

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

16 April 2026

WRITTEN UPDATES

Agenda Item 8 - Planning Performance Report

No Updates

Agenda Item 9 - Appeals Progress Report

No Updates

Agenda Item 10 – Dovecote Farm, Heyford Road, Somerton

Additional Representations from Oxfordshire County Council

Local Highway Authority (LHA) – Objection as the application has not demonstrated safe and suitable access for all users, in accordance with NPPF paragraph 115b.

Vehicular access onto Fritwell Rd is considered acceptable in safety terms, it is proposed to extend the 20mph speed limit eastwards and to install a gateway feature and these works would be required prior to first occupation of the site.

As there are no footways leading to the site along Fritwell Road, the applicant is proposing a 1.8m wide permissive path on land in their control, leading to Fritwell Road near its junction with Ardley Road. Further details would be required of how this would join onto the highway and connect to the footpath on the opposite side of Fritwell Road including an informal crossing point. It is noted that steps are proposed within the site due to the level difference and the developer is unwilling to provide a ramp due to the amount of earthworks involved. Although OCC would not adopt the path, it should be suitable for all users and comply with the Equalities Act 2010.

In terms of sustainable transport connectivity there is a very limited bus service serving Somerton, and there is little opportunity for active travel to work. There are very limited facilities in the village. The residents are likely to be highly dependent on car travel.

Further details of vehicle tracking are required showing a large car passing the refuse vehicle. The carriageway will require widening on the bends, or show where a car can stop, given adequate intervisibility, to allow the refuse vehicle to pass. This includes at the site access. Visibility splays and forward visibility of 25 metres must be demonstrated within the site. This includes on the access road to the allotments, where tracking for appropriate vehicles must also be provided.

The application will need to comply with OCC Street Design Guide Parts 1 and 2. Main access road should be minimum 5.5m and the secondary roads are minimum 5m with 2m footways on both sides of the carriageway. Shared Surface carriageways are minimum 6m with 0.8m service margin. Where there is not a footway adjacent each side of the carriageway a minimum 6 metre wide shared surface block paved carriageway with a minimum 800mm grass margin on either side is required. Street lighting must be a minimum 1.5m from the carriageway edge and be within the adoptable area and therefore localised widening will be required. A long section has not been provided and will be required to ensure compliance with the Equalities Act 2010. This must include details of the vertical alignment to determine appropriate carriageway and footway gradients. Shared surface carriageways will need to be no steeper than a maximum 1:21 or 5% or a residential street will be required with footways on both sides of the carriageway.

In terms of traffic impact given the scale of the development, it is not considered to have a significant impact on the operation of the highway.

Officer Response:

The comments are noted and an additional reason for refusal is proposed:

The proposed development by virtue of its location, ground levels and lack of pedestrian links to the village has not demonstrated safe and suitable access for all users. In addition the proposal fails to provide adequate information of the proposed footpath and the allotments car parking. And further details are also required of vehicle tracking throughout the site, visibility splays and forward visibility envelopes within the site. Therefore, the application is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2015 and NPPF paragraph 115b.

Lead Local Flood Authority – Holding objection:

Further information is required as infiltration testing has been undertaken showing good potential for infiltration drainage. But the LLFA needs to see evidence of the peak groundwater levels at this location to ensure that the design retains full capacity and reduces the risk to groundwater.

Clarification is required on whether an allowance for urban creep has been applied to the area of the housing. It is also worth considering the viability of open SuDS features at ground level, as maintenance of soakaways can be more difficult.

Oxfordshire County Archaeological Services – No objection:

The applicant has submitted and updated Historic Environment Desk Based Assessment which outlines the previous impacts on the site, as well as the archaeological potential of the area. Somerton has Medieval origins, and activity has been recorded from the Iron Age, Roman and Medieval periods within the village centre, however, the proposal site lies

outside of the Medieval core of the village. The proposal site has also seen a number of previous developments in its agricultural use which will have likely impacted on any belowground archaeological remains.

The proposals outlined would not appear to have an invasive impact upon archaeological sites or features. As such there are no archaeological constraints to this scheme.

The Integrated Care Board

The ICB raise an objection to the proposed development unless a developer contribution of £8,640 (see Formula Calculation below) towards the creation of additional clinical capacity at new GP Provision in Upper Heyford or an identified primary care estates project in the local area to serve the development is secured through a Section 106 Agreement.

Amended Recommendation

Refusal Reason 2 to be amended to read:

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, Policy A1 of the Mid Cherwell Neighbourhood Plan 2018 - 2031 and Government guidance within the National Planning Policy Framework.

Additional Refusal Reason (#4) as set out earlier in this update.

Applicant's Response

An additional representation has been received from the applicants in response to the Committee report. This is available to view in full on the Council's website. In summary the main points raised are:

- The application should be approved applying the tilted balance under NPPF paragraph 11(d). National policy requires permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, the weight attributed to spatial strategies within the adopted development plan is limited, and these cannot be relied upon in terms of directing residential development as appears to be set out within the report.
- The officer report (para 9.27) attributes "little or no weight" to the extant Class Q fallback position. This approach is inconsistent with established planning case law, which confirms that a lawful fallback capable of implementation is a material consideration that must be given appropriate weight in decision making. The decision is therefore whether the impacts associated with four additional dwellings beyond that fallback position significantly and demonstrably outweigh the benefits of the proposed scheme when assessed against the Framework as a whole.

