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## Appeal Decision

Inquiry Held on 22, 23, 24 & 25 May 2018

Site visit made on 25 May 2018

**by R J Jackson BA MPhil DMS MRTPI MCMl**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 June 2018**

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### **Appeal Ref: APP/Q3115/W/17/3188474 Land east of Park Road, Didcot OX11 8JT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Catesby Estates Ltd against the decision of South Oxfordshire District Council.
  - The application Ref P17/S1965/O, dated 25 May 2017, was refused by notice dated 24 October 2017.
  - The development proposed is outline planning application (with all matters reserved except for means of access from Park Road) for up to 135 residential dwellings including open space, sustainable urban drainage systems and associated landscaping.
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### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. The application was made in outline but with access for consideration at that stage. I have considered the appeal on the same basis. Having said that the application was accompanied by a Development Framework Plan and an Illustrative Masterplan, both on an illustrative basis. Both of these were revised during the appeal process, although not materially, and I will use them on an illustrative basis in making my decision as I am satisfied that nobody would be prejudiced by me using them.
3. Prior to the Inquiry opening I agreed with the main parties' proposal that the evidence on agricultural land would be considered on the basis of the written proofs of evidence alone and that the witnesses would not need to be called to give evidence.
4. The appeal was accompanied by a Planning Obligation by agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 22 May 2018 dealing with affordable housing, a restriction on development on land to the south of the appeal site, and contributions towards waste collection, street naming, a local nature reserve, bus service and stops, public rights of way, travel plan monitoring, and on-site open space.

## **Main Issues**

5. The main issues are:

- the effect on the character and appearance of the area;
- whether the proposal would result in an unacceptable loss of the best and most versatile agricultural land;
- whether the proposal makes appropriate provision for affordable housing, infrastructure and similar matters;
- whether there are any other material considerations, including the housing land supply situation and benefits of the proposal, which would indicate that the proposals should be determined otherwise than in accordance with the terms of the development plan.

## **Reasons**

### *The appeal site*

6. The appeal site has an area of 7.06 ha and forms part of an area of agricultural land immediately to the south of Didcot, although it is separated from existing development in Didcot by a footpath (FP17) which runs in an east/west direction in a strip of land approximately 8 m wide. It lies in the parish of East Hagbourne. The site consists of the entirety of a single field parcel and extends approximately 15 m further to the south of an existing post and wire fence into the next two fields to the south. The appeal site also includes a strip of land to the south of the main body of the appeal site adjacent to Park Road to join with Main Road. The landform rises gently from east to west.
7. The North Wessex Downs Area of Outstanding Natural Beauty (the AONB) lies in an arc to the west, south and east of the appeal site some way distant; the closest point being 1.22 km to the southwest.

### *The development plan*

8. The development plan for the area includes the South Oxfordshire Core Strategy 2012 (the CS) and the saved policies of the South Oxfordshire Local Plan 2011 (the LP).
9. Policy CSS1 of the CS sets out the overall strategy of the development plan. This is that proposals for development will be focussed at Didcot, and on supporting the roles of lower order settlements. It continues that outside the towns and villages, any change will need to relate to very specific needs such as those of the agricultural industry or enhancements to the environment.
10. The appeal site lies outside of the built up area of Didcot. The proposal would therefore be contrary to Policy CSS1 of the CS in that it would represent a form a development for which there is no very specific need in this location. The main parties agreed that the proposal would represent, for all intents and purposes, an extension to Didcot rather than forming part of the village of East Hagbourne. If permitted it would be physically separate from the built-up areas of the villages of East Hagbourne and West Hagbourne and the hamlet of Coscote.

11. Policy G2 of the LP states that the district's countryside and settlements will be protected from adverse developments. Policy D1 of the LP indicates that the principles of good design and local distinctiveness should be taken into account in all new development through, *inter alia*, respecting existing settlement patterns and the character of the existing landscape.
12. There are also a number of other policies which apply specifically to the main issues identified above and I will consider them in the relevant sections of this decision.

#### *Character and appearance*

13. It was agreed that the proposed development would be harmful to the character and appearance of the area; the change from an open field on the edge of a settlement to a housing estate. The dispute was about the degree of harm that would occur.
14. At a national level the appeal site lies in National Character Area 108 – Upper Thames Clay Vale. At this broad level, the area is described as a landscape characterised by low-lying land for which the chalk scarp of the Chilterns and the Berkshire and Marlborough Downs form a backdrop for many views from the Vales to the south. Survivals of ridge and furrow, which exist on the appeal site, are listed as a key characteristic.
15. At a county level the appeal site is located in the Lowland Village Farmlands Landscape Character Type (LCT) as described in the Oxfordshire Wildlife and Landscape Study published by Oxfordshire County Council (OCC) in 2004. The area is summarised as an often large-scale farmed landscape closely associated with village settlements.
16. At a district level in 1998 the South Oxfordshire District Council (the Council) undertook the South Oxfordshire Landscape Assessment (the SOLA) which was adopted as Supplementary Planning Guidance in 2003 and remains with this status. As part of the evidence base for the emerging South Oxfordshire Local Plan 2011-2033 (the eLP) the Council in 2017 produced a Landscape Character Assessment for the Local Plan 2033. The evidence at the Inquiry concentrated on the SOLA and I will therefore use that document.
17. The appeal site lies within the Open Rolling Downs Landscape Character Area (LCA) which extends along the southern extent of Didcot. The key characteristics are described as including smoothly rounded hills and downland flanks, a dominance of intensive arable cultivation with weak or absent hedgerow structure and large-scale field pattern; large-scale, open and denuded landscape; rural character with few detracting influences and open landscape which results in high intervisibility and extensive views. At this point the open landscape is a strip between the existing southern edge of Didcot and Main Road which runs a short distance to the south along an east/west orientation. The appeal site is approximately half of the depth of this strip.
18. To the south of Main Road the SOLA identifies the area as forming part of the Semi-Enclosed Rolling Downs LCA. Here the key characteristics includes smoothly rounded hills and downland flanks, intimate dry valleys which dissect the chalk downs, typically with mixed woodland clothing the steep valley sides; dominance of arable cultivation but with a comparatively strong

landscape structure of hedges, trees and woods, providing visual enclosure and diversity, rural character with few detracting influences, extensive views from hilltops and downs across the vale to the north but intervisibility restricted by woods and hedgerows.

