevant infrastructure, operational history, secure boundaries, access arrangements and an approved C2A use. These factors support the principle of expanding this site rather than establishing an entirely new facility elsewhere.
- 9.11. The proposal would also generate economic benefits, including construction employment, operational employment and local expenditure associated with staff and maintenance. The increase in staff from approximately 256 to approximately 432 would be a material employment benefit, although this is not the principal justification for the scheme.
- 9.12. The proposal is therefore acceptable in principle, subject to Green Belt policy and all other development management considerations.
- 9.13. The key issue is not whether the IRC use is acceptable in principle, but whether the scale of additional built development and operational intensification is acceptable in the Oxford Green Belt.

Green Belt, Grey Belt and very special circumstances

Policy context

- 9.14. The site lies within the Oxford Green Belt. Policy ESD14 of the Cherwell Local Plan 2011–2031 Part 1 states that development proposals within the Green Belt will be assessed in accordance with Government guidance contained in the National Planning Policy Framework and Planning Practice Guidance. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.
- 9.15. The National Planning Policy Framework identifies the fundamental aim of Green Belt policy as preventing urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.
- 9.16. The five purposes of including land within the Green Belt are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 9.17. The construction of new buildings in the Green Belt is inappropriate development unless it falls within one of the identified exceptions in the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt.
- 9.18. The December 2024 NPPF also introduced the concept of Grey Belt. Grey Belt is Green Belt land comprising previously developed land and/or land that does not strongly contribute to specified Green Belt purposes, excluding land where the application of other protected-area policies would provide a strong reason for refusal. Where the relevant NPPF tests are met, development on what is determined to be Grey Belt land may not be inappropriate development.

Existing Green Belt context

- 9.19. The Campsfield IRC site sits within the wider Green Belt gap between Kidlington and Begbroke. That wider gap performs an important planning function. It helps maintain the separate identity of settlements and safeguards open land from encroachment.
- 9.20. However, the application site itself is not an open field or undeveloped countryside. It is a long-established secure institutional complex. It contains permanent buildings, hardstanding, service roads, car parking, security fencing, lighting and fixed operational infrastructure. It is physically and visually enclosed. It is also experienced in the context of the highly developed Langford Lane corridor, London Oxford Airport and Oxford Technology Park.
- 9.21. This distinction is important. The wider Green Belt parcel includes open land which contributes more clearly to openness and settlement separation. The existing Campsfield compound makes a more limited contribution to those purposes because it is already developed, is contained and institutional in character. It does not perform the same Green Belt role as the surrounding open fields.
- 9.22. The pre-application advice reached a similar view. It recognised that the Campsfield compound is previously developed, visually contained and part of a wider corridor influenced by large-scale development. It also noted that the primary Green Belt function of preventing urban sprawl and maintaining separation is performed by the surrounding open land rather than by the already developed compound itself.

Grey Belt assessment

- 9.23. Whilst the site is within the Green Belt, the site has clear Grey Belt characteristics.
- 9.24. The Campsfield compound is previously developed land in practical planning terms. It contains substantial permanent buildings and infrastructure associated with the long-standing secure institutional use.
- 9.25. The developed compound does not strongly contribute to the Green Belt purposes now most directly relevant to the Grey Belt assessment. The site does not contribute materially to checking the unrestricted sprawl of a large built-up area. The land between Kidlington town and Begbroke village, which includes the IRC site is not part of the setting or special character of a historic town. The site's role in safeguarding the countryside from encroachment is reduced by its existing development, its secure enclosure and its relationship/adjacency with other development along Langford Lane.
- 9.26. Although the site lies within the Green Belt and within a sensitive settlement gap, the proposed development would be predominantly contained within or closely related to the existing institutional envelope. The most significant built element, the accommodation block, would be within the secure compound. Development outside the secure compound would mainly comprise car parking and ancillary single-storey buildings in an area already influenced by the IRC and the adjacent ambulance station, residential properties, Oxford Technology Park and airport-related uses.
- 9.27. Furthermore, there are no designated heritage assets, Sites of Special Scientific Interest, National Landscapes, National Parks or other NPPF footnote 7 protected designations within the application site, other than the Green Belt itself. Ecological and environmental matters require careful assessment and mitigation, but they do not appear to provide a freestanding strong reason for refusal.
- 9.28. The Council has not adopted a formal Grey Belt assessment identifying the site as Grey Belt, so the site therefore remains part of the adopted Green Belt. However, Grey Belt considerations are now a material planning consideration. In this case, officers consider that the established Campsfield compound sits towards the Grey Belt end of the Green Belt spectrum.
- 9.29. On balance, Officers consider that there is a credible and persuasive basis for the Secretary of State to conclude that the site, or at least the main developed compound, constitutes Grey Belt for the purposes of the NPPF. If the Secretary of State accepts that conclusion and is satisfied that the other NPPF Grey Belt tests are met, the proposal would not be inappropriate development in Green Belt terms.
- 9.30. Those other tests are considered to be met. There is a demonstrable national need for the development advanced by the Home Office. The site is an existing operational IRC and is accessible to the local highway network, public transport and active travel links. The development would not fundamentally undermine the purposes of the Green Belt across the wider area because it would intensify an established developed site rather than release open countryside for unrelated development.

Harm to openness

- 9.31. Even if the proposal is accepted as Grey Belt development, it remains necessary to assess harm to Green Belt openness.
- 9.32. The proposal would introduce a substantial amount of new floorspace. The main accommodation block would be up to 16 metres high. The development would

increase the mass, scale and intensity of the institutional complex. It would also introduce additional parking, fencing, lighting, movement and operational activity. These changes would undoubtedly cause some harm to openness in both spatial and visual terms.

- 9.33. The harm is moderated by several factors: The site is already developed, and the main development would be contained within or closely related to the existing secure institutional envelope. The site is influenced by substantial existing built development at Oxford Technology Park, London Oxford Airport and the existing IRC. Existing vegetation and proposed structural landscaping would assist in filtering and softening views. The proposal is also marginally smaller than the withdrawn 2014 scheme, which would have increased the total capacity to around 566 detained persons.
- 9.34. The Landscape and Visual Impact Assessment submitted with the application identifies that landscape and visual effects would be localised. It acknowledges that the development would have a visual effect and that some views from public rights of way, roads and residential properties would be affected. It also recognises that the surrounding countryside is already influenced by institutional, commercial, industrial and residential development.
- 9.35. Officers consider that the proposal would result in moderate Green Belt openness harm. The harm is real and attracts substantial weight if the proposal is inappropriate development. However, the harm is not equivalent to developing a wholly open Green Belt site. The proposal is best understood as intensification and expansion of an established secure institutional complex within a developed and visually contained part of the Green Belt.

Settlement separation and coalescence

- 9.36. Saved Policy C15 seeks to prevent development that would harm important gaps between settlements. Policy ESD13 also seeks to protect local landscape character.
- 9.37. The wider land between Kidlington and Begbroke performs a settlement separation function. Public concern about the erosion of this gap is likely to be significant. However, the proposal would not extend built development across the whole gap or create a continuous urban form between settlements. The principal built development would sit within the established IRC compound. The secure perimeter, existing landscape structure and surrounding open land would continue to distinguish the site from Begbroke village and Kidlington town.
- 9.38. The proposal would increase the scale and visibility of development within the gap, and this weighs against the scheme. However, it would not itself cause Kidlington and Begbroke to merge. Nor would it remove the remaining open land that performs the clearest separation function. Subject to landscape mitigation and careful control of height, appearance, lighting and boundary treatments, the impact on settlement separation is considered limited to moderate and not unacceptable in itself.

Very special circumstances

- 9.39. If the Secretary of State does not accept that the proposal is Green Belt development which is not inappropriate, the proposal would constitute inappropriate development in the Green Belt. In that scenario, very special circumstances would be required.
- 9.40. Substantial weight must be given to the Green Belt harm. The proposal would cause harm by reason of inappropriateness, loss of openness, additional built form and some effect on the perception of the gap between Kidlington and Begbroke.

9.41. The factors weighing in favour of the proposal are:

- the established lawful C2A use of the site as an Immigration Removal Centre;
- the use of a long-established secure institutional site rather than a new unrelated site;
- the national need for additional IRC capacity advanced by the Home Office;
- the Statement of National Importance and the role of the proposal in central Government immigration enforcement infrastructure;
- the operational benefits of expanding an existing IRC with established infrastructure and security arrangements;
- the slightly smaller scale of the proposal compared with the withdrawn 2014 scheme;
- the containment of the principal development within the existing secure compound;
- the site's Grey Belt characteristics;
- employment and economic benefits;
- sustainable construction measures, including BREEAM Excellent and solar photovoltaic provision;
- biodiversity net gain and landscape enhancement;
- active travel, public transport and travel planning measures; and
- the ability to control residual impacts through conditions and obligations.

9.42. The national need and operational requirement attract substantial positive weight. The use of an existing IRC site also attracts significant weight. The Grey Belt characteristics of the site reduce, but do not eliminate, the Green Belt objection. The compactness of the scheme and containment within the existing institutional envelope also materially assist the balance.

9.43. Officers therefore consider that, even if the proposal is treated as inappropriate development, the very special circumstances case is capable of clearly outweighing the Green Belt harm and other identified harms, provided the Secretary of State is satisfied that the submitted national need and operational evidence is robust.

Green Belt conclusion

9.44. The Green Belt balance is close and sensitive. The proposal would increase built form and activity within the Oxford Green Belt and would cause harm to openness. That harm is significant in policy terms and must be given substantial weight if the development is inappropriate.

9.45. However, the site is not an ordinary open Green Belt site. It is an established, developed, secure institutional compound within a corridor already influenced by the airport, technology park, and other commercial and institutional development. The proposal would expand an existing C2A use rather than introduce a new use and it would largely remain within the established operational envelope. It is supported by a national need case and a Statement of National Importance.

9.46. Officers consider that the site has clear Grey Belt characteristics and that the proposal can reasonably be regarded as acceptable in Green Belt terms under the updated NPPF approach. If the Secretary of State does not accept that position, Officers consider that very special circumstances exist which are capable of outweighing Green Belt harm and other residual harm.

9.47. Accordingly, Officers do not consider that Green Belt policy should result in an objection from Cherwell District Council, subject to the Secretary of State securing robust conditions, mitigation and any necessary obligations.

Design, scale, layout and appearance

- 9.48. The application is submitted in outline with all matters reserved except access. The detailed layout, scale, appearance and landscaping would therefore be considered at reserved matters stage. However, the submitted parameter plans, indicative layout, Design and Access Statement and visual material show how the proposed quantum of development could be accommodated within the site.
- 9.49. The proposal would introduce a substantial increase in built floorspace. The principal new building would be the proposed accommodation block, which would sit within the existing secure compound and would be the largest element of the scheme. Its maximum height would be up to 16 metres. Other buildings, including the gatehouse, visitors' reception, escorts' rest area, faith building and Care and Separation Unit, would be lower in scale and ancillary to the main institutional use.
- 9.50. The overall design approach is functional and security-led; not unusual for a secure residential institution. The buildings are not intended to operate as public-facing civic architecture and would not be experienced in the same way as buildings within the public realm. The key design question is therefore whether the scale, massing, siting, materials, boundary treatments, lighting and landscape framework can be made acceptable in their Green Belt and edge-of-settlement context.
- 9.51. The main accommodation building is necessarily located within the secure boundary. The submitted material explains that it has been positioned as far north and east as practicable to reduce landscape and Green Belt impacts. This approach is supported in principle. It keeps the largest building within the operational envelope of the established IRC and relates it more closely to existing built form and infrastructure, rather than projecting development further into the more open land to the south and west.
- 9.52. The scheme would nevertheless be large and institutional in character. The accommodation block, new security infrastructure, car parking, lighting and ancillary buildings would increase the visual presence of the IRC. The scale and appearance of the final scheme would therefore need to be controlled carefully at reserved matters stage.
- 9.53. The Council advises the Secretary of State that any permission should be subject to conditions securing:
- compliance with approved parameter plans;
 - maximum floorspace limitations;
 - maximum building height limitations;
 - maximum detained person capacity;
 - maximum staff numbers, or other appropriate operational parameters if considered necessary;
 - details of layout, scale, appearance and landscaping through reserved matters;
 - external materials and finishes;
 - roof plant and plant screening;
 - details of solar photovoltaic canopies and roof-mounted solar panels;
 - detailed boundary treatments, including security fencing and any acoustic or opaque fencing;
 - detailed lighting design;
 - hard and soft landscape design;
 - external storage, refuse and servicing areas; and
 - a phasing plan.

- 9.54. Subject to those controls, the design approach is considered acceptable in principle. The final scheme must be robust, simple and recessive in its external treatment. It should avoid unnecessary visual complexity, reflective materials, excessive lighting spill and visually intrusive plant. The reserved matters submission should demonstrate how the buildings would sit within the existing and proposed landscape structure and how the final design would reduce the visual and Green Belt impact of the development as far as reasonably practicable.

Landscape and visual impact

- 9.55. The site is not within a designated landscape other than within the Oxford Green Belt and within the open land separating Kidlington and Begbroke. Landscape and visual impact is therefore closely related to the Green Belt assessment.
- 9.56. The submitted Landscape and Visual Impact Assessment identifies that the proposal would have localised effects on the non-designated landscape. The development would be apparent in views from public rights of way, local roads and nearby residential properties. The principal visual change would arise from the new accommodation building, the expanded car park, new fencing, lighting and associated security infrastructure.
- 9.57. The LVIA concludes that the surrounding countryside is already influenced by existing and emerging built development, including the existing IRC, London Oxford Airport, Oxford Technology Park, transport corridors, commercial development and residential properties. That conclusion is accepted. The site is not experienced as an isolated undeveloped rural parcel. It forms part of a mixed and already compromised landscape context along Langford Lane.
- 9.58. The LVIA also acknowledges some perception of closing the gap between Kidlington and Begbroke. This is a material harm. The proposal would add further built development within the gap and would increase the institutional character of the site. However, the development would not remove the remaining open land between the settlements and would not create a continuous built-up frontage or a physical merger. The key settlement separation function would continue to be performed by the surrounding open land rather than by the already developed IRC compound.
- 9.59. Existing boundary vegetation to the south and west contributes positively to the local landscape character and provides screening, particularly in summer months. This vegetation should be retained and strengthened wherever possible. The indicative landscaping strategy proposes additional tree and shrub planting, including replacement planting for tree loss and landscape treatment around the car parking areas. This is necessary mitigation and should be secured by condition.
- 9.60. The Council advises that any permission should require:
- a detailed landscape scheme;
 - retention of existing boundary vegetation wherever practicable;
 - protection of retained trees and hedgerows;
 - structural planting to the south and west of the site;
 - landscape treatment to the expanded car park;
 - details of bunding, levels and earthworks;
 - a long-term landscape and ecological management plan;
 - replacement planting for any failed trees or shrubs for an extended establishment period;
 - details of fencing and security infrastructure in relation to landscape impact; and
 - final verified visualisations at reserved matters stage if materially different from the current indicative scheme.

9.61. The proposal would cause landscape and visual harm. That harm would be localised and must be weighed in the Green Belt balance. It is not considered to be so severe as to justify an objection in its own right, given the context and provided that the final scheme is controlled through reserved matters and robust landscape conditions.

Residential amenity: noise, lighting, outlook, privacy and construction disturbance

9.62. The nearest residential receptors are properties on Evenlode Crescent. There are also residential receptors further away in Begbroke and Kidlington. Given the scale and sensitivity of the proposed use, the potential impacts on neighbouring residents must be considered carefully.

9.63. The main amenity issues are:

- increased activity from staff, service vehicles, visitors and escort vehicles;
- expanded car parking;
- operational noise;
- plant and equipment noise;
- external lighting and security lighting;
- visual impact from increased built form and fencing;
- construction noise, dust and disturbance;
- construction traffic; and
- public perception and anxiety associated with the expanded IRC use.

9.64. The submitted Noise Impact Assessment identifies that baseline noise levels at the site are relatively low. It concludes that the site is suitable for the proposed use and that no onerous acoustic design requirements are needed for the proposed accommodation. It also concludes that predicted car park noise may exceed background noise levels at night, but that absolute noise levels would remain low and are unlikely to cause disturbance to the nearest dwellings on Evenlode Crescent. Plant noise limits have been identified, and acoustic mitigation can be used to ensure those limits are met.

9.65. That conclusion is reasonable at outline stage, but it requires detailed control. The development would operate 24 hours a day, so staff shift changes, escort movements, plant, standby generators and car park activity could all affect neighbouring residents if not controlled properly. Any permission should therefore secure:

- maximum operational plant noise limits at the nearest noise-sensitive receptors;
- details of all fixed plant and equipment before installation;
- acoustic screening where required;
- restrictions on testing of standby generators;
- details of car park surfacing and management;
- a noise management plan for the operational site;
- a construction environmental management plan;
- construction hours;
- piling or other high-noise activity controls;
- a complaints procedure; and
- post-installation acoustic verification where necessary.

9.66. Lighting is also a sensitive issue. Secure institutions require external lighting for safety and security. However, the site adjoins open land and nearby residential properties. It also has ecological constraints, including boundary habitats used by protected or notable species.

9.67. The submitted lighting information indicates that the site has been assessed as an E3 medium district brightness area. The submitted material explains that opaque fencing

would reduce light spill from inside the site and that photovoltaic canopies over the car park would help limit upward light transmission. The outline lighting design is said to provide low-energy lighting with no upward light and impacts below the proposed criteria.

9.68. The Council is inclined not to object to the proposal on lighting grounds at outline stage, but the final lighting scheme must be tightly controlled. Any permission should therefore require:

- a detailed operational lighting scheme;
- horizontal and vertical lux contour plans;
- details of column heights, luminaire types and shielding;
- colour temperature;
- dimming and timing controls where compatible with security requirements;
- confirmation of no unnecessary upward light spill;
- sensitive treatment of boundary areas for bats and other wildlife;
- details of construction lighting; and
- post-installation compliance testing.

9.69. In terms of outlook and privacy, the site is not a conventional residential development and the new buildings would be within or closely related to the existing secure compound. The proposal is unlikely to result in unacceptable overlooking of residential properties, subject to the detailed siting, massing and window treatment being considered at reserved matters stage. The greater effect on residents is likely to be visual change and perceived enclosure from the expanded car park, fencing, lighting and built form. This can be mitigated, though not eliminated, through bunding, planting, fencing design and careful lighting control.

9.70. Construction impacts would be temporary but significant. The construction period is expected to last approximately 18 months. The submitted information identifies a notable number of HGV and construction worker vehicle movements, including a peak period of more intensive construction activity. Given the proximity of residential properties and the use of Evenlode Crescent, a robust Construction Environmental Management Plan and Construction Traffic Management Plan are essential.

9.71. Subject to those controls, Officers consider that the development would not cause unacceptable residential amenity harm. There would be some adverse effects, particularly during construction and from the increased scale and activity of the operational site. Those effects weigh against the proposal, but they are capable of being mitigated to an acceptable level.

Highways, access, parking, servicing and construction traffic

9.72. The application seeks detailed approval for access. All other matters are reserved.

9.73. The existing access to the IRC is from Evenlode Crescent, which connects to Langford Lane. The proposal would retain the existing access arrangement. The submitted access information indicates that Evenlode Crescent is approximately 5.2 metres wide and that pedestrian improvements have already been provided as part of the site refurbishment works. A footway is now present along the eastern side of Evenlode Crescent, with lighting and connections to the wider pedestrian network.

9.74. The proposal includes a new pedestrian crossing on Langford Lane to improve access to the nearby bus stop on the opposite side of the road. The submitted material states that this mitigation has been discussed with the Local Highway Authority. The Council should support this measure in principle, subject to final technical approval by Oxfordshire County Council.

- 9.75. The Transport Assessment identifies an increase of approximately 61 two-way vehicle trips during both the AM and PM peak hours. The submitted case is that this level of traffic would have a negligible impact on the local highway network and would fall within normal daily variation in traffic flows. That appears reasonable in principle, subject to Oxfordshire County Council confirming that the network assessment, trip generation, distribution and junction analysis are acceptable.
- 9.76. The proposal would increase car parking from 97 spaces to approximately 324 or 325 spaces. This includes operational parking and escort parking. The scheme also proposes 41 secure cycle parking spaces and 25% electric vehicle charging provision. The submitted Travel Plan identifies that the nearest bus stop is approximately 250 metres from the site access and that services connect the site to Kidlington, Oxford, Oxford Railway Station, Oxford Parkway, Woodstock, Chipping Norton and Banbury. Oxford Parkway is accessible by bus, and the site is near existing and proposed cycle infrastructure, including the wider Langford Lane corridor.
- 9.77. The expanded parking provision is substantial. However, the use is operationally unusual. It requires staff parking, shift-working provision, visitor parking, escort parking and secure operational vehicle movements. The development is not comparable with a standard office, residential or community use. A degree of bespoke parking provision is therefore justified. The key issue is whether the amount of parking is operationally necessary and whether it would undermine the sustainable transport objectives of the development plan.
- 9.78. Officers consider that the proposed parking is acceptable in principle, subject to detailed justification and management. The Council advises that any permission should secure:
- final car parking layout;
 - accessible parking;
 - electric vehicle charging;
 - motorcycle parking;
 - secure and covered cycle parking;
 - car park lighting;
 - car park landscaping;
 - car park management;
 - retention of parking for the approved use only;
 - travel plan monitoring; and
 - implementation of active travel and public transport measures.
- 9.79. The submitted Travel Plan includes measures such as a Travel Plan Coordinator, staff welcome packs, personal journey planning, walking and cycling information, safe and secure cycle parking, public transport information, promotion of car sharing and monitoring through travel surveys. Surveys are proposed within six months of occupation and at years 1, 3 and 5. This is appropriate in principle, although the Travel Plan should be secured, monitored and enforceable through a legal obligation or equivalent binding mechanism.
- 9.80. The submitted draft Heads of Terms refer to:
- Travel Plan measures to Oxfordshire County Council as Local Highway Authority;
 - public transport and active travel contributions; and
 - monitoring fees to Oxfordshire County Council.

- 9.81. These heads of terms are considered appropriate in principle. The final form and value of any obligation should be agreed with Oxfordshire County Council and must meet the statutory Reg.122 tests of necessity, direct relationship and scale/kind.
- 9.82. Construction traffic is a more sensitive issue. The construction period would be approximately 18 months and would generate HGV and worker traffic. The submitted Outline Construction Management Plan includes a framework Construction Traffic Management Plan. Given the residential properties on Evenlode Crescent and the existing traffic environment on Langford Lane, this matter should be controlled by condition.
- 9.83. Any permission should require a detailed Construction Traffic Management Plan covering:
- construction access routes;
 - HGV routing;
 - delivery hours;
 - construction worker parking;
 - compound location;
 - wheel washing;
 - road cleaning;
 - traffic marshal arrangements;
 - temporary pedestrian and cycle safety measures;
 - management of abnormal loads if required;
 - communication with local residents; and
 - monitoring and enforcement arrangements.
- 9.84. Subject to Oxfordshire County Council raising no objection and subject to conditions and obligations, the proposal appears acceptable in highway safety, access, parking and transport terms.

Ecology, protected species, Habitats Regulations and biodiversity net gain

- 9.85. The application is supported by ecological information, including an Ecological Impact Assessment, Habitats Regulations Assessment Screening Report and Biodiversity Net Gain Assessment.
- 9.86. Ecological surveys have been undertaken between 2023 and 2025. The submitted Planning Statement identifies that the site supports an active badger sett and a very low population of common lizard. The site also has potential to support widespread amphibians, nesting birds, foraging and commuting bats, notable plant species and widespread mammals, including brown hare, rabbit and hedgehog.
- 9.87. The submitted ecological strategy proposes mitigation and enhancement measures, including precautionary working methods, sensitive layout design, retention of boundary habitats where possible, wildlife-friendly landscaping, sensitive construction and operational management, and a Construction Environmental Management Plan. A Natural England licence would be required to permanently close a badger sett.
- 9.88. The Council advise that the Secretary of State must be satisfied that protected species impacts can be lawfully and appropriately mitigated. Any permission should require:
- updated ecological surveys where necessary;
 - no works affecting the badger sett until any required Natural England licence has been obtained;
 - a Construction Environmental Management Plan for biodiversity;

- precautionary working methods for reptiles, amphibians, nesting birds, mammals and bats;
- timing restrictions for vegetation clearance;
- bat-sensitive lighting design;
- ecological clerk of works supervision where required;
- biodiversity enhancement measures;
- bird and bat boxes or integrated features where compatible with security requirements;
- hedgehog/small mammal permeability where compatible with security requirements;
- a Landscape and Ecological Management Plan; and
- long-term monitoring.

9.89. The site lies within the 10km impact zone of Oxford Meadows Special Area of Conservation. The submitted HRA Screening Report concludes that no likely significant effects are anticipated, including in relation to air quality, water levels, pollution or recreational pressure.

9.90. The nature of the use is relevant because detained persons would not generate recreational pressure on the SAC in the same way as new housing.

9.91. As determining authority, the Secretary of State will need to act as competent authority under the Habitats Regulations. The Council advises that it raises no objection in principle, subject to the Secretary of State being satisfied, in consultation with Natural England where necessary, that the proposal would not result in likely significant effects on Oxford Meadows SAC either alone or in combination with other plans and projects.

9.92. The application is subject to mandatory biodiversity net gain. The submitted BNG Assessment indicates that, based on the indicative scheme, the development would result in a net loss of area and linear habitats. Due to the operational constraints of the site and the limited land available for meaningful habitat creation within the secure compound, the applicant proposes to provide the required 10% BNG through off-site provision, alongside on-site biodiversity improvements. The applicant has identified the Trust for Oxfordshire's Environment as the proposed BNG provider and has agreed a unit pre-purchase.

9.93. This approach is acceptable in principle. However, it must be secured before any permission is issued or before development commences, as appropriate under the statutory biodiversity gain regime. The Council advises that any permission must secure:

- a biodiversity gain plan;
- use of the statutory metric;
- details of on-site habitat retention and enhancement;
- full off-site BNG provision;
- legal security for off-site units for the required period;
- monitoring and reporting;
- a Habitat Management and Monitoring Plan; and
- consistency between BNG, landscape, drainage and lighting strategies.

9.94. Subject to these controls, the proposal is likely to be acceptable in ecology, HRA and BNG terms.

Trees and landscaping

- 9.95. The application is supported by a tree survey and Arboricultural Impact Assessment. The submitted Planning Statement identifies 43 individual trees and 18 groups of trees within the site. These features vary in age, condition and amenity value.
- 9.96. The indicative layout would require the removal of 26 individual trees and seven groups of trees. That is a significant level of tree loss. It weighs against the proposal, particularly given the importance of boundary vegetation in filtering views and contributing to the local landscape character.
- 9.97. The submitted material indicates that the design process has sought to retain higher-quality trees where feasible and that opportunities for further retention may be considered at reserved matters stage. The indicative landscape plan proposes replacement planting at a ratio of approximately 1:3, with over 100 new trees or shrubs across the site.
- 9.98. The Council advises that tree loss is acceptable only if the Secretary of State is satisfied that the operational need and site layout justify it and that robust mitigation is secured. Any reserved matters submission should be expected to reduce tree loss where practicable.
- 9.99. Any permission should require:
- an updated Arboricultural Impact Assessment at reserved matters stage;
 - an Arboricultural Method Statement;
 - tree protection plans;
 - no-dig construction details where required;
 - supervision by an arboricultural specialist;
 - details of tree removals;
 - replacement tree planting;
 - species selection appropriate to the site, landscape and airport safeguarding context;
 - aftercare and replacement for failed planting;
 - long-term landscape management; and
 - integration with ecological and BNG measures.
- 9.100. Subject to these controls, the tree impacts are capable of being mitigated. The loss of trees is adverse, but it is not considered sufficient to justify an objection in its own right.

Flood risk, surface water drainage and foul drainage

- 9.101. The application site is within Flood Zone 1 and is at low risk of fluvial flooding. The proposed use is therefore acceptable in flood risk vulnerability terms.
- 9.102. The submitted Flood Risk Assessment and Drainage Strategy identify low fluvial flood risk, low-to-medium groundwater flood risk and minimal surface water vulnerability, with any areas of risk capable of mitigation through drainage design. The proposed surface water strategy is based on infiltration through soakaways and attenuation tanks. Groundwater monitoring is ongoing and is intended to inform the final drainage design.
- 9.103. The proposed foul drainage would discharge to the Thames Water pumping station, which is to be relocated within the site as part of the development. This requires agreement with Thames Water and appropriate conditions.

9.104. The proposal is likely acceptable in principle in flood risk terms. However, the final surface water and foul drainage details are critical, particularly given the scale of development, increased hardstanding and need to ensure that flood risk is not increased elsewhere.

9.105. Any permission should require:

- a detailed surface water drainage scheme;
- infiltration testing and groundwater monitoring results;
- detailed SuDS design;
- attenuation details;
- exceedance flow routes;
- water quality treatment;
- maintenance and management arrangements;
- phasing of drainage works;
- details of foul drainage capacity;
- Thames Water approval for any works to, connection with or relocation of the pumping station;
- verification of completed drainage works; and
- restriction on occupation until drainage infrastructure is operational.

9.106. Subject to Lead Local Flood Authority and Thames Water agreement, the proposal is acceptable in flood risk and drainage terms.

Heritage and archaeology

9.107. There are no designated heritage assets within the application site. The site is not within or adjacent to a conservation area. The nearest designated heritage assets are separated from the site by some distance, intervening landform, vegetation and built development. The submitted material identifies no direct line of sight between the application site and nearby heritage assets such as assets associated with the Oxford Canal or Begbroke.

9.108. The proposal would not affect the significance of any designated heritage asset. No harm is identified for the purposes of the NPPF historic environment chapter.

9.109. The application is also supported by an Archaeological Desk-Based Assessment. The assessment identifies modest archaeological potential for later prehistoric and Roman remains, with any such remains likely to be of local significance. Parts of the site have also been affected by previous twentieth-century development, reducing archaeological potential in those areas. The south-western area proposed for development appears to have remained more open historically and therefore requires further investigation.

9.110. Oxfordshire County Council's archaeological advice at pre-application stage indicated that a staged programme of archaeological investigation could be secured by condition, beginning with trial trenching targeted on the areas of proposed development impact.

9.111. The Council therefore advises that any permission should require:

- a written scheme of investigation;
- archaeological trial trenching;
- further mitigation if required by the results;
- recording, analysis and publication;
- reporting to the Historic Environment Record; and

- no development in relevant areas until the agreed archaeological programme has been implemented.

9.112. Subject to this condition, the proposal is acceptable in heritage and archaeology terms.

Air quality, contamination, unexploded ordnance and waste

9.113. The application is supported by an Air Quality Assessment. The submitted Planning Statement identifies that modelled pollutant concentrations are below national air quality objectives and that air quality should not be a constraint on the development. Construction-phase mitigation is recommended and should be secured by condition.

9.114. The proposal would increase vehicle movements and construction traffic, but the scale of operational traffic increase is not such that it is expected to result in unacceptable air quality effects. The development also includes electric vehicle charging provision and travel planning measures.

9.115. Any permission should secure:

- construction dust mitigation;
- non-road mobile machinery controls where relevant;
- wheel washing and road cleaning;
- construction traffic management;
- electric vehicle charging provision;
- travel plan implementation; and
- monitoring if required by Environmental Health.

9.116. The application is supported by a Phase 1 Preliminary Risk Assessment for contamination. The submitted Planning Statement identifies that the site is not within an Environment Agency groundwater Source Protection Zone and that there are no licensed surface water abstractions within 1km. The qualitative risk assessment identifies moderate-low risk to human health, moderate risk to controlled waters, low risk from off-site sources and moderate risk from on-site and off-site ground gas sources. Further generic quantitative risk assessment and intrusive investigation are recommended.

9.117. Given the long-standing institutional use of the site and proposed sensitive accommodation use, contamination must be controlled through standard phased conditions. Any permission should require:

- site investigation;
- risk assessment;
- remediation strategy;
- verification report;
- unexpected contamination procedure;
- gas monitoring and protection measures where required; and
- controls to protect controlled waters.

9.118. An Unexploded Ordnance (UXO) report has also been submitted, and the submitted Planning Statement identifies that the semi-quantitative UXO risk assessment concludes that the risk is high and sets out a mitigation strategy. This must be treated seriously, particularly given the scale of groundworks proposed.

9.119. Any permission should require:

- compliance with the submitted UXO risk assessment;

- UXO mitigation strategy;
- appropriate site briefings;
- specialist UXO supervision where required;
- procedures for intrusive works; and
- integration with the Construction Environmental Management Plan.

9.120. A Waste Strategy has also been submitted. The final development should include details of construction waste management, operational waste storage, segregation, collection arrangements and secure waste handling. These matters can be controlled by condition.

9.121. Subject to these controls, the proposal is likely acceptable in relation to air quality, contamination, UXO and waste.

Airport safeguarding and operational safety

9.122. The site lies close to London Oxford Airport, so Airport safeguarding is therefore an important technical consideration.

9.123. The proposed development would include buildings up to 16 metres high, roof-mounted solar PV, solar car park canopies, external lighting, drainage infrastructure, new planting and construction cranes or other tall construction equipment. Each of these could have safeguarding implications, including in relation to obstacle limitation surfaces, glare, lighting, bird strike risk, construction crane activity and electronic or operational interference.

9.124. At outline stage, there is no reason to conclude that the proposal is unacceptable in airport safeguarding terms. The site is already developed and lies within an established built corridor close to the airport. However, detailed safeguarding matters must be resolved before development proceeds.

9.125. The Council advises that any permission should require:

- consultation with London Oxford Airport and any relevant aviation safeguarding body;
- final building heights and roof plant details;
- details of construction cranes and tall plant;
- crane operation plans if required;
- lighting design to avoid confusion with aeronautical lighting;
- solar PV glare and glint assessment;
- bird hazard management where relevant;
- species selection for landscaping to avoid increased bird strike risk;
- drainage design to avoid standing water that may attract birds; and
- construction management arrangements compatible with airport operations.

Subject to airport safeguarding controls and consultation, no objection is raised on this matter.