- As set out within the Planning Statement, the development would facilitate a reduction in built form and hardstanding by approximately 50% when compared to the existing built form.
- This application will make a modest but important and deliverable contribution to housing supply which in the context of the Council's significant undersupply would attract significant weight as a benefit to the proposed scheme.
- The committee report also omits to acknowledge two bungalow units have been proposed within the scheme with respect to meeting a range of local needs despite its small scale. The Council's Housing and Economic Needs Assessment acknowledges demand for Bungalows.
- The site is not isolated from the village to the extent suggested in paragraph 9.33 of the committee report. Residential properties off Ardley Road, including Hilbre House, lie at a comparable distance from the village core, and Glyde House is located less than 100 metres from the site along Fritwell Road. The proposed permissive pedestrian connection would provide a direct link between the site and the village where none currently exists.
- The report's conclusion that Somerton is wholly unsustainable is not supported by the evidence. The village is served by the No.81 bus to Bicester up to five times daily, Heyford Station lies approximately 5km away, and Fritwell Primary School is within cycling distance.
- The applicant has made great efforts to engage with the local community when preparing this application, going beyond what would normally be expected for an application of this scale. My client recognised that the Class Q conversion would provide no community benefit if implemented, so held positive discussions with the Parish Council with regards to delivering a slightly larger scheme that would have the ability to fund some facilities that the Parish Council expressly needed, specifically being a site for allotments and expansion of the open space area off Ardley Road.
- The fallback position confirms that residential development will occur at this site irrespective of the outcome of the current application. The decision is therefore whether the impacts associated with four additional dwellings beyond that fallback position significantly and demonstrably outweigh the additional benefits delivered by the proposed scheme when assessed against the Framework as a whole. Compared with the fallback scheme, the proposed development would deliver the following additional planning benefits:
 - Delivery of four additional dwellings within the five-year supply period, including two bungalows, contributing to identified housing mix needs within the District and attracting significant weight given the Council's housing land supply position.
 - Delivery of a 1-acre community allotment site to be gifted to the Parish Council.
 - Transfer of 1,064m² of land to expand the existing village play space, improving recreational provision for both existing and future residents.
 - Provision of a new permissive pedestrian connection to Fritwell Road, improving accessibility between the site and the village and integrating the development with the existing settlement.
 - Delivery of road safety enhancements along Fritwell Road, including extension of the 20mph speed limit and associated traffic calming measures.
 - Delivery of a significantly improved landscape outcome compared with both the existing agricultural yard and the fallback conversion scenario, including approximately a

50% reduction in built form and hardstanding and a substantial increase in green infrastructure across the site.

- Delivery of biodiversity net gain significantly in excess of statutory requirements, comprising 18.19% habitat unit uplift and 185.53% hedgerow unit uplift. 0.88 individual tree units are to be offset to meet trading rule requirements.
- Further planning obligations which are identified within the committee report and would not arise through the implementation of the extant Class Q fallback consent (such as financial contributions towards refuse/recycling bins, contributions towards indoor/outdoor sports facilities, contributions towards community hall facilities, public art, education contributions, and NHS contributions).

Officer response

The tilted balance applies, as noted in the officer report to Committee (“the officer report”). However, this does not confer automatic grant of planning permission. Under the tilted balance, the weight to be afforded to housing policies is limited, but not to the development plan as a whole.

The Class Q approval is a material consideration. The applicant misrepresents the weight afforded by officers in the recommendation to the Class Q approval. The officer report explains why little or no weight is afforded to the Class Q approval. In addition, it is not simply about the additional four dwellings proposed; also relevant is the land take, the scale of development proposed, and the character of the development proposed.

The officer report sets out that the proposal would provide additional housing, which would contribute to the Council’s housing land supply, to which significant weight is afforded. As the applicant notes, given its scale the proposal would make a modest contribution.

The site is not adjacent to the village and is set apart from it.

The proposed pedestrian connection would have a significant urbanising effect on the rural character and appearance of the area.

Officers take a different view to the applicant in relation to the site’s locational sustainability. Appeal decisions for similar quantum of development have been dismissed at Sibford Gower (Category A), Hempton (Category B), Great Bourton (Category B), Stoke Lyne (Category C), Wendlebury (Category C) and Horley (Category C).

The applicant’s suggested community benefits, including community allotments, additional play space, highways improvements and a new pedestrian connection, are not necessary to make acceptable a development of this scale and would not be policy compliant. Similar was proposed at Hempton and in that case the Planning Inspector concluded such benefits were not commensurate with the scale of development proposed and limited or nil weight could be afforded to them.

Agenda Item 11 – Tuthill Park, Wardington

Additional Local Highway Authority (LHA) response:

Following the receipt of additional information on how the business will operate the LHA has confirmed that there is no objection to the proposal.

Officer Response

Comments noted.

Conclusion

The additional comments received do not raise any additional planning material considerations which have not already been addressed within the case officer's report.

The recommendation remains as it is set out in the case officer report.