19. As can be seen the main difference between the Open Rolling Downs LCA and the Semi-Enclosed Rolling Downs LCA is the lack of vegetation and landscape features in the Open Rolling Downs LCA which can be found in the Semi-Enclosed Rolling Downs LCA. The open nature of the gap between Didcot and the more enclosed southern LCA is part of the defining character of the appeal site and its immediate environs to east, south and west.
20. East Hagbourne Parish Council is preparing a Neighbourhood Plan. At this stage it can only be given limited weight as the Chair of the Steering Committee for the Neighbourhood Plan confirmed that it would need "substantial changes" before going further. However, as part of the evidence base the Parish Council has published the East Hagbourne Village Character Assessment and Landscape Study (the EHVCA). The EHVCA describes the appeal site as falling within the "Coscote Fields". I note that the Coscote Fields includes part of the area to the south of Main Road so it spans two LCAs as defined in the SOLA.
21. The Coscote Fields are described as a large area of mixed arable and pastoral farmland, where the fenced internal boundaries give the impression of a very open landscape. FP17, it is stated, allows for wide southward views which take in the setting of Coscote and include, as their backdrop, the AONB. The main built up area of East Hagbourne is mostly hidden from view from FP17, with the exception of the church tower, by a former railway line embankment which is now used as part of a Sustrans route.
22. The southern extent of Didcot to the north of the appeal site was constructed in the 1960s. Immediately to the north of the appeal site in Loyd Road the dwellings are low being made up of bungalows, some of which have been extended by the provision of dormers. Further to the east the buildings are two storey dwellings.
23. To the north and west of Park Road development is more stark than that in Loyd Road. This is through the more recent and continuing development at Great Western Park<sup>1</sup> made up in this area by two storey dwellings with a greater vertical emphasis in design and some lighter coloured materials. As part of the planning permission for that site a condition prevents built development further south than the existing development on Loyd Road<sup>2</sup>, although the planning permission for Great Western Park includes the land for approximately 150 m to the south of this line. An application for reserved matters for the landscaping of this area has been submitted<sup>3</sup> but remained undetermined at the time of the Inquiry.
24. My reading of this is that the proposal is to provide over time a landscape setting and buffer for the built development on Great Western Park so as to reduce the visual effect when Great Western Park is viewed from the south. This would inevitably reduce the open nature of this area, and would be to

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<sup>1</sup> An outline planning permission for 3,300 dwellings and other facilities on approximately 180 ha of land granted planning permission in 2008, reference P02/W0848/O.

<sup>2</sup> Condition 68 of planning permission P02/W0848/O

<sup>3</sup> P/18/S1491/RM

some extent harmful to LCA, but would reduce the harm from the otherwise stark nature of the development at Great Western Park.

25. As part of the evidence base for the eLP and Neighbourhood Plans around the District the Council commissioned a Landscape Capacity Study<sup>4</sup> (the Study) in 2017. This identified approximately half of the depth of the appeal site, along with a similar depth of land on the adjoining parcel to the east, as may be acceptable for development subject to the retention of the wooded nature reserve and an assessment of the potential harm to the rural approach to Didcot and the distinct separate identity of the smaller nearby settlements of East and West Hagbourne and avoidance of the floodplain. The developable area of both fields as identified in the Study would be some 4.1 ha and would “provide an opportunity to create a strong, vegetated edge to the built form and to link the planting along the southern edge of the Great Western Park”.
26. The landscape witness for the Council sought to characterise this statement as inaccurate since she considered that it had failed to take account of the condition preventing built development to the south of the line of Loyd Road on Great Western Park. However, it seems to me that the provision of some landscaping along the southern edge of the site identified in the Study would link to the proposed landscaping on the southern edge of Great Western Park and together could provide a strong, vegetated southern edge to Didcot.
27. However, this appeal proposal would extend approximately twice the depth of the site identified in the Study to the south along Park Road, notwithstanding any landscaping that would form part of the current proposal shown on the Illustrative Masterplan to provide a buffer on its boundaries.
28. The Council, along with Vale of the White Horse District Council, have produced a Didcot Garden Town Delivery Plan. This is not currently a formal planning document but an expression of the objectives for the area surrounding Didcot. This is supported by a draft Didcot Garden Town Green Infrastructure Strategy (the GI Strategy).
29. The GI Strategy indicates the appeal site as being outside the Didcot Garden Town boundary and within an area of land broadly identified as a Proposed Green Gap. These gaps are identified by the GI Strategy to prevent coalescence between the Garden Town and surrounding villages. The GI Strategy has informed the Didcot Garden Town Masterplan including the green gaps along the southern boundary of Didcot and as part of the green buffer around the necklace of villages surrounding Didcot.
30. The Council sought to characterise the appeal site as forming part of a valued landscape within the meaning of paragraph 109 of the National Planning Policy Framework (the Framework). To be a valued landscape it has to have some demonstrable physical attributes<sup>5</sup> to make it in some way out of the ordinary rather than just popularity. Determining whether a landscape should be considered to be valued is likely to be based on a consideration as to whether the wider landscape of which the appeal site forms part is valued rather than whether the appeal site of itself merits such a notation.

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<sup>4</sup> Landscape Capacity Assessment for sites on the Edge of Didcot, Henley, Thame and Wallingford in South Oxfordshire.

<sup>5</sup> *Stroud District Council v Secretary of State for Communities and Local Government and Gladman Developments Limited* [2015] EWHC 488 (Admin), paragraph 16

31. Paragraph 113 of the Framework indicates that local planning authorities should set criteria based policies against which proposals on landscape areas should be judged, with distinctions based on the hierarchy of international, national and locally designated sites. At present there are no policies of this effect in the development plan. Furthermore, as pointed out by the Courts<sup>6</sup>, designation means designation and valued means valued.
32. The Council noted that the Inspector in an appeal relating to land at New Road, East Hagbourne<sup>7</sup> had identified that site as forming part of a valued landscape. However, there are noticeable differences between that site and the area around the appeal site. In particular developing that site would have represented the closure of a gap between East Hagbourne and Didcot leading to a physical coalescence of the two settlements. As the Inspector identified<sup>8</sup>, and I agree, Didcot and East Hagbourne are very different in form and character; one a large and expanding town, the other a modest sized village. However, that the area of the appeal site has different attributes to that of the New Road site does not mean that the appeal site is not within a valued landscape.
33. Both the landscape witnesses referred to Box 5.1 of *Guidelines for Landscape and Visual Impact Assessment:- Third Edition* which sets out a range of factors that can help in the identification of valued landscapes. While this is sectoral guidance being published by the Landscape Institute it does not definitively determine such a notation. However, given the agreement on its use I will use it as a basis for my assessment.
34. To my mind the appeal site forms part of a wider landscape unit between the existing and proposed southern edge of Didcot to the north and Main Road to the south, and between the former railway embankment to the east and the footpath (FP197/1) to the west of Park Road which, is identified in the Didcot Garden Towns assessment as being important. This is similar to the unit identified in the EHVCA as Coscote Fields although I consider that the local nature reserve at Mowbray Fields should also be included, as it forms part of the undeveloped land immediately to the south of Didcot.
35. In respect of landscape quality I consider that the area in which the appeal site is located is medium/high. The map progression shows that this area has been historically open. However, the existing post and wire fences in the wider Coscote Fields area detract from this. I consider the fact that the area was not previously designated as part of an Area of Great Landscape Value<sup>9</sup> is not relevant to me. This is because I do not have any information as to why, or against what criteria, that land was so designated (and not valued), and in any event that designation has been withdrawn.
36. In respect of scenic quality I consider that this to be high. The agricultural nature of the appeal site and its environs means that there is a sharp contrast between the urban nature of Didcot and the rural nature of the fields; there is no "fringe", either urban or rural, to speak of, beyond the strip of land containing FP17.