Health provision and on-site welfare

9.126. The proposal would increase the number of detained persons from 160 to up to 400. It is therefore necessary to consider whether the development would place unacceptable pressure on local health services and whether adequate on-site welfare provision is proposed.

9.127. The submitted material explains that the expanded IRC would include dedicated health care facilities, including primary care, GP and nurse clinics, enhanced first

response capability, dentistry and mental health services for staff and detained persons. Emergency care would be routed to John Radcliffe Hospital or Horton General Hospital only in exceptional cases. The stated purpose of this model is to minimise pressure on local NHS services by providing comprehensive care on site.

- 9.128. The submitted material also indicates that recreation and welfare facilities would be provided within the secure site, including the retained Multi-Use Games Area, informal recreation space, faith facilities, education space, fitness suites, TV rooms and cultural kitchens.
- 9.129. These matters are partly operational and partly planning-related. The planning concern is whether the expanded use would create external impacts or infrastructure demands that require mitigation. On the basis of the submitted material, it is reasonable to conclude that the development would provide a high degree of on-site provision and would not place unacceptable pressure on local community or health infrastructure.
- 9.130. The Secretary of State should nevertheless be satisfied that the Home Office's operational arrangements are sufficient and that any required health service engagement has taken place. If any NHS or local health consultee identifies a specific mitigation requirement that meets the statutory tests, that matter should be secured through an appropriate mechanism.

Community impact, public perception, fear of crime, human rights and equalities

- 9.131. The proposal is highly sensitive. It relates to the expansion of an Immigration Removal Centre and is likely to generate strong public concern. The planning system must distinguish between material land use impacts and wider objection to national immigration policy or the existence of immigration detention as a public function.
- 9.132. Public concern, fear of crime, community cohesion and perceived safety can be material planning considerations where there is an evidential basis for the concern and a sufficient planning link to the use of land. However, fear or opposition alone is not determinative. The question is whether the proposed development would be likely to cause unacceptable planning harm.
- 9.133. Campsfield is an existing secure residential institution where detained persons are not permitted to leave the site. The proposal would extend the secure operational use, including security fencing, controlled access, CCTV and staff presence. The submitted material identifies that security staff would provide a 24-hour presence, that access and egress would be controlled, and that the Home Office and site operator would liaise with police.
- 9.134. The submitted material also acknowledges the possibility of protests and heightened public concern. Previous protests at Campsfield are part of the site's history. Such protests are generally linked to national immigration policy and the operation of IRCs rather than to ordinary planning impacts. However, protest activity can affect local residents through noise, traffic, obstruction, fear of disorder and pressure on police resources. This is a legitimate matter to acknowledge.
- 9.135. The applicant states that the Home Office, in coordination with local police, would be responsible for managing any such events to maintain public order and community reassurance. The Council advises that the Secretary of State should give careful consideration to this matter and require an appropriate operational/community management framework.

9.136. Any permission should secure, so far as planning law properly allows:

- a site security management plan;
- a community liaison strategy;
- named contact arrangements for local residents and the Council;
- a complaints and incident reporting procedure;
- liaison arrangements with Thames Valley Police;
- protest/event management protocols where relevant to land use impacts;
- management of visitor arrivals and departures;
- car park and access management; and
- review arrangements following first occupation of the expanded facility.

9.137. Care must be taken not to impose conditions that regulate immigration policy, detention policy or matters outside planning control. However, conditions can properly manage land use impacts, access, traffic, noise, lighting, security infrastructure, community liaison and site management where necessary.

9.138. Human rights and equality duties are also relevant. The Secretary of State, as decision-maker, must comply with the Human Rights Act 1998 and the Equality Act 2010, including the Public Sector Equality Duty. Cherwell District Council must also have regard to those duties when forming its consultation response.

9.139. The proposal engages competing rights and interests. Nearby residents have rights to respect for private and family life and peaceful enjoyment of their homes. Detained persons have rights and welfare interests relating to the quality and suitability of accommodation. The wider public interest includes the provision of national immigration infrastructure and the proper operation of public services. The planning assessment must consider whether the land use impacts on residents and the local community would be disproportionate.

9.140. Subject to the mitigation identified in this report, officers consider that the planning impacts on local residents and the community would not be so severe as to justify an objection in this instance. The development would cause concern and some localised harm, but it would expand an existing secure facility and would be subject to operational security, management and planning controls.

Environmental Impact Assessment

9.141. The proposal has been subject to Environmental Impact Assessment screening through the Crown development process. The Secretary of State has previously considered whether the project is likely to have significant environmental effects. The submitted material includes extensive technical reports addressing the main environmental topics.

9.142. On the basis of the submitted material, the principal environmental effects are capable of being assessed through the application documents and controlled through conditions and obligations. The main residual effects relate to Green Belt, landscape and visual impact, construction disturbance, tree loss, ecological mitigation, traffic and community concern. These matters are addressed in this report.

9.143. If the Secretary of State has directed that the proposal is not EIA development, the Council does not need to object on EIA grounds. If the screening position changes, the Secretary of State will need to ensure that the statutory EIA process is followed before determining the application.

Planning obligations and mitigation

9.144. The submitted draft heads of terms indicate that planning obligations may be required in relation to Travel Plan measures including public transport and active travel contribution, and monitoring fees to Oxfordshire County Council.

9.145. Additional obligations or equivalent binding mechanisms are likely to be required for:

- off-site biodiversity net gain;
- biodiversity monitoring;
- travel plan monitoring;
- community liaison, if not capable of being secured by condition;
- public transport and active travel infrastructure;
- highway works where required; and
- legal and monitoring costs.

9.146. The Council advises that any obligations must satisfy the statutory tests. They must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

9.147. Given the Crown nature of the proposal, the Secretary of State and Home Office will need to confirm the appropriate mechanism for securing obligations, whether by section 106 agreement, unilateral undertaking, Grampian condition, Crown undertaking or other enforceable arrangement acceptable in law.

Technical conclusion

9.148. The technical planning issues are substantial but capable of being made acceptable.

9.149. The proposal would result in localised landscape and visual harm, tree loss, increased activity, construction disturbance and some adverse effects on nearby residents. Those matters weigh against the proposal. However, the site is an existing secure institutional use, the principal impacts are localised, and the submitted technical evidence indicates that the main effects can be mitigated through reserved matters, planning conditions and obligations.

9.150. Subject to the Secretary of State being satisfied on the Green Belt / Grey Belt and national need case, officers consider that the remaining technical matters do not justify an objection from Cherwell District Council. Planning obligations, conditions and securing mechanisms

9.151. The proposal is submitted under the Crown development procedure. Cherwell District Council is not the determining authority and is not itself issuing planning permission. However, the Council advises the Secretary of State that, if permission is granted, the development should be subject to appropriate conditions and any necessary legal obligation, Crown undertaking or other binding mechanism.

9.152. The conditions and obligations should be directed to the planning impacts of the development. They should not seek to control immigration policy, detention policy, detainee management or other matters outside the proper scope of planning control. However, it is appropriate to secure mitigation relating to Green Belt and landscape impact, design, ecology, biodiversity net gain, highways, travel planning, drainage, contamination, construction management, amenity, lighting, noise, security infrastructure, airport safeguarding and community liaison.

9.153. The application has been submitted in outline with all matters reserved except access. The detailed form of several conditions will need to reflect that procedural position. Some matters can be controlled before commencement, whereas other

matters should be controlled through reserved matters, phasing, pre-occupation requirements or post-completion verification.

- 9.154. The Council advises that permission should not be granted unless the Secretary of State is satisfied that all necessary mitigation can be secured in a legally effective and enforceable way.

Suggested planning obligations / legal undertaking matters

- 9.155. The following matters are likely to require a legal obligation, unilateral undertaking, Crown undertaking or equivalent binding mechanism:

1. Travel Plan implementation and monitoring

To secure implementation, monitoring, review and enforcement of the approved Travel Plan, including staff travel surveys and measures to promote sustainable travel.

2. Public transport and active travel contribution

To secure any contribution reasonably required by Oxfordshire County Council towards public transport and/or active travel measures directly related to the development.

3. Highway works / section 278 works

To secure any necessary works within the highway, including the proposed Langford Lane pedestrian crossing, footway improvements, signage, lighting, access improvements or other off-site highway works required by the Local Highway Authority.

4. Travel Plan monitoring fee

To secure any reasonable monitoring costs required by Oxfordshire County Council.

5. Off-site biodiversity net gain

To secure the required statutory 10% biodiversity net gain where this cannot be achieved fully on site, including off-site habitat units, long-term management and monitoring.

6. BNG / habitat monitoring

To secure monitoring, reporting and remediation if biodiversity net gain delivery fails to meet agreed targets.

7. Community liaison mechanism, if not secured by condition

To secure appropriate named contact arrangements, local liaison, complaint handling and reporting procedures relating to land use impacts, where such matters cannot be adequately secured by planning condition.

- 9.156. The final scope of obligations must satisfy the statutory tests. The obligations must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

Duty under The Equalities Act 2010

- 9.157. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must

have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

- 9.158. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

Planning balance

- 10.1. The proposal must be considered as a whole and in the context of the Crown development procedure. The Council is not the determining authority. Its role is to advise the Secretary of State, the Planning Inspectorate and the Home Office on the local planning merits of the proposal.
- 10.2. The development would provide a nationally important public infrastructure function. The Home Office has submitted a Statement of National Importance and supporting planning evidence explaining the operational need for additional immigration detention capacity. The Council is not responsible for determining immigration policy. The asserted national need and operational requirement must therefore be given significant weight, subject to the Secretary of State being satisfied that the Home Office evidence is robust.
- 10.3. The existing use of Campsfield as an Immigration Removal Centre is established. The proposal does not introduce a new use onto an unrelated site. It would expand and intensify an existing secure residential institution on a long-established, previously developed and operationally suitable site. That weighs significantly in favour of the development.
- 10.4. The proposal would also deliver economic benefits, including construction employment, increased operational employment and local expenditure. Sustainable construction measures, solar photovoltaic provision, biodiversity net gain and improved active travel infrastructure also weigh in favour of the development.
- 10.5. Against the proposal, the site is within the Oxford Green Belt. The development would introduce a substantial amount of new built floorspace, including a principal accommodation building of up to 16 metres in height. It would also increase car parking, security infrastructure, lighting, operational activity and the institutional presence of the site. This would cause harm to Green Belt openness, local landscape character and the perception of the gap between Kidlington and Begbroke.
- 10.6. The Green Belt harm is the main planning issue, and this matter is finely balanced. The site remains within the adopted Green Belt and Policy ESD14 applies. However, the established IRC compound has clear Green Belt characteristics. It is previously developed, visually contained, long established and part of a corridor already influenced by London Oxford Airport, Oxford Technology Park, commercial uses, residential properties and existing institutional development. It does not perform the same Green Belt function as the surrounding open fields.
- 10.7. The Council therefore considers that there is a credible basis for the Secretary of State to treat the developed Campsfield compound as Green Belt for the purposes of

the NPPF. If that approach is accepted, the proposal is not inappropriate development provided the relevant NPPF tests are met. Officers consider that those tests are capable of being met.

- 10.8. If the Secretary of State does not accept the Grey Belt case, the proposal would be inappropriate development in the Green Belt. In that scenario, very special circumstances would be required. Officers consider that the national need, the established lawful use, the use of an existing secure institutional site, the smaller scale compared with the 2014 proposal, the containment of the main development within the existing operational envelope, and the site's Grey Belt characteristics collectively amount to very special circumstances capable of clearly outweighing the harm to the Green Belt and other residual harm.
- 10.9. The remaining technical planning issues are substantial but capable of being made acceptable. Landscape and visual harm would be localised and can be mitigated through detailed design, layout and planting. Residential amenity impacts, including construction disturbance, noise, lighting and activity, can be controlled by conditions. Highways, parking and access matters are acceptable in principle, subject to Oxfordshire County Council's requirements, travel planning and highway mitigation. Ecology, protected species, HRA and BNG matters are capable of being addressed through conditions, licensing and off-site BNG provision. Drainage, foul water, contamination, UXO, archaeology, waste and airport safeguarding can also be controlled through conditions.
- 10.10. Public concern and community sensitivity are important and should not be understated. The Council recognises that the expansion of an IRC will generate strong views. However, the planning assessment must focus on land use impacts. The proposal would expand an existing secure facility, and the identified impacts are capable of mitigation. The Council should therefore not object on public perception grounds, but should request robust site management, community liaison and police liaison arrangements.
- 10.11. Overall, officers consider that the proposal is acceptable in planning terms, subject to the Secretary of State being satisfied on national need, Green Belt/Grey Belt and the securing of robust mitigation.

Conclusion

- 10.12. The proposal would result in significant expansion of Campsfield Immigration Removal Centre. It would increase the capacity of the facility from 160 to up to 400 detained persons and substantially increase the amount of built floorspace on the site.
- 10.13. The key issue is Green Belt harm. The proposal is finely balanced. It would cause harm to openness and would increase the visual and operational presence of the IRC within the Green Belt. However, the site is an established, developed and visually contained secure institutional compound. The development would largely intensify an existing use within the existing operational envelope. The site has clear Grey Belt characteristics and is materially different from undeveloped open countryside. The national need and operational case advanced by the Home Office carry substantial weight.
- 10.14. The Council should therefore advise the Secretary of State that it raises no objection to the proposal, subject to the Secretary of State being satisfied on the national need and Green Belt/Grey Belt case, and subject to conditions and obligations securing detailed design, mitigation, management and monitoring.

11. RECOMMENDATION

It is recommended that Cherwell District Council Planning Committee resolves to authorise officers to advise the Secretary of State, the Planning Inspectorate and the Home Office that Cherwell District Council raises no objection to Crown application CROWN/2026/0000004 / Cherwell reference 26/01402/CROWN, subject to:

1. The Secretary of State being satisfied that the submitted national need, operational need and security evidence justifies the proposed expansion of Campsfield Immigration Removal Centre;
2. The Secretary of State being satisfied that the proposal constitutes Grey Belt development which is not inappropriate development for the purposes of the National Planning Policy Framework, or, in the alternative, that very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm;
3. The development being controlled by planning conditions covering the matters set out in this report; and
4. Any necessary planning obligations, Crown undertaking or other binding mechanism being secured to address travel plan monitoring, public transport and active travel mitigation, off-site biodiversity net gain, highway works, monitoring and any other mitigation required to make the development acceptable in planning terms.

12.0 Suggested planning conditions

The following suggested conditions are not intended as final legal drafting. They identify the matters which Cherwell District Council considers should be secured if the Secretary of State grants planning permission.

1. Time limits and reserved matters

Condition: Details of layout, scale, appearance and landscaping shall be submitted to and approved by the Secretary of State/local planning authority, as appropriate, before the commencement of any development other than enabling works agreed in writing. Development shall be carried out in accordance with the approved reserved matters.

Reason: The application is submitted in outline with all matters reserved except access. Detailed control is required in the interests of Green Belt openness, landscape character, visual amenity, residential amenity, design quality, biodiversity, drainage and highway safety.

2. Reserved matters submission period

Condition: Applications for approval of reserved matters shall be made within the period specified by the Secretary of State.

Reason: To ensure that the outline permission is implemented within an appropriate period.

3. Commencement period

Condition: The development shall begin within the period specified by the Secretary of State following approval of the last reserved matter.

Reason: To comply with the statutory framework and ensure timely implementation.

4. Approved plans and documents

Condition: The development shall be carried out in accordance with the approved location plan, access plan, parameter plans and any other plans/documents expressly approved by the Secretary of State.

Reason: For certainty and to ensure the development remains within the assessed parameters.

5. Maximum capacity

Condition: The expanded Immigration Removal Centre shall not accommodate more than 400 detained persons at any time.

Reason: The planning impacts of the development, including Green Belt, traffic, parking, amenity, noise, lighting, drainage, servicing and operational impacts, have been assessed on the basis of a maximum capacity of 400 detained persons.

6. Maximum floorspace

Condition: The total gross internal floorspace of the expanded development shall not exceed the floorspace assessed in the application, unless otherwise approved through a subsequent planning permission.

Reason: To ensure that the scale of development remains within the assessed Green Belt, design, landscape, drainage, transport and amenity parameters.

7. Maximum building heights

Condition: No building shall exceed the maximum height parameters approved by the Secretary of State, including a maximum height of 16 metres for the principal accommodation building.

Reason: To protect Green Belt openness, local landscape character, visual amenity, airport safeguarding interests and residential amenity.

8. Use restriction

Condition: The site shall be used only as an Immigration Removal Centre within Use Class C2A and for ancillary operational purposes directly related to that use.

Reason: Other C2A uses or institutional uses may have materially different planning impacts and have not been assessed.

9. Phasing plan

Condition: No development shall commence until a phasing plan has been submitted and approved. The development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure orderly delivery of development and mitigation.

10. Detailed design code / design parameters

Condition: Any reserved matters submission shall be accompanied by a design statement demonstrating compliance with the approved parameter plans and explaining how the development minimises visual and Green Belt impact.

Reason: To secure high-quality and context-sensitive design.

11. External materials

Condition: Details and samples of all external facing materials, roof materials, cladding, glazing, plant screening, rainwater goods, fencing finishes and hard surfacing shall be submitted and approved before installation.

Reason: To ensure a satisfactory appearance and reduce visual harm.

12. Finished floor levels and site levels

Condition: Details of existing and proposed ground levels, finished floor levels, bunding, retaining structures and earthworks shall be submitted and approved before relevant works commence.

Reason: To control visual impact, drainage, accessibility and relationship with surrounding land.

13. Boundary treatments and security fencing

Condition: Details of all boundary treatments, perimeter fencing, internal zonal fencing, gates, barriers, acoustic fencing, opaque fencing and CCTV infrastructure shall be submitted and approved before installation.

Reason: To control visual impact, security infrastructure, residential amenity, ecology and Green Belt openness.

14. Landscape scheme

Condition: A detailed hard and soft landscape scheme shall be submitted and approved before the relevant phase begins. The scheme shall include planting plans, species, sizes, densities, soil preparation, tree pits, aftercare, hard surfacing, street furniture and landscape phasing.

Reason: To mitigate visual and landscape harm, enhance biodiversity and soften the appearance of the development.

15. Landscape implementation

Condition: The approved landscape scheme shall be implemented in accordance with the approved timetable. Any tree, shrub or plant that dies, is removed, becomes seriously damaged or diseased within a specified establishment period shall be replaced.

Reason: To ensure effective landscape mitigation.

16. Landscape and Ecological Management Plan

Condition: A Landscape and Ecological Management Plan shall be submitted and approved before occupation of the expanded facility. It shall include long-term management objectives, maintenance operations, ecological enhancement, monitoring and remedial measures.

Reason: To secure long-term landscape and biodiversity benefits.

17. Tree protection

Condition: No development, demolition, site clearance or enabling works shall commence until an Arboricultural Method Statement and Tree Protection Plan have been submitted and approved. The approved tree protection measures shall be installed before works commence and retained for the duration of construction.

Reason: To protect retained trees and landscape features.

18. Arboricultural supervision

Condition: Works affecting retained trees or root protection areas shall be supervised by a suitably qualified arboricultural specialist in accordance with an approved supervision schedule.

Reason: To ensure retained trees are protected during construction.

19. Biodiversity gain plan

Condition: No development shall commence unless a Biodiversity Gain Plan has been submitted and approved in accordance with statutory biodiversity net gain requirements.

Reason: To secure the mandatory 10% biodiversity net gain.

20. Off-site biodiversity net gain

Condition: Where biodiversity net gain is provided off site, no development shall commence until the off-site provision has been legally secured, registered where required, and accompanied by a Habitat Management and Monitoring Plan.

Reason: To ensure biodiversity net gain is delivered and maintained for the required period.

21. Construction Environmental Management Plan — biodiversity

Condition: No development shall commence until a Construction Environmental Management Plan for biodiversity has been submitted and approved. It shall include precautionary working methods for protected and notable species, ecological supervision, vegetation clearance controls, pollution prevention and habitat protection.

Reason: To protect biodiversity during construction.

22. Protected species licensing

Condition: No works affecting any protected species or protected species habitat shall take place until all necessary licences have been obtained and copies provided to the relevant authority.

Reason: To ensure compliance with protected species legislation.

23. Badger mitigation

Condition: No works affecting the badger sett or associated habitat shall commence until a detailed badger mitigation strategy has been approved and any necessary Natural England licence has been obtained.

Reason: To safeguard protected species.

24. Reptile and amphibian mitigation

Condition: No clearance of suitable reptile or amphibian habitat shall take place until a mitigation and translocation strategy, where required, has been submitted and approved.

Reason: To safeguard protected and notable species.

25. Nesting birds

Condition: No vegetation clearance shall take place during the bird nesting season unless a suitably qualified ecologist has confirmed that no active nests are present.

Reason: To protect nesting birds.

26. Bat-sensitive lighting

Condition: No external lighting shall be installed until a bat-sensitive lighting strategy has been submitted and approved.

Reason: To protect bats and boundary habitats.

27. Detailed lighting scheme

Condition: No external operational lighting shall be installed until a detailed lighting scheme has been submitted and approved. The scheme shall include column heights, luminaire types, lux contours, vertical light spill, colour temperature, timing, dimming, shielding and post-installation verification.

Reason: To protect residential amenity, ecology, landscape character, Green Belt openness and airport safeguarding interests.

28. Construction lighting

Condition: Details of any temporary construction lighting shall be submitted and approved before installation.

Reason: To protect residential amenity, ecology and airport safeguarding interests.

29. Noise limits for fixed plant

Condition: Fixed plant and equipment shall not exceed noise limits to be agreed at the nearest noise-sensitive receptors.

Reason: To protect residential amenity.

30. Plant details

Condition: No fixed plant, ventilation equipment, generators or similar equipment shall be installed until details and acoustic assessment have been submitted and approved.

Reason: To protect residential amenity.

31. Generator testing

Condition: Standby generator testing shall take place only during approved hours and in accordance with an approved management protocol, except in emergencies.

Reason: To protect residential amenity.

32. Operational noise management plan

Condition: Before occupation of the expanded facility, an operational noise management plan shall be submitted and approved.

Reason: To manage operational noise from car parks, servicing, plant, visitors, staff and escort movements.

33. Construction Environmental Management Plan

Condition: No development shall commence until a Construction Environmental Management Plan has been submitted and approved. It shall include working hours, noise and vibration controls, dust mitigation, lighting, compound location, wheel washing, waste management, pollution prevention, resident liaison and complaints procedure.

Reason: To protect residential amenity, highway safety, ecology and the environment during construction.

34. Construction hours

Condition: Construction, demolition and site clearance shall take place only during approved hours, unless otherwise agreed in writing.

Reason: To protect residential amenity.

35. Construction Traffic Management Plan

Condition: No development shall commence until a Construction Traffic Management Plan has been submitted and approved. It shall include HGV routing, delivery hours, contractor parking, compound location, traffic marshals, pedestrian/cycle safety, wheel washing, road cleaning and communication with residents.

Reason: In the interests of highway safety and residential amenity.

36. Access works

Condition: The approved access arrangements and any required off-site highway works shall be completed before occupation of the expanded facility.

Reason: In the interests of highway safety and accessibility.

37. Langford Lane pedestrian crossing

Condition: The proposed pedestrian crossing and associated works on Langford Lane shall be delivered before occupation of the expanded facility, unless otherwise agreed with the Local Highway Authority.

Reason: To promote safe pedestrian access and sustainable travel.

38. Parking layout

Condition: No occupation of the expanded facility shall take place until the approved car, motorcycle, accessible, escort and visitor parking spaces have been laid out, surfaced, drained, marked and made available.

Reason: To ensure adequate and safe parking provision.

39. Parking retention

Condition: The approved parking areas shall be retained for parking and manoeuvring associated with the approved use and shall not be used for other purposes.

Reason: To ensure appropriate parking and servicing provision.

40. Cycle parking

Condition: Secure, covered and accessible cycle parking shall be provided before occupation of the expanded facility and retained thereafter.

Reason: To promote sustainable travel.

41. Electric vehicle charging

Condition: Electric vehicle charging infrastructure shall be provided in accordance with an approved scheme before occupation of the expanded facility.

Reason: To support low-emission transport.

42. Travel Plan

Condition: The development shall be operated in accordance with an approved Travel Plan, including monitoring, review and remedial measures.

Reason: To promote sustainable travel and reduce private car dependence.

43. Servicing and delivery management

Condition: A servicing and delivery management plan shall be submitted and approved before occupation.

Reason: To ensure safe and efficient operation of the site.

44. Surface water drainage

Condition: No development shall commence until a detailed surface water drainage scheme has been submitted and approved. The scheme shall include

infiltration testing, groundwater monitoring, attenuation, exceedance routes, water quality treatment, maintenance and phasing.

Reason: To prevent increased flood risk and secure sustainable drainage.

45. Drainage verification

Condition: No occupation shall take place until a drainage verification report has been submitted and approved.

Reason: To ensure the approved drainage scheme has been implemented.

46. Foul drainage

Condition: No occupation shall take place until foul drainage details, including capacity confirmation and any Thames Water infrastructure works, have been approved and implemented.

Reason: To ensure adequate foul drainage infrastructure.

47. Thames Water pumping station

Condition: No works affecting the Thames Water pumping station shall take place until details have been approved by Thames Water and the relevant authority.

Reason: To protect foul drainage infrastructure.

48. Contaminated land investigation

Condition: No development shall commence until a site investigation and risk assessment for contamination has been submitted and approved.

Reason: To protect human health, controlled waters and the environment.

49. Remediation strategy

Condition: Where contamination is identified, no development shall proceed beyond agreed stages until a remediation strategy has been submitted and approved.

Reason: To ensure contamination is properly remediated.

50. Verification report

Condition: No occupation shall take place until a contamination verification report has been submitted and approved.

Reason: To confirm remediation has been completed.

51. Unexpected contamination

Condition: If unexpected contamination is found, works shall cease in the affected area until an appropriate remediation strategy has been approved and implemented.

Reason: To protect human health and the environment.

52. Ground gas protection

Condition: Gas monitoring and protection measures shall be provided where required by the approved risk assessment.

Reason: To protect future users of the site.

53. Unexploded ordnance

Condition: No intrusive groundworks shall take place until a UXO mitigation strategy has been submitted and approved. Works shall be carried out in accordance with the approved strategy.

Reason: To manage unexploded ordnance risk.

54. Archaeology

Condition: No development shall commence in areas of archaeological interest until a written scheme of investigation has been submitted and approved. The approved programme of archaeological work shall then be implemented.

Reason: To record and safeguard archaeological remains.

55. Sustainability and energy

Condition: Details of sustainability measures, energy strategy, BREEAM Excellent delivery, low-carbon technologies and solar photovoltaic provision shall be submitted and approved before relevant works commence.

Reason: To secure sustainable construction and climate change mitigation.

56. Solar PV glare and glint

Condition: No solar photovoltaic panels or canopies shall be installed until a glare and glint assessment has been submitted and approved, including consideration of airport safeguarding and residential amenity.

Reason: To protect airport operations, highway safety and amenity.

57. Airport safeguarding

Condition: No development shall commence until airport safeguarding details have been submitted and approved, including building heights, construction cranes, lighting, landscaping, drainage and bird hazard management.

Reason: To safeguard London Oxford Airport operations.

58. Construction cranes and tall plant

Condition: No crane or tall construction plant shall be used unless details have first been submitted and approved in consultation with the relevant airport safeguarding authority.

Reason: To protect aviation safety.

59. Bird hazard management

Condition: Landscaping, drainage and waste management shall be designed and managed to avoid increasing bird strike risk to London Oxford Airport.

Reason: To protect aviation safety.

60. Waste management

Condition: Details of construction and operational waste management shall be submitted and approved before relevant works commence or occupation takes place.

Reason: To ensure appropriate waste storage, collection and management.

61. Community liaison strategy

Condition: Before commencement of development, a community liaison strategy shall be submitted and approved. It shall identify contact arrangements, communication methods, complaints procedures and liaison with local residents and relevant public bodies in relation to construction and operational land use impacts.

Reason: To manage local amenity impacts and provide clear communication with nearby residents.

62. Operational site management plan

Condition: Before occupation of the expanded facility, an operational site management plan shall be submitted and approved, covering visitor management, escort vehicle management, car park management, servicing, complaints, incident reporting and liaison arrangements insofar as those matters relate to planning impacts.

Reason: To manage the land use impacts of the expanded facility.

63. Restriction on external plant and storage

Condition: No external plant, storage containers, temporary buildings or other operational structures shall be installed outside the approved areas without prior approval.

Reason: To protect Green Belt openness, visual amenity and residential amenity.

64. Removal of temporary construction works

Condition: Temporary construction compounds, buildings, plant and haul roads shall be removed and land restored in accordance with an approved scheme following completion of construction.

Reason: To protect Green Belt openness and visual amenity.

65. Compliance with mitigation

Condition: The development shall be carried out in accordance with the mitigation measures identified in the approved technical reports, unless superseded by subsequently approved details.

Reason: To ensure delivery of the mitigation relied upon in the assessment of the proposal.

13.0 Recommended Response letter

*Planning Inspectorate
Crown Development Applications Team*

*Home Office
Crown Development Application: Campsfield Immigration Removal Centre*

Dear Sirs,

Crown Development Application: CROWN/2026/0000004

Cherwell District Council Reference: 26/01402/CROWN

**Campsfield House Immigration Removal Centre, Evenlode Crescent,
Kidlington**

Outline Application for Expansion of Campsfield Immigration Removal Centre

I write on behalf of Cherwell District Council in response to the above Crown development application.

The application was considered by the Council's Planning Committee on 23 July 2026. The Committee resolved to authorise officers to advise the Secretary of State, the Planning Inspectorate and the Home Office that Cherwell District Council raises no objection to the proposed development, subject to the matters set out in this letter and the accompanying committee report.

The Council understands that the application has been submitted by the Home Office under the Town and Country Planning (Crown Development Applications) (Procedure and Written Representations) Order 2025. The Council's response is therefore provided as the local planning authority's consultation response. The Council is not the determining authority and does not purport to grant or refuse planning permission.

The Council also understands that public representations are being made directly to the Planning Inspectorate/Home Office through the Crown development process. The Council's committee report therefore does not provide a summary of public representations received by the Council. It provides the Council's professional planning assessment of the proposal and identifies the matters which the Council considers the Secretary of State should take into account.

The Council has assessed the proposal against the development plan, the National Planning Policy Framework, Planning Practice Guidance, relevant supplementary planning documents, the site's planning history, the pre-application advice

previously given by the Council and the technical material submitted with the application.

The Council's position is that the proposal is finely balanced but acceptable in planning terms, subject to appropriate mitigation and controls.

The Council considers that the main planning issue is the effect of the proposal on the Oxford Green Belt. The development would result in substantial additional built floorspace, including a principal accommodation building of up to 16 metres in height. It would also increase car parking, security infrastructure, lighting and operational activity. The proposal would therefore cause harm to Green Belt openness and some harm to the perception of the gap between Kidlington and Begbroke.

However, the Council also considers that the site is materially different from undeveloped open Green Belt land. Campsfield is an established Immigration Removal Centre within Use Class C2A. The site is a long-established, developed and visually contained secure institutional compound. It contains existing buildings, hardstanding, car parking, security infrastructure, lighting and operational development. It is also experienced in the context of London Oxford Airport, Oxford Technology Park and the wider developed Langford Lane corridor.

The Council considers that the established Campsfield compound has clear Grey Belt characteristics for the purposes of the National Planning Policy Framework. It is previously developed land and does not strongly perform the Green Belt purposes in the same way as the surrounding open fields. The Council therefore considers that there is a credible basis for the Secretary of State to conclude that the proposal is not inappropriate development in Green Belt terms, provided the relevant NPPF Grey Belt tests are met.

If the Secretary of State does not accept the Grey Belt case, the Council considers that very special circumstances are capable of being demonstrated. The Council gives significant weight to the established lawful use of the site, the national and operational need case advanced by the Home Office, the use of an existing secure institutional site rather than an unrelated new site, the smaller scale of the proposal compared with the withdrawn 2014 scheme, the containment of the principal development within the existing operational envelope, and the ability to mitigate technical impacts through conditions and obligations.

The Council does not consider that the remaining technical planning matters justify an objection, subject to robust mitigation. Design, scale, layout and appearance can be controlled through reserved matters and parameter plans. Landscape and visual harm can be mitigated through detailed design and structural planting. Residential amenity impacts, including noise, lighting and construction disturbance, can be controlled by condition. Highway, access, parking and travel planning matters are acceptable in principle, subject to Oxfordshire County Council's requirements and the securing of any necessary mitigation. Ecology, protected species, Habitats Regulations and biodiversity net gain matters are capable of being addressed through conditions, licensing and off-site BNG provision. Drainage, foul water, contamination, unexploded ordnance, archaeology, waste and airport safeguarding can also be controlled by condition.

The Council recognises the sensitivity of the proposal and the likely level of public concern. Public perception, fear of crime and community impact are capable of being material planning considerations where linked to land use impacts. The Council therefore requests that the Secretary of State gives careful consideration

to community liaison, site management, police liaison and complaint handling arrangements. However, the Council does not consider that public concern alone provides a planning basis for objection, given that the proposal would expand an existing secure facility and the identified land use impacts are capable of mitigation.

Accordingly, Cherwell District Council raises no objection to the proposal, subject to the following:

5. The Secretary of State being satisfied that the submitted national need, operational need and security evidence justifies the proposed expansion of Campsfield Immigration Removal Centre.
6. The Secretary of State being satisfied that the proposal constitutes Grey Belt development which is not inappropriate development for the purposes of the National Planning Policy Framework, or, in the alternative, that very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm.
7. The imposition of planning conditions covering, as a minimum:
 - reserved matters;
 - approved plans and parameter plans;
 - maximum detained person capacity;
 - maximum floorspace;
 - maximum building heights;
 - use restriction;
 - phasing;
 - detailed design and materials;
 - site levels;
 - boundary treatments and security fencing;
 - landscaping;
 - tree protection;
 - landscape and ecological management;
 - biodiversity net gain;
 - protected species mitigation;
 - Habitats Regulations matters;
 - lighting;
 - noise and plant;
 - construction environmental management;
 - construction traffic management;
 - access and off-site highway works;
 - parking;
 - cycle parking;
 - electric vehicle charging;
 - travel planning;
 - servicing and delivery management;
 - surface water drainage;
 - foul drainage;
 - Thames Water infrastructure;

- contaminated land;
- unexploded ordnance;
- archaeology;
- sustainability and energy;
- solar PV glare and glint;
- airport safeguarding;
- waste management;
- community liaison;
- operational site management; and
- compliance with submitted mitigation.

