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## Appeal Decisions

Inquiry Opened on 26 June 2018

by **Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb**

an Inspector appointed by the Secretary of State

Decision date: 24 December 2018

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### **Appeal A: APP/Q3115/W/17/3187058**

**Land south of Greenwood Avenue, Chinnor, Oxfordshire OX39 4HN  
(nearest)**

### **Appeal B: APP/Q3115/W/17/3187059**

**17 and 19 Greenwood Avenue, Chinnor, Oxfordshire OX39 4HN**

- Appeal A is made under section 78 of the *Town and Country Planning Act 1990* against a refusal to grant outline planning permission
  - Appeal B is made under section 78 of the *Town and Country Planning Act 1990* against a refusal to grant full planning permission.
  - Appeals A and B are made by Persimmon Homes against the decisions of South Oxfordshire District Council.
  - The applications, Refs P16/S3284/O and P16/S3285/FUL both dated 30 September 2016, were refused by notices dated 1 June 2017.
  - The development proposed in Appeal A is the construction of up to 140 dwellings, new public open space, associated landscaping and site infrastructure.
  - The development proposed in Appeal B is the demolition of 2 no dwellings and the construction of a new access road.
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### **Application for Costs**

1. At the Inquiry a partial application for costs was made on behalf of Persimmon Homes, limited to the costs associated with preparing evidence in relation to landscape character and visual impact. This application is the subject of a separate Decision.

### **Preliminary Matters**

2. The Inquiry sat for 14 days between 6 June and 26 October 2018. An unaccompanied site visit to the area around the sites was undertaken on 25 June 2018. Accompanied site visits were made on 26 June, and on 12 July 2018 to look at heritage and landscape matters respectively. Transport matters were observed during both accompanied visits.
3. In July 2018 the *National Planning Policy Framework* (NPPF) was replaced by NPPF2. Additionally, a consultation document was issued on 26 October 2018 outlining possible changes to NPPF2. All the parties were given the opportunity to comment on these changes and the consultation document and comments have been considered in this decision.
4. To avoid repetition, and to make efficient use of Inquiry time, the matter of housing land supply (HLS) in South Oxfordshire was heard in conjunction with another appeal (Appeal C: APP/Q3115/17/3188694). Where similar arguments were made by both developers, reference is made in the following text to

'appellants'. The site in Appeal C is located relatively close to the sites in Appeals A and B.

5. The original appeal A was amended by plans and additional information accompanying the former agent's letter dated 21 December 2016. This 'main' application was validated on 3 October 2016 and recommended for approval by Officers. The proposal in Appeal A is in outline with all matters reserved. Whilst there were originally three reasons for refusal the Council maintains that material changes have since taken place, and relies on a revised reason for refusal 1. This has not been taken to Committee but was approved under officer delegated authority. The separate Appeal B, for the construction of an access road via Greenwood Avenue, was also refused at Planning Committee.

## Decisions

6. The appeals are allowed and planning permission is granted for:

Appeal A, the construction of up to 140 dwellings, new public open space, associated landscaping and site infrastructure on land south of Greenwood Avenue, Chinnor, Oxfordshire OX39 4HN (nearest) in accordance with the terms of the application Ref P16/S3284/O, dated 30 September 2016, and the plans submitted with it, subject to the conditions listed in Appendix A attached, and;

Appeal B, the demolition of 2 no dwellings and the construction of a new access road at 17 and 19 Greenwood Avenue, Chinnor, Oxfordshire OX39 4HN in accordance with the terms of the application P16/S3285/FUL dated 30 September 2016 and the plans submitted with it subject to the conditions listed in Appendix B attached.

## The Sites and Their Surroundings<sup>1</sup>

7. Appeal sites A and B are located approximately 4 miles south-east of Thame at Chinnor, a designated Large Village in South Oxfordshire. The sites together are around 3.9 hectares in size and comprise a flat open field in agricultural use which is not contiguous with any other agricultural land. Former agricultural land on either side is now being developed for housing. The site is bordered by hedgerows and trees but is not subject to any statutory landscape designations or Tree Preservation Orders. A separate area of land, accessed from Greenwood Avenue, is identified in the Chinnor Neighbourhood Plan as Local Green Space.
8. The site is bounded to the north-west by houses and to the south-east by a railway line that runs north of a former quarry and is used by the Chinnor and Princes Risborough Railway Trust as a recreational line. Beyond the railway line is the recent Bellway Homes development known as Old Kiln Lakes.<sup>2</sup>
9. Within a radius of approximately 0.6 mile from the village centre there is a range of facilities, the majority of which are also within walking distance of the appeal site. The nearest bus stops are around 325 metres from the site on Oakley Road and are served by bus services 40, 120, 121 and 320. Two further stops are some 380 metres from the site served by the same bus services. Princes Risborough Railway Station is nearest to the site, approximately 8.5km

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<sup>1</sup> CD7.3 Sect 2

<sup>2</sup> CD7.3 2.4

to the east, and provides links to major towns and cities. There is a bus link between Chinnor and Princes Risborough Station. There are 12 cycle spaces at the Station and a 24 hour car park with 280 parking spaces.