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<sup>6</sup> *Ibid*, paragraph 13.

<sup>7</sup> APP/Q3115/W/16/3153639

<sup>8</sup> Paragraph 21

<sup>9</sup> A local landscape designation in previous development plans



37. The landscape of the area is not particularly rare, but equally it is not particularly common; similarly it is representative of the LCA. The area expresses various conservation interests. Ridge and furrow is perceptible both on the site and in the surrounding area and there is a Scheduled Ancient Monument at Coscote (the Village Cross) just outside the area I have identified. The local nature reserve at Mowbray Fields forms part of the area. In looking at the identified area, as opposed to that of the site itself, I consider that the conservation interests are of medium/high worth.
38. As regarding recreational value the area has a number of rights of way. As well as FP17 and the Sustrans route, to which I give particular emphasis, there is footpath 197/1 between Didcot and West Hagbourne. These all mean that the recreational value of the area is medium/high.
39. Perceptually, as explored above, the area provides a break between the urban area of Didcot and the village of West Hagbourne. However, the area is not wild and Didcot provides too many detractors for it to be tranquil. I therefore consider it is of medium worth. This area is not associated with any particular individual or event in history.
40. It is not necessary for a landscape to rank highly against all criteria to be considered to be valued. Given that I consider that the area is of medium/high landscape quality, is of high scenic quality, is of medium/high conservation interest, and of medium/high recreational value I consider that the area should be considered to be a valued landscape for the purposes of paragraph 109 of the Framework. This means that the planning system should contribute to and enhance the natural environment by protecting and enhancing valued landscapes. This the proposal would not do.
41. The effect of the development would be harmful to the character and appearance of the area. In particular it would result in a significant reduction of the open gap between the south of Didcot and the more vegetated area south of Main Road in the Semi-Enclosed Rolling Downs LCA to a harmful extent. While the landscaping to the south of Great Western Park would reduce this openness to a limited extent this is to reduce the effect of the built development there and would be less of effect on the depth of the gap. The extent of the development here proposed would be such that it would materially reduce the sense of leaving Didcot and the arrival at the hamlet of Coscote and their separation and separate identities. I appreciate that the green gap between Didcot and the village of West Hagbourne would remain as part of the green necklace for Didcot, but the vegetated nature of the Semi-Enclosed Rolling Downs LCA means that the sense of openness ceases at Coscote and it is this gap that would be harmfully eroded.
42. Development of the appeal site should also be considered in respect of views both into and from the AONB.
43. In respect of public views into the AONB these would only be affected along the section of FP17 to the immediate north of the appeal site and along the section of Park Road past the appeal site heading south from the existing edge of Didcot. The route of FP17 would be unaffected by the development and thus there would be compliance with Policy R8 of the LP which seeks the retention and protection of the existing right of way network, but this is a different consideration as to how it would be experienced. There would also be the loss of private views from the dwellings to the north of the appeal site.

44. The loss of these private and public views would be over a short distance. Along Park Road views of the AONB can only be experienced within the gap between Didcot and Coscote before intervening vegetation restricts them. Views of the AONB would still be able to be appreciated further to the east along FP17 meaning that the effect of the development would only be limited. Therefore any harm would be limited.
45. Turning to views from the AONB I undertook unaccompanied site inspections from a number of viewpoints within the AONB. Due to the topography of the area it was necessary to go some distance into the AONB to provide sufficient elevation to see over the intervening vegetation in the area to the south of Main Road. In all cases the proposal would be seen within the context and against the background of the existing development of Didcot.
46. Despite the assertion in the closing speech on behalf of the appellant that there would be no harm to the setting of the AONB, the appellant's landscape witness in his evidence accepted<sup>10</sup> that there would be some harm, albeit very limited. Having said that, he was of the view that this would be insufficient to materially harm the special qualities of the AONB as set out in the North Wessex Downs Management Plan. Given the distance of any views of the appeal site from the AONB and that views would be seen against Didcot I am of the view that the harm to the setting of the AONB would be very limited. However, great weight should be given to conserving landscape and scenic beauty in AONBs.
47. Consequently the proposal would be harmful to the character and appearance of the area and would not protect, and therefore not enhance, a valued landscape. There would also be very limited harm to the setting of the AONB. As such it would be contrary to Policy CSEN1 of the CS which requires that the district's distinct landscape features will be protected against inappropriate development and where possible enhanced. This policy also indicates that proposals will have regard to the setting of the AONB. It would also be contrary to Policies D1, G2 and C4 of the LP as set out above and which require that the district's countryside and settlements will be protected from adverse developments, and that development which would damage the attractive landscape setting of settlements will not be permitted. It would also be contrary to paragraphs 17, 109 and 115 of the Framework which seek to recognise the intrinsic character and beauty of the countryside, to protect and enhance valued landscapes and conserve landscape and scenic beauty in AONBs.

#### *Agricultural land*

48. The appeal site is made up of 4.1 ha of Grade 2 and 2.9 ha of sub-Grade 3a agricultural land. As such it would result in the loss of a total of 7.0 ha of the best and most versatile agricultural land (the BMV land).
49. Paragraph 112 of the Framework indicates that account should be taken of the economic and other benefits of the BMV land and that where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of higher quality.