8. The completion of any necessary section 106 agreement, unilateral undertaking, Crown undertaking or other binding mechanism to secure:

- Travel Plan implementation and monitoring;
- public transport and active travel mitigation;
- highway works and monitoring;
- off-site biodiversity net gain;
- BNG monitoring;
- any required community liaison mechanism; and
- reasonable monitoring and legal costs.

The Council's full committee report is enclosed with this response and should be read as part of the Council's consultation response.

Yours faithfully,

xxx

On behalf of CDC

CASE OFFICER: Rob Duckworth

CHERWELL DISTRICT COUNCIL

Planning Committee – 23 July 2026

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
12	Land To The East Of Claydon Road, Cropredy	25/03234/OUT	Cropredy, Sibfords and Wroxton	Refusal	Nicola Wheatcroft
13	Land Adjoining And West Of Bloxham Recreation Ground, South Newington Road, Bloxham	25/02895/OUT	Adderbury, Bloxham and Bodicote	Approval*	Nicola Wheatcroft
14	Land At Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchingdon Road, Islip	25/02918/OUT	Launton and Otmoor	Approval*	Katherine Daniels
15	Part Of Os Parcels 1864 And 3655 South West Of Milestone Farm, Broughton Road, Banbury	25/02863/OUT	Banbury Calthorpe and Easington Banbury Ruscote	Approval*	Lewis Knox

*Subject to conditions and legal agreement.

Cherwell District Council Democratic and Elections Team, 39 Castle Quay, Banbury, OX16 5FD

25/03234/OUT

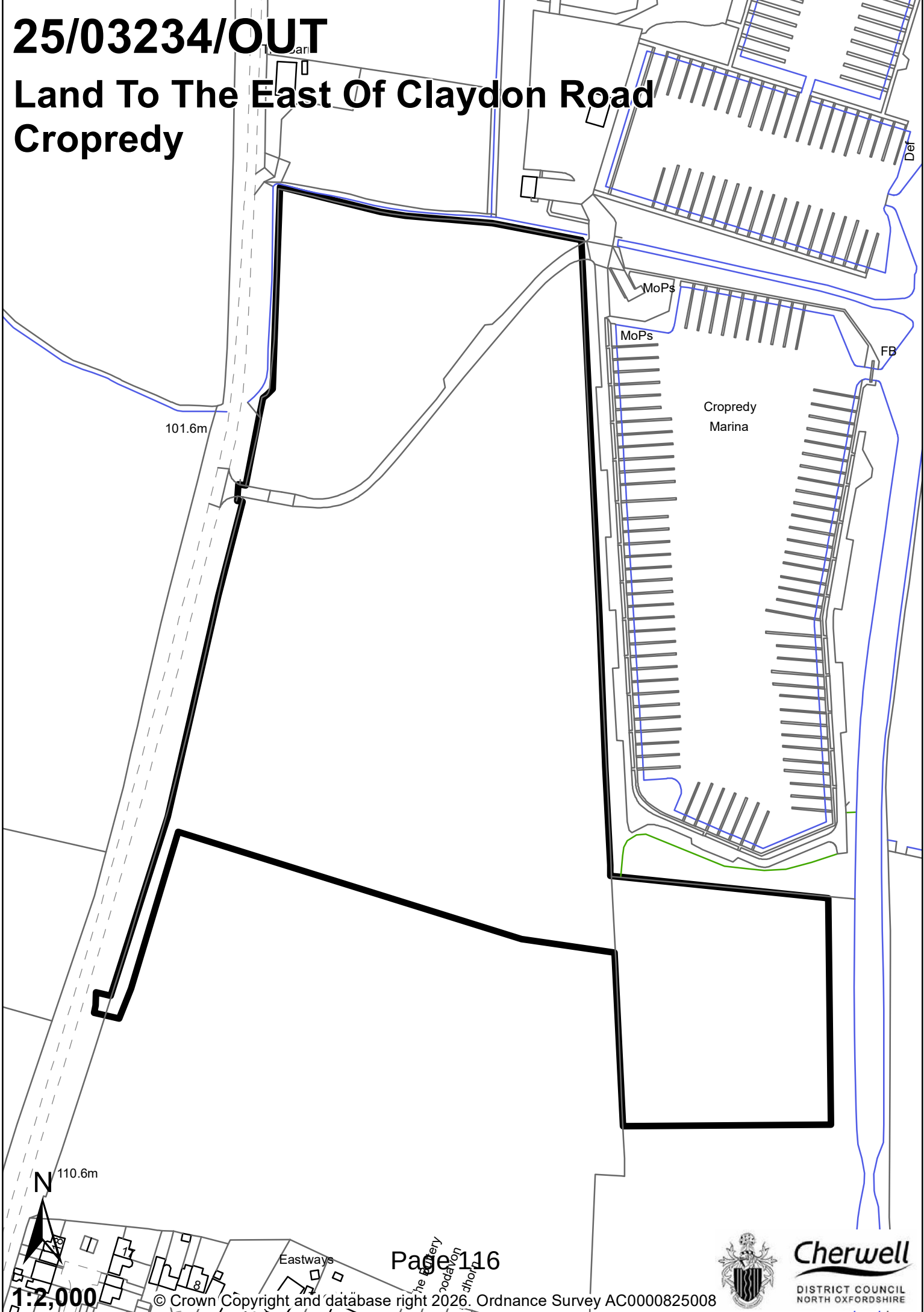
Agenda Item 12

Land To The East Of Claydon Road Cropredy



25/03234/OUT

Land To The East Of Claydon Road
Cropredy

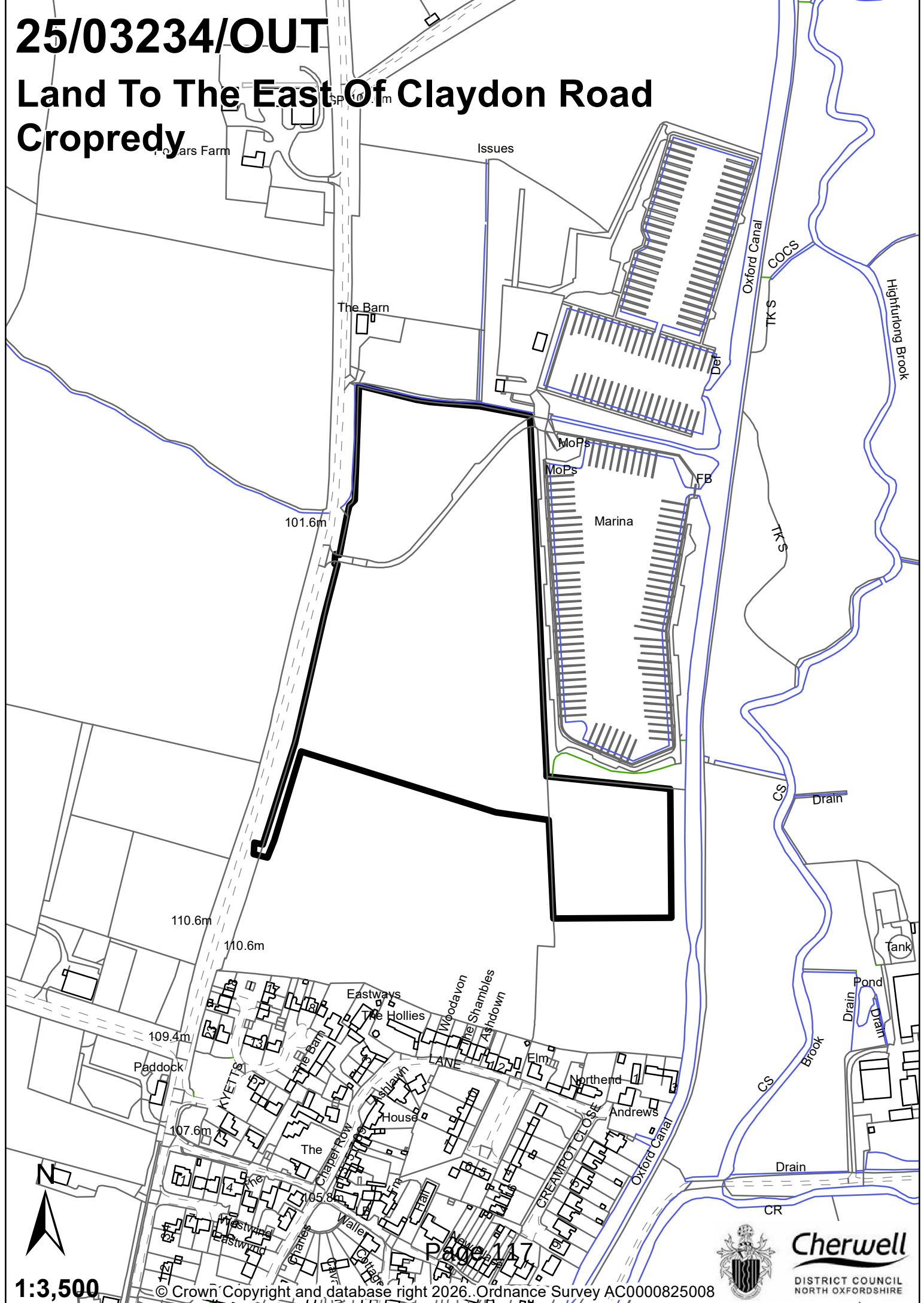


1:2,000



25/03234/OUT

Land To The East Of Claydon Road
Cropredy



1:3,500

Case Officer: Nicola Wheatcroft

Applicant: Obsidian Strategic Asset Management Ltd

Proposal: Outline planning application (with All Matters Reserved except for access) comprising a residential development of up to 74 dwellings (Use Class C3) with associated access, landscaping, amenity space, drainage and associated works

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillors Borkman, Aramini-Brant, Webb

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 24 July 2026

Committee Date: 23 July 2026

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of Cropredy, between Claydon Road and the Oxford Canal. It comprises 2 fields measuring approx. 5.9 ha. Cropredy Marina is located to the east of the application site, with the access road to the Marina crossing through the application site. The site is mostly flat sloping up to south. Access to the site is also provided from Claydon Road. The boundary with the road consists of a mature hedgerow, which screens the site from the road, a hedge also separates the site from the Marina.
- 1.2. The parcel of land immediately to the south has outline planning permission (ref. 23/00977/OUT) granted in July 2025 for up to 60 dwellings and a community health facility on Land East of Claydon Road.

2. CONSTRAINTS

- 2.1. The application site lies adjacent in part to the Oxford Canal and the Oxford Canal Conservation Area. The Oxford Canal Walk / PRoW 179/13/40, which follows the canal is also adjacent to the site. In addition, the Cropredy Conservation Area, separated from the site by the consented land.
- 2.2. The site falls within the wider Upper Cherwell Valley, identified in the Council's local landscape designation evidence as a landscape of above ordinary value. Also of importance is the historic landscape context of Cropredy, including the Battle of Cropredy Bridge and designated heritage assets in the wider area. The site is Grade 3 Best and Most Versatile Land (BMVL).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Outline planning permission is sought for the erection of up to 74 dwellings with access for consideration at this stage, all other matters including are reserved for subsequent approval.
- 3.2. The illustrative masterplan shows the housing in the form of detached, semi-detached and small terraced two storey dwellings located to the west and south of the site. Open space including sustainable drainage areas are proposed to the east of the houses adjacent to the Marina.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal, other than the outline planning permission on the land to the south (see para 1.2 above).

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

25/02238/PREAPP - Residential development, with an indicative capacity of circa 85 dwellings, subject to technical assessment.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **5 February 2026**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties in the c.130 letters of objection are summarised as follows:

- Principle of development - The site is outside of the existing Village; There are no shops in the village; The village school is already at capacity; The village surgery is massively over capacity and does not need replacing as the roof has now been fixed; Lack of public transport; Few links to the village; No need for additional housing; Cumulative and Disproportionate Growth - 134 dwellings adjacent to Cropredy, a village of approximately 750 residents is a significant increase; Settlement Hierarchy and Emerging Policy Conflict - Cropredy is currently a Category A village but in the emerging local plan it will be a Category C
- Visual and heritage impact – Impact on historic village and tourist destination; Impact on the Canal Conservation Area; Landscape harm; Will increase light pollution
- Residential amenity - The site will infringe on the privacy of existing residence that borders the site and the residents of the Marina; The proposed site will increase risk of intrusion and burglary to neighbours that back onto the site;
- Community / infrastructure - The site would damage the community of the village; How will scheme help identified infrastructure needs?

- Highway safety / traffic - All roads out of the site are not suitable for heavy traffic other than through the village; The road network through the village to the site is unsuitable for the additional vehicles, increasing risk of accident and incident
- Flood risk / drainage - The site floods regularly and any additional buildings will increase the risk of overspill onto existing residences and new housing will flood regularly; The proposal will overload the existing sewer system
- Ecology - The site will increase risk of contamination overspill into the canal and then to the river putting at risk wildlife and habitat; The proposed site will destroy existing natural habitats; The PEA records for curlews are incomplete
- Other matters - Open space only accessed through the development; Ground is unstable; Loss of viable agricultural land
- Non planning issues raised, not material considerations - The new site will significantly devalue many existing properties in the village;

1 letter of support

- The village has had a lot of development but still retains its village feel.
- There will be more support for local businesses

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. CROPREDY PARISH COUNCIL: **Objects**, due to size and scale of proposal, location it would not be integrated with the village, flood retention ponds, no provision for landscape maintenance, lack of sustainable transport, water and sewage issues, road safety, village hall capacity, no village store. The ability bus service has been cut and there will be a negative impact upon the countryside and existing character and appearance of the area.

7.3. OCC HIGHWAYS: **No objection** subject to S106 contributions, an obligation to enter into a S278/S38 agreement and the imposition of planning conditions;

7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objection**;

7.5. OCC EDUCATION: **No objection** subject to S106 contributions;

7.6. OCC ARCHAEOLOGY: **No objection** subject to conditions ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction;

7.7. CDC ECOLOGY: Requested more information or clarification on protected species surveys, woodland protection, traditional orchard and public access, BNG metric and plan inconsistencies

7.8. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to appropriate conditions on contamination and the provision of CEMP;

- 7.9. CDC STRATEGIC HOUSING: **No objection** subject to the provision of 26 Affordable Houses (19 x social rented 7 x shared ownership);
- 7.10. CDC URBAN DESIGN: **No objection** but raised some concerns:
- Lack of secondary vehicle connection
 - Lack of clarity that the pedestrian/cycle link to the approved development to the south is deliverable
 - The applicant removed the proposed pedestrian access to Cropredy Marina because it is not deliverable
 - The applicant has removed the indicative road layout from the plan because this is not for determination and not supported.
 - The plan has not been updated to fix key pedestrian and cycle routes – all routes are labelled as 'indicative'.
 - The land use proposals would not allow for the retention of existing views out from the Cropredy Marina access. This would remove the existing view and relationship with the wider countryside.
 - Alternative site coverage arrangements to retain this relationship are not tested in the DAS addendum.
 - The amended green infrastructure plan indicates a continuous 'landscape' buffer of 15-20m to the site's northern and western boundaries. The need for such an extensive buffer is not justified. It would remove the relationship between the site and the wider countryside
 - There needs to be one single parameter plan
 - The northernmost developable land needs to be open space land uses
- 7.11. CDC CONSERVATION: Comments awaited
- 7.12. CANAL AND RIVER TRUST: Comments awaited
- 7.13. CDC LANDSCAPE: **Objection** on landscape and visual grounds
- 7.14. CDC FLOOD RISK: **No objection** subject to conditions;
- 7.15. CDC BUILDING CONTROL: **No objection**, the proposal is subject to the Building Regulations, and will require an application to be submitted to a Building Control body for approval;
- 7.16. NHS INTEGRATED CARE BOARD: **No objection** subject to S106 contribution to fit out the doctors surgery permitted under application 23/00977/OUT;
- 7.17. THAMES WATER: **No objection**, a number of conditions are required as the foul water network does not have sufficient capacity to support the proposed development and the inability of the existing water network infrastructure to accommodate the needs of this development proposal;
- 7.18. THAMES VALLEY POLICE CRIME PREVENTION DESIGN: **No objection** but raises a number of detailed concerns about the proposed layout;

- 7.19. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects** as the proposal would cause irreparable harm to the area's unique built, natural and cultural context contrary to Policy ESD15.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land

- TR1: Transportation funding

DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 DCLP at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")
- Oxfordshire Wildlife and Landscape Study
- Cherwell Landscape Character Assessment 2024

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape Impact

- Heritage impact
- Residential amenity
- Highway impact
- Drainage impact
- Ecology impact
- Infrastructure

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.5. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.6. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Cropredy is a Category A village.
- 9.7. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'*. This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'*.
- 9.8. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:

- i. *'Whether the land has been previously developed land or is of less environmental value';*
- ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
- iii. *'Whether development would contribute in enhancing the built environment';*
- iv. *'Whether best and most versatile agricultural land could be avoided';*
- v. *'Whether significant adverse landscape and visual impacts could be avoided';*
- vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
- vii. *'Whether the site is well located to services and facilities';*
- viii. *'Whether necessary infrastructure could be provided';*
- ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. *'Whether development would have an adverse impact on flood risk'.*

9.9. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the DCLP updates the settlement hierarchy and removes Cropredy from the list of Category A villages with it now falling into Category C of smaller villages.

9.10. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.11. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.12. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals 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 (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), 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 proposed;
 - ii. or 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.

9.13. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

- 9.14. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 9.15. Paragraph 74 highlights the need for Local Planning Authorities ('LPAs') to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).
- 9.16. The latest Cherwell District Council Annual Monitoring Report dated December 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the CLP 2015 and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.17. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Assessment

- 9.18. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that *"a total of 750 homes will be delivered at Category A villages."*
- 9.19. The development would not be in accordance with the development plan's allocations – the site is not allocated for development, over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington.
- 9.20. Given the current housing land supply within the district the tilted balance is engaged, and various appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported. Thus, the numerical element of PV2 is nullified and without effect, but this is the case anyway given the Council's housing land supply position.
- 9.21. Policy Villages 1 of the CLP 2015 designates Cropredy as a 'service village' where minor development, infilling and conversions are permissible. The supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Under such a definition the proposal would not constitute infilling. Further supporting text states that in assessing whether proposals constitute acceptable 'minor development', regard will be given to 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.

- 9.22. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of Cropredy village, and therefore within the countryside. The proposal for development on a greenfield site would have an urbanising impact.
- 9.23. The proposal therefore conflicts with Policies BSC1, PV1 and PV2 of the CLP 2015 as well as saved Policy H18 of the CLP 1996.
- 9.24. However, given the current housing land supply within the district the tilted balance is engaged. This means that the policies which are most important for determining the application are now out-of-date and the NPPF recommends granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore, the policies restricting new housing development in edge of village locations now have less weight. Applications will need to be assessed against the NPPF as a whole, having particular regard to key policies identified in para. 11d of the NPPF namely sustainable locations, making effective use of land, providing affordable housing, etc.
- 9.25. As noted above, Cropredy is designated in the CLP 2015 as a Category A 'service village'. The village currently has a GP surgery, primary school and two public houses. However, since the adoption of the CLP 2015 Cropredy's sustainability credentials have materially diminished as the village no longer has a bus service and the village shop has closed. Hence the locational sustainability of Cropredy has significantly reduced in recent times.
- 9.26. This is reflected in the draft Local Plan, which downgrades Cropredy to a Category C village, a classification for villages containing only a limited number of services and facilities with poor/irregular access to public transport. Residential development of the size proposed would be considered unacceptable in the vicinity of a Category C village. However, as the emerging local plan has not been through examination limited weight is afforded to the Policy change.
- 9.27. However, irrespective of the draft Local Plan, the sustainability credentials of Cropredy have materially diminished since 2015, especially in relation to the bus service. Village amenities are now limited to the primary school, the GP surgery and two public houses. Future occupiers of the proposed development would have limited access to key services other than by using the private car. Therefore, the proposal does not find support from Policy ESD1 and the site's poor sustainability credentials do not form a positive material consideration to outweigh the identified policy conflict but instead weigh against the proposals.
- 9.28. The adjacent site to the south benefits from outline planning permission for up to 60 dwellings (planning ref: 23/00977/OUT) which abuts Cropredy. At the present time this permission has not been implemented and no reserved matters application has been submitted. Officers have raised concerns with the applicant that, if this permission is not implemented and constructed, the proposed development would result in an isolated stand-alone development in the open countryside, physically disconnected from the village.
- 9.29. The two sites are in the same ownership. Earlier in the application the applicant stated that the two sites would be brought forward by different developers and should be assessed as such but the applicant has latterly stated the intention for the two sites to be delivered together. Following legal advice from the Council's solicitors, Officers are satisfied that a Section 106 agreement could be used to

ensure that the 23/00977/OUT permission is constructed prior to the scheme under consideration, thereby ensuring that any development comes forward in a logical manner and does not result in a stand-alone residential development. If the application is refused the disconnection needs to be raised as a holding objection i.e. lack of section 106 agreement to secure this.

Conclusion

- 9.30. The proposal conflicts with the Council's housing policies; however, the Council can demonstrate only a 3.1 years housing land supply and so these policies are out of date and afforded less weight.
- 9.31. The provision of up to residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing.
- 9.32. Future occupiers of the development would be reliant on private travel for most day-to-day needs, and the site's relatively poor sustainability credentials weigh against the proposals. This was of concern to the LPA when considering the earlier application for 60 dwellings but the provision of a GP surgery as part of that development weighed in favour of the application, whereas the current application is for residential development with no similar community benefit.
- 9.33. Unless the extant permission for 60 dwellings to the south of the site is developed the proposal would result in an isolated stand-alone development in the open countryside, physically disconnected from the village. These matters will need to be weighed in the planning balance.

Landscape Impact

Policy

- 9.34. Policy ESD13 of the CLP 2015 promotes landscape protection and enhancement opportunities to secure an enhancement of the character and appearance of the landscape, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development would be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character could not be avoided. Schemes that cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity will not normally be permitted.
- 9.35. The NPPF is a material consideration. Paragraph 187 requires planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside. Paragraph 135 requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.36. The site lies within LCA 1: Upper Cherwell Basin. The 2024 Cherwell Landscape Character Assessment describes this area as the floor and sides of the River Cherwell valley, with the Oxford Canal forming a spine through the area. It identifies small historic settlements, open expanses of arable and pasture fields, long-distance views across the valley and a remote rural character despite proximity to Banbury.

- 9.37. The site is also within the landscape type identified by Oxfordshire Wildlife and Landscape Study (OWLS) as Clay Vale, which is described as a low-lying vale landscape associated with small pasture fields, many watercourses and hedgerow trees, and well-defined nucleated villages. Key characteristics include flat, low-lying landform, pasture-dominated mixed land use, small to medium-sized hedged fields, mature oak, ash and willow hedgerow trees, dense tree-lined streams and ditches, and small to medium-sized nucleated villages.

Assessment

- 9.38. The proposed development would result in a significant increase in the size of Cropredy, which remains a relatively small settlement at this time. There are currently c. 350 houses in the parish; the extant permission would be a 17% increase in the size of Cropredy; cumulatively (i.e. with the extant permission for 60 dwellings) the current proposal would result in an increase of 38% in the size of Cropredy. The proposed development would also project significantly northward from Cropredy into what is a sensitive, valley-edge landscape, resulting in substantial and permanent change to the character of the site, and would appear as a significant 'bolt on' to the village of Cropredy, a characterful settlement which has grown organically through history.
- 9.39. The form and nature of the nucleated settlement would be significantly changed by the cumulative addition of up to 134 dwellings, resulting in harm to the character of the site, on local landscape character and on views sensitive public receptors, particularly users of the Oxford Canal towpath.
- 9.40. As an indicator of the extent of growth, the Cropredy Conservation Area measures approximately 615 metres from its southern extent to its northern extent. Taken together with the approved scheme for 60 dwellings the current proposal would have a north-south extent of approximately 465 metres, which equates to approx. 75% of the north-south size of the Conservation Area.
- 9.41. To help the assessment of the proposal's landscape effects, officers have sought the advice of the LPA's landscape officer.
- 9.42. The applicant's LVIA identifies that the development would result in an "almost total change" to the site and assesses landscape effects on the site and its immediate context as major/moderate adverse at Year 1, reducing to moderate adverse at Year 15.
- 9.43. The Council's Landscape Officer notes that the greatest visual effects would be experienced from the Oxford Canal towpath / Oxford Canal Walk PRoW 179/13/40, which the LVIA assesses as a high/medium sensitivity receptor. The LVIA assesses effects on towpath users as major/moderate adverse at Year 1, reducing only to moderate adverse at Year 15. The towpath is a public recreational route and long-distance walking route, and the Oxford Canal is a distinctive and historically important feature within the landscape. The proposal would increase the amount of residential built form visible from the canal corridor and would urbanise the experience of this section of the route.
- 9.44. The applicant's LVIA identifies major/moderate adverse effects on the site and major/moderate adverse effects for users of the Oxford Canal towpath at Year 1, with residual moderate adverse effects remaining at Year 15. These effects are material when assessed against Policy ESD 13, which requires development to respect and enhance local landscape character and avoid undue visual intrusion into the open countryside. The applicant does refer to screening and planting helping to mitigate the impact of the proposed housing and whilst it may to a degree

the size of the proposal together with its sensitive location means mitigation would not fully address the concerns. The proposal is therefore considered to contrary to Policy ESD 13 of CLP 2015.

Conclusion

- 9.45. The proposed development would cause undue visual intrusion into the open countryside which would be inconsistent with the rural character of this part of the Upper Cherwell Basin. The proposal would also harm the landscape setting and recreational experience of the Oxford Canal corridor and reduce the tranquillity and rurality of the settlement edge. The nucleated settlement pattern identified in the landscape evidence base would not be maintained nor would the distinctive role of the Oxford Canal within the local landscape. Finally, the proposal fails to respect and enhance local landscape character. It is therefore concluded that the proposal is contrary, in landscape and visual terms, to CLP Policy ESD 13: Local Landscape Protection and Enhancement and Policy ESD15.

Heritage Impact

- 9.46. The site is located partly adjacent to the Oxford Canal Conservation Area and the development affects the setting of a Conservation Area.
- 9.47. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.48. Conservation Areas are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.49. By virtue of their scale and location, the proposals would have an appreciable and significant impact on the character and appearance of the Oxford Canal Conservation Area through change to its setting.
- 9.50. The key consideration here is whether the development would cause harm and whether its impact can be satisfactorily mitigated.
- 9.51. The Conservation Officer has been consulted on the application as has the Canal and Rivers Trust and their comments will be reported to planning committee.

Highways Impact

- 9.52. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.53. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.54. The proposed access into the site is off Claydon Road. The Local Highway Authority initially objected to the proposal; however, following discussions the LHA advises the objection could be overcome subject to the securing of S106 obligations towards public transport and public rights of way, as well as the imposition of certain planning conditions.

9.55. Overall, therefore, it is considered that the proposal would not result in a danger in those using the highway and the proposal is in line with the NPPF.

Drainage Impact

9.56. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 172 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.57. The NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

a) take account of advice from the lead local flood authority;

b) have appropriate proposed minimum operational standards;

c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

d) where possible, provide multifunctional benefits.

- 9.58. Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.59. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority has commented on this and does not have an objection to the scheme provided suitably worded conditions are imposed. For this reason, it is considered that the proposals are or can be made acceptable in flood risk and drainage terms.

Residential Amenity

- 9.60. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.61. The application is in outline form at this stage; therefore, detailed consideration of residential amenity will take place at the reserved matters stage. However, the submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact on the amenities of the proposed dwellings. In addition, there are no existing dwellings within the vicinity of the site.
- 9.62. It is therefore considered that there are no significant residential amenity issues at this stage and the proposal is in line with Policy ESD15 of the CLP 2015 in this regard as well as Policy C30 of CLP 1996.

Ecology Impact

Legislative context

- 9.63. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.64. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.63. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders,

prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.64. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.65. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.66. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and 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.

9.67. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.68. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.69. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a

requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.70. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.71. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.72. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.73. The application is accompanied by a Preliminary Ecological Appraisal which concludes that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The Council's Ecologist has assessed the proposal and raised some issues regarding the breeding bird survey and Biodiversity Net Gain. These discussions are ongoing and Members will be updated at the meeting.

Infrastructure

- 9.74. Policy INF1 of the CLP 2015 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.75. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 9.76. Policy BSC 3 of the CLP 2015 states, amongst other things that at Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is

expected that these requirements will be met without the use of social housing grant or other grant.

- 9.77. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.
- 9.78. This application is for up to 74 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.
- 9.79. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 26 units.
- 9.80. In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements, education necessary for the development as outlined by the comments of the consultees, and a contribution towards health care. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.
- 9.81. All contributions have been agreed in principle with the applicant, except the education contribution about which clarification was sought from OCC. The education team at OCC have been reconsulted and the Committee will be updated at the meeting on the outcome.
- 9.82. As such it is considered that aside from the education contribution the proposed development would comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In determining this application the Council is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cherwell Local Plan 2011-2031 Part 1 and the saved policies of the Cherwell Local Plan 1996.
- 10.2. The proposed development would not accord with the Development Plan. The application site lies beyond the built-up limits of Cropredy on undeveloped greenfield land and therefore conflicts with the spatial strategy of the Development Plan, including Policies BSC1, Villages 1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy H18 of the Cherwell Local Plan 1996. Moderate weight is attributed to this conflict.
- 10.3. The Council currently cannot demonstrate a five-year supply of deliverable housing land and can demonstrate only approximately 3.1 years of housing land supply. Consequently, the most important policies for determining the application are out-of-date and the presumption in favour of sustainable development contained within Policy PSD1 of the Cherwell Local Plan and paragraph 11(d) of the NPPF is engaged. The application must therefore be assessed on the basis of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

- 10.4. Substantial weight is attributed to the benefits arising from the proposal. The development would deliver up to 74 dwellings, including policy-compliant affordable housing provision, contributing towards market and affordable housing needs within the District. The delivery of additional housing attracts significant positive weight and the provision of affordable housing attracts very substantial positive weight in light of the recognised need for affordable homes across the District. Additional economic benefits would arise during both the construction and operational phases of development and through contributions towards local infrastructure secured through a Section 106 Agreement.
- 10.5. However, significant adverse weight is attributed to the landscape and visual impacts of the proposal. The development would result in the loss of open greenfield land and would introduce substantial residential built form into a sensitive part of the Upper Cherwell Basin landscape. The proposal would extend the built form of Cropredy significantly northwards, eroding the rural character of the settlement edge and resulting in harmful visual intrusion into the open countryside. Significant adverse effects would also arise in respect of the setting and recreational experience of the Oxford Canal corridor, a valued landscape and heritage asset.
- 10.6. Further significant weight is attributable to the cumulative impact of the proposal when considered alongside the recently approved development on adjoining land to the south. Taken together, the developments would result in a substantial extension to Cropredy, materially altering the traditional nucleated settlement pattern identified within the Council's landscape evidence base and resulting in a form of growth that is disproportionate to the character and appearance of the village.
- 10.7. Moderate adverse weight is also attributed to the limited sustainability credentials of the location. Whilst Cropredy remains identified as a Category A village within the adopted Local Plan, the village has experienced a reduction in local services and public transport accessibility since the adoption of that Plan. Future residents would therefore be highly reliant on the private car to meet many day-to-day needs.
- 10.8. Having regard to the Council's housing land supply shortfall and the substantial benefits arising from the delivery of up to 74 dwellings including affordable housing, Officers conclude that those benefits are insufficient to outweigh the significant and lasting harm identified to landscape character, visual amenity, settlement form and the rural setting of Cropredy, together with the site's limited locational sustainability.
- 10.9. When assessed against the policies of the NPPF taken as a whole, it is concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal. The presumption in favour of sustainable development is therefore disengaged and the proposal does not constitute sustainable development.
- 10.10. Accordingly, planning permission should be refused for the reasons set out below.
- 10.11. It should be noted that at this time there are outstanding concerns in relation to ecology and comments awaited from the Canal and Rivers Trust and the Council's Conservation Officer and these will be reported to members.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY)

REASONS FOR REFUSAL

1. The proposal would be an urbanising form of development, would result in the permanent loss of open greenfield land at the northern edge of Cropredy and would extend built form into the Upper Cherwell Basin landscape. It fails to adequately recognise the intrinsic character and beauty of this part of the countryside, nor would it be sympathetic to the landscape setting of the northern edge of Cropredy and the Oxford Canal corridor. The proposal would adversely impact the rural setting of the village and would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character and appearance and quality of the area, and to views from sensitive public receptors, particularly users of the Oxford Canal towpath. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996, Policies SP1, CSD25, COM2, COM10, COM14, COM26 and COM27 of the draft Cherwell Local Plan 2042 and the National Planning Policy Framework including paragraphs 135 and 187.
2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future residents would be highly reliant on the private car to meet their day to day needs which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development therefore conflicts with Policies ESD1 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1, Policies CSD1, CSD22 and CSD23 of the draft Cherwell Local Plan 2042 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1, Policies COM2, COM20, COM23 and COM24 of the draft Cherwell Local Plan 2042, and Government guidance contained within the National Planning Policy Framework.

IN ADDITION, THAT AUTHORITY BE DELEGATED TO OFFICERS, IN CONSULTATION WITH THE CHAIRMAN OF PLANNING COMMITTEE, TO ADD OR REMOVE REFUSAL REASONS, IN THE EVENT OF AN APPEAL BEING LODGED AGAINST THE REFUSAL, IN LIGHT OF NEW EVIDENCE BECOMING AVAILABLE.

