

**Case Officer:** Katherine Daniels

**Applicant:** Neptune Land Promotion Ltd

**Proposal:** Outline planning application, together with associated access off Bloxham Road (all other matters reserved), for up to 90 homes (use class C3) together with associated infrastructure and open space, landscaping, including provision of land for new village hall (use class F2(b)) and retail space (use class E).

**Ward:** Adderbury, Bloxham and Bodicote; Deddington

**Councillors:** Adderbury, Bloxham and Bodicote - Cllr Blakeway, Cllr Pattenden, Cllr Hingley  
Deddington - Cllr McHugh, Cllr Reeves, Cllr Rogers

**Reason for Referral:** Major residential development

**Expiry Date:** 10 June 2024

**Committee Date:** 6 June 2024

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**SUMMARY RECOMMENDATION: REFUSAL**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located off Bloxham Road in Milcombe. It is a rectangular field, with a footpath crossing diagonally through the site. A modern housing estate off New Road is located to the west of the application site. The field is arable, and has a hedgerow along its boundary. Open countryside is located to the north, east and south of the site. There is a residential building at the south-eastern corner.

**2. CONSTRAINTS**

2.1. The site is not within a conservation area, and there is a public rights of way through the site. The site is within an archaeological alert area, and it is Grade 3 Best and Most Versatile Land (BMVL)

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. This is an outline application for the erection of up to 90 dwellings, with associated infrastructure, open space and landscaping with land for a new village hall and a new retail access. The application seeks to create a new access off Bloxham Road, with all other matters reserved.

3.2. The proposed development would be served by a single point of access from Bloxham Road, which will serve the retail, village hall as well as the housing. The proposal includes a play area, green infrastructure to the east, pumping stations, and public open space. The masterplan submitted with the application is indicative at this stage.

**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:
- 5.2. 22/02002/PREAPP: Proposed residential development for up to 105 houses, new road, and associated public open space.
- 5.3. Overall, it is considered that, notwithstanding the Council's current housing land supply position [less than 5 years at that time], the harm identified in this letter in relation to the proposal's adverse visual effects, the development of greenfield land, the loss of Grade 1 agricultural land, and the site's relatively poor sustainability credentials, would significantly and demonstrably outweigh the proposal's benefits. On balance, therefore, our view is that a future application for this quantum of development in this location would not be considered favourably.

## 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 **23 February 2024**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. 43 Letters of Objection have been received raising the following concerns:

- Too many houses for the size of Milcombe
  - Impact on residential amenity
  - Highway Safety impacts
  - No requirement for a new shop
  - Not sufficient infrastructure
  - Impact on Ecology
  - Impact on character and appearance of the locality.
- 5 letters of support have been received raising the following:
    - Supports the village and provides an area for children to play safely
    - Community hall
    - Needs housing

- 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.

## PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MILCOMBE AND BLOXHAM PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, Infrastructure is not sufficient. Although a Cat A village, it is likely to be downgraded in the new Local Plan. Village is not large enough to cope with two village shops, and the existing community hall is centrally located within the village. Has experienced much growth in the last few years.

## OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to standard conditions in respect to the access, construction management plan, travel information pack, travel plan, and contributions towards, public transport services, public transport infrastructure, traffic regulations order, travel plan monitoring and public rights of way.
- 7.4. BOB ICB: **No objections** subject to contributions to mitigate against the impact of the development
- 7.5. CDC SPORT AND RECREATION: **No objections** subject to contribution towards community hall facilities, outdoor sports provision, indoor sports provision, and public art
- 7.6. THAMES VALLEY POLICE, CRIME PREVENTION DESIGN ADVISOR: **No objections** subject to conditions being imposed.
- 7.7. CDC LAND DRAINAGE: **No comments**
- 7.8. CDC ENVIRONMENTAL HEALTH: **No comments** on odour, but requests conditions imposed relating to lighting, noise, air quality and contamination.
- 7.9. OCC FIRE SERVICE: Will require a Building Regs application
- 7.10. OCC ARCHAEOLOGY: **No objections** subject to the imposition of planning conditions relating to an archaeological investigation.
- 7.11. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to the imposition of conditions relating to surface water drainage, and SUDs
- 7.12. OCC EDUCATION: **No objections** subject to the contributions towards primary and special education.
- 7.13. OCC WASTE MANAGEMENT: **No objections** subject to contributions towards household waste recycling centres.
- 7.14. THAMES WATER: **No objections** in regards to foul water sewerage, however requests condition regarding the water network.
- 7.15. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

7.16. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

## **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
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing health and wellbeing
- 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
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water resources
- 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
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- Villages 4: Meeting the Need for Open Space, Sport and Recreation
- 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

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)
- Cherwell Annual Monitoring Report (2023 AMR) (December 2023)
- Housing and Economic Needs Assessment (December 2022)

## 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
- Heritage impact
- Residential amenity
- Ecology impact
- Highway Impact
- Provision of Doctors Surgery/Health Care Centre

#### Principle of Development

9.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. 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.