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<sup>10</sup> Paragraph 3.118 of Mr Rosedale's Proof of Evidence



50. The parties agreed that the loss of the BMV land should be given moderate weight in the final planning balance. However, to put this in proper context it is necessary to ascertain whether the amount of land would be "significant" and whether there are realistic alternatives without such an effect.
51. To consider whether the loss of the BMV land would be significant does not depend on whether the area is such that there is statutory requirement to consult Natural England, as it may be that in a particular location the total of BMV land would be relatively small. In that scenario the loss of less than 20 ha would be significant to that area.
52. In the documentation accompanying the appeal the appellant provided information to show that expansion of Didcot could only take place on the BMV land. Through this I am therefore satisfied that the economic and other benefits of the BMV Land should be considered as moderate, and therefore the harm through their loss would be moderately harmful, but there are no other sequentially preferable sites. In this context the loss would not be significant.

*Affordable housing, infrastructure and other matters*

53. The Council has adopted the Community Infrastructure Levy (CIL) so that this would provide for most infrastructure required by the development. However, there are some matters, particularly relating to affordable housing and on-site infrastructure that are not covered by CIL and are covered by the Planning Obligation. I am satisfied that there would be no double counting within the provisions of the Planning Obligation.
54. Under the terms of Policy CSH3 of the CS 40% affordable housing will be sought where there is a gain of three or more dwellings subject to viability<sup>11</sup>. The Planning Obligation makes provision for this proportion of affordable housing. I am satisfied that this is necessary and meets the tests in the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations), and complies with development plan policy and policies in the Framework.
55. The appellant sought to argue that additional weight should be given to the provision of affordable housing within the scheme due to the poor record, as it saw it, of the delivery of that type of housing over recent years. As consideration of this partially depends on the supply of housing to be delivered in the next five years I will come back to this in the planning balance section of this decision.
56. The Planning Obligation also makes provision for contributions towards waste and recycling bins, street naming, mitigation of the effects of development on the Mowbray Fields nature reserve and improvements to FP17 and for a contribution towards bus service and bus stop provision and Travel Plan monitoring. I am satisfied that all of these matters are necessary and meet the tests in the CIL Regulations and the Framework. These matters would therefore comply with Policy CSI1 of the CS which indicates that planning permission will only be granted for development when infrastructure and services to meet the needs of new development are in place or will be provided to an agreed timetable.

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<sup>11</sup> Given the size of the proposal the restriction in the Written Ministerial Statement on affordable housing dated 1 December 2014 is not engaged.

57. The Obligation also makes provision for the delivery and management of the open space on site including the provision of a Local Equipped Area of Play. This is necessary to make the development comply with Policy CSG1 of the CS which requires the provision of green infrastructure and Policy R6 of the LP which requires the provision of public open space with new residential development. This would be the first provision towards this infrastructure and would comply with the requirements of the CIL Regulations.
58. The Obligation finally makes provision not to carry out development on three fields to the south of the appeal site to Main Road for the next 15 years or to use it for purposes other than agriculture, other than as permitted development. In my view this provision does not relate to the development the subject of this appeal nor is it necessary to make the development acceptable in planning terms. Consequently, it would be incompatible with Regulation 122 of the CIL Regulations and the guidance in paragraph 204 of the Framework and I give it no weight.

#### *Other considerations*

##### Consistency with the Framework

59. While the CS was examined and adopted following the publication of the Framework it was based on the housing numbers in the now withdrawn South East Plan. It therefore does not set out to meet the objectively assessed housing need for the area. Paragraph 47 of the Framework indicates Local Plans should meet the full, objectively assessed needs for market and affordable housing in the housing market area. By not doing this, the plan is, at least, inconsistent with the Framework and, in line with paragraph 215 of the Framework, the weight for this plan as a whole should be reduced.
60. The LP is of greater vintage and pre-dates the Framework. However, paragraph 211 of the Framework emphasises that policies in a local plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Rather, in line with paragraph 215 due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. In this regard policies D1, G2 and C4 of the LP reflect general planning policies espoused in the Framework relating to good design, protection from adverse developments and the protection of the landscape setting of settlements, but they should also be seen in the context of that plan not providing for the current housing needs for the area.

##### Emerging Plans

61. As noted above, the Council is producing the eLP. This was due to be submitted to the Secretary of State for examination, but this has been delayed and the timetable is now uncertain. While this makes provision for some of the unmet need from the Oxford City Council area, see below, this is at an early stage in the process towards adoption and consequently, in line with paragraph 216 of the Framework, should be given limited weight.
62. Similarly, for the reasons explained above the Neighbourhood Plan is also at an early stage of preparation and therefore should be given limited weight.

## Housing Land Supply

### Introduction

63. Paragraph 47 of the Framework indicates that to boost significantly the supply of housing local authorities should identify and annually update a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.
64. Shortly before the Inquiry opened the Council published its Housing Land Supply Statement for 2018 based on the housing position as of 31 March 2018. In its view it was able to demonstrate a Five Year Housing Land Supply (5YHLS) for the period 1 April 2018 to 31 March 2023, but the appellant disputed this.
65. There was, however, agreement over a number of factors. Firstly, that the figures in the CS were not up-to-date as they were not based on an objectively assessed need. Secondly, that based on the Oxfordshire Strategic Housing Market Assessment (the SHMA) of 2014 the objectively assessed housing requirement for the South Oxfordshire District Council area was 775 dwellings per annum (dpa) from a base date of 2011. Thirdly, that the period for assessment should be 2018 to 2023. Fourthly, it was agreed that the shortfall in delivery from the base date should be made up in the next five year period (the Sedgefield method). Fifthly, that as there has been a record of persistent under delivery of housing a 20% buffer (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land, should apply, and this should apply to both the annual need and to the shortfall to date.
66. The main areas of dispute related to whether the housing need should include an element of the asserted unmet need from the Oxford City Council area; whether accommodation provided within residential institutions falling within Class C2<sup>12</sup> should be included in both the completions and forecasts; and whether certain sites should be considered deliverable. I have used Table JRTSE8 from Mr Richards' Supplementary Proof of Evidence as the list of disputed sites when the Inquiry opened.

### Unmet Oxford need

67. Oxford City Council believes that it is unable to deliver all its objectively assessed need for housing within its area. It has therefore approached its neighbouring authorities under the Duty to Co-operate to seek to have that which it cannot accommodate provided in those areas. The Oxfordshire Growth Board, a joint committee of the six Councils in Oxfordshire together with key strategic partners, has produced a Memorandum of Co-operation between the local authorities to distribute the unmet Oxford need. However, the Council has not signed this document and has put a lower figure in the eLP.
68. The Court of Appeal in *Oadby and Wigston BC*<sup>13</sup> pointed out that the consideration of the test in paragraph 49 of the Framework related not to the housing market area but to the local authority area (paragraph 38), and the

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<sup>12</sup> Of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended)

<sup>13</sup> *Oadby and Wigston Borough Council v SoSCLG & Bloor Homes Ltd* [2016] EWCA Civ 1040

decision maker in a section 78 appeal “should not ... adopt a level of need for market and affordable housing that is, in truth, the product of a conscious redistribution of need from one local planning authority’s area to another where this is effectively – in the inelegant jargon – an untested ‘policy on’ decision, liable to be revisited and changed in the local plan process” (paragraph 39). The Court went on to indicate that there may be circumstances where an appeal Inspector finds he can safely rely on an apportionment of housing needs in a Strategic Housing Market Assessment (paragraph 42), but I consider that this to be a matter of planning judgement for the individual decision maker based on the circumstances then pertaining.