CASE OFFICER: Nicola Wheatcroft

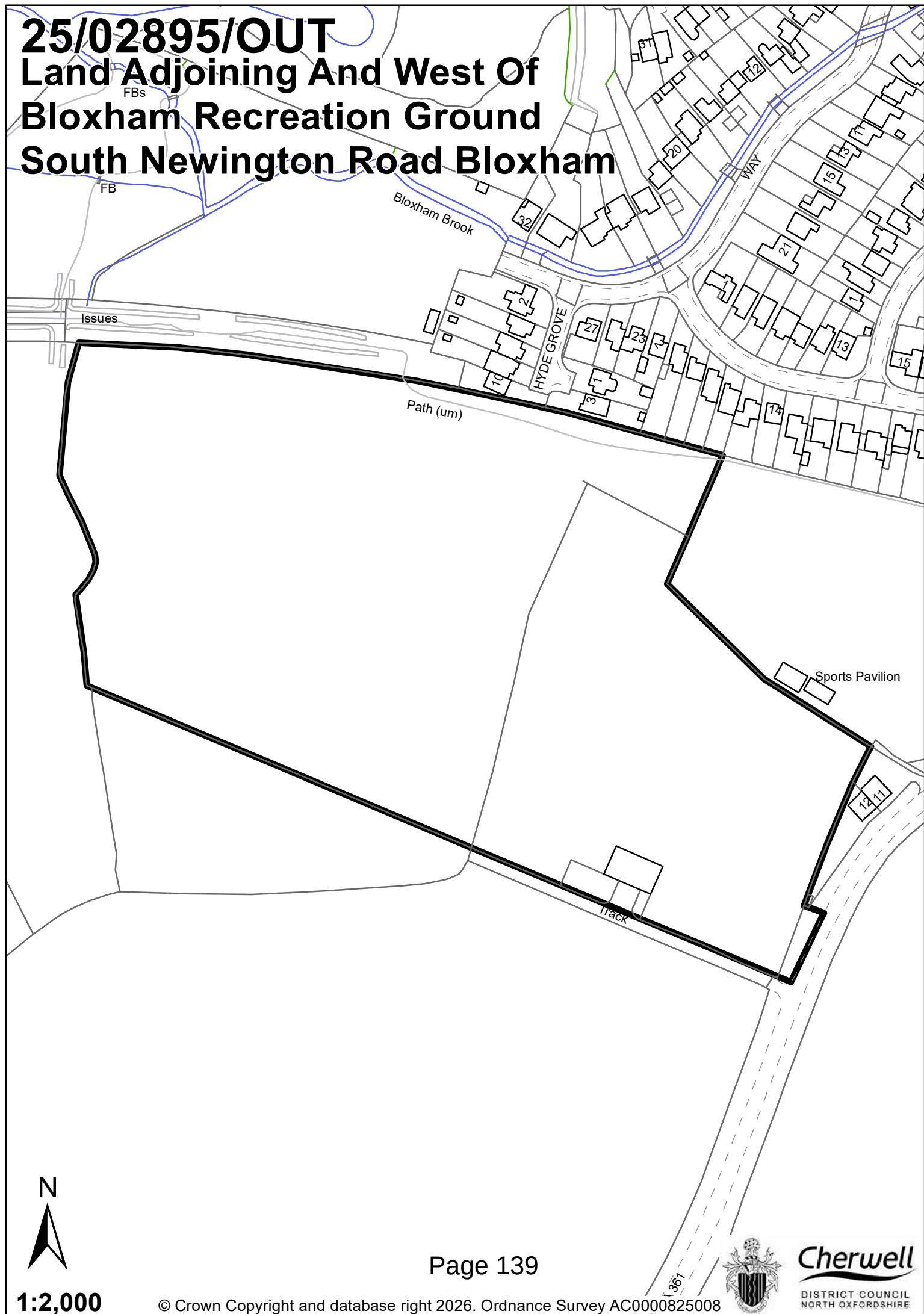
23/02/2013

Land Adjoining And West Of Bloxham Recreation Ground South Newington Road Bloxham



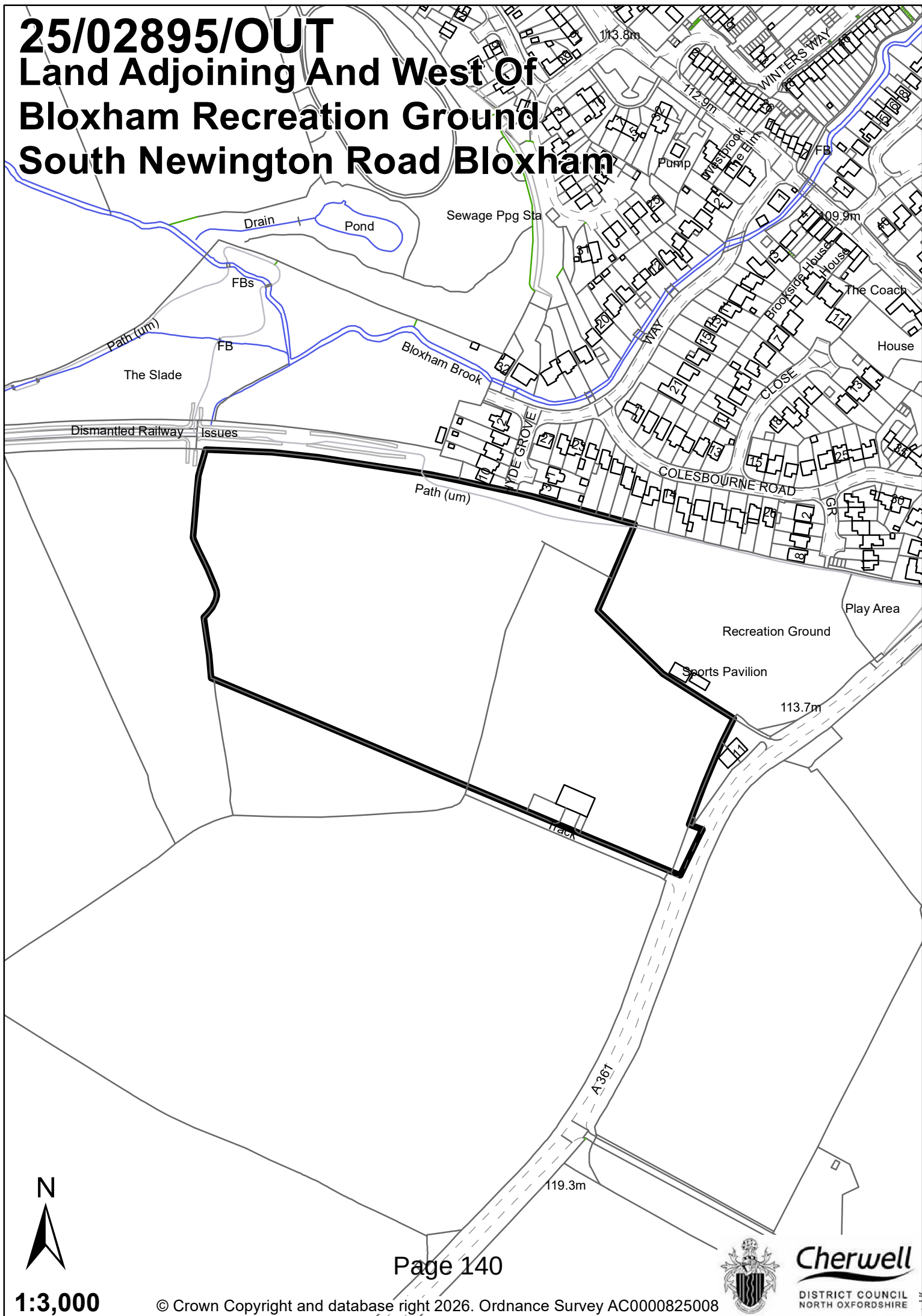
25/02895/OUT

Land Adjoining And West Of Bloxham Recreation Ground South Newington Road Bloxham



25/02895/OUT

Land Adjoining And West Of Bloxham Recreation Ground South Newington Road Bloxham



Case Officer: Nicola Wheatcroft

Applicant: David Wilson Homes South Midlands

Proposal: Outline application with All Matters Reserved except for access, for up to 95 dwellings (Use Class C3) with associated works

Ward: Adderbury, Bloxham And Bodicote

Councillors: Councillors Gordon Blakeway, David Hingley, Rob Pattenden

Reason for Referral: Major development of 10+ dwellings

Expiry Date: 31 July 2026

Committee Date: 23 July 2026

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS
AND SUBJECT TO A S106 LEGAL AGREEMENT**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a broadly rectangular parcel of land approximately 6 hectares in size located to the north-west of South Newington Road, and to the south of the village of Bloxham, outside of the village within the open countryside. To the north is the David Tyrell Recreation Ground and properties in Colesbourne Road. The western part of the site is bounded by the Slade Nature Reserve to the north and a mature hedge forms the western boundary. Access would be provided from South Newington Road.
- 1.2. Bloxham is one of more sustainable villages in the District falling within Category A of the Settlement Hierarchy of the Cherwell Local Plan 2011-2031 ('CLP 2015'). The village has a range of services including primary school, private secondary school, GP surgery, dentist, shop, post office, pubs, museum, and petrol station.

2. CONSTRAINTS

- 2.1. The application site is flat, former agricultural land. Bloxham Conservation Area is located approximately 165m away from the nearest part of the site with development in between. There are no listed buildings within the vicinity of the site.
- 2.2. A public footpath ref:298 4a/10 runs along the northern boundary of the recreation ground before turning south-west towards Milcombe.
- 2.3. The Slade Nature Reserve is located immediately to the north of the site.
- 2.4. The site is mainly located within Flood Zone 1 and not at risk of flooding from rivers. The northern part of the site is within an area of surface water flooding.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Outline planning permission is sought for up to 95 dwellings with all matters reserved for subsequent approval. The application is accompanied by a parameter plan which shows the site divided into two for housing purposes and separated by a green corridor. Two attenuation basins are proposed to the north of the site, with access provided from South Newington Road. Also submitted is an illustrative framework masterplan and indicative layout plan. These show formal frontages facing northwards onto the recreation area and adjacent housing area.
- 3.2. The illustrative layout is based on a developable area of 2.66ha which equates to a density of 35 dwellings per hectare. Landscaping and drainage are proposed around the north of the housing with a large area to the west to provide a buffer between the development and nature reserve.
- 3.3. *Timescales for Delivery*: The agent has advised that, in the event that planning permission is granted, they anticipate development commencing within 36 months.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Number	Proposal	Decision
19/01705/OUT	Outline planning application for the erection of up to 95 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from South Newington Road. All matters reserved except for means of access.	Withdrawn
25/01763/SO	Screening Opinion in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Residential development of up to 125 dwellings (Use Class C3), and associated works.	Application is not EIA development and ES not required.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

Pre-app Number	Proposal	Outcome
25/01621/PREAPP	Residential development of up to 125 dwellings (Use Class C3), and associated works.	See below

- 5.2. The pre-application advice recommended that further work is carried out in order to reduce the impact on the character and appearance of the locality, including views towards the Grade I Listed Church.

It concluded that in light of the Council's housing land supply position, that provided the scheme was altered to reflect the comments stated the harm to the character and appearance of the locality of developing the site would likely be outweighed by the benefits of providing housing in the district.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **4 March 2026**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Principle of development - Unsustainable location; Cumulative impact of 220 houses already permitted in Bloxham; Impact on infrastructure capacity, school places, public transport
- Impact on character of the area - Erode the rural edge of the village; Impact on historic village and community character
- Impact on amenity - Loss of privacy and light; Disturbance during the construction phase
- Impact on highway safety - Access problems, poor visibility; Increase in highway congestion; Highway safety problems
- Other matters – the proposal would lead to flooding of surrounding area; exacerbate drainage problems; Impact on wildlife, loss of biodiversity; Overshadowing of footpath.
- Non-planning matters raised - Impact on desirability of area and property prices

- 6.3. Cllr David Hingley writing as a County Councillor has raised concerns about the 4 other major residential developments recently granted permission in Bloxham and the cumulative impact in particular on the highway network;

- 6.4. The comments received can be viewed in full on the Council's website, via the online Planning Register

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

- 7.2. BLOXHAM PARISH COUNCIL: **Objects** on the grounds of unacceptable flood risk and highway safety impacts, material harm to village character, recreation provision and settlement form and conflict with the statutory development plan.

- 7.3. OCC HIGHWAYS: **No objection**, initially the Highway Engineers objected on highway safety, connectivity and operational grounds. Following discussions with the applicants more information has been provided and the scheme refined addressing the concerns.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection**
- 7.5. OCC EDUCATION: **No objection**, subject to S.106 contribution towards primary and nursery provision.
- 7.6. OCC WASTE MANAGEMENT: **No objection**, subject to a S.106 contribution towards the expansion of the Household Waste Management Centre.
- 7.7. OCC ARCHAEOLOGY: **No objection** subject to conditions.
- 7.8. OCC MINERALS AND WASTE: **No comments**.
- 7.9. CDC STRATEGIC HOUSING: **No objection**, subject to the provision of 35% affordable housing secured by a S.106.
- 7.10. CDC RECREATION AND LEISURE: **No objection** subject to S.106 contributions towards community hall facilities, indoor and outdoor sports provision and public art.
- 7.11. CDC URBAN DESIGN: **No objection** following submission of revised parameter plan
- 7.12. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions on noise and contamination.
- 7.13. CDC BUILDING REGULATIONS: notes that the proposal is subject to the Building Regulations and will require an application to be submitted to a Building Control body for approval.
- 7.14. CDC PUBLIC RIGHTS OF WAY: **No objection**.
- 7.15. INTEGRATED CARE BOARD: **No objection** subject to a contribution of £86,066 towards additional clinical capacity at Bloxham and Hook Norton Surgery or other identified primary care estates project in the local area via S.106 agreement.
- 7.16. THAMES WATER: **No objection** subject to conditions and informative.
- 7.17. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST: **Objection** on potential impact on The Slade LNR and DWS (hydrological and recreational); Impact on UK priority species including breeding birds; Net gain in biodiversity should be in perpetuity; The management of hedgerows in order to achieve biodiversity net gain.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The

relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD 1: Presumption in Favour of Sustainable Development
- BSC 1: District-Wide Housing Distribution
- BSC 2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC 3: Affordable Housing
- BSC 4: Housing Mix
- BSC 10: Open Space, Outdoor Sport and Recreation Provision
- BSC 11: Local Standards of Provision – Outdoor Recreation
- BSC 12: Indoor Sport, Recreation and Community Facilities
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 8: Water Resources
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment
- ESD 17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental pollution
- TR7 - Development attracting development on minor roads
- H18 - New Dwellings in the Countryside

DRAFT CHERWELL LOCAL PLAN (DCLP) limited weight can be attributed to the Regulation 19 DCLP at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing

- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Bloxham Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

BLOXHAM NEIGHBOURHOOD PLAN

- BL1: Policies on Sustainable Housing and Size of Developments
- BL2: Sustainable Development.
- BL3: Policy on Connectivity.
- BL 4: Policies on Parking
- BL5: Parking standards for existing residential development
- BL6 : Water consumption
- BL7: Flood Risk
- BL8: Housing that adapts to demographic change.
- BL9: Residential amenity
- BL10: Bloxham Conservation Area
- BL11: Residential design
- BL12: Importance of space and key street scenes and views.

8.4. A draft modified Bloxham Neighbourhood Plan has been prepared with the Plan passing the examination stage and the Inspectors report was published on 11 May 2026. This confirmed that subject to subject to modifications set out in the examiners report the Plan meets the basic conditions. It was recommended that the plan once modified proceed to referendum on the basis that it has met all the relevant legal requirements. The draft Neighbourhood Plan will now go before Cherwell District Council Executive Committee on 16th June in order to seek approval for it to proceed to referendum. The referendum must take place within 56 working days of the Council making the formal decision to proceed to a referendum.

8.5. The amount of weight at this stage to be attributed to the draft Neighbourhood Plan has therefore increased from limited to either significant or substantial. It is an emerging development plan document. However, it does not carry full weight as it has not passed the referendum stage, is not adopted and does not form part of the development plan against which planning applications are required to be assessed against. The following policies are considered relevant:

- BL1: Spatial Plan for Bloxham
- BL3: Connectivity
- BL4: Parking
- BL5: Housing Mix

- BL7: Residential Amenity
- BL8: Local Infrastructure
- BL9: General Design Guidance

8.6 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area and landscape, including designated heritage assets
- Highways Matters
- Residential amenity
- Drainage
- Ecology impact

Principle of Development

Policy Context

- 9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (‘CLP 2015’), the saved policies of the Cherwell Local Plan 1996 (‘CLP 1996’) and the policies in the Bloxham Neighbourhood Plan (‘BNDP’).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the requirement to meet the housing needs of all sections of Cherwell’s Communities, particularly the need to house an ageing population.

- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.6. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Bloxham is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Bloxham is categorised as a Category A Village by PV1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions. The fact it is a Category A settlement further shows that it is a sustainable location to accommodate development.
- 9.7. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District. The adopted Bloxham Neighbourhood Plan does not identify a settlement boundary for the village either. However, it should be noted that The Modified Bloxham Neighbourhood Plan 2025 does contain a settlement boundary although this plan has significant weight it does form part of the development plan.
- 9.8. Whilst limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination, Policy SP1 of the draft plan continues to identify Bloxham as a Category A Village Settlement. These are classified by the Draft Local Plan as being larger villages that have essential local services and facilities and often serve nearby smaller villages.
- 9.9. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.10. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.11. The latest Cherwell District Council Annual Monitoring Report dated December 2025 confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the CLP 2015 and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.12. Policy PSD1 of the CLP 2015 states that 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.
- 9.13. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.14. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.
- 9.15. The Bloxham Neighbourhood Plan ('BNDP') was made in December 2016. Paragraph 14 of the NPPF states that in situations where the presumption in favour of sustainable development applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).*
- 9.16. As Cherwell District Council cannot demonstrate a five year housing land supply, the presumption in favour of sustainable development applies. The BNDP became part of the development plan in 2016 and is therefore more than five years old at the point of determination of this application. The reference to *and* in paragraph 14 of the NPPF implies that both parts A and B need to be met in order for the Neighbourhood Plan to be considered up-to-date. As the neighbourhood plan was adopted more than 5 years ago part A of paragraph 14 is not met. The housing policies in the BNP cannot therefore be considered up-to-date.
- 9.17. Bloxham Parish Council has prepared a new neighbourhood plan. The draft BNDP 2024-2042 is at an advanced stage having been through examination, and should now be afforded either significant or substantial weight as an emerging development plan document. The Executive Committee agreed on 16 June 2026 that Draft Modified Neighbourhood Plan meets the Basic Conditions with the Examiner's proposed modifications and resolved to send the Neighbourhood Plan (as modified) to referendum and that a Decision Statement be issued. At the time of writing this report the date for the referendum has not been fixed. Until the referendum has taken place and the plan is adopted the BNDP does not carry full weight in the planning process. Only once the referendum has taken place and the draft neighbourhood Plan made does it become part of the Development Plan and full weight be given to its policies.
- 9.18. The NPPF 2024 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 9.19. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December

2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

9.20. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that *“a total of 750 homes will be delivered at Category A villages”*.

9.21. The development would not be in accordance with the development plan’s allocations – the site is not allocated for development, over 750 dwellings have been delivered at Category A villages, and the overall goal of the CLP 2015 is to direct housing towards the most sustainable, metropolitan areas such as Banbury, Bicester and Kidlington.

9.22. However, given the current housing land supply within the district the tilted balance is engaged, and various appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported. Thus, the numerical element of PV2 is nullified and without effect, but this is the case anyway given the Council’s housing land supply position.

9.23. Policy Villages 2 states that *“In identifying and considering sites, particular regard will be given to the following criteria:*

- *Whether the land has been previously developed land or is of lesser environmental value*
- *Whether significant adverse impact on heritage or wildlife assets could be avoided*
- *Whether development would contribute in enhancing the built environment*
- *Whether best and most versatile agricultural land could be avoided*
- *Whether significant adverse landscape and impacts could be avoided*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided*
- *Whether the site is well located to services and facilities*
- *Whether necessary infrastructure could be provided*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*
- *Whether land the subject of an application for planning permission could be delivered within the next five years*
- *Whether the development would have an adverse impact on flood risk.”*

9.24. The majority of these criteria will be assessed in detail in the following sections of this report; however, it is self-evident that the site is not previously developed land. As detailed in later sections, the site is not of high environmental value and is not sensitive in heritage terms. With appropriate design and mitigation, significant adverse impacts on wildlife assets and the wider landscape could be avoided, satisfactory vehicular and pedestrian access/egress could be provided, and the development would contribute to enhancing the built environment.

9.25. The site is on the edge of a Category A village and it is considered that, subject to the provision of footpath and cycle way from the site to the village centre, the proposed development would be in a sustainable location and close to a wide range of facilities including a school, shops, community centres and has good transport links to towns including Banbury and Chipping Norton.

9.26. Concern has been raised by some of the local residents about the considerable level of future development in Bloxham. The Parish Council has stated that:

'the proposal is so substantial, and its cumulative effect with recent and other planned schemes would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the emerging Modified Bloxham Neighbourhood Plan.'

9.27. Officers acknowledge the concerns raised regarding the emerging neighbourhood plan and have given significant weight to those concerns in reaching their recommendation

9.28. Application 24/02541/OUT for up to 130 houses on land on the opposite side of South Newington Road was considered at Committee in May 2025. Another more recent application 25/01009/OUT for up to 100 houses on land east of Barford Road was considered at Committee in early June 2026. In both cases the Planning Committee resolved to grant the application and the S.106 agreement is currently awaiting completion.

9.29. Policy BL1 of the draft BNDP allocates four sites for housing development whilst looking to restrict housing outside of the settlement boundary. The draft BNDP has advanced through the adoption process, passing through the examination stage, and accordingly should now be afforded either significant or substantial weight in the decision-making process. It will only carry full weight once it has passed the referendum and is a 'made' plan forming part of the development plan against which planning applications are assessed.

9.30. Once the BNDP is adopted the current application would be contrary to the BNDP, in particular Policy BL1 (Spatial Plan for Bloxham). This states that development proposals will not be supported outside of the settlement boundary unless their use and scale are specifically suited to, or require, a countryside location. The adoption of the draft BNDP would meet the requirements of paragraph 14 of the NPPF, thereby disengaging the tilted balance and presumption in favour of sustainable development caused by the inability to demonstrate a five year supply of housing. But at the moment the draft BNDP is not adopted and does not therefore form part of the development plan. Therefore, the tilted balance still applies.

9.31. Bloxham Parish Council has objected to the application on the grounds of prematurity as set out in paragraphs 49 and 50 of the NPPF. Paragraph 49 confirms that weight may be given to relevant policies in emerging plans according to their stage of preparation as well as other factors. The Parish Council also refers to paragraph 50 stating that refusal may be justified where a proposal is of such scale or cumulative impact that granting permission would undermine the plan-making process by predetermining decisions central to the emerging plan.

9.32. Paragraph 50 of the NPPF states:

Arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

9.33. When assessing the proposal against paragraph 50, the application is a major application at 95 dwellings but it is considered that it is not so significant as to undermine the planning process and impact on the delivery of allocated sites. The impact of the proposed development is discussed in detail below with regard to matters such as highways, landscape and ecology. It is considered that granting permission for the development would not accord with the draft neighbourhood plan but it would not prejudice the delivery of other sites or the outcome of the plan-making process in line with paragraph 51 of the NPPF.

9.34. The provision of 95 dwellings would make an important contribution to the overall housing needs of the District along with the government's wider objective for 1.5 million homes. This includes the high need for affordable housing which is recognised across the country.

9.35. The applicant has confirmed that there are no land ownership constraints that would prevent the development coming forward should it be approved. They have confirmed that if planning permission is forthcoming they would be happy for the condition requiring the submission of reserved matters to be limited to 18 months rather than the standard 3 years. This would help ensure that the development is built in a timely fashion, helping to meet the Council's housing land supply figures and prevent landbanking of sites.

Conclusion

9.36. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing in a sustainable location.

9.37. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years (3.1 years supply). As such the 'tilted balance' is engaged and there is a presumption in favour of sustainable development. The extent of this housing shortfall offsets the policy conflict in this instance, and the site is located on the edge of one of the more sustainable villages within Cherwell and would benefit from proximity to existing infrastructure and facilities. These matters will need to be weighed in the planning balance.

Design and impact on the character of the area and landscape, including designated heritage assets

Legislative and policy context

9.38. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

- 9.39. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that, new development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages.
- 9.40. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Furthermore, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.41. PV2 of CLP 2015 states that in identifying sites, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;
 - Whether development would contribute in enhancing the built environment
 - Whether significant adverse landscape and impacts could be avoided
- 9.42. Policy BL11 of the Bloxham Neighbourhood Plan states all development shall be encouraged to respect the local character and the historic and natural assets of the area. Policy BL11 requires new development to make a positive contribution to the character of Bloxham and its rural feel.

Assessment

- 9.43. The site is not identified as falling within the Area of Outstanding Natural Beauty or being within a locally designated valued landscape area. It does fall within the "Ironstone Hills and Valleys" landscape character area.
- 9.44. The application is accompanied by a Landscape Visual Impact Assessment (LVIA), which concludes that the proposal could be integrated without any notable adverse effects upon the receiving landscape character and visual environment.
- 9.45. The application site is bounded by the recreation ground and residential development in Colesbourne Road to the north, South Newington Road to the east and open countryside to the south and west. It is therefore considered that the site would be connected to the built form of Bloxham (via the recreation ground) and would not necessarily appear as a standalone development within the open countryside. It is considered that the site could be developed in a way that ensures it has connection to the existing built form.
- 9.46. Nevertheless, it is considered that the proposed development is in a prominent open location at the entrance to the village, would be readily seen from a relatively wide surrounding area and would have an urbanising effect on this currently rural, greenfield open area. This is particularly the case when considered in conjunction with the proposed development of the site on the opposite side of South Newington Road (application 24/02541/F), but the current proposal would have a greater visual impact than the aforementioned scheme owing to land levels, lack of enclosure and spatial relationship with the A361.

- 9.47. That said, the site is located adjacent to existing dwellings at Colesbourne Road, which turn their back on the countryside providing a relatively unattractive entrance to Bloxham when approaching from Chipping Norton. Thus, there is an opportunity to improve the village entrance and the way the edge of the village relates to the countryside with well-sited / orientated dwellings set in an appropriate landscape setting. It is the site's location adjacent to the southern edge of the village that means that, whilst it is open, rural and undeveloped, it is also viewed in conjunction with the adjacent housing. And further housing would not be inconsistent the character of the area. The relatively low density of housing proposed would help to ensure that a robust screening of the site could be introduced. It should be noted that the application is in outline and so all matters such as layout, landscaping and appearance will be dealt with at reserved matters stage.
- 9.48. The Council's Urban Design Officer ('UD Officer') notes that the application proposals have evolved since pre-application stage to allow greater space to the Nature Reserve and a view to the church. Concern was initially raised by the UD Officer that the parameter plan potentially promoted a loose layout form typical of suburban areas and not typical of Bloxham the historic and more attractive and locally distinctive parts of which have a more compact urban form. The parameter plan has subsequently been amended to address this point. The UD Officer also raised concerns about potential non-descript left-over spaces as a result of the dispersed arrangement of the dispersed arrangement of development and the open space. He also requested a more compact settlement form and a meaningful extension to the nature reserve. The parameter plan has been amended to show the development parcels having a stronger relationship with the existing built edge and recreation ground. The UD Officer is broadly happy with the additional information and raises no objection. The layout and form of development would be dealt with in depth when the reserved matters application is considered.
- 9.49. The vehicular entrance to the development would be from South Newington Road at the south-eastern end of the site. One of the weaknesses of the site is its location on the periphery of Bloxham separated from the village by the recreation ground. This has resulted in some difficulties in providing acceptable pedestrian and cycle links to the village. The only feasible pedestrian and cycle route, not crossing the recreation ground is using the highway verge to form a pedestrian/cycle way.
- 9.50. With regard to the acceptability of this arrangement from a highway safety perspective, discussions have been ongoing between the Local Highway Authority and the applicant on this matter. The highway alterations would be carried out as off site highway works and technical details are discussed below in the highways section of this report but the route has implications in terms of visual impact.
- 9.51. The provision of a cycleway along the length of the application site, the adjacent recreation ground and beyond would change the appearance of the area. The loss of the grass verge and potentially some trees would significantly alter the village entrance to Bloxham by removing the vegetation and introducing a more engineered 'hard' route dominated by hardstanding with housing and built development in the background. It would also necessitate retaining structures for a part of its length which along with the replacement of the existing grass verge with hardstanding would have a significant urbanising impact on the character and appearance of the South Newington Road from what is currently a semi-rural entrance to the village. The proposed pedestrian/cycle way weighs against the proposals.
- 9.52. That said, the harm from the current proposal could be mitigated to some degree by the retention of some of the hedge which runs along South Newington Road. It should also be noted that South Newington Road will also see some changes as a

result of the proposed development on the other side of the road (application 24/02541/OUT) including the introduction of a light controlled crossing.

- 9.53. The site is located away from the Conservation Area (CA) and there are which no listed buildings within proximity. A built heritage statement has been submitted which confirms that the CA and St Mary's Church are the designated heritage assets of most significance to the site. The distance from both church and CA is noted together with the intervening modern housing. The statement concludes that the proposed development would not result in harm to the significance of either the Conservation Area or the Church of St Mary, nor to any other designated or non-designated assets. The Officers agree with this interpretation.

Conclusion

- 9.54. It is noted that there would be some change to the landscape, and some moderate harm through development of a greenfield site. In addition, the provision of a 3 metre footpath / cycle way along the South Newington Road would have an urbanising impact and result in a significant change to the character of the street scene. However, the proposal would allow for retention of some the existing hedgerows and would enhance the planting around the Slade Wildlife reserve. The proposal would not cause harm to the key heritage assets. In addition, the proposal has the potential to provide a more aesthetically pleasing entrance to the village.
- 9.55. Overall, it is considered the proposal would result in some adverse effects in this regard and there is some degree of conflict with policies ESD15, BL11 and BSC2 of the CLP 2015 as well as C28 and C30 of the 1996 LP. This weighs against the proposals.

Highway Matters

- 9.56. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.57. Paragraph 115 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritise taking into account or the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.
- 9.58. In addition to this paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 9.59. The proposed development would have access from South Newington Road, a new priority junction designed with a 5.5m carriageway and 2m footways on both sides is proposed. Visibility splays of 99m to the north and 90m to the south are achievable according to the applicant, and the 30mph limit is proposed to be extended along the Site frontage.
- 9.60. The means of access is a matter for consideration in the determination of this application. The following are the key highways considerations,
- 1) Whether safe and suitable access can be achieved for all users
 - 2) Whether the development would result in an unacceptable impact on highway safety
 - 3) Whether the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios.
- 9.61. The Local Highway Authority ('LHA') objected to the application when initially submitted as the visibility splays for the site access were not in line with standards. There were also concerns about the reliability of the impact assessment and clarification was required on the methodology used for trip generation. These issues have all been resolved following discussions with the LHA.
- 9.62. However, one objection remained as the proposals did not provide safe and suitable access for all users, contrary to NPPF paragraph 115(b). The development would be accessed from South Newington Road in the south-eastern corner of the site. The access itself meets all the requirements regarding visibility and capacity, but failed to provide adequate pedestrian and cycle access to provide a safe and usable non-vehicular route to the village centre. Discussions have been on going between the applicant and the LHA to seek to resolve this issue.
- 9.63. The solution involves using the grass verge along the side of South Newington Road as the cycleway. The shared footway/cycleway is mainly 3.0 metres in width and would extend from the site entrance to the junction with Cumberford. However, there is a short section of approximately 25 metres where the width reduces to 2.8m, the LHA advising that for this section a 2.8m cycleway is acceptable in line with standards. As a result, the LHA no longer objects to the proposal. The proposed pedestrian and cycle link would be located outside the application site and carried out as off-site highways works.

Conclusion

- 9.64. The LHA has no objection to the proposal in terms of traffic generation and impact on the local highway network. And following discussions with applicant and revised proposals re the footpath/cycleway the LHA is satisfied that the proposal includes safe and suitable access for all users through the provision of an off-site shared pedestrian and cycle route. Therefore, the proposal is in line with paragraph 115 of the NPPF and Policy ESD15 of the CLP 2015.

Residential amenity

- 9.65. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other

things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

- 9.66. The application is in outline form at this stage; therefore, the detailed consideration of residential amenity will take place at reserved matters stage. However, several local residents have raised concerns about potential loss of amenity from overlooking. The submitted indicative masterplan shows the SUDS and landscaping closest to the proposed housing, providing a good buffer of at least 30m to existing dwellings.
- 9.67. It is considered that the proposed development can accommodate 95 dwellings without any significant impact on the amenities of the existing properties and proposed dwellings. It is therefore considered that the proposal respects the requirements of Policies C30 of CLP 1996 and ESD 15 of the CLP 2015.

Flood Risk and Drainage

- 9.68. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.69. Paragraph 182 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.70. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.71. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.72. The site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. The applicant submitted a Flood Risk Assessment as part of the application. The Lead Local Flood Authority (LLFA) initially raised an objection as the proposed drainage strategy was shown to discharge to the ground via soakaways and they required a minimum of 1m clearance to ensure the protection of groundwater quality.
- 9.73. Additional information has been submitted by the agent confirming that the required distance can be provided and the LLFA has been reconsulted. At the time of writing the report, the LLFA has not commented on the revised information. This matter is a technical issue, which can be overcome. Any comments from the LLFA will be reported within the written updates.

Ecology Impact

Legislative context

- 9.74. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.75. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.76. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.77. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.

- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.78. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy context

9.79. Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and 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.