9.3. Policy PSD1 of the 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 mean that proposals can be approved wherever possible,*

*and to secure development that improves the economic, social and environmental conditions in the area’.*

- 9.4. 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’.*
- 9.5. 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.
- 9.6. 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’.*
- 9.7. 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”.*
- 9.8. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.9. The Council’s latest assessment of housing land availability is its ‘HELAA’ published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was not identified for consideration within the 2018 HELAA.
- 9.10. 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.
- 9.11. 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’.*
- 9.12. 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'.*

#### *National Planning Policy Framework*

9.13. 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).

9.14. 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.

9.15. 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.

9.16. 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'.

9.17. 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.'*

9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'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 groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

9.19. 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).

### **Housing Land Supply Position Statement (Update) January 2024** **Context**

9.20. The former NPPF (September 2023) contained a requirement include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.21. This changes the calculation of the five year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation is now as follows:

*Table 1*

<b>Step</b>	<b>Description</b>	<b>Five Year Period 2023-2028</b>
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.22. Additionally, it is advised at paragraph 226 of the revised NPPF:

*"From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this*



*Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”*

9.23. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a ‘four years’ worth of housing’ measured against a five year housing requirement.

9.24. Alternatively, Table 2 below shows the calculation of deliverable housing land supply measured against a four year requirement.

Table 2

Step	Description	Four Year Period 2023-2027
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	4 year requirement (b x years)	2,840
d	Deliverable supply over next 4 years	3,207 (from 2023 AMR)
e	Total years supply over next 4 years (d/b)	4.5
f	Surplus (d-c)	367

9.25. In February 2023 Cherwell District Council approved a review of their adopted planning policies carried out under regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012. This review concluded that, due to the publication of more recent evidence on Housing Needs to support the preparation of the Cherwell Local Plan Review 2040, policies, including Policy BSC1 need updating. Paragraph 77 and footnote 42 of the NPPF require that in such circumstances the five year supply of land should be calculated using the government’s standard methodology.

9.26. As set out in the Council’s Housing Land Supply Statement (February 2023), the use of the standard method has the effect of reducing the annualised requirement from 1,142 dpa to 742 dpa for the purposes of calculating the land supply. This results in the Council having a five year housing land supply position of 5.74 years for the period 2023-2028, which means that the relevant development plan policies are up-to-date and that development proposals must be assessed in accordance with the Development Plan.

9.27. The proof of evidence for 22/02866/OUT Land East of Ploughley Road, Ambrosden, the Public Inquiry for which was heard in March and for which the decision is awaited, confirms that the Council’s Five Year Housing Land Supply (5YHLS) of 5.74 years is based on 4,038 units’ deliverable supply assessed against an annualised local housing need of 703 dwellings per annum. If measured against four years’ worth of provision in accordance with paras 77 and 226 of the NPPF, this represents a surplus of 1,226 units. If measured against five years’ worth of provision, it would represent a surplus of 523 units.

- 9.28. The five year supply is not a cap on development. The provision of housing in rural areas represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which need to be delivered.
- 9.29. In the context of the spatial strategy and the need to meet the overall district requirements by 2031, regard is given to the Planning Inspector's comments for the appeal decision on Land at Merton Road, Ambrosden (PINS ref 3228169 / LPA ref 18/02056/OUT).
- 9.30. In Paragraph 24 the Inspector stated: *Policy Villages 2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension (ie it does not specify how much development should occur at each settlement).*
- 9.31. More recently, the Planning Inspector for the appeal decision on Land South of Green Lane, Chesterton for up to 147 homes (PINS ref 3331122/ LPA ref 23/00173/OUT), dated 15<sup>th</sup> May 2024, highlighted that the 750 homes to be located at Category A villages under Policy Villages 2 was not a ceiling and that housing within Cherwell is being delivered at a declining rate (paragraph 61). The Inspector went on to state: *In this context the rural sites brought forward around the Category A villages have an important role in maintaining a deliverable supply of new houses. The CLP covers a period from 2011 to 2031 and is now in the second half of its period. I also heard evidence that a number of the strategic sites are unlikely to deliver during the plan period. Therefore, in view of the stage the CP has reached it is unlikely that this proposal would prejudice its locational strategy. Moreover, sites such as this will help the Council maintain supply ahead of the adoption of a new local plan. Consequently, it is unlikely that this proposal would be disproportionate in relation to the strategic allocations and would not prejudice their delivery.*