69. The Council explained that the reason for it not being prepared to sign the Memorandum of Co-operation at this stage was that it needed to be satisfied through the on-going local plan process for the Oxford City Council area that the maximum amount of development that could be accommodated in the Oxford City Council area would take place. This would thereby reduce any “overspill” to the lowest practical number. This makes sense as it is most appropriate to meet needs where they occur rather than elsewhere. I therefore consider that at this stage to include an element of unmet need from the Oxford City Council area would represent a conscious redistribution of need. That other Councils have included an element of unmet need from the Oxford City Council area is a matter of judgement for them. Consequently I consider that the base need for the calculation of 5YHLS should be 775 dpa.

#### C2 Accommodation

70. Paragraph 50 of the Framework indicates that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to cite examples of these different groups including older people and people with disabilities.
71. The national Planning Practice Guidance (the PPG) indicates<sup>14</sup> that local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement. The PPG continues that the approach taken, which may include site allocations, should be clearly set out in the local plan.
72. At this stage, of course, the approach is not set out in the local plan, as the current development plan housing need was not drawn up in line with the Framework or the PPG. However, given that the need for C2 accommodation was identified in drawing up the SHMA, from which the overall agreed base need was identified, I am satisfied that it would be reasonable to include C2 accommodation in principle.
73. The PPG goes on to indicate<sup>15</sup> in decision-taking, evidence that development proposals for accessible and manageable homes specifically for older people will free up under-occupied local housing for other population groups is likely to demonstrate a market need that supports the approval of such homes. I was not provided with any such evidence, although it is self-obvious that as people move into C2 accommodation that there will be some freeing up of their previous accommodation.

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<sup>14</sup> Reference ID: 3-037-20150320

<sup>15</sup> *ibid*

74. The SHMA does not give a separate figure for a need for C2 accommodation. There will be some freeing up of dwellings but this is likely to be less than on a one-to-one basis. This is because there will be situations when one occupant in a dwelling will move permanently to C2 accommodation while their partner will remain in the existing accommodation. This would mean that the C2 accommodation would not be additional units. However, there will be occasions where the move to C2 accommodation will free-up a dwelling for alternative occupation and in these circumstances the C2 accommodation should be considered as additional units. The issue is that I do not have any evidence at what ratio that this occurs.
75. Furthermore, the nature of older persons accommodation varies. Some has all the facilities needed for day-to-day living notwithstanding that there may be communal facilities within the overall building that might duplicate those facilities. In that case the individual units should all be considered as additional dwellings. Where all the necessary facilities are not provided with the individual units then they should be considered to fall within Class C2.
76. Below I discuss the various sites and whether they should be considered to be deliverable. There are five sites where the appellant considers that the accommodation would fall within Class C2 and it is appropriate to look at them first.

Townland's Hospital, Henley

77. This site is for the replacement of the existing hospital with an 18-bed community hospital, a 12-bed palliative care facility, 64-bed care home<sup>16</sup> and 45 assisted living units and key worker apartments. In looking at the information provided, including the application form, the first three elements should not be considered additional dwellings, but the assisted living units and key worker apartments should be. The issue here relates to the care home which falls within Class C2.
78. In line with my conclusions above there should be a proportional reduction from the supply side.

Churchfield Lane, Benson

79. This site is for a 60-bed elderly care home. The plan<sup>17</sup> provided shows that rooms do not have all the facilities necessary for day-to-day living. It should therefore be considered to fall within Class C2.

345 Reading Road, Henley

80. This site has permission for 55 assisted living extra-care apartments. The plans provided show that each of these apartments has all the facilities necessary for day-to-day living and these should therefore be considered to be additional dwellings for the purposes of land supply.

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<sup>16</sup> I note in their calculation the appellant uses a deduction of 46 units – it would appear that this is a typographical error for a figure of 64.

<sup>17</sup> 1228/2.2.A



The Workshop, Newtown Road, Henley

81. This site has permission for an 80 bed care home and is specifically restricted by condition to Class C2 use. It should therefore be considered to fall within Class C2.

West of Wallingford

82. I discuss the overall delivery of this site below. Phase 2 is the extra-care element. In looking at the information provided by the appellant on the Site Plan<sup>18</sup> for Phase 2 each of the extra-care units has all the facilities needed for day-to-day living. I therefore consider that these units should be considered as additional dwellings rather than Class C2.

Conclusion on C2 accommodation

83. The effect of this is that the accommodation at Townland's Hospital, Henley (64 units), at Churchfield Lane, Benson (60 units) and at The Workshop, Newtown Road, Henley (80 units) should be considered to fall within Class C2 units and there should be some deduction from the number of units on both sides of the land supply calculation.
84. However, I have concluded that a proportion of this C2 accommodation should be considered to represent "new" accommodation. I will look to see what effect this has on the overall land supply calculation below.

Deliverable sites

85. Footnote 11 to paragraph 47 of the Framework indicates that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until the permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans. This is further amplified in the PPG<sup>19</sup>.
86. The Court of Appeal in the case of *St Modwen*<sup>20</sup> has clarified that the test is not to do with certainty but with whether there is a realistic prospect that the site will be delivered.
87. Having said that, all parties accepted that parts of the largest sites would not be deliverable within the relevant five year period – not because of explicit phasing policies, but rather as a practical approach. Given the size of these sites this is entirely appropriate.
88. The parties disagreed about the rates of delivery for the largest sites, including when completions might first occur (that is lead-in times). It seems to me that where there is specific information about a particular site then that information should be preferred to more generic information obtained from research into the development of larger sites. This is because the generic

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<sup>18</sup> Drawing WAL-PCK-00-SI-DR-A-05-013

<sup>19</sup> Reference IDs 3-031-20140306 and 3-033-20150327

<sup>20</sup> *St Modwen Developments Ltd v Secretary of State for Communities and Local Government, East Riding of Yorkshire Council and Save Our Ferriby Action Group* [2017] EWHC 1643

information, taken nationally, will not include specific information about factors that vary such as the percentage of affordable housing, or impediments to, or factors that may facilitate delivery. However, where there is no specific information the use of generic averages for a site of that size would be appropriate.