9.80. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.81. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.82. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.83. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.84. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.85. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require

ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.86. The application is accompanied by an Ecological Appraisal which documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, informing an appraisal of the likely ecological effects of the proposals. Some concerns were raised by the Council's Ecologist about the submission; a number of these were also raised by Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT).
- 9.87. The application site is located adjacent to the Slade Local Nature Reserve (LNR) which contains habitats of principle importance such as wet woodland, lowland mixed deciduous woodland and lowland fen and numerous protected and notable species. The Council's Ecologist and BBOWT have concerns that habitat types that are vulnerable to changes in hydrology, both water quality and water quantity and there may be a potential negative impact as a result of changes in hydrology from the development. In order to address this the Council's Ecologist requires the submission of a scheme for approval prior to commencement of hydrological mitigation for the LNR with baseline measures, monitoring and remediation proposals.
- 9.88. Policy ESD 10 of the CLP 2015 requires that impact on UK priority species should be avoided. Thus appropriate bird surveys should be undertaken prior to consideration of the application. This hasn't happened in this instance so the Council's Ecologist has requested the submission of bird surveys together with a mitigation scheme which includes 15m buffer each side of hedgerows (without footpaths to ensure their continued function for wildlife) and to refuge areas which are inaccessible to the public/dogs. This should help to ensure that the impact on birds is kept to minimum in line with Policy ESD 10.
- 9.89. The District licence route will be pursued for Great Crested newts and specific conditions are proposed to control this matter.
- 9.90. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Infrastructure

- 9.91. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.92. Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development

9.93. Oxfordshire County Council have requested a developer contribution of **£960,298** towards the expansion of Bloxham Primary School and special education. The applicants have raised concerns about these sums are not currently justified based on the existing capacity and space. Discussions will continue on this matter and Members will be updated at the meeting.

9.94. Oxfordshire County Council Highways have requested the following financial contributions:

- Traffic Regulation Order - relocation of Speed Limit on South Newington Road - **£3820**
- Public transport services **£129,580** Continuation and improvements to Public Transport Services serving the site.
- Travel Plan Monitoring **£2035** monitoring of travel plan over a 5-year period.
- Public Rights of Way **£45,000** improvements to the Rights of Way surrounding the site

9.95. The Recreation and Leisure team at Cherwell District Council have requested the following contributions towards:

- Improvement/expansion or enhancements of Community Hall Facilities in the Bloxham based on 2.4 person per dwelling for 95 dwellings = **£104,690.76**
- Outdoor Sport provision to go towards improvements to Bloxham recreation ground, based on 95 dwellings = **£266,791.00**
- Indoor Sports provision contribution off-site indoor sport contribution towards the expansion / enhancement of indoor facilities at Woodgreen Leisure Centre or towards a new facility in the locality based on 95 dwellings = - **£101,131.00**
- Public Art a contribution based on 95 dwellings of **£24,752.00**

9.96. The integrated Care Board have requested **£86,088** towards additional clinical capacity at Bloxham and Hook Norton Surgery or an identified primary care estates project in the local area to serve the development. The applicants would

10. PLANNING BALANCE AND CONCLUSION

10.1. In determining this application the Council is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cherwell Local Plan 2011-2031 Part 1, saved policies of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan.

- 10.2. The proposed development would not accord fully with the Development Plan. The application site lies outside the existing built form of Bloxham, on greenfield land within the countryside. The proposal would therefore conflict with the spatial strategy of the Development Plan and would also conflict with the emerging Modified Bloxham Neighbourhood Plan, which has progressed through examination and is awaiting referendum. Significant weight is afforded to this conflict.
- 10.3. The proposal would also result in the loss of open countryside and would have an urbanising effect on the southern approach to Bloxham. Whilst the submitted parameter plans, landscape strategy and ecological enhancements would assist in mitigating these impacts, it is acknowledged that the development would change the character and appearance of the site and its surroundings. Moderate adverse weight is therefore attributed to the identified landscape and visual harm.
- 10.4. Against this, substantial weight must be given to the benefits arising from the proposal. The development would deliver up to 95 new dwellings, including 35% affordable housing, contributing towards both market and affordable housing needs within the District. The delivery of new housing attracts significant positive weight. The affordable housing provision is a particularly important benefit given the recognised and continuing need for affordable homes and attracts very substantial positive weight.
- 10.5. The latest published housing land supply position demonstrates that Cherwell District Council is only able to demonstrate approximately 3.1 years of deliverable housing land supply. This represents a significant shortfall against national policy requirements and is a matter that attracts substantial weight in favour of proposals capable of delivering housing in sustainable locations. The application site adjoins a Category A Village, one of the most sustainable rural settlements within the District, where residents would have access to a broad range of services and facilities. The site's location therefore attracts moderate positive weight.
- 10.6. The proposal would also generate economic benefits during both the construction and occupation phases of development and would support local businesses and services. Further benefits would arise through ecological enhancement, biodiversity net gain, on-site open space provision and financial contributions towards local infrastructure, education, healthcare, recreation, transport and community facilities secured through the Section 106 Agreement. These benefits attract moderate positive weight in the planning balance.
- 10.7. The Council cannot currently demonstrate a five-year supply of deliverable housing land. Consequently, the most important policies for determining the application are out-of-date and the presumption in favour of sustainable development set out within Policy PSD1 of the Cherwell Local Plan and paragraph 11(d) of the NPPF is engaged. The application must therefore be assessed on the basis of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 10.8. Officers have attached significant weight to the conflict with the spatial strategy of the Development Plan and the emerging Modified Bloxham Neighbourhood Plan, together with the landscape and visual impacts arising from the development of this greenfield site. However, these harms are not considered to give rise to any unacceptable impacts in respect of heritage assets, highway safety, residential amenity, ecology or other technical matters that could not be appropriately mitigated through conditions and planning obligations.

10.9. Having regard to the Council's substantial housing land supply shortfall, the sustainable location of the site adjoining a Category A Village, the delivery of up to 95 dwellings including 35% affordable housing, and the associated economic, social and environmental benefits arising from the development, it is concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the NPPF taken as a whole.

10.10. Accordingly, and applying the presumption in favour of sustainable development, the proposal constitutes sustainable development and planning permission should be granted subject to the completion of a Section 106 Agreement and the conditions set out below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION AND SUBJECT

- i) TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- **Provision of 35% affordable housing on site based on a 70:30 social rent and shared ownership tenure splits.**
- **Payment of financial contributions towards improvements to off-site community and healthcare, policing services and infrastructure.**
- **Payment of contributions towards transport and public transport enhancements.**
- **Off-site transport improvement works.**
- **Payment of contributions towards education provisions.**
- **Payment of contributions to Health infrastructure.**
- **BNG provisions related to HMMP and monitoring fees.**
- **Appropriate monitoring fees for the delivery of the s106.**
- **Commuted sums and maintenance provisions for open spaces/recreational facilities.**

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED BY 31st July 2026 AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR - PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING

REASON: In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions and provisions required as a result of the development and necessary to make the impacts of the development

acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies BSC3, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework.

CONDITIONS

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 18 months from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans
 - Site Location Plan, prepared by Savills - 715976 –
 - Bloxham - 01 Red Line
 - Development Framework Plan, prepared by Savills - 715976 - Bloxham - FP01A Framework Masterplan
 - Parameters Plan, prepared by Savills - 715976 - Bloxham - parameter plans
 - Landscape Strategy Plan- forming part of the Green Infrastructure Strategy (CSA) o Access drawing- 4456 F01 Rev E- Proposed Site Access (for approval)

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Contamination

4. Prior to the development commencing full details of the mitigation measures (glazing and alternative means of ventilation) required to achieve satisfactory internal levels in all habitable rooms as specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of the dwellings hereby permitted in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

5. Prior to the development commencing full details of the mitigation measures (glazing and alternative means of ventilation) required to achieve satisfactory internal levels in all habitable rooms as specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason: In order to safeguard the amenities of the occupiers of the dwellings hereby permitted in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 7. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

11. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at

thameswater.co.uk/preplanning.

12. Prior to the first occupation of any dwelling, a Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, Transport for New Developments; Transport Assessments and Travel Plans (March 2014) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved revised Residential Travel Plan.

Reason - To encourage occupiers to use sustainable modes of transport.

13. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

14. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

16. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

17. Prior to the first use of the development hereby approved details of the external lighting/security lighting/floodlighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

18. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non-technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat
- Details and number and location of bird and bat boxes to be provided.
- Notice in writing shall be given to the local planning authority when the: HMMP has been implemented
Habitat creation and enhancement work as set out in the HMMP have been completed.
- The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.
- Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

19. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land Northwest of South Newington

Road: Impact plan for great crested newt District Licensing (Version 1)", dated 7th April 2026.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

20. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

21. No development shall commence until bird surveys and a mitigation scheme for birds has been submitted to and approved by the local planning authority. This shall include a commitment to a 15m buffer each side of hedgerows (without footpaths to ensure their continued function for wildlife) and to refuge areas which are inaccessible to the public/dogs.

Reason: To ensure that the development does not cause harm to birds, protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

2. If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council. This is separate from any planning permission that may be granted.

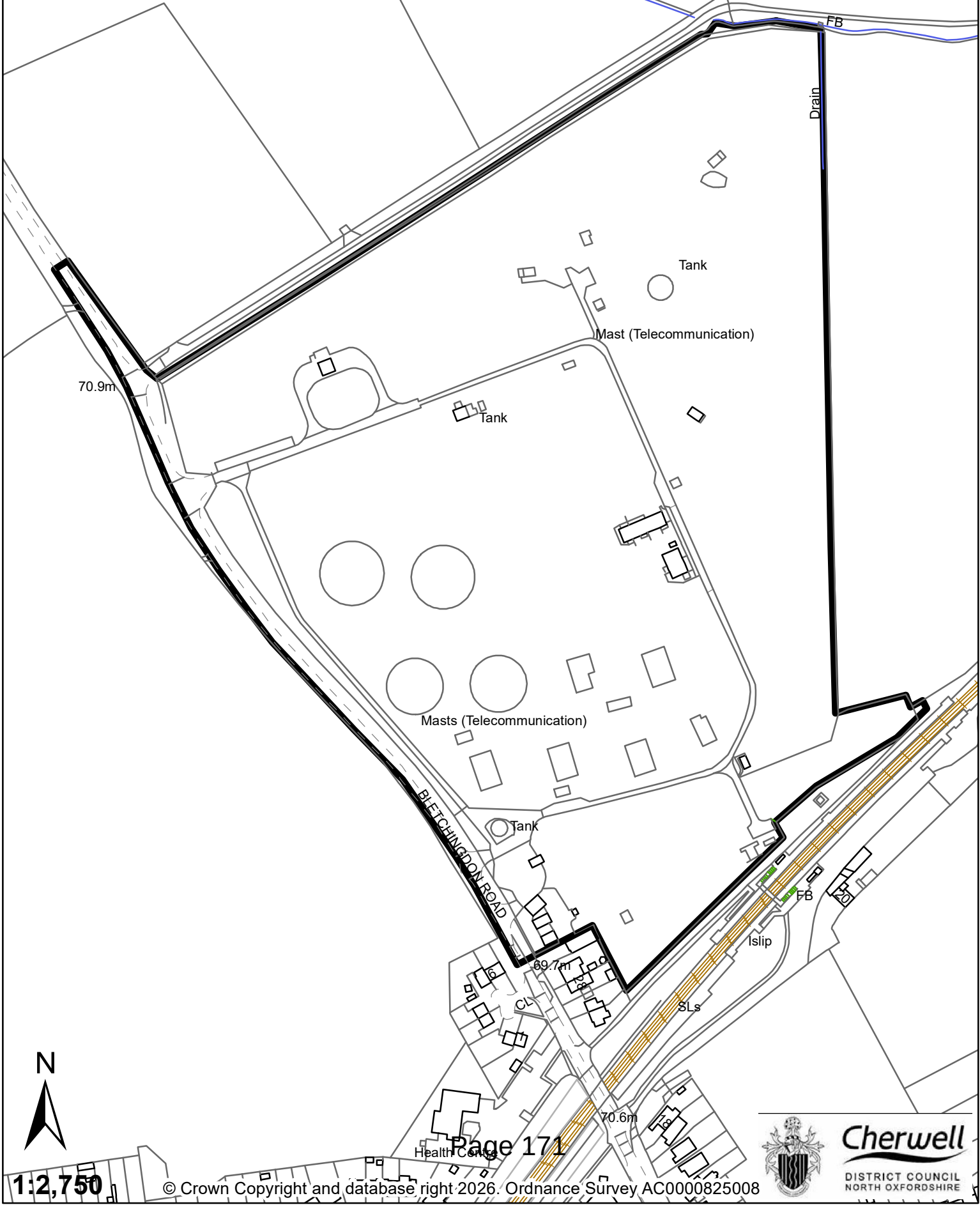
CASE OFFICER: Nicola Wheatcroft

Land at Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchington Road Islip



25/02918/OUT

Land at Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchington Road Islip



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Land at Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchington Road Islip



Case Officer: Katherine Daniels

Applicant: Barwood Development Securities Ltd and NCM Real Re

Proposal: Outline application (All Matters Reserved except for Access) for the development of up to 150 homes (Class C3), up to 70-bed care home (Class C2), up to 65 no. retirement/assisted living units (Class C2/C3) and associated facilities, car parking associated with the neighbouring land use (sui generis), public open space, pedestrian and cycle links, play area, drainage, landscaping, and all other related works including the removal of fuel storage tanks and associated engineering/remediation works and demolition of associated structures and buildings

Ward: Launton And Otmoor

Councillors: Cllr. A Russell, Cllr. J Nedelcu and Cllr. T Faltermeyer

Reason for Referral: Major development

Expiry Date: 12 June 2026

Committee Date: 23 July 2026

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO
CONDITIONS/AND SUBJECT TO A S106 LEGAL AGREEMENT**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The brownfield application site, which is just over 14 hectares in size, is a former oil distribution depot located to the immediate north of the village of Islip. Although the site is well screened with an existing mature hedgerow there are points along the boundary where views into the site are possible. The main area of the site appears relatively green with a limited number of structures above the ground level. The main storage tanks are located below ground and are mounded with solid flat tops.
- 1.2. The oil depot was opened by the RAF in 1930. After the Second World War, control was transferred to ESSO who occupied the site until 1969. More recently the MoD supplied jet fuel, by pipeline, to RAF Upper Heyford. The site ceased use in 1994, when airbase closed. It has been largely redundant since this date. The depot has two points of access onto the Bletchington Road and is relatively close to the A34 which is to the north of the site.

2. CONSTRAINTS

- 2.1. The application site is in an area of potentially contaminated land and is within the Oxford Green Belt. The East West Rail Safeguarded area is located to the south. The

site is also in an 'explosive zone'. Islip's Conservation Area is located approx. 130m to the south. The site lies within a flood zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This is an outline planning application for the construction of up to 150 dwellings, a 70 bed care home and 65 bed retirement/assisted living units. The applicants have provided a masterplan which shows how the development could be developed. The proposed development is in two principal parcels. The residential care home, and retirement village are located to the south of the site, and the proposed dwellings are located to the north of the site. The parcels are proposed to have green space between them, as well as being set off from the boundary of the site. The majority of the green space is located to the northeast of the site.
- 3.2. The dwellings, retirement home, and the care homes would have maximum heights of 10.5m (2.5 storeys), 11m (2.5 storeys) and 11.5m (2.5 storeys) respectively. The tallest residential buildings in the northern parcel are proposed to be located centrally in an attempt to limit the visual harm from outside the site's perimeter.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

24/00295/PIP – Permission in Principle – redevelopment to provide 9 dwellings.
Withdrawn

13/00311/CLUE – Certificate of Lawful Use Existing – Oil Storage Depot. Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 December 2025**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. The comments raised by third parties are summarised as follows:

- Scale and Overdevelopment of Islip
 - Increase the population of Islip by 50-70%.
 - Outside the established confines of Islip
- Impact on Village Character and Heritage
- Pressure on infrastructure
 - School is at capacity
 - GP surgery is overstretched
- Highway Safety and Traffic Impacts

- Residential amenity
 - Noise, traffic and disturbance
 - Loss of Privacy
- Loss of Green Belt
- Premature application
- Additional flooding in the locality
- Impact on ecology and biodiversity
 - Insufficient information
 - Further surveys are required
- The need for the care home
- Increase in crime

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. ISLIP PARISH COUNCIL: **object** to the proposal. Have the following concerns:

- Contamination – especially with PFAs
- Traffic and Highway Safety
- Sewage and Foul Waste Capacity
- Flooding and Drainage
- Medical Services Capacity
- School Capacity
- Concerned about the masterplan and what will be built
- Scale and Impact on Village Character
- Noise Impact
- Housing Type and Mix
- Impact on the Green Belt
- Residential Amenity

7.3. OCC HIGHWAYS: **no objections** subject to S106 contributions towards highway works, public transport services, travel plan monitoring, obligation for a S278 agreement as well as planning conditions for the access, travel plan for the dwellings and the care home, a construction management plan

7.4. OCC LEAD LOCAL FLOOD AUTHORITY: Has no objections subject to conditions relating to Surface water Drainage, and SuDS as built and maintenance details.

7.5. OCC EDUCATION: Has no objection subject to S106 contributions for primary and nursery education, secondary education, secondary education land and special education.

- 7.6. OCC ARCHAEOLOGY: No archaeological constraints
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to S106 contributions towards household waste recycling centres
- 7.8. OCC LIBRARY SERVICE: **No objections** subject to S106 contributions towards expanding capacity and stock at Kidlington Library.
- 7.9. OCC PUBLIC HEALTH: Public Health are generally supportive of the proposals on the basis that the applicant ensures the following issues are addressed:
- Local healthcare facilities have sufficient capacity to cope with the anticipated increase in the local population on completion of the development
 - Adequate community stakeholder engagement is conducted throughout the continued development of the site to reduce unnecessary stress on local people.
 - The development actively promotes positive health and wellbeing considering the identified health needs and demographics of the future residents.
- 7.10. NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board: **No objections** subject to Section 106 for the improvements to Islip Doctors Surgery.
- 7.11. CDC PLANNING POLICY: **No objection** to the proposal subject to no substantial harm to the openness of the green belt.
- 7.12. NATURESPACE: There is a high likelihood that Great Crested Newts would be impacted by the development proposals.
- 7.13. CDC ECOLOGY: Has **no objection** to the proposal following confirmation that there are no bats in the tanks, and confirmation that the applicants will be going down the licence from Natural England for Great Crested Newts. Recommends conditions, CEMP, LEMP, Sensitive Lighting scheme, updated surveys if current surveys expire prior to works starting. S106 for BNG.
- 7.14. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to noise, CEMP, Air quality, Contamination. Have no comments on light or odour.
- 7.15. ENVIRONMENT AGENCY: Have **no objections** to the proposal provided suitable conditions are imposed relating to contamination, drainage, piling and boreholes.
- 7.16. CDC BUILDING CONTROL: Would be subject to building regulations.
- 7.17. CDC LAND DRAINAGE: It is recommended that SuDS are incorporated within the design. Site discharge is restricted to greenfield run off rate.
- 7.18. CHILTERN AND NETWORK RAIL: Has no objections to the proposal providing suitable conditions are imposed.
- 7.19. THAMES VALLEY POLICE CRIME PREVENTION DESIGN ADVISOR: Has made comments on the potential layout of the proposal, and how the layout can respond to designing out crime at the Reserved matters stage.
- 7.20. THAMES VALLEY POLICE: Requests S106 for new policing growth, monies towards new vehicles, APNR cameras, premises, and Mobile IT.

- 7.21. CPRE: Has concerns on developing the site. Agree in principle to the brownfield first approach, this does not mean it should be developed. Concerns on the impact on ecology, and the water and wastewater infrastructure.
- 7.22. THAMES WATER: Has identified the foul water network does not have sufficient capacity and recommend that conditions are imposed.
- 7.23. CDC RECREATION AND LEISURE: Request monies towards sports provision (indoor and outdoor), community hall facilities, community warden, community development fund and public art.
- 7.24. OXFORDSHIRE FIRE AND RESCUE: Development would need to be subject to building regulations and fire service access with appropriate flow rates provided.
- 7.25. CDC URBAN DESIGNER: Given the site's brownfield use and clear relationship with the station, I support the principle of redevelopment. However, I object to the design proposals that have been brought forward. Further thought should be given to the disposition of land uses, densities and heights, which the applicant is seeking to fix at this outline stage. I would support a form of development that is more closely relate to the existing village and the station. Considerations such as railway noise could be addressed at the detailed stage, rather than the imposition of a fixed buffer at this outline stage. Alternative design options should be fully explored to ensure a scheme that makes efficient use of the land; is sympathetic to the local character; and fully optimises the sustainable location. The parameters will need to allow sufficient flexibility for this to be achieved. They should not inhibit sustainable, innovative and contextually responsive design.

AMENDED COMMENTS: Further to the applicants' technical note my comments of the 18th June remain unchanged. I make the following observations:

Relationship to the Existing Settlement of Slip

The response does not address my concern, which relates to the disposition of land uses. The applicant seeks to justify the design approach by talking about issues such as block structure, character and appearance. This is a distraction because these elements are not for determination at this outline stage. Given the applicant is a land promoter, their interest in design and placemaking is unlikely to extend beyond achieving outline planning.

Approach to Compact Development

Compact development means establishing walkable neighbourhoods by locating higher densities close to existing and proposed amenities. In the context of this scheme, the station would be the obvious location to focus development. However, the applicant has chosen to locate lower density retirement living and open space in this location.

Evidence based approach to noise constraints

The applicant states that the outline scheme has been informed by robust technical evidence, rather than an arbitrary design decision. My comments do not suggest the design decisions are arbitrary. On the contrary, I believe the applicant would rather over egg the buffers to ensure a clean site to pass onto house builders.

The Noise and Vibration assessment is in outline and clearly shows that built development could be located closer to the railway with standard glazing, and in fact right up to the site boundary with enhanced glazing. The deep offset is not justified in design terms. Appropriate design and mitigation can be developed at reserved matters; noise should not be used as a reason to stymie development within the most sustainable part of the site at this outline stage.

Density Strategy

No further comments.

Building Heights Strategy

No further comments.

7.26. LANDSCAPE CONSULTANT: CDC LANDSCAPE COMMENTS ON AMENDED INFORMATION:

On the basis of the additional information submitted, I am satisfied that the applicant has fully addressed the comments and requests for clarification set out in the HBA review. The LVA and Addendum together now provide a sufficiently robust and transparent assessment to inform the Council's consideration of landscape and visual matters. On this basis, I raise no objection on landscape grounds.

7.27. HUSKISSON BROWN (HBA) COMMENTS:

Confirmation of the brief issued to the reviewer setting out the scope of the review;

The scope of this review was to undertake a review of the submitted Landscape and Visual Appraisal in general accordance with the Landscape Institute's Technical Guidance Note (TGN) 1/20 (10 Jan 2020). This gives guidance for reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs). It identifies the three main components of a review as to the completeness, competency, and reliability of an LVIA / LVA. These are stated as:

- 1) Checking the methodology used to undertake the assessment, the criteria selected (including balance between), and the process followed;
- 2) Checking the baseline, content and findings of the assessment; and
- 3) Checking the presentation of the assessment findings.

Chapter 8 of GLVIA3 'Presenting information on landscape and visual effects' has also informed the review.

The review was undertaken by a Chartered Member of the Landscape Institute experienced in the preparation and review of LVIA's and LVA's and familiar with the landscape of the district.

A summary of how the review was undertaken;

The work involved both desk-based review and a site visit. The desk-based work centred on reading the LVA, following through the methodology by means of both the text and tables and spot checking a range of the other documents referred to. The Design and Access Statement, access proposals plans and topographical survey were also briefly reviewed

Site work involved inspecting the site from the existing entrance gates on Bletchington Road, driving the local roads on approach to Islip and the site and within the village, and walking the local Public Rights of Way and roads both in the vicinity of the site and further afield to confirm the existing character of the site and locality and to inspect the LVA viewpoints.

A summary of findings of the review of the assessment methodology;

The LVA methodology is overall considered compliant with GLVIA3 and relevant technical guidance notes, however a number of weaknesses are identified that leave

it open to challenge and could be tightened up. The methodological approach to judging landscape value and the balance of criteria used to inform landscape susceptibility has been questioned and further clarification should be provided.

A summary of findings of the review of the scope of the assessment;

A typical temporal and geographical scope are set out in the LVA and are appropriate. The scope is not otherwise defined in the LVA. The following comments are made regarding the scope based upon the LVA content:

- An element of Green Belt assessment within the LVA assessment of effects. It should be separately considered. Compliance with Green Belt policy is not a consideration for the LVA.
- The LVA baseline does not refer to or consider all of the relevant Landscape Types (LT) and Landscape Character Areas (LCA) within the 2km Study Area and ZTV, or provide sufficient justification for their scoping out. Potential landscape receptors are therefore missing or have not contributed to a thorough understanding of the baseline for 'the site in its context'. These are:
 - Clay Vale LT which adjoins the site.
 - Alluvial Lowland LT which covers the landscape across much of the countryside to the east of the Site. Both require consideration in the baseline.
 - The Lower Cherwell Floodplain LCA and the Oxfordshire Estate Farmlands LCA.
- In terms of visual receptors, users of Kidlington Road and residents on the northern side of Kidlington Road lie within the Study Area and ZTV but have been scoped out of the LVA. Given that the LVA considers the proposed development would be perceived in more distant views beyond Kidlington Road, this would seem an error.
- The effects of the height, scale and mass of development in this landscape and upon the settlement character of Islip are not fully assessed.
- The basis for the LVA (ie the scheme proposal that has been assessed in the LVA) is not clear; whether this is the Parameter Plans and access proposal (which are for determination but neither the drawings nor the proposed heights and scale of built form and open space etc indicated upon them are referenced or specifically assessed in the LVA) or indicated in the illustrative material.
- The effects of the access proposal do not appear to have been assessed.

The LVA methodology appears generally in line with GLVIA3 and the associated Technical Notes however some methodological issues have been raised, predominantly relating to the approach to landscape value and the balance/completeness of the landscape susceptibility criteria that are not robust or entirely clear.

A summary of findings of the review of the actual assessment of effects;

The LVA baseline is not thorough. It does not address some of the relevant LTs, LCA or all of the relevant characteristics/qualities of the landscape as identified in published studies and scopes out some visual receptors that should be included. This

means that key aspects of landscape character have not been fully analysed in the LVA, used to inform the scheme design or subsequently carry through into the consideration of landscape value and susceptibility, landscape sensitivity and the assessment of effects.

There is therefore a disconnect between the findings of the LVA baseline studies and noted characteristics/issues in the published landscape studies and the scheme proposal itself as well as the subsequently assessed findings with regard to landscape and visual effects. The scheme proposal does not demonstrate that it has been appropriately informed by the range of sensitivities and valued qualities noted in the published studies. The LVA does not robustly assess the scheme against all of the characteristics of this landscape; notably in terms of the recognised scale and settlement pattern of Islip.

Visual effects are not adequately described in terms of the scale/amount of proposed development that would be visible and how this would relate to the overall composition of the view (ie. would it break the skyline or create a depth of development in any views?) or to the visual relationship with the village and the wider countryside in order to justify the assessment rankings.

Photowire visualisations could have helpfully illustrated how the parameters for the proposed development would appear in views and corroborate the assessment, particularly where the LVA indicates uncertainty. They could help to demonstrate how the proposed development would be perceived and 'fit' in this landscape and assist in communicating the assessment of landscape and visual effects and supporting the assessed findings. This would be a proportionate approach given the scale of development that is being proposed and the noted uncertainties over what effects may arise in the LVA.

The findings are not always clearly set out in relation to both landscape and visual issues with some erroneous or misleading language used. Some of the LVA findings are not considered reliable on account of mis-recording of the sensitivity of landscape receptors that has fed through the assessment.

The overall landscape effects assessed in the LVA are likely to be understated due to not adequately considering all of the relevant baseline characteristics, in particular the topography of the site on east facing slopes on high ground extending north from the settlement, and the role of this landscape in relation to settlement pattern and the effects of the proposed scale of development upon the small-scale of Islip village (as noted in the published character and sensitivity studies).

The findings of the LVA are open to criticism as a result of the above issues which are recommended to be addressed.

A summary statement by the reviewer in respect of appropriateness, quality, comprehensiveness, compliance and conformity with relevant guidance and regulations;

The LVA methodology is largely compliant with GLVIA3 however some methodological issues have been identified that should be addressed or clarified. Some errors in the application of the methodology are also flagged.

The consideration of the landscape baseline and identification of both landscape and visual receptors and effects is not comprehensive. The narrative of the LVA is somewhat generic and lacks in site-specific analysis, notably with regard to the key characteristics of landscape character and predicted visual effects. This arises to a

degree from the gaps in the baseline consideration and identification of receptors as well as some errors in the application of the methodology.

The LVA is silent on the scheme that has formed the basis of the assessment. The building heights and overall scale of development being proposed by the outline scheme are not referenced or analysed in terms of how this would relate to the existing landscape character and the way that Islip is perceived in the landscape.

Elements of Green Belt assessment and testing against policy are amalgamated within the landscape and visual effects assessment which is not appropriate or in accordance with best practice.

Recommendations for further information to be sought (if necessary);

In order to present a robust LVA upon which CDC can make a fully informed planning decision, the following information is recommended to be addressed by the applicant's Landscape Architect:

- Confirm the basis on which the LVA is made (ie. Parameter Plans and access proposal or Illustrative Masterplan).
- Clarify the LVA methodology approach to landscape value and include all relevant landscape susceptibility criteria within the methodology or clarify how indicators of susceptibility such as landform/topography and settlement pattern are addressed.
- Update baseline to provide a more comprehensive and robust consideration of all relevant LTs and LCA that adjoin the site and lie within the study area and the, and use this to inform the assessment of landscape effects, or justify why they are not relevant.
- Justify exclusion of users of Kidlington Road and properties on Kidlington Road as visual receptors, or include in the assessment.
- Illustrate extent of the ZPV on Plan EDP 5.
- Clarify extent of the identified landscape receptors – notably to confirm whether the site is a receptor in isolation or 'in its context' (both are variably referenced throughout the LVA). If the site is considered in its context, clarify how this overlaps with the host LT and LCA which are also assessed as separate receptors with variable extents referenced.
- Landscape value judgements (LVA Table EDP3.1) need to more comprehensively address and analyse the range of key characteristics and valued qualities recorded in the published studies. (noting also the missing LT and LCA characteristics).
- Address typographic errors and erroneous statements and correct errors in the application of the assessment criteria/rankings.
- The elements of Green Belt assessment and testing against policy in LVA Section 6 should be presented separately from the landscape and visual effects assessment.
- Identify the pertinent aspects of the development proposal for the LVA and describe how the landscape and visual baseline has informed the development of the Parameter Plans in LVA Section 5.

- Provide further narrative reasoning for the magnitude of change judgements in the landscape effects assessment, with reference to the development indicated on the Parameter Plans and access proposal.
- Provide more in-depth and site-specific analysis and supporting visual material (eg. Photowires/wireframe views) in order to inform and justify the assessed rankings of visual magnitude of change and level of visual effects and to address missing visual receptors on Kidlington Road. Further clarification and consistency is required in describing the visual effects for all receptors in relation to the specific development proposal and the visual context of this landscape

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- Policy PSD 1 – Presumption in favour of Sustainable Development
- Policy SLE 4 – Transport Connections
- Policy BSC 1 – District Wide Housing Distribution
- Policy BSC2 - he Effective and Efficient Use of Land -Brownfield land and Housing Density
- Policy BSC 3 – Affordable Housing
- Policy BSC 4 – Housing Mix
- Policy BSC 10 – Open Space, Outdoor Sport and Recreation provision
- Policy BSC 11 – Local standards of provision – Outdoor Recreation
- Policy BSC 12 – Indoor Sport, Outdoor Sport and Recreation provision
- Policy ESD 1 – Mitigating and Adapting to Climate Change
- Policy ESD 2 – Energy Hierarchy and Allowable Solutions
- Policy ESD 3 – Sustainable Construction
- Policy ESD 4 – Decentralised Energy Systems
- Policy ESD 5 – Renewable Energy
- Policy ESD 6 – Sustainable Flood Risk Management
- Policy ESD 7 – Sustainable Drainage Systems
- Policy ESD 8 – Water Resources
- Policy ESD 10 - Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13 – Local Landscape Protection and Enhancement
- Policy ESD 14 – The Oxford Green Belt
- Policy ESD 15 – The Character of the Built and Historic Environment
- Policy ESD 17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- Policy INF 1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H18 – New dwellings in the Countryside
- Policy C28 – Layout, design and external appearance of new development
- Policy C30 – Design control
- Policy ENV1 – Environmental Pollution
- Policy ENV12 – Contaminated Land

The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

CHERWELL LOCAL PLAN REVIEW 2042 PROPOSED SUBMISSION (CLPR 2042)

- SP1 – Settlement Hierarchy
- CSD1 – Mitigating and adapting to climate change
- CSD2 – Achieving Net Zero Carbon Development – Residential
- CSD6 – Renewable energy
- CSD7 – Sustainable Flood Risk Management
- CSD8 – Sustainable Drainage Systems
- CSD11 – Protection and enhancement of Biodiversity
- CSD12 – Biodiversity Net Gain
- CSD15 – Green and Blue Infrastructure
- CSD17 – Pollution and Noise
- CSD19 – Soils, Contaminated Land and Stability
- CSD22 – Sustainable Transport and Connectivity Improvements
- CSD23 – Assessing Transport Impact/Decide/provide
- CSD25 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- COM1 – District Wide Housing Distribution
- COM2 - Affordable Housing
- COM3 – Housing Size/Type
- COM4 – Specialist Housing
- COM10 – Protection and Enhancement of Landscape
- COM12 – The Oxford Green Belt
- COM14 – Achieving Well Designed Places
- COM15 – Active Travel – Walking and Cycling
- COM17 – Health Facilities
- COM18 – Creating Healthy Communities
- COM20 – Providing Supporting Infrastructure and Services
- COM21 – Meeting Education Needs
- COM22 – Public Services and Utilities
- COM23 – Local Services and Community Facilities
- COM24 – Open Space, Sport and Recreation
- COM27 – Conservation Areas
- RUR1 – Rural Areas Housing Strategy
- RUR3 – New Dwellings in the Open Countryside

8.3. Other Material Planning Considerations

- The National Planning Policy Framework (2024)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide SPD (July 2018)

- Developer Contributions SPD (February 2018)
- CDC Green Belt Study (2003)
- National Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development in the Green Belt
- Highway Safety
- Landscape and Visual Impact
- Design and Layout Principles
- Impacts on Heritage Assets
- Residential Amenity
- Sustainable Construction and Energy Efficiency
- Ecology and Biodiversity
- Flooding and Drainage
- Affordable Housing
- Noise, Contamination and Air Quality
- Planning Obligations
- Other material considerations
- Planning Balance and Conclusion

Principle of Development in the Green Belt

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan relevant to the proposal site is the CLP 2015, its Partial Review and the saved policies of the Cherwell Local Plan 1996, which contain strategic and non-strategic planning policies for development and the use of land.
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester, and a small number of strategic sites outside of these towns including an allowance for housing in the rural areas. This is outlined in Policy BSC1 of the CLP 2015, which states that an additional 22,840 dwellings will be delivered between 1 April 2011 and 31 March 2031 (plan period). The delivery strategy for meeting the above housing target is through existing extant planning permissions, local plan allocations and windfall sites. Whilst Policy BSC1 is now out of date insofar as the number of dwellings required to be delivered, the housing strategy remains relevant. The CLP Partial Review was a focussed plan to allocate land to meet Oxford's unmet housing needs.
- 9.4. The development site is an unallocated Green Belt site located beyond the built-up limits of Islip. Policy Villages 1 (PV1) identifies the most sustainable villages (Category C) and identifies infilling and conversions within built-up limits is in principle acceptable.
- 9.5. Islip is identified as a Category C village under PV1, therefore, housing development which is not infilling or conversion will not be supported. The general local plan direction for villages and rural areas is to protect and enhance the services, facilities, landscapes, and natural and historic built environments within these areas.