#### **Recent appeal decision at Heyford**

- 9.32. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570 Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).
- 9.33. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.
- 9.34. However, the LPA is currently reviewing its position in relation to a potential legal challenge to the conclusions reached by the Inspector in that case (and the basis for the decision making) and has six weeks to consider this. The LPA has sent legal instructions to consider mounting a challenge. This is because officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.35. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and

dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

### *Assessment*

- 9.36. The Council's housing supply position of 5.8 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. However, the delivery of homes across the district remains an important material consideration in the planning balance.
- 9.37. Policy Villages 1 of the CLP 2015 designates Milcombe as a 'service village' where minor development, infilling and conversions are permissible. 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.
- 9.38. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Milcombe village, and therefore within the countryside. The proposal for development on a greenfield would have an urbanising impact.
- 9.39. Milcombe is identified in the Local Plan as one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2).
- 9.40. The 2023 Annual Monitoring Report (AMR) sets out that between 1 April 2014 and 31 March 2023 there have been a total of 792 completions in Category A villages, with a further 100 dwellings under construction but not completed on 31 March 2023, totalling 892 dwellings. There are an additional 303 dwellings on sites with planning permission but where construction has not yet started. Therefore, the total number of dwellings delivered under PV2 has exceeded 750.
- 9.41. The Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction. The Tappers Farm Inspector stated,

*"There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised."*

- 9.42. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that the point has been reached where planning harm could be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.43. That said, an appeal for 35 houses at Milcombe was allowed this year, where the Inspector noted that the sustainability credentials of the village and concluded it was a sustainable location. It is noted that Milcombe will not be classified as a Larger Village in the new Local Plan, and will not be acceptable in principle for such development once the Local Plan is adopted, but limited weight is afforded to the new Local Plan given it has not yet been to examination.
- 9.44. Due to the above housing figures, scrutiny is required to be given to new proposals to ensure no harm would be carried out to the Category A villages, as the housing target will soon be reached. Although the village is a Category A village, it has seen a large number of growth over the years. The scheme at Heath Close, allowed at appeal, was for a 10% increase of dwellings at Milcombe. The proposed development of 90 dwellings would further increase the village by 25%. This is a significant increase to the village of Milcombe.

#### *Policy Villages 2 Criteria*

- 9.45. The applicable criteria of Policy Villages 2 are set out at paragraph 9.11 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The applicant has provided evidence that the site is classed as Grade 3a within the Best and Most Versatile Land.
- 9.46. In this instance, the site is adjacent to a Category A village, which has a convenience store, a pub, and a play area. The village also does have a bus service.

#### *Conclusion*

- 9.47. The latest housing supply figure for the district is calculated at 5.8 years. Whilst the NPPF states the requirement to have a 4-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. The housing strategy in the Cherwell Local Plan seeks to distribute new housing to the most sustainable locations, with Milcombe being classed in the CLP 2015 as one of the larger, more sustainable villages within the district. The village does have facilities to meet day to day needs and officers note the recent appeal decision at Milcombe, a smaller Category A village. In addition, the construction of 90 dwellings in a village would result in a development that would harm the settlement, which is an approx. 25% increase in the village.
- 9.48. Overall, whilst the 750 target of housing in these Category A villages is exceeded, the provision of housing represents a significant positive material consideration to weigh in the planning balance and contributes to meeting the overall district housing figures which is needed to be delivered. Furthermore, compliance with other parts of Policy Villages 2 will be a key consideration of the assessment of this application, as discussed below and other material considerations.

## Design and impact on the character of the area

### *Policy*

- 9.49. 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.*
- 9.50. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.* The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.51. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.52. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

- 9.53. With regards to this current proposal, it is confirmed that the density of the development will not be at 30 dwellings per hectare which is not in accordance with the requirements of Policy BSC2. However, given its location, and at the edge of the village, it is considered a density of less than 30 dwellings per hectares could be seen as a compromise in this particular location.