Littleworth Road, Benson

89. This is a site for the erection of 241 dwellings and other facilities as a follow-on site for a site currently under development by the same developer. There is a condition requiring submission of reserved matters by July 2019 and commencement within 12 months of such an approval. The parties agree that the site is deliverable; the dispute relates to the rate of delivery.
90. In my view development is likely to continue from the earlier phase at a continuous rate. The projection of delivery for the earlier phase was not challenged by the appellant and consequently I consider that the delivery posited by the Council is reasonable.

Carmel College, Crowmarsh Gifford

91. This site is unusual in that the appellant considers that there would be greater delivery than the Council. Given that the requirement is for the Council to demonstrate the 5YHLS I will use the figure proposed by the Council.

Northeast Didcot

92. This site is for just over 2,000 dwellings and associated facilities. Given the size of the site I consider it is likely that there would be more than a single construction site and sales outlet. The Council relies on information provided by the developer of the site as part of the overall phasing of development, while the appellant considers that this would be overly optimistic. Given this site specific information I am satisfied that the total number of completions suggested by the Council in the five year period would be realistic.

Former Didcot Power Station

93. This site has a resolution to grant planning permission for 280 dwellings and the Council anticipate completing the relevant Planning Obligation, and thus the granting of planning permission, by the end of June 2018. Both main parties anticipate first completions in 2021/22; the issue is then the number of completions in any year.
94. There is no site specific evidence in this case and the Council at the Inquiry sought to increase the number of completions by 4 a year to be in line with the generic guidance it relied upon. This is marginal. Given the site should be considered to be deliverable I am satisfied that the number of dwellings suggested by the Council using generic evidence is reasonable.

Chilterns End Care Home, Henley

95. This site is an allocation in the made relevant Neighbourhood Plan and will therefore have been tested in an examination. To pass such an examination the plan would have had to meet the basic conditions and therefore the site should be considered to be deliverable unless there is clear evidence that the site will not be implemented within five years.

96. This site is owned by OCC and as I understand it is currently vacant. The appellant is of the view that the site is not developable as OCC has not marketed the site for redevelopment and therefore it is not available now. However, it seems to me that "available now" in the context of footnote 11 should mean, where a site has been through examination and is included within a part of the development plan, that there needs to be some physical impediment to the development of the site rather than through the choice of the landowner. As was pointed out in the *St Modwen* judgement "for various financial and commercial reasons, the landowner or housebuilder may choose to hold the site back" (paragraph 35). I therefore consider that there is a reasonable prospect of the quantity of housing posited by the Council being delivered in the next five years.

Empstead Works, Henley

97. This site is an allocation in the made relevant Neighbourhood Plan and therefore should be considered to be deliverable. The appellant considers that the site is not available now because the existing occupier needs to relocate; said to be in 2020.

98. Given the specific allocation in the Neighbourhood Plan I consider that there is a realistic prospect of the site coming forward. I have no evidence from the current occupier indicating they wish to remain on the site in the longer term, for example, to counteract this. I consider that the full 42 dwellings can be considered deliverable by the end of the five year period.

Land west of Fair Mile, Henley

99. Again this site is an allocation in the made relevant Neighbourhood Plan. As I understand it, to gain access to the site requires third party land but this is owned by the Council, which has indicated a willingness to facilitate this. I consider that the full 40 dwellings can be considered deliverable by the end of the five year period.

357 Reading Road, Henley

100. Once again this site is an allocation in the made relevant Neighbourhood Plan and is owned by the Town Council who were the qualifying body for the purposes of the preparation of the Neighbourhood Plan. It is therefore highly likely that it would facilitate the development of the site, unless there has been a change in political direction. I have not been advised of such a change. I consider that the site therefore has a realistic prospect of delivery by the end of the five year period.

TA Centre Site, Henley

101. This site is allocated in the relevant Neighbourhood Plan for 10 dwellings. The appellant contests that it is not available on the basis that the Ministry of Defence (the MoD) has not yet marketed the site, but the MoD has indicated a desire to bring the site forward.

102. It is not the case that the site is not available; as I understand it the site is not being used, rather this is a business choice of the owner. I therefore consider that the site should be considered to be deliverable.

Kennylands Road, Sonning Common

103. At the Inquiry the appellant ceased to contest that these two sites were deliverable and I consider that there is a realistic prospect of delivery at the level of allocation set out in the Neighbourhood Plan.

West of Wallingford

104. This site has outline planning permission for 555 dwellings and associated development and includes an element of extra-care discussed above. The committee report on the outline application indicated that the extra-care accommodation would be delivered during the middle years of the overall site development of just over 8 years. I have concluded above that the extra-care accommodation should be considered to be additional dwellings.
105. As to the rate of delivery, I am satisfied that given the lack of any site specific information that the generic rates proposed by the Council based on national information is appropriate and consequently there should be no deduction from the delivery as posited by the Council.

Land west of Marley Lane, Charlgrove

106. This site has outline planning permission for 200 dwellings. The dispute is over when completions will commence and then the rate of delivery. The Council relies on site specific information from the developer which shows an intention to completely develop the site within five years. Given this includes a reduction in the numbers of dwellings to be delivered in the fifth year from the full rate of delivery in the previous two years this allows for a small element of 'slippage'. I therefore consider that there is a realistic prospect of the delivery of this site within five years.

Site E, Wallingford

107. This is a site for 502 dwellings with a resolution to grant planning permission subject to the completion of a legal agreement. This resolution also involves a condition that a reserved matters application must be submitted within six months of the outline permission and commenced within one year of first reserved matters approval.
108. The appellant is concerned that the developer will not wish to have too many outlets in the same town and therefore reduce supply to the market. This would be a commercial reason to restrict supply rather than a planning restriction on supply. Furthermore, this developer has a number of different 'brands' under which it operates which will appeal to different sections of the market. Given the overall size of the site I am satisfied that there is likely to be more than a single outlet on this site, which, in the majority, explains the difference in posited delivery between the appellant and the Council. I am therefore satisfied that there is a realistic prospect of the housing delivery suggested by the Council.

Lord Williams School, Thame

109. This site is allocated for 135 dwellings in the relevant made Neighbourhood Plan and therefore should be considered to be deliverable unless there is clear evidence that the site will not come forward. The appellant cites the delay since the allocation in 2013 and on-going discussions as to the viability of the

site. There is a 'back-stop' in the Neighbourhood Plan that if permission is not granted by April 2021 then the allocation will be removed and reserve sites brought forward instead.