- 9.6. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.7. Cherwell District Council's latest Annual Monitoring Report, dated December 2025, confirms that Cherwell District Council can only demonstrate a housing land supply of 3.1 years.
- 9.8. This figure accounts for the land supply calculations for deliverable housing sites measured against identified need, including that for Oxford's unmet need, as outlined in the Cherwell Partial Review Plan (2020). The land supply calculations are in light of the revised NPPF (December 2024) and appeal decision ref; APP/C3105/W/23/3326761 (March 2024) and the subsequent High Court decision for the appeal, for which the judge ruled that a single housing land supply calculation for the whole district must be used, incorporating both Cherwell's own need within the CLP 2015 and Oxford's unmet need (PR Plan 2020).
- 9.9. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;
 - ii. or 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.10. The policies which are most important for determining the application are out of date, as per footnote 8 of the NPPF, this relates to applications involving the provision of housing in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 9.11. As outlined in paragraph 9.7 of this report, the Council cannot presently demonstrate a 5 year housing land supply. On this basis, the housing policies BSC1, PV1 and PV2, along with H18, cannot be deemed up to date. Therefore, paragraph 11 (d) of the NPPF, which sets out the presumption in favour of sustainable development, is engaged.
- 9.12. The PPG provides guidance regarding planning for the housing needs of older people, stating that "the need to provide housing for older people is critical" and that "offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems" (Paragraph: 001 Reference ID: 63-001-20190626). It goes on to identify different types of specialist housing for older people, including "Retirement living or sheltered housing: This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides some support to enable residents to live independently." (Paragraph: 010 Reference ID: 63-010-20190626). In addition to this, the MHCLG 'Older People's Housing Taskforce' published a report in November 2024 that identified a national need to build an estimated 30-50,000 new later living homes per annum to meet the needs of an aging and increasingly diverse older population, compared to current delivery (at the time of publication) of around 7,000 per annum.

- 9.13. Policy PSD1 of the CLP 2015 sets out the plan's presumption in favour of sustainable development, stating that when considering development proposals, the council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, therefore, echoing paragraph 11 (d) of the Framework.
- 9.14. As outlined earlier, the development site is in the Green Belt, and it is also within the setting of designated heritage assets. Footnote 7 of the NPPF outlines the policies in the Framework which relate to protected areas or assets of particular importance, which include land designated as Green Belt and designated heritage assets.
- 9.15. The key considerations pertinent to the principle of development are therefore;
- whether the application of Green Belt and relevant heritage policies in the NPPF provides a strong reason for refusing the development proposed or;
 - whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
- 9.16. Section 13 (paragraphs 142 to 159) of the NPPF sets out the national Green Belt policy. The NPPF post-dates the CLP 2015, and so the NPPF provides the most up-to-date reference point for Green Belt Policy.
- 9.17. Paragraph 142 of the NPPF outlines that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. In turn, Paragraph 143 outlines the purposes of the Green Belt, which are as follows;
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 9.18. Policy ESD14 of the CLP 2015 is consistent with paragraph 143 of the NPPF identifying the following purposes;
- a) Preserve the special character and landscape setting of Oxford;
 - b) Check the growth of Oxford and prevent ribbon development and urban sprawl;
 - c) Prevent the coalescence of settlements;
 - d) Assist in safeguarding the countryside from encroachment;
 - e) Assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 9.19. Policy COM12 of the emerging Reg 19 Cherwell Local Plan Review (CLPR) 2042, whilst it is attributed limited weight given it's the stage of preparation it is at, echoes the NPPF and is similar in approach to Policy ESD14, in terms of the Green Belt purposes.

- 9.20. Paragraph 153 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.21. Paragraph 154 of the NPPF sets out exceptions to development being considered inappropriate in the Green Belt, and none of the exceptions listed relate to the proposed development.
- 9.22. However, as part of the revisions to the NPPF in December 2024, paragraph 155 was introduced, which states the following;

Development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

There is a demonstrable unmet need for the type of development proposed;

The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and

d) Where applicable, the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 [of the Framework].

- 9.23. 155(a) above requires an assessment of whether the development would utilise grey belt land, which is defined in Annex 2 of the NPPF as the following;

'For the purposes of plan-making and decision-making, 'Grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'

- 9.24. Although the site is classed as previously developed land, it still needs not to strongly contribute to any of the purposes (a), (b), or (d) as set out in paragraph 143 of the NPPF. Furthermore, as outlined in paragraph 155(a) of the NPPF, it would need to be demonstrated that development of homes would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
- 9.25. Lastly, the development site would also not be grey belt land, where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
- 9.26. The Government has provided guidance on assessing the purposes of the Green Belt in the form of an updated Green Belt section within the PPG. This sets out guidance on what may be considered a 'strong' contribution, versus a 'moderate' or 'weak' contribution to each of the above purposes. An assessment will be undertaken in the latter part of this report.
- 9.27. Further to the above assessments, it must also be demonstrated against the rest of the provisions in paragraph 155 of the NPPF that;

- (b) There is a demonstrable unmet need for the type of development proposed and;
 - (c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF and;
 - (d) The development proposed meets the '*Golden Rules*' requirements set out in paragraphs 156-157 of the NPPF.
- 9.28. Paragraph 156 of the NPPF states that, where major development involving the provision of housing is proposed on land released from the Green Belt or in the Green Belt subject to a planning application, the following contributions ('*Golden Rules*') should be made:
- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 of this Framework;
 - b. necessary improvements to local or national infrastructure; and
 - c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.
- 9.29. Paragraph 157 of the NPPF outlines that, before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.
- 9.30. The affordable housing policy BSC3 within the current adopted CLP 2015 does not account for paragraphs 67-68 of the NPPF, nor does the emerging affordable housing policy COM 2 of the Reg 19 CLPR 2042 (which, in any case, for the reasons outlined earlier, is given limited weight).
- 9.31. Policy BSC3 of the CLP 2015 outlines a 35% requirement for affordable housing for all major developments outside of Banbury and Bicester. Therefore, for the proposed development, accounting for the 15% uplift outlined in paragraph 157 of the NPPF, the requirement is for 50% provision of affordable housing to satisfy this part of the '*Golden Rules*'. It is noted that the applicants have offered 35% affordable housing, this is not part of the Golden Rules, and no case has been submitted to demonstrate viability. It will be expected that the applicants provide 50%
- 9.32. Paragraph 158 of the NPPF outlines that a development which complies with the Golden Rules should be given significant weight in favour of the grant of permission. Lastly, paragraph 159 outlines that:
- 'The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan'*
- 9.33. The proposed development will be assessed in accordance with the above provision with regard to the local standards for green space CLP 2015.

- 9.34. The following part of this section will assess the development's compliance with the Green Belt policies, set out above, to establish its principal acceptability in regard to this footnote 7 Green Belt policies relative to Paragraph 11d (i) of the NPPF. Footnote 7 heritage policies also apply to the proposed development, and the detailed assessment of such policies will be undertaken in the heritage section of this report and thereafter feed into the planning balance section of the report, in terms of acceptability.
- 9.35. The assessment of Paragraph 11 d(ii) of the NPPF, in terms of the development's adverse impacts and benefits, will be filtered through within the assessment of different considerations outlined in various sections of the report. An overall conclusion on this part of Paragraph 11, as it pertains to the principal acceptability of the development, will be reached in the final conclusion and planning balance section of the report, where a comprehensive weighing exercise of the scheme's impacts and benefits will be undertaken.

Is the site grey belt?

- 9.36. To be considered grey belt there is a two-part assessment is to be undertaken which requires demonstration that:
- The development site does not strongly contribute to any purposes of (a), (b), or (d) in paragraph 143 of the Framework. Within this assessment and further the grey belt definition, it will also be demonstrated whether the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, an assessment of the purposes related to (c) and (e) of paragraph 143 will also be undertaken.
 - For this development site in particular does the application of heritage policies provide a strong reason to refuse or restrict development.
- 9.37. In regard to the first part of the test, the PPG provides useful guidance on establishing whether an assessment area is grey belt, as outlined in the table below;

Purpose A – to check the unrestricted sprawl of large built-up areas	
Strong Contribution	Assessment area which is; Free of existing development. Lacks physical features in reasonable proximity that could restrict and contain development. Adjacent or near to a large built-up area. If developed, results in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt)
Moderate Contribution	Assessment area which is likely to be adjacent to or near a large built up area and includes one or more features that weaken the land's contribution, such as (but not limited to); -Having physical feature(s) in reasonable proximity that could restrict and contain development.

	-Be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development. -Contain existing development. -Be subject to other urbanising effects.
Weak or no Contribution	Assessment area which is; -Adjacent to or near a large built up area. -Adjacent to or near a large built up area, but containing or being largely enclosed by significant existing development.
Purpose B – to prevent neighbouring towns from merging into one another	
Strong Contribution	Assessment area which is free from existing development and includes all of the following features; • -Forms a substantial part of a gap between towns. • The development of which would be likely to result in the loss of visual separation of towns.
Moderate Contribution	Assessment area, which is located in a gap between towns, but include one or more features that weaken their contribution to this purpose, such as (but not limited to): • -Forming a small part of the gap between towns. • - • Being able to be developed without the loss of visual separation between towns. This could be (but is not limited to) due to the presence or the close proximity of structures, natural landscape elements or topography that preserve visual separation.
Weak or no Contribution	Assessment area which; • does not form part of a gap between towns, or • forms part of a gap between towns, but only a very small part of this gap, without contributing to visual separation.
Purpose D – to preserve the setting and special character of historic towns	
Strong Contribution	Assessment area which is free of existing development and includes the following features; • forms part of the setting of a historic town; • makes a considerable contribution to the special character of a historic

	town. This could be (but is not limited to) as a result of being within, adjacent to, or of significant visual importance to the historic aspects of the town.
Moderate Contribution	Assessment area which forms part of the setting and/or contributes to the special character of a historic town but includes one or more features that weaken their contribution to this purpose, such as (but not limited to): • being separated to some extent from historic aspects of the town by existing development or topography • containing existing development. • not having an important visual, physical, or experiential relationship to historic aspects of the town.
Weak or no Contribution	Assessment area which; • does not form part of the setting of a historic town. • have no visual, physical, or experiential connection to the historic aspects of the town.

9.38. The application site was considered as part of the Housing and Economic Land Availability Assessment (HELAA) 2024, as part of a wider submitted site (HELAA144). The HELAA gives an overview on sites that maybe available, and the effect it could have on the character of the locality to inform future developments as part of the Local Plan review. The site was also considered in the Green Belt review. The site is considered suitable, available, and achievable. The HELAA notes the site is brownfield land and outside Islip's built-up limits, within the Oxford Green Belt. The landscape study 2017 considers that the site is poorly related to the village, and local road congestion is a constraint. The Landscape Character Sensitivity and Capacity Assessment 2017 found low landscape sensitivity, medium visual sensitivity, and medium capacity for development, but warned that full development could be out of scale and impact the River Cherwell Valley. Extensive screening (north and east) would be needed due to limited natural cover. Not all land is suitable for development. Potential capacity: around 150 dwellings (based on 10 ha at 20 dph, discounted by 0.75). However, infrastructure, transport, landscape constraints, and possible contamination from former oil depot use could affect viability.

9.39. The above documents reviewed the development site against the five nationally defined purposes of the Green Belt as set out in the NPPF at the time (2012 and 2021 versions) to provide clear conclusions on the relative performance of the Green Belt and the potential degree of harm that may result from the site's release from the Green Belt.

9.40. The Green Belt purposes in those two versions of NPPF remain identical to the current purposes outlined in paragraph 143 of the latest 2024 version. Therefore, it is considered that the above evidence base is useful in understanding how the development site contributes to purposes a, b and d of paragraph 143 of the NPPF, relative to the green belt assessment for the subject development site.

- 9.41. **Purpose a** is intended to check the unrestricted sprawl of large built-up areas. Islip is defined within the CLP 2015 as a Category C village. The PPG outlines that this purpose relates to the sprawl of large built-up areas and that villages should not be considered large built-up areas.
- 9.42. Based on the above, for the purposes of the development's grey belt assessment, Officers consider Islip not to be a 'large built up area'
- 9.43. Based on the assessment criteria within the PPG, the application site is adjacent and located to the north of the settlement edge of Islip, which comprises residential properties along Bletchington Road, and the railway and station to the south.
- 9.44. The site's contribution is also physically weakened by a hedgerow that marks the northern edge of the development, whilst this is a weak hedgerow in its current form, it will be enhanced as a result of the development, therefore, consolidating the physical barrier between the site and the fields north of the site. The PPG does not restrict the enhancement of existing physical features to facilitate checking unrestricted sprawl.
- 9.45. The PPG outlines that assessment areas that contribute **moderately** are likely to be **adjacent or near to a large built up area**, but include **one or more features that weaken the land's contribution to purpose A**, such as (but not limited to):
- having physical feature(s) in reasonable proximity that could restrict and contain development
 - be partially enclosed by existing development, such that new development would not result in an incongruous pattern of development
 - contain existing development
 - being subject to other urbanising influences
- 9.46. Therefore, the presence of **only two of the 4 features** outlined above is enough to weaken the contribution of purpose A of the Green Belt to an extent that the assessment area only moderately contributes to this purpose. it is considered that the site contributes **moderately** to Purpose A of the Green Belt.
- 9.47. In respect to the assessment site's contribution to **Purpose b**, 2023 Green Belt studies outline the following;
- 'Development here would represent encroachment on countryside but would not have a strong impact on the contribution of adjacent Green Belt, given that these areas are already contained to an extent by the village. In character, form and density, the core of Islip to the south of the railway line is commensurate with its washed-over status, and the current extent of development to the north of the railway is insufficient to significantly affect this.'*
- 9.48. The development site does not form any part of a gap and contribute to the visual separation between Islip and the nearest city of Oxford. Oxford Centre is located approx. 8km from the site is 4km to the edge of Cutteslowe. Furthermore, whilst not directly relevant, the development site is also not close to or forms any gaps between Islip and nearby villages of Kidlington and Bletchington. Overall, the assessment area contributes **weakly** to Purpose b of the Green Belt.
- 9.49. With respect to the assessment site's contribution to **Purpose d**, the CLP (2015) and Reg 19 of the CLPR 2042 repeatedly refer to the 'Oxford Green Belt'. Furthermore, supporting text B.256 of the CLP 2015 states;

*'The **Oxford Green Belt** was designated to restrain development pressures which could damage the **character of Oxford City and its heritage** through increased activity, traffic and the outward sprawl of the urban area. Similarly, the character of **Oxford in a rural setting** cannot be maintained without the protection of the spatial relationship of Oxford with nearby settlements and the maintenance of the character of the intervening countryside'.*

- 9.50. The site forms part of the wider setting of Oxford but does not make a meaningful or strong contribution to preserving the setting and special character of Oxford. Overall, the assessment area **does not** contribute to purpose d of the Green Belt.
- 9.51. Based on the above assessments, the development site is not considered to strongly contribute to any of the purposes of a, b, or d in paragraph 143 of the Framework.
- 9.52. Paragraph 155 (a) of the NPPF outlines that for the proposal to be considered appropriate development in the Green Belt, the development should not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, an assessment of the development's implications to the remaining purposes (c) and (e) of paragraph 143 is also requirement and is outlined below.
- 9.53. **Purpose c** relates to assisting in safeguarding the countryside from encroachment. The PPG provides no guidance in respect of considering Purpose C, but Officers consider that the key factors on whether the site would represent encroachment are whether there is urbanising development within it, whether it is subject to urbanising influence from outside of the site and whether its development would increase urbanising influence on adjacent open land.
- 9.54. The proposal would by its nature have an urbanising effect on the site. However, the site is brownfield, therefore defined as previously developed land. The site is on the Council's Brownfield Land Register (BLR118). The impact is considered to be reduced, given its brownfield status.
- 9.55. In regard to urbanising influence from outside of the site, as already outlined above, the site is partially enclosed by existing urban development and features (housing, and railway line), east, and south of the site. The site also has adequate physical separation from the northern fields beyond the site, which will be enhanced by planting along the northern boundary as a result of this development.
- 9.56. Based on the above, the site is not considered to have a **strong and strategic role** in the functioning of the Green Belt with respect to Purpose C.
- 9.57. **Purpose e** relates to assisting in urban regeneration by encouraging the recycling of derelict and other urban land. The assessment of the site is a previously developed site, which makes **no strategic contribution** to Purpose E.
- 9.58. The 2023 Green Belt Study outlined that if the development site was released from Green Belt for future development, the resulting harm to the Green Belt would be '*moderate-high*'. This area was a larger part of the Green Belt around Islip, which would have a greater impact on the Green Belt. It concluded that the development to the north of the railway would have an insignificant effect on the Green Belt. Based on the above assessments, the development would not fundamentally undermine the purposes (taken together; parts a-e of part 143) of the remaining Green Belt across the area of the plan. Therefore, the assessment site is considered to satisfy the first part of the grey belt assessment as per the grey belt's definition and paragraph 155 (a) of the NPPF.

- 9.59. Turning to the second part of the grey belt definition's assessment, which relates to whether the application of heritage policies provides a strong reason for refusing or restricting development.
- 9.60. The second strand of the grey belt definition, as outlined in Annex 2 of the NPPF, states that;
- 'For the purposes of plan-making and decision-making..... 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*
- 9.61. Para 11 b (i) stipulates how for 'plan making'....strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for **restricting** the overall scale, type or distribution of development in the plan area.
- 9.62. Whilst Para 11 d (i) outlines that for 'decision making' where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for **refusing** the development proposed.
- 9.63. Based on the above, Officers consider that the application of this second part of the grey belt's definition is dependent on whether it is being applied for plan making or decision making purposes. Indeed, the reference to footnote 7 originally derives from paragraph 11 of the NPPF, where there is a clear differentiation between 'plan making' and 'decision making'.
- 9.64. It is considered that the relevant test in this instance is whether, for the decision making process of this subject development, the application of policies that protect areas or assets of particular importance would provide a strong reason to refuse the development. In this case, the relevant policies relate to heritage assets.
- 9.65. The development's heritage impact on the setting of the nearby Islip Conservation Area will be assessed in the heritage section of this report. Should it be concluded that there are no heritage impact that would provide a strong reason to refuse the development, then the second part of the grey belt definition would be satisfied.
- 9.66. If there is any heritage harm to the setting and significance of the nearby heritage assets will be assessed based on the merits of the proposed development and mitigations outlined to offset any harm for this specific scheme. Therefore, should it be considered that no heritage impact would provide a strong reason to refuse the proposal, this conclusion will only apply to the proposed development in its current form and any future development within the site different in form to the proposed development will be subject to a separate grey belt assessment on its own merits
- 9.67. Officers also note within the draft NPPF, published on the 16th of December 2025, there is a proposed change to the definition of 'grey belt' to remove reference to the other "Footnote 7" areas. Whilst this document is still at draft consultation stage and, therefore, given limited weight in the determination of the current application, the proposed change outlines the direction of travel in how the 'grey belt' test will be applied without consideration to Footnote 7 policies, which already provide protection for the relevant areas in the Framework.

- 9.68. Paragraph 155(b) outlines that there should be a demonstrable unmet need for the type of development proposed. As outlined above, the Council has a housing land supply of 3.1 years, which is below the required 5 year supply. The Government has also identified a national need for providing 30-50,000 new later living homes to meet an aging population. Overall, 7,000 new later living homes are required. Therefore, it is clear that there is an unmet housing need, and on this basis, part b of paragraph 155 is satisfied.
- 9.69. Paragraph 155 (c) requires the development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the NPPF.
- 9.70. Islip is identified as Category C village which would normally mean that it was one of the least sustainable settlements in the district. However, this classification is based on Islip's location inside the Green Belt and does not take into account the village's sustainability credentials which would otherwise quite probably identify it as a Category A village. It is worth noting that new housing in Bletchington and Weston-on-the-Green is restricted to infills and conversions in respect of the parts of the villages located within the Green Belt, but as Category A settlements for the land outside the Green Belt. Islip has many of the amenities you would associate with a Category A village such as a primary school, shop, pubs and a doctor's surgery. The village also has a train station which provides regular access to Oxford and London.
- 9.71. Officers also note within the draft NPPF Policy S5 (Principle of development outside settlements) states that only certain forms of development should be approved outside settlements, and development for housing within reasonable walking distance of a railway station which provides a high level of connectivity to jobs and services (h). Draft Policy GB7 (Development which is not inappropriate in the Green Belt) also includes development within walking distances of a railway station.
- 9.72. For the purposes of a well-connected station, footnote 26 is relevant. This states '*Rail stations and underground, tram and light rail stops are those in a top 60 Travel to Work Area located partially or fully within England by Gross Value Added (GVA) and which, in the normal weekday timetable, are served (or have a reasonable prospect of being served due to planned upgrades or through agreement with the rail operator) throughout the daytime by four trains or trams per hour overall, or two trains or trams per hour in any one direction.*'
- 9.73. Islip station has the reasonable prospect of being served by 4 trains per hour. These are planned as part of Oxfordshire County Council Local Transport Strategy.
- 9.74. Although, the Draft NPPF has been through its Consultation stage, it can only be given very limited weight. However, the Draft NPPF indicates the government's direction of travel.
- 9.75. The development itself would also improve sustainable transport options by enhancing existing active travel (walking and cycling) and public transport infrastructure in the area. Furthermore, safe and suitable access provisions for all users will be incorporated into the development and mitigation measures will also be secured in relation to the development's impact on the transport network. Lastly, the design of streets, parking areas and transport elements at the reserved matters stage will have due regard to the relevant design guidance. Overall, the development aligns with paragraphs 110 and 115 of the NPPF, which seek to promote sustainable transport.
- 9.76. Based on the above, part (c) of part 155 is satisfied.

9.77. Paragraph 155 (d) references the 'Golden Rules' set out in paragraph 156 of the NPPF, detailed below;

Criteria	Assessment
a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the Policy set out in paragraph 157 of this Framework.	The development proposes 50% affordable housing, which will be secured in a s.106 agreement, along with the appropriate tenure mixes to reflect local need. Therefore, Para 156 (a) is satisfied.
b. necessary improvements to local or national infrastructure.	The development proposes necessary improvements to local infrastructure, which will be secured as planning obligations in a s.106 agreement. Therefore, Para156 (b) is satisfied.
c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.	There is a provision of green spaces within the site development that will be publicly accessible. The layout and design of the green spaces will be finalised at the reserved matters stage, and Officers will ensure they accord with local standards in the development plan. Furthermore, as per paragraph 159 of the NPPF, the green spaces are considered to contribute positively to the landscape setting of the development, supporting nature recovery. Therefore, Para 156 (c) is satisfied.

9.78. Concern has been expressed that the development would significantly increase the size of Islip, and the facilities would not be able to cope with the additional residents, therefore affecting its sustainability criteria.

9.79. Islip has had limited growth, as it has been protected given the village is within the Green Belt, and traditionally policies have prevented development outside the established confines of the village. However, as previously discussed, the village has a number of facilities including a primary school, shop, regular bus service and train service which demonstrate that Islip, leaving aside its Green Belt status, has the sustainability credentials to warrant additional housing.

Conclusion

9.80. Based on the above assessment and subject to the consideration of impact upon heritage assets, the proposed development could satisfy the grey belt criteria set out in paragraphs 155-159 of the NPPF. Should this be the ultimate conclusion then the development would be considered to be appropriate development in the Green Belt in principle, however this conclusion can only be reached once the consideration of all impacts have been undertaken which will be concluded upon in the planning balance section of this report.

- 9.81. As already mentioned, the assessment of Paragraph 11 d(ii) of the NPPF in respects of a comprehensive weighing exercise of the scheme's impacts and benefits will be undertaken in the final conclusion and planning balance section of the report to establish whether presumption in favour of sustainable development also applied in that instance.

Highways Safety

- 9.82. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality, safe, attractive, durable, and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.83. Policy SLE4 states that all development, where reasonable to do so, should facilitate the use of sustainable modes of transport and development which is not suitable for the roads that serve the development, and which has a severe traffic impact, will not be supported.
- 9.84. Paragraph 115 of the NPPF states that, in assessing specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritised, taking into account the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.
- 9.85. In addition to this, paragraph 116 of the NPPF highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.86. Originally the Local Highway Authority (LHA) objected to the proposal. Their concerns included the insufficient width of the 'ghost island', a stage 1 road safety audit had not been carried out, and the applicants needed to demonstrate the access could accommodate a 11.6m long vehicle.
- 9.87. The LHA, following the receipt of the amended plans, do not consider the proposal would result in a danger to those using the highway, provided the applicants enter into a S106 agreement for contribution towards highway works (Kidlington Road signage, wayfinding), public transport (local bus service), Traffic Regulation Order (TRO) (Speed Limit Change on Kidlington Road), and a Travel Plan Monitoring fee. A Section 278 agreement is also required to include a new shared footway/cycleway, a zebra crossing on the southern side of the railway bridge, an uncontrolled crossing on the southern side of the railway bridge with a cycle transition to the west side of the B4027, and other footway improvements along Bletchington Road and High Street.
- 9.88. The LHA has also requested conditions to mitigate against the impact of the development, these include full details of the means of access, a residential and care home travel plan, as well as a Construction Traffic Management Plan to be submitted to the Local Planning Authority.

- 9.89. The improvements to the access would require 100m of the hedgerow to be removed from the boundary to accommodate the visibility splays. This will be considered further in the paragraphs below on landscape impact.
- 9.90. Officers consider that the proposals demonstrate that safe and suitable access can be achieved, that pedestrian and cycle links are deliverable, that the site is accessible to public transport with proportionate contributions and improvements secured. Lastly, the residual traffic impacts would also be appropriately mitigated through financial contributions. The application is therefore acceptable in highway and transport terms, subject to the conditions and obligations outlined above.

Landscape and Visual Impact

- 9.91. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings
- 9.92. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that successful design is founded upon an understanding and respect for an area's unique built, natural, and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. The Policy continues by stating that new development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features, or views. Development should also respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings should be configured to create clearly defined active public frontages.
- 9.93. As outlined in the principle of development section, Policy Villages 2 (PV2) of the CLP 2015 is a housing policy considered 'out of date' for the purposes of determining the principle of housing development. However, the Policy still provides useful guidance in assessing landscape and visual harm related to development proposals within and around villages. PV2 outlines that consideration is required of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the built environment.
- 9.94. The site is located within the Lowland Village Farmlands Landscape Type, by the Oxfordshire Wildlife and Landscape Study (OWLS) 2004. The locality is characterised by the following:
- A varied gently rolling and almost flat topography
 - Medium to large sized arable and hedged fields
 - Thinly scattered hedgerow trees, which are mostly ash
 - Ash, willow and poplars fringing ditches and streams
 - Prominent village settlements scattered throughout the area.
- 9.95. The Landscape Character Sensitivity and Capacity Assessment 2017 found low landscape sensitivity, medium visual sensitivity, and medium capacity for development, but warned that full development could be out of scale and impact the River Cherwell Valley.

- 9.96. The applicants LVIA, viewpoint EDP4, has analysed the impact at year 1 to be moderate, but at year 15, the level of impact is reduced to moderate/minor harm. This is reduced by the proposed landscaping scheme, and the Council's Landscape Officer considers that landscaping is important to the overall scheme.
- 9.97. The applicants consider the impact to viewpoint EDP3, which is north-west of the Oxfordshire way towards Weston on the Green. This view is limited due to the intervening vegetation. The impact is considered to be moderate/minor at year 1, and minor at year 15.
- 9.98. Viewpoint EDP8 which is located to the east of the site from the Oxfordshire Way, has medium range views of the site. This is one of the more open viewpoints, therefore the impact of the proposed development is greater in this location. The applicants consider that this impact greater and would have a major/moderate impact at year 1 and the impact at year 15 will be moderate.
- 9.99. Viewpoint 13 is taken along the Oxfordshire Way at the footpath bridge over the railway. This viewpoint is on a higher level than others. The railway is an urban feature in this viewpoint, which reduces the overall impact on the character of the locality. The applicants consider that the impact in this location will be moderate at year 1, reducing to moderate/minor at year 15. This is reduced to the landscape to the eastern boundary.
- 9.100. The viewpoints to the south-east, EDP6 and EDP7, these views of the site are restricted due to the long distanced views and the intervening vegetation. Long distance views of rooftops may occur, and the magnitude of change at year 1 is moderate to minor, with no effect at year 15. At viewpoint EDP, the impact is slightly more at year 15, but this impact is negligible.
- 9.101. To the west of the application site, viewpoint EDP1, to the south of Bletchington, the views are reduced, due to the distance and the intervening vegetation. The site would not be visible from this location, therefore the impact in both year1 and year 15 is negligible.
- 9.102. Viewpoint EDP11 is on the public right of way between the Kidlington Road and Bicester Road. These views are glimpsed with long distanced views and intervening vegetation which reduces the view of the site. Rooftops may be visible. The impact on year 1 is considered to be minor, with it reducing to negligible at year 15.
- 9.103. Road users along Bletchington Road (Viewpoints EDP 2 and EDP10) are obstructed by dense roadside vegetation. Viewpoint 9 is located at the settlement edge of Coyner Close and Bletchington Road. The development would be seen in this viewpoint, however existing dwellings can already be seen within this view. At the year 1 stage the impact is considered to be moderate/minor reducing to minor at year 15.
- 9.104. Properties along Bletchington Road would be impacted as a result of the proposed development, and the development would be highly visible from these properties. The impact at year 1 is considered to be a major level of change. This is reduced to major/moderate once the landscaping becomes mature at year 15.
- 9.105. The Council's external landscape consultant assessed the applicants' LVIA and raised concerns that that the harm to the landscape could be worse than stated. Further clarification from the applicants was requested and have been provided to the Council.

9.106. Further details have been submitted to overcome the concerns raised. The additional information related to the following:

- Clarification of the basis of assessment, confirming that the LVA has been undertaken with reference to the Parameter Plans and fixed access arrangements (Addendum paras. 2.1–2.3).
- Expanded explanation of the landscape value methodology, including how TGN 02-21 criteria have been applied and how overall value judgements were reached (paras. 2.4–2.8).
- Updated and more comprehensive baseline analysis, addressing all relevant Landscape Character Types and Areas within the study area (paras. 2.9–2.12).
- Inclusion of receptors along Kidlington Road, with justification of the assessed magnitude and level of effect (paras. 2.13–2.14).
- Updated Plan EDP 5 showing the Zone of Primary Visibility, as requested (paras. 2.15–2.18).
- Clarification of the extent and definition of landscape receptors, distinguishing between the site, its immediate context, and host/surrounding LCAs (paras. 2.19–2.20).
- Clearer explanation of the development parameters relevant to the LVA, including height ranges and landscape-led design responses (paras. 2.21–2.23).
- Further narrative on magnitude of change and landscape effects, supported by additional wirelines and viewpoint analysis (paras. 2.24–2.35).

9.107. Following the submission of the addendum, the Council's Landscape Officer is satisfied that the previous deficiencies have been addressed, including providing wireframes to show the building heights of the proposed development. The main residential use has been moved slightly away from the northern boundary to allow for greater planting and walking routes around the site. As a result, Council's Landscape Officer is content that the applicants have overcome the concerns raised by the Council's external advisor. and recommends the imposition of planning conditions relating to a landscape scheme, landscape management plan, tree protection measures, levels condition, and a lighting strategy. The Council's Landscape Officer considers that the reserved matters should be landscape led.

9.108. Based on this assessment although there would be changes to the landscape character of the area, the impacts are not so significant to justify a refusal. The proposal is nonetheless considered to be in accordance with the aforementioned policies.

Design and Layout Principles

9.109. Section 12 of the NPPF relates to achieving well-designed places and advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve. At paragraph 131 it advises that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities' and at paragraph 135(b) it further advises that planning decisions should ensure that *'developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'*.