### *Assessment*

- 9.54. This is an outline application, in which all matters are reserved, except for access, to be considered at a later stage. The proposal includes a masterplan which gives details on how the site could be developed if outline consent is granted. The masterplan shows a buffer area to the boundary of the site adjoining the countryside to the north and east. This includes Sustainable Urban Drainage features and a footways around the site. The indicative road layout also separates the green buffer with the proposed dwellings. In effect, the proposal seeks to have a perimeter road to the east and south edge.
- 9.55. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands. Some of the key characteristics are a strong undulating landform of

rounded hills and small valleys, densely scattered hedgerow trees and well defined nucleated villages with little dispersal into the wider countryside.

- 9.56. The LVIA states that the impact of the proposed development of the Landscape would have moderate to adverse impact within the site and its surroundings, and slight adverse on the wider landscape, with some areas being neutral. There would be some urbanisation effects as a result of the proposed development, and the proposal would be seen in context to the existing residential properties to the west. Given its scale, spatial relationship with, and lack of linkage to existing development, the proposal could be seen as a stand-alone development, adjacent to Milcombe, and would lead to a negative impact on the character and appearance of the locality. The existing estate to the west is a modern stand-alone development, and the further development of this area could further impact on its overall character, which is further exacerbated by the public right of way running through the site. The proposed development would further disperse into the wider countryside, and closer to Bloxham, and away from Milcombe's historic core.
- 9.57. The application submission states that the dwellings would be a maximum of two-storey dwellings. However, scale is a reserved matter and not to be assessed here. A condition could be imposed to ensure building height details are submitted as part of any approval.
- 9.58. Overall, the proposal would be a significant addition to the village and would have a significant visual impact, resulting in some harm to the character and appearance of the locality. This weighs significantly against the proposal.

#### Highways impact

- 9.59. 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.
- 9.60. 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.
- 9.61. The Local Highway Authority has raised no objections to the proposal, provided suitable conditions and Section 106 contributions. Therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore the proposal is acceptable in highway terms.

#### Drainage

- 9.62. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 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.

9.63. Paragraph 175 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.

9.64. 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.

9.65. 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.

9.66. 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, and the Environment Agency also consider the proposal will not increase the risk of flooding.

9.67. The proposal is therefore considered to be acceptable in flooding terms.

#### Residential amenity

9.68. 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.

- 9.69. The application is in outline form at this stage; therefore, the consideration of residential amenity is more relevant at the reserved matters stage. The submitted indicative masterplan indicates that the site can accommodate the number of dwellings without having a detrimental impact to the amenities of the existing properties and proposed dwellings.
- 9.70. It is therefore considered that the limited impact on residential amenity is not sufficient to refuse the application.

### Ecology impact

#### *Legislative context*

- 9.71. 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.
- 9.72. 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.
- 9.73. 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.
- 9.74. 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.
- 9.75. 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

### *Policy Context*

- 9.76. 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.
- 9.77. 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.
- 9.78. 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.
- 9.79. 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.
- 9.80. 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.
- 9.81. 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.
- 9.82. 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*

- 9.83. The applicant has provided a Biodiversity Impact Assessment and a Preliminary Ecological Assessment, which considered there will be opportunities for nesting birds hedgerow and trees, sheltering reptiles, foraging bats, wild mammals and priority species. There is a potential loss of or damage to active birds nests, and harm to existing reptiles on site or badgers and other wild animals.
- 9.84. The ecology statement carries several recommendations to ensure the development does not have a negative on ecology. The recommendations within the report include habitat enhancements. This includes details for appropriate landscaping scheme which will help support biodiversity, including native species, bat and bird boxes, and ongoing management of habitats.
- 9.85. Further recommendations include having a suitably qualified ecologist to ensure the vegetation removal does not impact on any reptile species. This also includes mammals.
- 9.86. The proposal includes a biodiversity net gain of 110.99% on site habitat units and 22.67% in hedgerow units.
- 9.87. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.88. Officers are satisfied, in 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.

#### The Provision of a Community Centre/Food store

- 9.89. The proposal includes the provision of land for a village hall and shop at the front of the site. It is clear from the comments from the Parish Council that they do not want a new community facility on this site. In addition, unlike in the recent Cropredy application, there is no information on how this could be funded or developed. Therefore, it is unclear that the proposal would deliver a community facility. There is also no understanding on how the development will progress, i.e when the village hall will be provided during the construction process. Overall, therefore, the weight that can be attached to the provision of this facility is limited.