110. Given this date, I consider that it is likely that a resolution will be found to the viability issue and I note discussions have taken place this year. The Council's position is not all the 135 dwellings will be delivered within the five years, and on that basis I consider that there is a realistic prospect of the 120 dwellings suggested by the Council being delivered.

40 Oakley Road, Chinnor

111. This is a site being developed under the office to residential permitted development provisions. The original prior approval was for 14 flats, but the marketing information shows a development of 12 flats. The difference of two units is marginal and makes no difference to the final conclusions.

Building 1, Kingsmead Business Park, Thame

112. This site has consent for 45 dwellings under the office to residential permitted development provisions and therefore this should be considered deliverable unless there is clear evidence to the contrary. However, the appellant points out that a public exhibition was held earlier in 2018 where the prospect of including a care home was being promoted. I note that the word "include" is used which would indicate that there would still be some dwellings.

113. It is not clear from the evidence in front of me whether the firm intention of the landowner is not to continue with a solely residential scheme, or in any event, the nature of the care home accommodation and whether it would fall within Class C2 or would represent additional dwellings. Given this lack of clear evidence, I am of the view that at this point in time the presumption should lie with the consented scheme and that there is a realistic prospect of the whole of the 45 units being deliverable.

309 Reading Road, Henley

114. The Council accepted that there was an element of double counting on this site which reduced the Council's posited number by 7.

Conclusion on Five Year Housing Land Supply

115. Based on the evidence in front of me I conclude that not all the C2 accommodation should be considered to represent new homes. However, I do not have any evidence to determine what proportion should be considered to represent new homes. Beyond that I have found that the remaining sites have a realistic prospect of delivery at the quantum posited by the Council, although there are a few minor discrepancies. These are not material in the final calculation.

116. Given it is for the Council to demonstrate a five year housing supply, as a worst case scenario to the Council, therefore, all the C2 accommodation should be removed from both the need and supply sides of the calculation. This increases the need by increasing the shortfall of completions to date by 64 dwellings, to which should be added the 20% buffer, totalling 77 dwellings. On the supply side of the calculation the 60 units at Churchfield Lane, Benson and 80 units at Newtown Road, Henley, that is 140 in total, should be



removed from the number suggested by the Council. Adding these two figures together equals 217 dwellings.

117. The Council considered under its land supply calculation that it had a surplus of 469 dwellings to that which needed to be demonstrated. As the worst case to the Council the deduction of 217 plus the minor discrepancies is less than this 469 it follows that the Council is able to demonstrate a five year supply of land for housing. The reality is that as a proportion of the C2 accommodation will be "new" the actual final figure will be an improvement than this.

Whether the 'tilted balance' applies

118. Paragraph 14 of the Framework indicates that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, or specific policies of the Framework indicate development should be restricted. Footnote 9 then gives a list of examples of such specific policies, including those relating to AONBs, where this will apply.
119. In this case it cannot be said that the development plan is absent or silent, it exists and for the reasons I have explained the proposal is contrary to its terms.
120. Paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date (the converse of out-of-date) if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. I have concluded that it can. However, the plan does not provide for the objectively assessed needs and it is therefore out-of-date in this respect.
121. The Council sought, in this situation, to argue that the tilted balance should not apply due to the asserted harmful effects on the setting of the AONB, even though it was of the view that any harm would be limited, and I have found the harm would be less than that. The appellant referred to the *Stroud*<sup>21</sup> case, but this relates whether paragraph 115 is engaged as regards views to and from an AONB and did not consider the application of footnote 9.
122. It is clear that footnote 9 refers to AONBs, and thus to paragraphs 115 and 116 of the Framework. Paragraph 116 is not material to this case as it relates to major development in an AONB. While there would be very limited harm to the setting of the AONB there would be harm and this means that the specific policy relating to the AONB would be engaged and this must include its setting. Great weight should be given to conserving landscape and scenic beauty in the AONB. The application of 'great weight' can lead to development being restricted. Consequently, the last bullet point in paragraph 14 of the Framework is engaged and consequently the normal, rather than the tilted, balance would apply.
123. The appellant considered that such an approach would not be workable in practice on that basis that the titled balance would not apply even when there was a significant shortfall in land supply. However, it seems to me that the extent of the shortfall would still be part of the conventional balance for a

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<sup>21</sup> *Stroud District Council v Secretary of State for Communities and Local Government & Gladman Developments Limited* [2015] EWHC Admin 488

decision taker, and is no different to any other scenarios where policies in the Framework indicate development should be restricted.

124. It was agreed, and I concur, that the effect of the development on a valued landscape was not one to which footnote 9 would apply.

125. Consequently, I consider that the proposal should be considered against the normal balance.

#### Benefits of the development

126. The proposals would deliver 135 dwellings which should be considered a significant benefit of the development in both social and economic terms. Of this 40% would be affordable housing. The Council has not delivered the numbers of affordable housing identified as needed in the SHMA and this trend continued in the year 2017/18. To some extent this is a function of the shortfall of housing delivered to date against the objectively assessed need. I consider that the provision of affordable housing should be considered to be of substantial weight in providing housing for those in need, but this only applies to the affordable housing element and not the whole.

127. In economic terms the occupation of the housing should be given significant weight. However, the construction of the development itself should only be given limited weight as it would be of temporary duration.

128. The provision of the new open space would meet the needs of the development, and would thus be neutral in the balance. Existing local residents may also use it but any social or environmental benefit from this would be very limited. Of greater benefit would be the new cycleway/footway within the site along the edge of the site between Didcot and Coscote and I give this moderate weight.

129. In environmental terms the proposal would harm the landscape as identified above. The landscaping around the perimeter of the site would mitigate this to some extent, but as explored above, would extend further to the south than the proposed landscaping for Great Western Park and therefore would be intrusive in that it would partially close the gap towards the semi-enclosed landscape at Main Road. Having said that there would be a small net biodiversity enhancement.

#### **Other matters**

130. Local residents expressed concerns about the increase in traffic that would be occasioned by the proposal, particularly during the construction phase. I noted in driving around the roads of East and West Hagbourne that there were a number of locations where the width or height of the road was such that significant numbers of heavy goods vehicles could result in adverse effects to highway safety and the living conditions of the occupiers of nearby residents. This would only occur during the construction phase.