- 9.110. CLP 2015 Policy ESD15 advises that design standards for new development, whether housing or commercial development, are equally important and seeks to provide a framework for considering the quality of the built development which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that *'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of that development'*. Saved Policy C30 states that *'design control will be exercised to ensure...(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and...(iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*. These are all relevant to the proposals considered here.
- 9.111. Designated heritage assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990, of particular relevance to this development is Section 66 of this act, which states that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.
- 9.112. The proposed development relates to an outline application for access only, with all matters regarding layout, scale, appearance, and landscape reserved for approval at a later date.
- 9.113. The current development would, however, establish the development parameters which will inform any future reserved matters application. To this effect, the proposed development has been accompanied by the following parameter plans:
- Land use and access parameter plan.
 - Density parameter plan.
 - Tree and vegetation retention/removal parameter plan.
 - Building heights parameter plan.
- 9.114. The plans as submitted show that the development would be in two parcels, one including the care home and assisted living facility. The other parcel is the majority of the housing. There are green gaps in between the parcels of land, as well as an green infrastructure around the site. Given that Islip has had limited development in recent years, (majority along the Kidlington Road) it is important to demonstrate the development would be in keeping with the character and appearance of the locality. This can be conditioned by way of a design code, in addition to the conditioning of the parameter plans.
- 9.115. The building heights plan indicates all the dwellings will be limited to 2 storeys in height, whereas the care home and assisted living accommodation will be 2.5 storeys. The higher development is closer to the built form of Islip; therefore, the proposal would be less prominent on the edge of the development.
- 9.116. The Council's Urban Design Officer has raised concerns over the two parcels and suggests that the development should be sited closer to the railway to the south and only have a single parcel of development. This would allow a larger green space to the north of the site.
- 9.117. The applicants maintain that they are satisfied that the current masterplan has been carefully developed, as a result of a rigorous and evidence-based analysis of the sites' constraints and opportunities.

- 9.118. The submitted information shows how the site could be developed, and not how it would be developed. Whoever takes on the site to develop may deviate from the masterplan. It is acknowledged that the development should be developed closer to the village and perhaps allow for a visually softer approach into Islip. This should be encouraged as part of the reserved matters application(s). Therefore, it is not recommended to impose conditions requiring the masterplan to be followed. A Design Code approach would however be beneficial, and a condition is therefore recommended.
- 9.119. It is considered that, notwithstanding the submitted information which shows how the land could be developed, with a planning condition relating to design codes, the proposal would demonstrate a good basis for the design, layout and scale principles which would inform any future reserved matters application.

Impact on Heritage Assets

- 9.120. Paragraph 212 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 9.121. Paragraph 215 outlines; Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.122. Policy ESD15 of the CLP 2015 outlines that new developments should conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG. C23 of the CLP 1996 outlines a presumption in favour of retaining positive features within a Conservation Area.
- 9.123. Designated Heritage Assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990, of particular relevance to this development is Section 66 of this act, which states that; in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.
- 9.124. Paragraph 207 of the NPPF outlines that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to

submit an appropriate desk-based assessment and, where necessary, a field evaluation. Furthermore, as a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

- 9.125. The Islip Conservation Area is located approximately 130m from the closest part of the application site. The War Memorial is located to 180m to the south of the application site. This is a Grade II Listed Structure. Manor Farm, is located 278m to the South of the site, and is a Grade II Listed Farmhouse. Saint Nicholas Church is a Grade 1 Listed Building and is approximately 300m to the south from the site. A Heritage and Archaeology Assessment has been submitted as part of the application.
- 9.126. This document states that the proposed development would not adversely affect the significance of any of the designated heritage assets. Views maybe had to the Belfry tower of the Church, but these views are limited. Development of the site would not affect the appreciation of the Church or its setting.
- 9.127. Given the distances from the site, and its topography the proposal would not have a negative impact on the setting of these buildings.
- 9.128. Islip's Conservation Area Appraisal does not indicate that there are any important views in or out of the Conservation Area from the application site. The applicants' heritage and archaeology assessment also confirms that the proposal would not harm the designated heritage asset.
- 9.129. OCC Archaeology has confirmed there are no archaeological constraints on site.
- 9.130. Overall, it is considered that the proposal will not have a harmful impact on the nearby designated heritage assets. The proposal, therefore, accords with the aforementioned policies.

Residential Amenity

- 9.131. Paragraph 135(f) of the NPPF, Policy ESD15 of the CLP 2015 and Saved Policy C30 of the CLP 1996 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light, and indoor and outdoor space.
- 9.132. The proposed development relates to an outline application with layout, scale and landscape measures reserved for approval at a later stage. Therefore, a comprehensive amenity related assessment would be undertaken at that stage. However, the plans indicate that there is an intention for the proposed development to retain landscape buffers along the site boundaries adjacent to existing neighbouring properties, south, west, and east of the site.
- 9.133. As such, it appears unlikely that the development would cause amenity issues to the surrounding neighbouring properties. The nearest neighbour would be at least 40m away from built development.
- 9.134. As far as can be assessed at this outline stage, the proposal is considered to be acceptable.

Sustainable Construction and Energy Efficiency

- 9.135. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages

sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency, this is generally secure via the Building Regulations which now secure a good standard; however the inclusion of renewable energy infrastructure is important. Lastly, Policy ESD5 outlines that developments which propose over 100 dwellings should consider the provision of on-site renewable sources, with a feasibility assessment highlighting the most viable options.

- 9.136. The proposed development is accompanied by an energy statement that highlights renewable energy measures, such as solar PV panels, air source heat pumps, ground source heat pumps and Biomass CHP which are deemed feasible and appropriate for the site. Furthermore, the statement indicates the adoption of a fabric first approach to ensure that the residential proposal meets or exceeds the Part L Building. Therefore, a planning condition would be added to a permission to ensure that such sustainability principles are reflected in later submissions.

Ecology and Biodiversity

- 9.137. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.138. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.139. A mandatory 10% net gain on-site would be required for this development in accordance with the requirements of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 9.140. Paragraph 187 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): 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); and 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.
- 9.141. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 9.142. Paragraph 198 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 9.143. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.144. The application site is located within a rural area along Islip's northern settlement edge. Therefore, the site is surrounded by mature planting in particular along the northern boundary.
- 9.145. The applicants have provided a preliminary ecological report and Biodiversity Net Gain Assessment and Biodiversity Metric. that the report states that the proposal is capable of delivering a 10.49% net gain in hedgerow units. Whilst there would be a loss of net gain on the site, the applicants state that this would be addressed via an off site solution to overcome the shortfall in units. This can be controlled by the way of a S106 agreement.
- 9.146. However, CDC Ecology originally expressed concerns in relation to the points below;
- Bat Activity Surveys, as the site has structures which have the potential to house bats.
 - The site has the potential to impact on Great Crested Newts (GCN)
 - Licences may be required in regards to GCN
- 9.147. The applicants provided additional information, including bat activity surveys within the oil tanks, which identified that no activity was recorded within these areas. The applicants also confirmed that they will not be applying for a licence from Naturespace in respect of the potential presence of Great Crested Newts. The applicants will also be applying to Natural England for a Licence for Newts. The Council's Ecologist is content with this approach. Other concerns of the Council's Ecologist can be conditioned by requiring CEMPs and, LEMPs, and by requiring that the applicants apply for relevant licences.
- 9.148. Overall, officers are satisfied, on the basis of the advice from the Council's Ecologist and Naturespace, and subject to conditions and planning obligations, that the proposed development would not cause harm to any protected species. Furthermore, the on-site biodiversity enhancements would achieve the required legislative biodiversity net gain for a development of this scale. Therefore, the proposed development is considered to be compliant with the NPPF, relevant legislation and Policies ESD10 of the CLP 2015.

Flooding and Drainage

- 9.149. The NPPF states at paragraph 181 that when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Policies ESD6 and ESD7 of the CLP 2015 together resist new development where it would increase flood risk or be unduly vulnerable to flooding.

They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

- 9.150. The site lies primarily within a Flood Zone 1, which is land which has less than 1 in 1,000 annual probability of river or sea flooding. A small portion of the eastern open space area, proposed for recreation with no built development, encroaches into a Flood Zone 2. All residential and built development associated with the development is located entirely within Flood Zone 1. Therefore, in light of this, a sequential test is not required as per the guidance in Section 14 of the NPPF.
- 9.151. The Environment Agency was consulted and offered no objections to the scheme in flooding terms. The LLFA has also raised no objections to the proposal provided appropriately worded to ensure foul and surface water is adequately dealt with.
- 9.152. Thames Water was also consulted on the scheme, and they raised no objections to the development in regard to the proposed foul water strategy, and surface water strategy (subject to satisfactory review by the LLFA). However, due to the identified inability of the existing water network infrastructure to accommodate the needs of this development proposal, they requested a pre-occupation condition related to water network upgrades being undertaken to accommodate additional demand related to the development. This condition is set out below.
- 9.153. Based on the submitted flood and drainage information at this outline stage, the development, subject to further drainage details at a later stage, is not considered to increase the risk of flooding at the site and can be drained appropriately using SUDs techniques. Therefore, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of Policies ESD6 and ESD7 of the CLP 2015 and Section 14 of the NPPF.

Affordable Housing

- 9.154. In the absence of any significant harm to the surrounding heritage assets, the proposal is considered to be 'grey belt' development which requires 50% affordable housing. In terms of tenure splits, Policy BSC3 of the CLP 2015 and Policy COM 2 of the emerging CLPR 2042 outlines that it is expected that major development will provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes.
- 9.155. The Developer Contributions SPD (2018) also sets out further guidance on affordable housing provisions.
- 9.156. The development proposes a tenure split of 60% social rented and 40% shared ownership (intermediate) rather than the 70/30 split outlined in Policy BSC3 of the CLP 2015 and Policy COM2 of the emerging CLPR (2042). CDC Strategic Housing stated that they would be comfortable with the split as proposed primarily due to the provision of a higher percentage (50%) of affordable housing relative to market housing as a result of the 'Golden Rules' requirements, as opposed to the standard 35% provision outlined in the relevant policies. This therefore ensures that a higher quantum of social rent is still secured irrespective of a deviation away from the standard tenure splits outlined in the adopted and emerging affordable housing policies.
- 9.157. Furthermore, the policies also outline that the 70% of affordable housing should be proposed as either affordable rent or social rent dwellings, in this instance the development proposes 60% social rent, with no affordable rent proposed. Social rent is more affordable than affordable rent relative to market rent prices. Therefore, this is considered to be an additional factor which mitigates the departure (which is not

significant) from the policy tenure splits as for affordability reasons, social rent is more preferred to affordable rent.

- 9.158. Lastly, the uplift from 30% to 40% in terms of intermediate affordable housing is also deemed acceptable as the type proposed in the form of shared ownership is considered to be in reasonable demand and need based on the information provided by CDC Housing. Therefore, shared ownership units would assist in attracting registered provider interest, this is prescribed by supporting text B.108 in the CLP 2015 which outlines that; *'The Housing Strategy recognises the need for affordable homes and aims to ensure that Cherwell is well-placed to maximise investment by Registered Providers and to respond to opportunities as they arise'*.
- 9.159. Based on the above, the proposed tenure splits are considered to be acceptable and the stray away from the policy tenure split provisions is deemed to be significant. The above tenure mixes will be secured within the s.106 agreement for the scheme, together with the rest of the affordable housing provisions in respect of sizes, standards, and cascades etc.
- 9.160. To conclude the proposed development subject to a satisfactory s.106 agreement is considered to meet the NPPF's 'Golden Rule' at para 156 a) and CLP 2015 affordable housing provisions.

Noise, Contamination and Air Quality

- 9.161. Policy ENV1 of the CLP 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the CLP 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- 9.162. The site is the former oil depot for Upper Heyford USAF Base; therefore, the site presents a high risk of contamination. The Environment Agency is concerned that contamination could be disturbed during construction which could pollute controlled water. The Environment Agency is satisfied that the risks can be managed, and a planning condition can be imposed to ensure the development is carried out with an approved remediation strategy. The Environment Agency also has recommended that a condition is imposed to ensure any unidentified contamination that may be found during development, construction is ceased and further mitigation details are submitted to and approved in writing by the Local Planning Authority.
- 9.163. The Council's Environmental Protection Officer also has no objection to the development of the site, and, similar to the Environmental Agency's requirements, a full intrusive investigation and a remediation strategy are required.
- 9.164. It is noted that there are concerns from local residents regarding Per- and polyfluoroalkyl substances (commonly referred to by the acronym PFAs or as 'forever chemicals'). This is due to the site's ties with RAF Upper Heyford. However, the two sites are very different and there is no evidence that the practice of washing firefighting chemicals down the drain at the former RAF site was replicated at the Islip site.

- 9.165. Given the comments from the Environment Agency and the Council's Environmental Protection Officer, it is considered that the land can be successfully remediated, through the imposition of appropriately worded conditions. The proposal is therefore in accordance with the aforementioned policies.

Planning Obligations

- 9.166. Policy INF1 requires development proposals to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.167. Oxfordshire County Council has requested a developer contribution of £1,465,915 towards the expansion of the North Kidlington Primary School. Details are currently being sought from the County Council to confirm the requirement, and if Doctor South's CofE Primary School in Islip is able to expand.
- 9.168. Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 9.169. OCC has advised that the capital works were phased in response to a shortage of capital funding, but it became unreasonable to delay this final phases any longer to the detriment of pupils at the school. OCC has referred to Department for Education Guidance (paragraph 15) in their response which makes clear that when school places have been forward funded, you can secure developer contributions to recoup the monies spent, including interest, fees, and expenses as well as the principal sum spent.
- 9.170. Paragraph 56 of the NPPF requires local planning authorities to consider whether otherwise unacceptable development could be made acceptable through the use of condition or planning obligations. The Department for Education Guidance makes clear that when school places have been forward funded you can secure developer contributions to recoup the monies spent.
- 9.171. There is currently an ongoing discussions regarding the exact school for the S106 contributions and providing the Local Education Authority can provide justification, the monies sought would be in accordance paragraph 58 of the NPPF in terms of being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 9.172. A contribution of £149,842 has also been sought towards special education provision. The proposed development is expected to further increase demand for special education needs in the area, and a contribution towards the expansion of special schools is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school. OCC has based their contribution on pupil census data. The special education provision is therefore considered to meet the three tests contained in paragraph 58 of the NPPF.
- 9.173. A Contribution of £1,465,914 has been sought towards primary education serving the development. A Contribution of £1,453,680 has also been sought towards secondary education provision serving the development, with an addition of £101,556 for secondary education land. The proposed development is expected to

further increase demand for places at secondary schools in the area, and a contribution towards the expansion of special schools is therefore sought based on the percentage of the pupil generation who would be expected to require places at a special school. OCC has based their contribution on pupil census data. The secondary education provision is therefore considered to meet the three tests contained in paragraph 58 of the NPPF.

- 9.174. Other developer contributions have been requested towards this development can be summaries as follows:

Expansion and efficiency improvements of household waste recycling centres a figure of £22,253 is sought.

Increase capacity and stock for the Kidlington Library Service: £23, 844

£197,353 towards the creation of additional clinical capacity at Islip Medical Practice or an identified primary care estates project in the local area to serve the development. As part of their response the ICB has provided evidence to demonstrate that the cross internal area of the practices at Bloxham and Hook Norton are below the NHS England size standards. There is therefore a need to reconfigure Bloxham and Hook Norton surgery in order to provide additional clinical space and to improve the existing GP services to accommodate the increase in population

- 9.175. The Recreation and Leisure team at Cherwell District Council has requested the following contributions towards:
- 9.176. Enhancement of Community Hall Facilities in the locality based on 2.4 person per dwelling: £165,301.20
- 9.177. Outdoor Sport provision based on £585,650. This contribution is considered to accord with policy BSC11 and the CDC Playing Pitch Strategy which identifies the need for improved pitches at Islip or Kidlington sports facilities. There is an argument that the care home may not need to provide a contribution, however this will depend on the end user for this provision, given the varying levels of care. A mechanism can be placed on any S106 to ensure the development does not over-provide, depending on the end user.
- 9.178. Indoor Sports provision contribution £219,882.00. This contribution will go towards improving indoor sport provision. There is an argument that the care home may not need to provide a contribution, however this will depend on the end user for this provision. A mechanism can be placed on any S106 to ensure the development does not over-provide, depending on the end user.
- 9.179. Community Development Worker contribution of £37,449.61. The Community Development Worker would help integrate residents into the community and wider area.
- 9.180. Community Development Fund. £12,825.00. This contribution is considered to accord with the aims of Chapter 8 of the NPPF and promoting health and safe communities, specifically the aim of promoting social interaction.
- 9.181. Public Art. A contribution of £250 per dwelling plus 5% management and 7% maintenance has been requested towards public art. Officers consider that it would meet the three tests contained within paragraph 58 of the NPPF.

9.182. Thames Valley Police has requested a contribution of £20, 571 to ensure that the development mitigates against the impact of the development on Policing. I do consider that it would meet the three tests contained within paragraph 58 of the NPPF.

9.183. OCC has requested the following financial contributions:

- £5,000 Highway works for Kidlington Road signage
- £5,933.60 towards wayfinding
- £388,740 towards public transport services
- £100,000 towards bus stop improvements
- £3,840 towards Traffic Reg Order
- £4,070 towards travel plan monitoring

9.184. OCC as provided further information in their response to back up the above contributions and demonstrate how they meet the three tests contained in paragraph 58 of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

10.1. In determining this application the Council is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cherwell Local Plan 2011-2031 Part 1 and the saved policies of the Cherwell Local Plan 1996.

10.2. The proposed development would not accord fully with the Development Plan. The site lies beyond the built-up limits of Islip and the proposal would therefore conflict with the spatial strategy of the adopted Local Plan and with saved Policy H18 relating to residential development in the countryside. Moderate weight is attached to this conflict.

10.3. The proposal would also result in the redevelopment of a substantial site on the edge of the village and would introduce built development into an area that currently makes a contribution to the character and appearance of the rural edge of Islip. Whilst the site is previously developed land and significant landscape mitigation is proposed, there would nevertheless be some landscape and visual harm, particularly in the early years of development before proposed planting becomes fully established. Moderate adverse weight is therefore attributed to landscape and visual impacts.

10.4. Against this, very substantial weight must be given to the benefits arising from the proposal. The development would deliver up to 150 dwellings, including 50% affordable housing secured in accordance with the Green Belt Golden Rules. The delivery of market housing attracts significant positive weight and the affordable housing provision attracts very substantial positive weight given the acute need for affordable homes across the District.

10.5. Additional substantial weight is attributed to the provision of a 70-bed care home and up to 65 retirement or assisted living units. National policy and guidance recognise the pressing need to provide accommodation for older persons and specialist housing to meet changing demographics. The proposal would make an important contribution towards addressing that need.

- 10.6. The Council's latest published housing land supply position demonstrates that Cherwell District can currently demonstrate only 3.1 years of deliverable housing land supply. This represents a significant shortfall against national policy requirements and attracts substantial weight in favour of sustainable housing delivery.
- 10.7. Further significant weight is afforded to the redevelopment of a brownfield and previously developed site which has remained largely redundant for many years. The proposal would secure remediation of contaminated land, environmental improvements and the beneficial reuse of previously developed land in accordance with national and local planning objectives.
- 10.8. The site occupies a sustainable location adjacent to Islip Railway Station and within reasonable walking distance of local services and facilities within Islip. Future residents would benefit from access to public transport, active travel routes and everyday services. Moderate positive weight is therefore attributed to the sustainability credentials of the site.
- 10.9. Additional benefits would arise through biodiversity net gain, extensive green infrastructure provision, public open space, sustainable drainage measures and substantial contributions towards education, healthcare, transport, recreation and community infrastructure secured through the Section 106 Agreement. These benefits attract moderate positive weight in the planning balance.
- 10.10. A key consideration in this case is the site's status within the Oxford Green Belt. Having assessed the proposal against paragraphs 155-159 of the NPPF, officers conclude that the site constitutes Grey Belt land and that the proposal satisfies the relevant requirements relating to unmet need, sustainability and the Golden Rules. The development is therefore not inappropriate development within the Green Belt and no conflict arises with national Green Belt policy on that basis.
- 10.11. Furthermore, the proposal would not result in unacceptable impacts in respect of highway safety, heritage assets, ecology, flooding, drainage, contamination, residential amenity or infrastructure provision. These matters can be appropriately addressed through planning conditions and planning obligations.
- 10.12. The Council cannot currently demonstrate a five-year supply of deliverable housing land and therefore the most important policies for determining the application are out-of-date. The presumption in favour of sustainable development contained within Policy PSD1 and paragraph 11(d) of the NPPF is consequently engaged. The application must therefore be assessed on the basis of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 10.13. Having regard to the substantial housing land supply shortfall, the delivery of up to 150 dwellings including 50% affordable housing, the provision of specialist accommodation for older people, the redevelopment of a brownfield site, the sustainability of the location and the associated economic, social and environmental benefits arising from the proposal, it is concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
- 10.14. Accordingly, and applying the presumption in favour of sustainable development, the proposal constitutes sustainable development and planning permission should be granted subject to the completion of a Section 106 Agreement and the conditions set out below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO

- i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

- Expansion and efficiency improvements of Household Waste Recycling Centre. £22,253.
- Increase Capacity and Stock at Kidlington Library Service: £23,844
- £258,264 towards creation of additional clinical capacity at Islip Medical Practice or an identified primary care estates project in the local area to serve the development.
- The Recreation and Leisure Team at Cherwell District Council have requested the following contributions towards:
 - Enhancement of Community Hall Facilities in the locality based on 2.4 person per dwelling = £165,301.20
 - Outdoor Sport provision based on £585,650.00. This contribution is considered to accord with policy BSC11 and the CDC Playing Pitch Strategy which identifies the need for improved pitches at Islip or Kidlington sports facilities.
 - Indoor Sports provision contribution £219,882.00. This contribution will go towards improving indoor sport provision.
 - Community Development Worker contribution of £37,449.61. The Community Development Worker would help integrate residents into the community and wider area.
 - Community Development Fund. £12,825.00. This contribution is considered to accord with the aims of Chapter 8 of the NPPF and promoting health and safe communities, specifically the aim of promoting social interaction.
 - Public Art. A contribution of £250 per dwelling plus 5% management and 7% maintenance has been requested towards public art. Based on the above this would amount to £73,870.00. No details have been provided on what public art this will be used to fund so I do not consider that it would meet the three tests contained within paragraph 58 of the NPPF. The applicant has however agreed to pay this contribution, so this is a benefit in the planning balance.
- Oxfordshire County Council has requested the following financial contributions:

- £5,000 Highway works for Kidlington Road signage
 - £5,933.60 towards wayfinding
 - £388,740 towards public transport services
 - £100,000 towards bus stop improvements
 - £3,840 towards Traffic Reg Order
 - £4,070 towards travel plan monitoring
 - £1,465, 914 towards Primary education
 - £1,453,680 towards Secondary education
 - £101,556 towards costs of acquiring a new secondary school site
 - £129,842 towards special education
- TVP has requested £30,521 for a contribution towards additional staff, vehicles, premises, equipment, APNR cameras.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRED ON THE 12th JUNE 2026 IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR - PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a signed unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure provisions and contributions related to affordable housing, open space, highways, education, health and other social infrastructure, necessary to make the impacts of the development acceptable in planning terms. The proposal therefore runs contrary to Policies, BSC 3, BSC 7, BSC8, BSC 10-12, SLE4 INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Policies CSD 22-23, COM 2, COM 15 -17 COM 20-21, COM 23-24 of the Cherwell Local Plan Review (2042), Cherwell District Council's Developer Contributions Supplementary Planning Document (2018) and government guidance within the National Planning Policy Framework.

CONDITIONS

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country

Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:

- Site Location Plan (Titled: 4274 01 Rev D)
- Islip Access Plan (Titled: 08756-0101 Rev J)
- Bletchington Road Plan (Titled: 08756-0111 Rev P03)
- Swept Path Analysis Plan (Titled: 08756-0102 Rev P01)
- High Street Crossing Point (Titled: 08756-0112 P02)

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

4. No development shall commence until a phasing plan covering the entire application site shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved phasing plan, and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD16, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

5. Prior to the submission of any reserved matters application, a Design Code to include the distribution of land uses, form of buildings, street frontage, materials, servicing, parking and sustainability features shall be submitted to and approved in writing by the local planning authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Design Code.

Reason: To ensure a high quality development and appropriate infrastructure in accordance with Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

6. No development shall commence until details of the existing and proposed ground levels and finished floor levels of the development in relation to the adjacent buildings have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be constructed in accordance with the approved levels and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy

C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

8. No development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:
 - a) Details of wheel cleaning/wash facilities, to prevent mud from being carried onto the adjacent highway by vehicles.
 - b) Contact details of the Project Manager and Site Supervisor responsible for on-site works.
 - c) Details of how appropriately trained banksmen will be used for guiding vehicles and unloading.
 - d) Details of where staff and visitors to the construction site will park.
 - e) Details of times for deliveries to and the removal of materials from the site.
 - f) Layout plan of the site that shows haul roads, site storage, compound and pedestrian routes.
 - g) Measures to control the emission of dust and dirt during construction

The development shall then be undertaken in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of any residential dwelling, a Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, Transport for New Developments; Transport Assessments and Travel Plans (March 2014) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Residential Travel Plan.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

10. Prior to the first occupation of the care home, a Care Home Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans (March 2014)" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved care home Travel Plan.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 Part 1 and government guidance contained within the National Planning Policy Framework.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs
- i) Badger surveys
- j) Soft felling measures for trees with bat roost potential

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the development do not adversely impact the amenities of existing residents in the locality in accordance with saved Policies ENV1 and

C30 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.

14. No occupation shall take place on any phase of the development until a detailed lighting strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- a) Lighting for play
- b) Lighting for public realm and walking and cycling routes
- c) Landscape and ecological areas where lighting will be prohibited.
- d) A strategy for roads and development parcels.
- e) A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance with Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

15. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- a) A site investigation scheme, based on the Desk Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with government guidance contained within the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put

at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

17. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

18. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- a) As built plans in .pdf file format;
- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company information.

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

19. The development shall not be occupied until confirmation is provided that either:

1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or
2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule.

Reason: Network reinforcement is likely to be required to support the proposed development. These upgrades are essential to avoid the risk of sewer flooding and pollution incidents.

20. No development shall be occupied until confirmation has been provided that either: all water treatment upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no water and treatment upgrade works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid no water incidents.

CASE OFFICER: Katherine Daniels

**Part of OS Parcels 1864 and 3655 South West of
Milestone Farm Broughton Road Banbury**



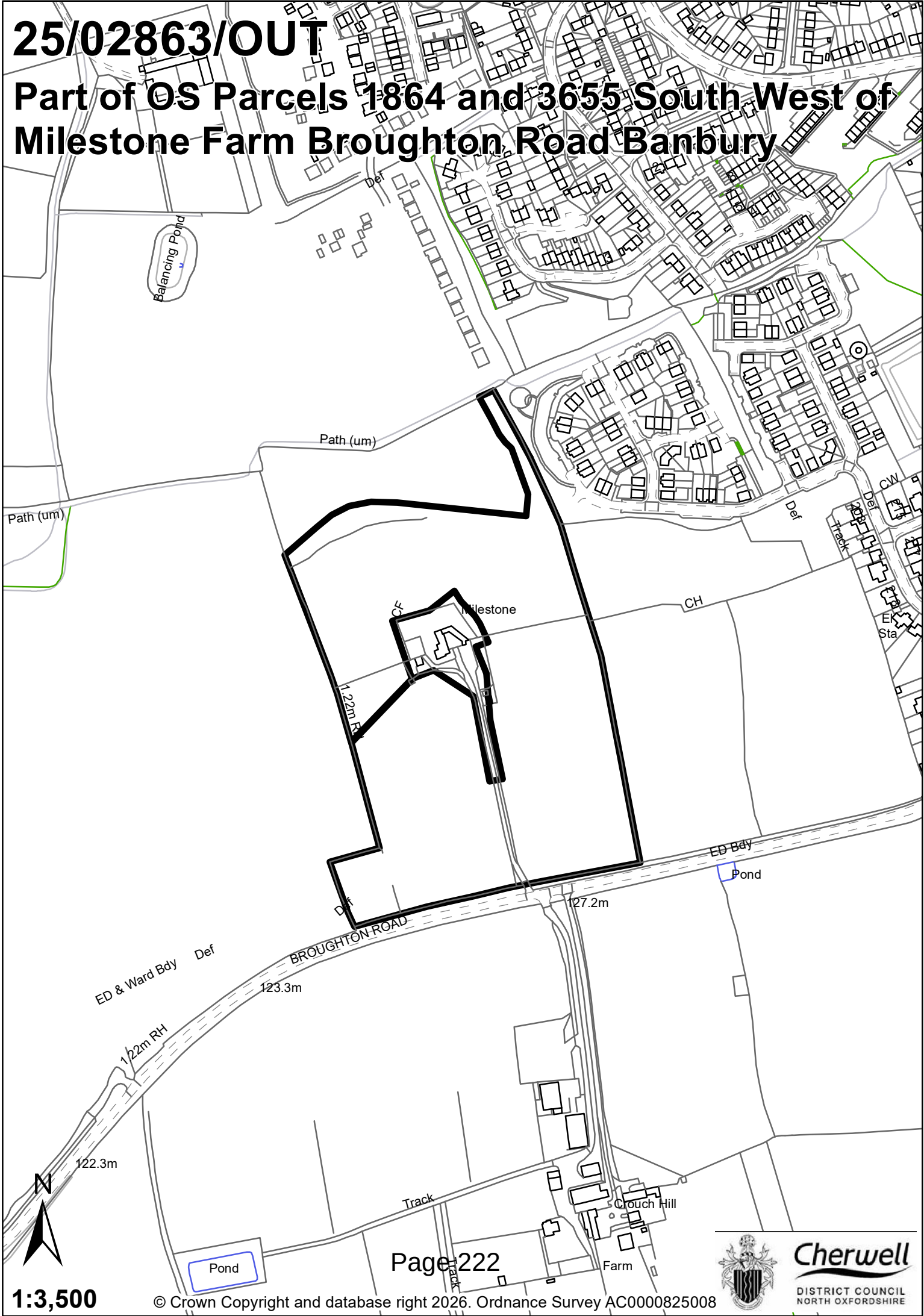
25/02863/OUT

Part of OS Parcels 1864 and 3655 South West of Milestone Farm Broughton Road Banbury



25/02863/OUT

Part of OS Parcels 1864 and 3655 South West of
Milestone Farm Broughton Road Banbury



1:3,500



Case Officer: Lewis Knox

Applicant: Kler Group

Proposal: Outline application for the development of up to 76 dwellings, green and blue infrastructure, open space and associated works, with All Matters Reserved apart from access

Ward: Banbury Calthorpe And Easington, Banbury Ruscote

Councillors: Councillor John Brown, Councillor Ian Harwood, Councillor Kieron Mallon, (Banbury Calthorpe and Easington)
Councillor Mark Cherry, Councillor Isabel Creed Councillor Mark Gorman (Banbury Ruscote)

Reason for Referral: Major development/Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 24th July 2026

Committee Date: 23rd July 2026

SUMMARY RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Banbury, on the north side of Broughton Road. It lies just outside the current built up limits of the town but adjoins existing planned residential form to both the east and north.
- 1.2. The site comprises just under 6 hectares and is located south of the Withycombe Farm Residential Development known as Banbury Rise (Ref. 22/02101/OUT; 250 dwellings) and is to the west of the previously approved scheme (Ref. 25/02174/OUT; 58 dwellings) which currently has a resolution to grant planning permission after being heard by committee in March 2026.
- 1.3. Broughton Road lies immediately adjacent the southern site boundary.
- 1.4. Open countryside extends beyond the western boundary of the application site and on the opposite (south) side of Broughton Road.

2. CONSTRAINTS

- 2.1. There are no major constraints existing on the site but there are several protected and notable species within the locality. The land is classified as being between Grade 2 and 3 in the agricultural land classification, i.e., not best and most versatile (BMV).
- 2.2. The sloping topography of the site is such that its gradient increases the further north from Broughton Road you travel and as such the proposed built form has been limited

to the flatter and less visually intrusive southern end of the field, behind the mature roadside hedgerow.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes the erection of up to 76 dwellings to the northern side of Broughton Road. This site lies just to the west of an approved development and to the south of the Banbury Rise residential development.
- 3.2. Vehicular access to the site is proposed via a new access from Broughton Road. The parameters plan indicates development in two clusters on the flatter, southern end of the site, closest to Broughton Road. These clusters would be just north of the proposed drainage ponds at the southern end of the field. The development would include public open space and play areas as well as formally and informally landscaped areas.
- 3.3. The development would comprise the following elements:
 - Provision of up to 76 dwellings;
 - At least 30% affordable housing
 - New pedestrian and vehicular access via Broughton Road, to the south of the site;
 - Public open space;
 - A combined Local Equipped Area of Play (LEAP) and Local Area of Play (LAP), which would be accessible to the local community;
 - A biodiversity enhancement area;
 - Sustainable urban Drainage Systems (SuDS); and
 - Other supporting infrastructure.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

Application:
25/00771/PREAPP

Guidance Issued: 7 May 2025

Residential development of up to 130 dwellings.

- 5.2. The scheme was considered contrary to current development policy, being a proposal for residential development in open countryside beyond existing developed limits. Such proposals are normally resisted unless supported by adopted policy or emerging policy with some weight, or there are other material circumstances to justify development. At the time of writing the pre-application report, the Council could only demonstrate a 2.3-year housing land supply, so it was concluded that the 'tilted balance' referenced in the NPPF at paragraph 11 d) would apply, with a presumption in favour of sustainable development in sustainable locations. That is a significant material factor as Banbury, which this site abuts, is the District's largest town with an extensive range of service and facilities. On balance and subject to examination of any supporting documentation, the advice given was that it was considered likely that the Council could support a residential scheme in this location however it would have to be significantly less than the proposed 130 dwellings.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **26 November 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by four (4) third-parties are summarised as follows:
- Lack of infrastructure to support additional housing
 - Increased Traffic, lack of sustainable travel options
 - Impact on ecology
 - Drainage and sewage issues
 - Impact on character and appearance of locality
 - Unsustainable development
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. BANBURY TOWN COUNCIL: **Object** on the grounds that the development proposed is in open countryside beyond the built-up limits of Banbury and is therefore contrary to the existing and emerging Local Plan policy. The application is premature to the emerging local plan. If the LPA was to recommend approval, then appropriate pedestrian links to Salt Way Route should be included
- 7.3. BANBURY CIVIC SOCIETY: No comments received .
- 7.4. WARD COUNCILLORS: **No comments received**
- 7.5. CDC PLANNING POLICY: **No objections**.
- 7.6. OCC HIGHWAYS: **No objections** subject to conditions and requirement for S106 contributions towards public transport enhancement.
- 7.7. OCC ARCHAEOLOGY: **No objections**, subject to conditions.
- 7.8. OCC as LEAD LOCAL FLOOD AUTHORITY: **No objections**, subject to conditions.
- 7.9. OCC WASTE MANAGEMENT: **No objections**, subject to S106 contributions.
- 7.10. CDC DRAINAGE: **No objections**
- 7.11. CDC ECOLOGY: **No objections**, subject to conditions.