#### Sustainable construction

- 9.90. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. Paragraph 160 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy

supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

### *Development Plan*

- 9.91. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.92. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.93. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

### *Assessment*

- 9.94. The application is at outline stage; therefore, it is not clear how the dwellings would be constructed, and how many sustainable features would be used as part of the development of the scheme. The applicant has stated that the design would incorporate sustainable features to achieve a carbon positive development. The applicant has also provided an Energy and Sustainable Statement. It is considered that the development is likely to adhere to these policies; however, this would be confirmed at the reserved matters stage.

## S106

- 9.95. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating 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.
- 9.96. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:
- 9.97. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.98. 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.
- 9.99. 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.
- 9.100. This application is for up to 90 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.
- 9.101. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 32 units. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes.
- 9.102. 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. The County Council has also requested a contribution towards public transport services, as well as entering into a S278 agreement.

9.103. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the CLP 2015. The proposed masterplan includes the provision of a LAP and LEAP, which requires a minimum area of 500 sqm. Although, it is not shown how large this area is, this can be controlled by way of planning conditions/and or a S106 obligation.

9.104. As such it is considered that in the event that the Planning Committee resolved to approve this application this would be subject to the completion of a S106 agreement. As such it is considered that the proposed development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF. Details of the S106 contributions/obligations can be seen in Appendix 1 of this report.

## **10. PLANNING BALANCE AND CONCLUSION**

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

### *Positive benefits - Economic*

10.2. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the overall number of dwellings being provided these should also be afforded limited positive weight.

10.3. In addition, the proposal is providing land for a village hall and shop, which would also include additional employment in the local area. There is no information on how this could be provided, or if it can be funded. This should be afforded limited weight.

### *Social*

10.4. The delivery of homes across the district is an important positive material consideration in the planning balance.

10.5. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.

10.6. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be both at the level expected by policy as well as beyond the Policy requirements. The provision of this would also be of community benefit to existing residents.

10.7. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

### *Environmental*

- 10.8. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.9. Milcombe has a limited number of services and employment opportunities. It is a Category A village. Nevertheless, officers note that the Milcombe appeal was allowed for 35 houses within the village, which is a 10% increase in the size of the village.

### *Negative impacts*

- 10.10. The application site is positioned beyond the existing built-up limits of the village on the eastern side and is an area of countryside. The Heath Close application was a contained site, with mature vegetation on the boundaries. This application site is more open, with boundary hedging, with a public footpath running through the site. Although not a sloping site, relatively flat, views are afforded against the wider locality. The application would further urbanise the locality... Significant weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.11. The proposal would result in a significant addition to the village of Milcombe, and given its location would have a negative impact upon the community, as well as the reliance of the car on day to day services. Moderate impact is therefore attached to the effect the proposal has on the overall size of the village.

### *Conclusion*

- 10.12. On the basis that the Council is able to demonstrate over a five-year supply of land for housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.
- 10.13. The proposal seeks permission for up to 90 houses on the edge of a Category A Village and the provision of land for a village hall and shop. While the total number of houses developed under Policy Villages 2 has exceeded 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District. Milcombe is a Category A village, albeit it is not as sustainable as some other category A villages in the District.
- 10.14. The proposal seeks to provide land for a village hall and shop; however, there is uncertainty if this can be delivered, although a benefit, given the uncertainty limited weight is afforded this.
- 10.15. Overall, it is considered that the identified harm to the character and appearance of the locality is not outweighed by the benefits of the scheme and it is recommended that outline planning permission is refused.

## **11. RECOMMENDATION**

### **REFUSAL FOR THE REASONS SET OUT BELOW**

1. The proposals would result in a disproportionate development when considered against the scale of the existing village and the cumulative impact of growth already carried out in village within the plan period and available facilities within the village and would be predominantly reliant on the private car to carry out day-to-day activity and the application site is not

well located to existing services and facilities. The proposals would cause significant adverse landscape impacts to the settlement character which could not be avoided or mitigated by the proposed development, by further development within the open countryside, resulting in further urbanisation of the village. The proposals would be harmful development to the village of Milcombe and the wider aims of Policies Villages 1 and Villages 2 and result in unsustainable growth that would not be capable of mitigation. The proposals would therefore be contrary to Policies PSD1, BSC1, ESD1, ESD13, ESD15, Villages 1 and Villages 2 of the Cherwell Local Plan 2011 - 2031 Part 1; saved Policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

2. 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 required as a result of the development, and necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

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