131. I note that at the application stage the Highway Authority was content with the proposal subject to conditions. Subject to the imposition of appropriate conditions to be applied at the construction stage over the routing of construction traffic I am satisfied that the proposal would not result in severe residual cumulative impacts, which is the test set out in paragraph 32 of the

Framework, if permission is to be refused on transport grounds. Such a condition would also protect the living conditions of neighbouring residents.

### **Planning Balance**

132. The proposal is contrary to the terms of the development plan taken as a whole as it would represent residential development in the countryside outside the town of Didcot. This should be given significant weight.
133. It would be harmful to the character and appearance of the area, which I have identified as a valued landscape, particularly through the loss of openness between the southern edge of Didcot and the more enclosed landscape reached at Coscote. The proposal would materially extend beyond the proposed landscaping for Great Western Park and would significantly and demonstrably reduce the open gap between Didcot and Coscote and the sense of separation; the leaving of one settlement and arriving at another. There would be very limited harm to the setting of the AONB when viewed from the AONB; great weight should be given to conserving landscape and scenic beauty here. There would also be the limited loss of views of the AONB from the Park Road area, from FP17 and from the dwellings on the southern side of Loyd Road. Overall, I consider that the harm to the character and appearance of the area would be significant and demonstrable.
134. There would be the moderate harm from the loss of the BMV agricultural land, but this loss would not be significant within the meaning of paragraph 112 of the Framework. This adds to the harm I have identified.
135. The overall strategy of the development plan is out-of-date in that it does not provide for the objectively assessed needs of the area. However, due to the effect of the proposed development on the landscape and scenic quality of the AONB and its setting the tilted balance is not engaged. In coming to my overall conclusions I note that the Council is able to demonstrate a five year supply of housing land against its objectively assessed needs; consequently no additional weight occurs from this factor.
136. There are significant benefits from the delivery of housing and affordable housing in particular to which I give substantial weight. However, the harms I have identified above, significantly and demonstrably outweigh the benefits when the proposal is considered against the policies of the Framework taken as a whole. It can therefore be seen that even if I had found the tilted balance to apply I would have come to the same conclusion.
137. I therefore conclude that there are insufficient other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan. As such the proposal would not represent sustainable development and the appeal should be dismissed.

### **Conclusion**

138. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*RJ Jackson*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Richard Ground	of Queens Counsel, instructed by Mrs Tracey Smith, Principal Appeals Officer, South Oxfordshire and Vale of White Horse District Councils
He called Ms Michelle Bolger BA PGCE BA DipLA CMLI	Director, Michelle Bolger Expert Landscape Consultancy
Mr Tom Rice BA MSc MRTPI	Senior Planning Officer, South Oxfordshire and Vale of White Horse District Councils
Mrs Tracy Smith BA(Hons) BTCP MRTPI	Principal Appeals Officer, South Oxfordshire and Vale of White Horse District Councils

In addition Mr Anthony Coke BSc(Hons) MRICS, Director APA Consultants Ltd, prepared a proof of evidence on agricultural land matters, which was taken as read.

In the round table session on housing land supply and affordable housing Mr Rice was assisted by Mr Stephen May Cert. CIH PG Dip HS BA(Hons), Affordable Housing Officer, and Mr Ben Duffy, Monitoring Officer, both of South Oxfordshire and Vale of White Horse District Councils.

### FOR THE APPELLANT:

Mr Sasha White assisted by Mr Matthew Fraser	of Queens Counsel, instructed by Bidwells of Counsel
He called Mr Benjamin Rosedale BSc(Hons) MSc CMLI PIEMA	Partner Environmental Dimension Partnership Limited
Mr James Stacey BA(Hons) DipTP MRTPI	Director, Tetlow King Planning Ltd
Mr Jeffrey Richards BA(Hons) MTP MRTPI	Office Director, Turley
Mr David Bainbridge MA(Hons) MRTPI	Partner, Bidwells

In addition Mr Tony Kernon BSc(Hons) MRICS FBIAC, Director, Kernon Countryside Consultants Limited, prepared a proof of evidence on agricultural land matters, which was taken as read.

In the round table session on housing land supply and affordable housing Mr Stacey and Mr Richards were assisted by Mr Sean Lewis, Senior Planner at Tetlow King Planning Ltd

INTERESTED PERSONS:

Mr Nick Wright	Local Resident & Member Mind the Green Gap
Cllr Ian Duff	Chair, East Hagbourne Parish Council
Mrs Justine Wood	Local Resident & Member Mind the Green Gap
Mr David Llewellyn	Local Resident
Mr Crispin Topping	Chair, East Hagbourne Neighbourhood Plan Steering Group
Mr Graham Osborn-King	Local Resident

Richborough Estates



## INQUIRY DOCUMENTS

ID1	Appearance List on behalf of the Appellant
ID2	Appearance List on behalf of the Council
ID3	Supplementary Statement of Common Ground on Five Year Housing Land Supply
ID4	Draft Planning Obligation
ID5	Extract from "Provisional" MAFF 1:250,000 Agricultural Land Classification Sheet
ID6	Revised Table 3 to Mr Kernon's Proof of Evidence
ID7	Note prepared by the Appellant showing similarities and differences of appeal site to sites at Land adjacent to Village Hall, Main Road, East Hagbourne and Land at New Road, East Hagbourne
ID8	Email setting out views of the Council's Landscape Consultant at application stage
ID9	Extracts from appeal decisions on valued landscape put in by appellant
ID10	Opening on behalf of the Appellant
ID11	High Court Judgement in case of <i>South Oxfordshire District Council v Secretary of State for Communities and Local Government and Cemex Properties UK Limited</i> [2016] EWHC 1173 (Admin)
ID12	Extracts from Reserved Matters application relating to landscaping area at southern end of Great Western Park
ID13	Note prepared by Mr Osborn-King
ID14	Note setting out timetable for Oxfordshire-wide statutory joint plan
ID15	Extract from <i>Guidelines for Landscape and Visual Impact Assessment:- Third Edition</i> - "Establishing the value of the landscape"
ID16	Suggested Itinerary for Site Visit
ID17	Court of Appeal Judgement in case of <i>Gladman Developments Limited v Daventry District Council and Secretary of State for Communities and Local Government</i> [2016] EWCA Civ 1146
ID18	Agenda and recommendations of Cabinet of the Council, 10 May 2018
ID19	Completed version Planning Obligation, dated 22 May 2018

ID20	Revised Regulation 122 Compliance Statement submitted by Oxfordshire County Council
ID21	Map showing status of Neighbourhood Plans in South Oxfordshire, May 2018
ID22	Closing Submissions on behalf of the Council
ID23	Closing Submissions on behalf of the Appellant
ID24	Additional points made on behalf of the Appellant to the Council's Closing

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