- 7.12. CDC ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions.
- 7.13. CDC BUILDING CONTROL: **No objections**.
- 7.14. CDC RECREATION AND LEISURE: **No objections**, subject to S106 contributions.
- 7.15. CDC LANDSCAPE OFFICER: **Object**, further information requested. Harm to openness and local landscape when viewed from Crouch Hill.
- 7.16. CDC PUBLIC ART: S106 contributions requested.
- 7.17. CDC URBAN DESIGN: General comments made about site layout and parameters plan, which can be addressed through conditions.
- 7.18. CDC HOUSING STANDARDS: No comments received.
- 7.19. CDC STRATEGIC HOUSING: **No objections in principle**, suitable housing mix to be agreed at reserved matters
- 7.20. CDC WASTE AND RECYCLING: No comments received.
- 7.21. THAMES VALLEY POLICE: Comments made regarding designing out crime, which can also be addressed through conditions.
- 7.22. CPRE: Commented that housing should be delivered through a plan led system but recognise the current housing land supply shortfall in Cherwell. Comments regarding light pollution, ecology, water and wastewater infrastructure. Would welcome an expedited delivery timetable.
- 7.23. NHS CLINICAL COMMISSIONING GROUP: S106 contribution requested
- 7.24. THAMES WATER: Conditions required

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision

- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H18: New dwellings in the open countryside
- Policy C7: Landscape Conservation
- Policy C8: Sporadic development in the open countryside
- Policy C28: Layout, design and external appearance of new development
- Policy C30: Design Control

8.3. The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM10: Protection & Enhancement of the Landscape
- COM13: Settlement Gaps – Hanwell Strategic Gap
- COM14: Achieving Well Designed Places
- BAN 1: Banbury Area Strategy

8.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Planning Obligations SPD (2018)
- National Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development

- Landscape Impact
- Ecology Impact
- Highways and Vehicular Access
- Layout and Design Principles
- Archaeology
- Flood Risk and Drainage
- Obligations

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise
- 9.3. The Development Plan for this area currently comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996). The 2042 Review Local Plan has been submitted for Examination and is due, upon final adoption following Examination, to replace the 1996 and 2015 Local Plans. Whilst some weight may now be afforded to the policies and proposals within the new Review Local Plan, including its maintenance of the general strategy approach to concentrate most District development needs at the two principal towns of Banbury and Bicester and thereafter to accommodate the bulk of remaining needs at Kidlington, Heyford Park and the ten largest villages that act as service centres for their immediate environs, numerous objections have been lodged in respect to its policies and proposals, which reduces the relevant weight that may be attributable.
- 9.4. Policy PSD1 of the adopted CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.8. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.9. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.10. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (Para.10). Paragraph 11 states that *applying the presumption to decision-making means:*

- *approving development proposals 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 (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), 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 proposed;*
 - ii. *or 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.*

9.11. The position in which the most important policies are considered out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

9.12. The Council's latest published Annual Monitoring Report, (December 2025), confirms that Cherwell District can only demonstrate a housing land supply of 3.1 years.

9.13. This figure accounts for the land supply calculations for deliverable housing sites measured against identified need, including that for the overspill of Oxford's unmet need, as outlined in the Cherwell Partial Review Plan (2020). The land supply calculations reflect the revised NPPF (December 2024) and appeal decision Ref: APP/C3105/W/23/3326761 (March 2024) and the subsequent High Court decision for that appeal, where the judge ruled that a single housing land supply calculation for the whole district must be used, incorporating both Cherwell's own need within the CLP (2015) and Oxford's unmet need (PR Plan 2020).

9.14. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, *planning permission should be granted unless:*

- i. *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*
- ii. *or 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*

9.15. The policies which are most important for determining this application are out of date, as per footnote 8 of the NPPF. This relates to applications involving the provision of housing in situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

- 9.16. The Council cannot presently demonstrate a 5-year housing land supply. On this basis, Development Plan housing policies BSC1, PV1, PV2 and H18, cannot be deemed up to date and NPPF, paragraph 11d) is engaged, which sets out the presumption in favour of sustainable development.
- 9.17. Policy PSD 1 of the CLP 2015 sets out the Plan's presumption in favour of sustainable development, stating that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, thereby echoing paragraph 11 (d) of the Framework.
- 9.18. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the substantial benefit afforded to the provision of housing at a sustainable settlement.
- 9.19. The NPPF (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of those with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 9.20. The reference to the need to significantly boost the supply of housing aligns with the Government's objective of building 1.5 million new homes over the next 5 years, as set out in the 'Building the Homes we Need' Written Ministerial Statement, dated December 2024. To achieve this objective, it is clear that sites in sustainable locations should be considered favourably for development.
- 9.21. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development on climate change within the District. This includes distributing growth to the most sustainable locations as defined in the Local Plan.

Assessment

- 9.22. The application seeks outline consent for a scheme of up to 76 dwellings on existing agricultural land. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is beyond the existing built-up form of Banbury and surrounding Bretch Hill development sites and is therefore in open countryside. It is however noted that the parcel of land adjoining the site to the north has already been granted outline and reserved matters consents for 250 dwellings, with development already being built out at pace. It should also be noted that the land to the east has also received a resolution to grant planning permission by the Planning Committee for 58 dwellings with the Section 106 agreement currently being negotiated before a decision is issued. Given this, it is considered that the site would adjoin the built form of Banbury on two sides (north and east) and would not appear as a standalone or sporadic development within the open countryside.
- 9.23. As the potential application site is located beyond the existing built-up limits of Banbury, any proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the development is essential for agriculture or other existing undertakings, or where

development would not conflict with other saved policies in the CLP 1996. Whilst the site would not be a sporadic location, this proposal is for a development of up to 76 dwellings, none of which would be for essential agricultural need or any identified undertaking in open countryside beyond the existing built-up limits of Banbury. The development proposed would not therefore accord with Policy H18 of the CLP 1996.

- 9.24. The application site was identified as part of a larger area within the Housing and Economic Land Availability Assessment (HELAA) 2025 and is referenced HELAA033. The HELAA concluded that the plot was a Greenfield site outside the built-up limits of Banbury. The site is located within one of the four areas identified as being the most accessible or capable of being most accessible within the district. The site is considered to be unsuitable for development within the adopted Development Plan. The site has a steep topographic gradient, rising up to the north. Despite the site to the east having recently received planning permission for 58 homes, and the site to the north having submitted a screening opinion application, the topography of this site retains its rural character and sense of separation from Banbury.
- 9.25. It should be noted that this assessment was undertaken prior to the approval of the development immediately to the east of the site (Ref. 25/02174/OUT) and as such its position and appearance as a sense of separation from Banbury has been somewhat diminished as a result.
- 9.26. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly and would generate increased local spending from new residents. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement, which is close to a wide range of local community facilities and served by regular public transport services. Environmentally, it could potentially provide new planting and some enhancement for a range of habitats available for wildlife and the setting of the site.
- 9.27. Conversely, it would inevitably be a prominent development in the landscape, given the natural slope of the land and the site's prominence when viewed from the south at nearby Crouch Hill. Views from the west, in the approach from Broughton would be less prominent given that development would be restricted to the lower southern portion and would be viewed against the backdrop of existing residential development to the east and north. Such negative environmental impacts would need to be balanced against the positive economic and social benefits and where the 'tilted balance' applies, as it does in this instance, any negative impact would need to be substantially and demonstrably outweigh any benefit in order to justify a refusal. It is considered that the proposed development would likely fulfil the requirements of paragraph 8 of the Framework and could therefore be considered sustainable.

Conclusion

- 9.28. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing, meeting Policy BSC1 housing requirements to 2031. Substantial weight would be afforded to such benefits.
- 9.29. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years at 3.1 years. As such, the 'tilted balance' is engaged triggering a presumption in favour of sustainable development. The site is located on the edge of one of the most sustainable settlements within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there would be some negative impact upon the character and appearance of the open countryside and locality through development of this greenfield site, particularly when viewed from Crouch Hill,

Officers accept that suitable landscape mitigation would, in time, be acceptable and sufficiently reduce any identified landscape harm. It is considered that the harmful impact could be largely mitigated and would be outweighed by the substantial benefits of the additional housing. The provision of affordable housing, the sustainability of the location and the long-term socio-economic benefits which additional housing and population would bring would, on balance, render this proposal acceptable.

- 9.30. Overall, it is considered that the development would boost the local housing supply in a sustainable way and therefore would comply with the goals of both the Local Plan and NPPF.

Landscape Impact

Policy context

- 9.31. Policy ESD13 of the adopted CLP 2015 requires landscape protection and enhancement opportunities to secure enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.
- 9.32. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.
- 9.33. Accompanying paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton.
- 9.34. The site is located within the proposed Ironstone Downs Local Landscape Designation, albeit on the very edge and viewed against the backdrop of neighbouring residential development on two sides and as such is not as much of a sensitive area within this designation.

Assessment

- 9.35. The site is located on the western edge of Banbury to the northern side of Broughton Road with planned development to the east. Open countryside extends to the west of the parcel.
- 9.36. The site is currently divided into three separate fields with the access road to Milestone Farm separating the southernmost fields and mature trees and hedging dissecting the northern field. The application site is not completely devoid of development with Milestone Farmhouse located centrally within the application site.
- 9.37. The most impactful view of the development site would be from the south of Broughton Road, from Crouch Hill, and given the inconsistent topography of the field, some locations would be more visible than others with the highest ground being set along the northern and eastern edges, though it does fall away to the south and west corner.

- 9.38. The highest areas of land would be seen within context of other residential properties to the north within Banbury Rise, North East along Balmoral Avenue and the new development sites as well as Denbeigh Close and the approved development to the east of the site. These sites are all on a similar or higher topography to the proposed development site and as such given their proximity it is considered that the landscape sensitivity would be greatly reduced and to some extent would form a natural continuation of the existing urban form within the locality.
- 9.39. With development both to the north and east, it is considered that this proposed development would be seen as a natural rounding off of this western edge of Banbury creating a clean and linear distinction between the built form and the open countryside beyond. It would be required at reserved matters stage that a significant landscaping scheme would need to be implemented on the western edge of the site to ensure the distinction between Banbury and the countryside beyond is obvious.
- 9.40. As one travels further west within or along its southern edge, the site has a greater relationship to the open countryside, as it is further away from the built environment to the east and north, but there is still a link to the urban environment through the existence of the metalled footpath which leads some way along Broughton Road stopping at the entrance of Milestone Farm and as such it still retains a connection to the existing urban form and therefore is not a completely rural landscape when viewed from the south.
- 9.41. Much of the view from the west of the site is shielded from view through the mature vegetation which bounds the site to its western and southern edges; though it is noted that this landscaped edge is somewhat more sparse than what exists at the neighbouring site to the east. Nevertheless, the immediate landscape when viewed from neighbouring fields or from Broughton Road would not be significantly impacted by the proposed development. Any views could be further mitigated by an enhancement of the vegetation along this rural edge and thus would further reduce the immediate landscape impacts.
- 9.42. The site is considered unremarkable in terms of its distinctiveness. The main landscape features include hedgerows and mature trees which in combination with sloping topography provide some containment to the Site and contribute to the vegetated appearance of the landscape. There are few features within the main body of the site itself to contribute to the wider landscape structure. From PRow's other than at Crouch Hill and from local road corridors, the site is of limited interest. Where views are possible, it is perceived as open agricultural land adjacent to a suburban settlement edge.
- 9.43. Cherwell District Council's Landscape Officer was consulted on the application and the submitted Landscape Visual Impact Assessment. The assessment provided by the applicants identifies the Site as Medium sensitivity, the Site's immediate landscape setting as Medium / High sensitivity and the wider landscape as High sensitivity. This is welcomed, but the subsequent judgements on magnitude and significance remain optimistic and are not fully supported by the evidence provided.
- 9.44. The LVIA's assessment of the immediate/localised landscape setting depends heavily on containment, retained vegetation and the future urban context. These considerations are relevant, but they do not remove the need to assess changes to openness, the rural approach to Banbury, settlement-edge composition, topography and cross-valley perception.
- 9.45. The LVIA acknowledges that there would be major adverse visual effects when viewed from Crouch Hill at year 1 with this impact only softening slightly to major/moderate effects at year 10. Officers do conclude that it would not be possible

to mitigate the landscape impact of the development when viewed from Crouch Hill and do agree with the findings of the LVIA. Officers also note the request for further information from the comments provided by our Landscape Officer.

- 9.46. It is considered by officers that the information provided by the applicants is sufficient enough to conclude that there would be significant landscape harm caused by the development when viewed from Crouch Hill, and this harm will only be marginally mitigated against even after 10 years. It is unlikely that the submission of further information as requested would change this conclusion.

Conclusion

- 9.47. Officers conclude that the development would undoubtedly have a negative impact on the overall landscape along the western edge of Banbury given its intrusion into the open countryside. It is considered that the views from the west of the site and when travelling east and west along the Broughton Road can be suitably mitigated against through a well thought out and thorough landscape and planting scheme and in this respect, there are no concerns from officers.
- 9.48. Of greater concern is the impact the development will have on the wider views from Crouch Hill to the south of the site. Even with a proposed mitigation scheme the development would still have a major/moderate impact on the landscape and the openness. The fact that the development would be restricted to the lowest parts of the site and the fact the development would be seen within the context of other developments to the north and east would help soften this impact, however the harm is still concluded to be significant and must be afforded suitable weight when balancing the positive and negative impacts of the scheme.

Ecology Impact

Legislative context

- 9.49. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.50. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.51. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.52. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot,

destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.53. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.54. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and 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.

9.55. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.56. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.57. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.58. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity

survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.59. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.60. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.61. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.62. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a well managed, closely mown lawn with fencing and semi-established hedgerow to the boundaries. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.
- 9.63. The application is supported by an ecological appraisal which concluded that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals. The site is dominated by habitats which are not considered to be of ecological importance, whilst the proposals have sought to retain those features identified to be of value, namely the network of hedgerows. Where it has not been practicable to avoid loss of hedgerow, new hedgerow creation has been proposed to offset losses, in conjunction with the landscape proposals.
- 9.64. The habitats within the site support several protected species, including species protected under both national and European legislation. Accordingly, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate, in order to maintain the conservation status of local populations.

- 9.65. The proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity net gains as part of the proposals.
- 9.66. The Council's Ecologist was broadly supportive of the conclusions of the ecological appraisal and the mitigation proposed.
- 9.67. Clarification was provided regarding tree removals. Under the proposals, only tree group G13, hedgerow H10, and limited sections of hedgerows H9 and H11 are anticipated to be lost. All trees within the site, including those proposed for removal, were subject to a ground-level arboricultural assessment. In accordance with Bat Conservation Trust guidelines, the trees identified for removal were assessed as having no or negligible suitability for roosting bats. On this basis, no specific mitigation measures are required in respect of tree removal and bat roosts.
- 9.68. Targeted bat surveys were considered unnecessary by the ecologists because most of the trees and hedgerows are being retained and following ground level arboricultural assessment. and because the boundary habitats benefit from substantial buffers. This is acceptable in principle, but as this is only an outline application, These buffers will be retained through the design process and will be agreed at reserved matters stage.
- 9.69. The eDNA test for the on-site pond returned a negative result. Off-site ponds are separated from the site by Broughton Road, which is likely to act as a barrier, and habitats within the site are largely unsuitable for Great Crested Newts. The species is therefore considered unlikely to be present. Reptile habitat is limited to modified grassland managed for hay or silage. While occasional use may occur, the site is unlikely to support a significant resident population. Precautionary measures will need to be outlined in a Construction Environment Management Plan for biodiversity for both of these species groups.

Conclusion

- 9.70. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Highways and Vehicular Access

- 9.71. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.72. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in

terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.73. Policies ESD15 and SLE4 of the CLP 2015 both reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.
- 9.74. Policy TR7 states that: *‘Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.*

Assessment

- 9.75. Vehicular access is proposed from the A035 Broughton Road through a standard priority junction, as detailed in drawing number 3794-ADC-HGN-XX DR-CH-0100 Rev P02. The proposed access will feature a carriageway with a width of 5.5m, kerb radii of 6m, a 2m wide pedestrian footway on the western side, and a 3m wide shared footway/cycleway on the eastern side of the carriageway.
- 9.76. A swept path analysis has been conducted for an 11.6m refuse vehicle entering and leaving the proposed site from both directions. Concerns were raised about the proposed site access design after reviewing the swept path analysis for an 11.6m refuse vehicle. To address these issues, it was recommended that the kerbline radius on both the western and eastern sides be increased to 10m. This change would help prevent the refuse vehicle from overhanging into the opposite lane and would allow a car to pass while the refuse vehicle is entering. These adjustments have now been made and are shown on plan 3794-ADC-HGN-XX-DR-CH-0100-S1-Rev P04. The updated plan has been reviewed and deemed accept
- 9.77. Further amendments were requested, particularly concerning tracking improvements related to right-in and right-out manoeuvres for the refuse vehicle, as both actions appeared to obstruct the entire junction. We also asked for these movements to be illustrated on the plan, showing that a car can safely pass the refuse vehicle during all manoeuvres, or alternatively, indicating where a car could wait to allow the refuse vehicle through and ensure safe passage for all road users.
- 9.78. The applicant has now submitted an updated tracking plan (Drawing no: 3794-ADC-HGN-XX-DR-CH-0101-S1-Rev P03), which has been reviewed. The revised plan identifies the location where a car would wait while the refuse vehicle conducts right-in and right-out movements; however, these manoeuvres have not yet been refined as recommended in the LHA’s previous response.
- 9.79. Paragraphs 2.5 and 2.6 of the submitted Technical Note state that these manoeuvres are standard practice and do not pose safety concerns. Furthermore, similar movements have been approved for the neighbouring site comprising 58 dwellings.
- 9.80. The Highways Officer determined that they do not object to this matter. Nevertheless, a condition will be imposed requiring the submission and review of an improved tracking plan prior to the occupation of the first dwelling which adequately demonstrates that the refuse vehicle can comfortably access and egress the site access junction with Broughton Road.

- 9.81. Broughton Road currently has a 50mph speed limit in the vicinity of the proposed site. The applicant has proposed relocating this speed limit approximately 54 meters west of the site access. However, LHA recommends that the speed limit be relocated to the beginning of the kerbline marking the extent of the 160m visibility splay. We strongly consider that the speed limit must encompass the entire 160m visibility splay up to the kerbline to ensure vehicles reduce their speed adequately before approaching the site access.
- 9.82. The requested modifications regarding the visibility splay to the west demonstrating the 160m splay has now been shown on the plan 3794-ADC-HGN-XX-DR-CH-0100-S1-Rev P04 and is acceptable.
- 9.83. The applicant has agreed to reposition the existing 50 mph speed limit to 30 mph at a point 160 meters west of the site access, along with installing a gateway feature at this location. It is noted that this process will require consultation with the OCC TRO and scheme team concerning the terminal points of the current 50 mph/30 mph limits. Where a TRO is necessary on the public highway, the local Councillor must be consulted in advance to provide feedback.
- 9.84. The LHA provided no objections to the proposed pedestrian and cycle access as shown on amended Drawing No. 3794-ADC-HGN-XX-DR-CH-0100-S1 Rev P04.
- 9.85. Details regarding the provision of financial contributions in the absence of dedicated cycle infrastructure along Broughton Road, especially with respect to linking the proposed site to the town centre has been agreed.
- 9.86. The applicant has confirmed to contribute **£120,000** toward the establishment of a cycle connection to the Western Active Travel Corridor (Woodgreen Ave & Queensway), which constitutes part of LCWIP route 3, which is welcomed. This route, together with LCWIP route 6, will link the Queensway roundabout with the town centre—a connection recognised as essential for sustainable transport infrastructure.
- 9.87. The proposed contribution will enhance the sustainability profile of the site and ensure compliance with Local Transport Note (LTN) 1/20 by supporting the provision of safe, direct cycling links between the development and Banbury town centre. These works will be secured through a Section 106 agreement consistent with LCWIP priorities for Banbury and will promote the expansion of an inclusive and robust cycling network.
- 9.88. The applicant has committed to providing bus stops in accordance with OCC criteria within their own application, rather than depending on the adjacent development. Both eastbound and westbound bus stops are depicted on the revised plan (Drawing No 3794-ADC-HGN-XX-DR-CH-0100-S1-Rev P04). The new bus stops will comply with the following requirements.
- A pole, flag, and timetable case meeting OCC specification
 - A shelter (minimum three-bay, required only for the Banbury-bound direction)
 - Waiting areas of at least 12sqm, with a minimum depth of 2.5m where highway boundaries allow; an absolute minimum depth of 2m. For the Banbury direction, this space may incorporate the shelter.
- 9.89. Formal signalised pedestrian crossing will be provided between the two bus stops as covered and stated under the pedestrian sustainability section.
- 9.90. These bus stops must be completed before any work can begin on the site.

- 9.91. The applicant has also agreed to provide the necessary funding to enhance local bus services, to increase service frequency and promote long-term sustainability. At present, Banbury's bus network receives financial support from S106 contributions made by developments that benefit from these services, helping to ensure frequent bus operations and making the developments more viable. For this particular development, the required S106 contribution towards public transport amounts to £103,664 (RPIX index, base October 2024), calculated at a rate of £1,364 per dwelling.
- 9.92. Alongside the aforementioned contribution, the applicant has committed to a Section 106 contribution specifically allocated for public transport infrastructure. The sum of £14,864 (Baxter Index, base October 2024) will allow the Council to acquire equipment required for the installation of real-time information at bus stops, with this funding supporting such provision at one designated bus stop.
- 9.93. The LHA were content with the submitted Traffic Safety Audit and concluded that the site access junction operates efficiently within the required practical capacity. At the Queensway/Broughton Road/Woodgreen Avenue roundabout, current analysis indicates that the Woodgreen Avenue arm is already experiencing congestion, with a ratio of flow to capacity (RFC) of 0.83 during the 2030 AM peak period. The projected increase in RFC resulting from development traffic—from 0.83 to 0.84—is minimal and not considered severe. Therefore, the operational assessment remains acceptable.
- 9.94. The applicant has also carried out a sensitivity assessment with the adjacent site development's traffic forecasting. This assessment has been reviewed and is found to be satisfactory.

Conclusion

- 9.95. OCC Highways have therefore raised no objections to the scheme subject to conditions and appropriate S106 contributions to improve local public transport services and sustainable travel options.

Site Layout and Design Principles

Policy Context

- 9.96. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is fundamental to what the planning and development process should achieve.
- 9.97. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

- 9.98. The application is submitted in outline with an illustrative site plan. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed

application stage, to ensure compliance with design principles reflective of those within the local area and wider district.

- 9.99. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the western edges allowing for a transition to the rural landscape would be acceptable in principle as well as a green northern edge given the difficulties in the topography of this edge of the site in terms of building in this more prominent location. The effect of the development on the landscape is considered earlier in this appraisal.
- 9.100. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

Conclusion

- 9.101. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 76 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

Archaeology

- 9.102. The site lies in an area of archaeological interest and potential, immediately west of a site which has recently recorded an Anglo Saxon cemetery during an archaeological investigation (Border Archaeology, forthcoming). The cemetery lies on the plateau at the top of this ridge, and contained over 50 inhumations, with a number of rich burials. To the immediate north of the proposal site, a further archaeological excavation recorded extensive late prehistoric remains with large enclosure ditches, pit alignments and settlement with industrial evidence. It is possible that there are further remains relating to either the prehistoric or Saxon activity from the adjacent land parcels surviving on this proposal site. The submitted Archaeological Desk Based Assessment has explored the available documentation and contains a detailed consideration of the archaeological potential of the site.
- 9.103. The applicant has also submitted a report on the geophysical survey undertaken on the site. This survey did not record any definite archaeological anomalies, however, there are a number of anomalies which are possibly archaeology. These results will be required to be verified via trenched evaluation.
- 9.104. It is recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be secured via conditions and as such there is no objection in principle to the scheme in terms of archaeological constraints.

Flood Risk and drainage

Policy Context

- 9.105. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.106. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in Cherwell.

Assessment

- 9.107. OCC as LLFA have raised no objections to the proposal, subject to the impositions of appropriate conditions.

Conclusion

- 9.108. Officers consider that the current proposals can be considered acceptable in terms of flood-risk and drainage, in accord with local and national planning policy in this regard.

Planning Obligations

- 9.109. In order to ensure that the development would be acceptable in planning terms, several of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests and to be taken into account in deciding to grant planning permission they need to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.

Assessment

- 9.110. It is considered that should planning permission be forthcoming that the following additional items/contributions should be secured as part of the permission relating to the new dwellings (and any amendments deemed necessary).

- 9.111. CDC Obligations:

30% affordable housing to NDSS and CDC requirements and standards;
a £83,742.68 contribution to the provision of enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre;
a £214,237.00 contribution towards outdoor sport provision;
a £81,171.00 contribution towards indoor sport, at Woodgreen Leisure Centre or a new indoor sport facility in the locality;
a £21,280.00 contribution towards public art within the vicinity; and
a £5,000 monitoring fee.

OCC Obligations:

£120,000 – Highway Works
£103,664 – public transport services;
£14,864 – Public transport infrastructure
£40,000 – Public rights of way
£4224 – Traffic Regulation Order
£750,186 – secondary education;
£72,468 – secondary education land contribution;
£70,823 – special education;
£7,866 – household waste and recycling centres.

Other obligations:

Health Care - £68,870

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In determining this application the Council is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Cherwell Local Plan 2011-2031 Part 1 and the saved policies of the Cherwell Local Plan 1996.
- 10.2. The proposed development would not accord fully with the Development Plan. The application site is located beyond the existing built-up limits of Banbury on undeveloped greenfield land and is therefore within the open countryside. The proposal consequently conflicts with saved Policy H18 of the Cherwell Local Plan 1996 and the general spatial strategy of the Development Plan. Moderate weight is afforded to this conflict.
- 10.3. The proposal would also result in the loss of an area of open countryside and would extend built development further westwards beyond the existing urban edge of Banbury. As identified within the Landscape and Visual Impact Assessment and acknowledged within this report, the development would have a significant adverse effect on wider views from Crouch Hill and would result in landscape harm which could only be partially mitigated through landscaping and the passage of time. Significant weight is therefore attributed to the identified landscape harm.
- 10.4. Against this, substantial weight must be given to the benefits arising from the proposal. The development would deliver up to 76 dwellings, including a policy compliant provision of 30% affordable housing, contributing to both market and affordable housing needs within the District. The delivery of new housing attracts significant positive weight and the affordable housing provision attracts very substantial positive weight given the acknowledged need for affordable homes across the District.
- 10.5. The Council's latest published housing land supply position confirms that Cherwell District can currently demonstrate only 3.1 years of deliverable housing land supply. This represents a significant shortfall against national policy requirements and is a matter that attracts substantial weight in favour of proposals capable of delivering housing in sustainable locations. The application site adjoins Banbury, the District's most sustainable settlement, where future residents would have access to a wide range of employment opportunities, education facilities, health services, shops, recreation facilities and public transport connections. The site's location therefore attracts significant positive weight.
- 10.6. The proposal would also generate economic benefits during both the construction and occupation phases of development. Additional benefits would arise through biodiversity enhancement measures, public open space provision, sustainable drainage infrastructure and the delivery of a comprehensive Section 106 package including contributions towards education, healthcare, public transport, highways improvements, recreation facilities and community infrastructure. These benefits attract moderate positive weight in the planning balance.
- 10.7. The Council cannot currently demonstrate a five-year supply of deliverable housing land. Consequently, the most important policies for determining the application are out-of-date and the presumption in favour of sustainable development set out in Policy PSD1 of the Cherwell Local Plan and paragraph 11(d) of the NPPF is engaged. The application must therefore be assessed on the basis of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

- 10.8. Officers have attached significant weight to the landscape harm arising from development of this site and moderate weight to the conflict with the Development Plan's countryside policies. However, the proposal would not result in unacceptable impacts in respect of highway safety, flood risk, drainage, ecology, archaeology, residential amenity or infrastructure provision. These matters can be appropriately addressed through planning conditions and obligations.
- 10.9. Having regard to the Council's substantial housing land supply shortfall, the sustainable location of the site adjoining Banbury, the delivery of up to 76 dwellings including 30% affordable housing, and the associated economic, social and environmental benefits arising from the proposal, it is concluded that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the NPPF taken as a whole.
- 10.10. Accordingly, and applying the presumption in favour of sustainable development, the proposal constitutes sustainable development and planning permission should be granted subject to the completion of a Section 106 Agreement and the conditions set out below.
- 10.11.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR - PLANNING TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of 30% affordable housing on site**
 - b) contribution to CDC for the provision or enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre - £83,742.68**
 - c) contribution to CDC towards outdoor sport provision - £214,237.00**
 - d) contribution to CDC towards indoor sport at Woodgreen Leisure Centre or a new indoor sport facility in the locality - £81,171.00**
 - e) contribution to CDC towards public art within the vicinity - £21,280**
 - f) payment of the District Council's monitoring costs of £5,000**
 - g) contribution to OCC of £120,000 for Highway Works**
 - h) contribution to OCC of £103,664 for enhanced public transport services**
 - i) contribution to OCC of £14,864 for enhanced public transport infrastructure**
 - j) contribution to OCC of £4,224 for Traffic Regulation Order**
 - k) contribution to OCC of £750,186 for secondary education provision**
 - l) contribution to OCC of £72,468 for secondary education land**
 - m) contribution to OCC of £70,823 for special education needs**
 - n) contribution to OCC of £7,866 for household waste and recycling centres**
 - o) payment of the County Council's monitoring costs – TBC and**
 - p) contribution to BOBICB for health care enhancements – £68,870**

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 24th July 2026. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR - PLANNING IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

- 1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.**

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of 18 calendar months beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 40 calendar months from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended). The time period for submission has been reduced from standard period. The application has been submitted to address the Council's 5-year housing land supply position and is in accordance with the applicant's planning statement.

Compliance with Plans

4. Except where otherwise stipulated by conditions attached to this permission,

the development shall be carried out strictly in accordance with the form and following approved plans TBC

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Highways

5. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing prior to the first trench being dug by the Local Planning Authority including the swept paths of the refuse vehicle covering all manoeuvres and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

Reason: To ensure a safe and adequate access.

6. Visibility splays shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

Reason: In the interests of road safety.

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. The CTMP will need to incorporate the following in detail:

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.

- Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and the residential amenities of neighbouring occupiers.

8. No other part of the development shall be occupied until the offsite highway works have been laid out and constructed in accordance with details to be submitted to and first approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall include:

- Proposed site access arrangements, pedestrian infrastructure and new bus stops (eastbound/westbound) as shown in principle on Drawing no. 3794-ADC-HGN-XX-DR-CH-0100-S1-Rev P04 including the provision of signalised pedestrian crossing connecting the two new bus stops (eastbound/westbound) located on Broughton Road.

Reason: To ensure a safe and adequate access to the site for all use

9. Prior to the first use or occupation of the development hereby approved, details including exact locations of the proposed two new bus stops (eastbound and westbound) should be submitted and approved in writing by the Local Planning Authority. Thereafter the bus stop shall be implemented in accordance with the approved details.

Reason: In the interests of safety and convenience of users of the public transport services.

10. Prior to occupation of the development details shall be submitted for the approval of the Local Planning Authority for a scheme for parking, garaging and manoeuvring in accordance with Oxfordshire's "Parking Standards for New Developments". The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

11. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with details to be submitted and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway.

12. Prior to the first occupation of the development hereby approved, a Residential Travel Information Pack shall be prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", and submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy

13. Full specification details of an all-weather surfaced pedestrian path linking the residential footways within the site to the northeastern boundary via the existing public right of way including the connection point into the adjacent site (located to the east) and the proposed delivery timescales for this pathway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All associated works therein specified shall be undertaken in accordance with the approved timeframe before first occupation of the dwellings hereby approved.

Reason: To ensure a safe and adequate pedestrian connectivity to the adjacent site.

Archaeology

14. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

Drainage

16. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - a. As built plans in both .pdf and .shp file format;
 - b. Photographs to document each key stage of the drainage system when installed on site;
 - c. Photographs to document the completed installation of the drainage structures on site;
 - d. The name and contact details of any appointed management company information.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Ecology

17. No development shall commence until a wildlife-sensitive lighting scheme, in line with Bat Conservation Trust guidance on bats and artificial lighting at night (GN08/23) has been submitted to and approved in writing by the LPA. Thereafter, the development shall not be carried out other than in accordance with the approved lighting scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

18. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment and mitigation of potentially damaging construction activities
- Identification of 'Biodiversity Protection Zones'
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- The location and timing of sensitive works to avoid harm to biodiversity features
- The times during construction when specialist ecologists need to be present on site to oversee works
- Responsible persons and lines of communication
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

19. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan

2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

20. No development shall commence above slab level until a method statement for enhancing ecology including at least one bird/bat box per dwelling and all enhancement measures in the Ecological Appraisal report has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

21. A revised ecological survey shall be undertaken prior to the submission of any reserved matters application if the baseline data as submitted in this application is out of date. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework

22. As part of any reserved matters application an LVA shall be submitted, the LVA shall include:

- 3D modelling, wirelines, or rendered photomontages (LI Visualisation Types 2-3) to show how the scheme responds positively to the underlying topography and its landscape context. The visualisations must be supported by narrative that identifies the mitigation measures inherent to the scheme and how these are necessary to protect landscape character.

The LVA must conform to best practice and guidance including demonstration that alternative layouts have been considered and the mitigation hierarchy has been followed as part of an iterative and coordinated design process.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

23. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

25. No development shall be occupied until confirmation has been provided that either:-
- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
 - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

CASE OFFICER: Lewis Knox