10. The site is currently accessed by a single track off Greenwood Avenue and there is no public right of way across the site, which is in Flood Zone 1 where any flooding is least likely. There are no other known environmental constraints on the land. Chinnor Conservation Area is around 970 metres to the north of the site and the Oakley Conservation area roughly 150 metres to the west. The Council does not allege that there would be any effect on the settings of either of the conservation areas or any listed building and there is little evidence that would indicate otherwise. Further to the south of the village are Chinnor Chalk Pit and Aston Rowant Woods Sites of Special Scientific Interest (SSSI), Chilterns Beechwoods Special Area of Conservation (SAC) and the escarpment of the Chilterns Area of Outstanding Area (AONB). All are within around 400-600 metres south of the site. The site is outside any landscape designations and the Council does not allege any impact on the SSSI or SAC.

### **Policy Context**

11. The development plan comprises the South Oxfordshire Core Strategy (CS), 2012, the saved policies of the South Oxfordshire Local Plan (LP), 2006, and the Chinnor Neighbourhood Plan (CNP), made 2017. The policies relevant in these cases are agreed in a Statement of Common Ground. It is necessary to consider the adopted housing requirement and the spatial strategy for delivering it. However, the parties disagree on the interpretation of the development plan, particularly in relation to the housing strategy.<sup>3</sup>
12. The strategy is informed by recent housing provision. The Parish of Chinnor had 2,389 dwellings in 2011. Subsequently, permission has been granted for a further 782 dwellings including 296 affordable units. Of the 782, 310 have been completed and 264 are under construction representing an increase of 33% since 2011.<sup>4</sup>
13. The emerging LP covers the same period, 2011-2033, as the CNP. The housing numbers in the emerging LP are based on the 2014 Oxfordshire SHMA and make provision for addressing the unmet need of 3,750 new homes from Oxford City with monitoring from 2021-22. The emerging LP anticipates proportionate growth of some 15% in the plan period for LVs, including Chinnor. The existing permissions in Chinnor are already double the planned-for proportionate growth as stated in Table 5f of the emerging LP. It therefore indicates that additional residential development is not required in Chinnor but could be allocated if residents wished.<sup>5</sup>
14. It is agreed that the adopted CS housing requirement is out of date as it was based on the now revoked South East Plan. Apart from the Council's figure in this case, all other studies use a higher requirement. The 2014 SHMA, described by the Council as "robust and up to date", indicates 725-825dpa, the emerging LP was proceeding on the basis of 945dpa, and the Oxford Housing Growth Deal (OHGD) assumes delivery of 1,023dpa towards the 100,000 by

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<sup>3</sup> SODC7 Para 18, CD1.1, CD1.2, CD1.4, CALA7 Para 6.1, CD7.5

<sup>4</sup> SODC7 Para 19, SODC6 Sect A Para 2.6, SODC6C

<sup>5</sup> SODC7 Para20-21, CD1.4 Para 4.3, CD1.5, CD1.7 Table 5f and Paras 5.25, 5.28, 5.17

2031. It is agreed that the emerging LP, and the consultation document, should only be afforded limited weight given the stage they have reached.
15. The overall housing strategy is set out in CS Policy CSS1. Whilst it is claimed that the proposals would support Chinnor's role as a local service centre that could be said of many housing developments in or adjacent to Chinnor. Notwithstanding that, the aim in rural areas is to identify land for 1,154 new homes in Larger Villages to support local services and to support limited further housing in the villages.
  16. Local planning authorities are required to plan to meet objectively assessed needs rather than unrestrained growth. Unrestrained growth around villages is not consistent with the principals of sustainable development set out in the NPPF2 or the vision and objectives of the CS outlined in Sect 3.<sup>6</sup>
  17. Irrespective of the housing requirement, development in Chinnor has been recognised as consistent with the strategic role of the LVs. Its sustainability has been demonstrated in the Council's Settlement Assessment Paper 2017 that ranks Chinnor as 7th out of 120 in the district and 3<sup>rd</sup> overall out of the 12 identified LVs.
  18. Policy CSS1 should be informed by context. Whilst other Inspectors have concluded that development in Chinnor would accord with CSS1 that has been in the context of there being no recently adopted neighbourhood plan and no 5 year HLS. In this case the Chinnor NP has come forward and housing sites are being delivered more quickly than envisaged by the CS. Policy clarifies that the development management process can deliver housing in villages but recognises that material circumstances might be sufficient to overcome conflict with the development plan.<sup>7</sup>
  19. CS Policy CSH1 (Amount and distribution of housing) identifies a minimum target of 11,487 (547dpa) during 2006-27 with at least 1,154 dwellings to be in the Larger Villages, including Chinnor. It is agreed that 1,154 was never a cap and the Site Allocation DPD has been abandoned in favour of a revised LP. It is also argued that if Policy CSH1 is out of date that infects the whole chapter of the core strategy on housing. This is inconsistent with the SOS's recent approach in an appeal at Watlington Road, Benson in July 2018 where he found that the tilted balance was not engaged as the Council could demonstrate a 5 year housing land supply. In this case the housing supply can be achieved<sup>8</sup>.
  20. The most specific strategic policy against which to assess the proposals is CSR1. Policy CSR1 (Housing in villages) is out of date as it was intended to deliver the outdated housing requirement in Policy CSH1. However, it is a permissive policy and the proposal does not conflict with it. The Council has referred to *Canterbury and SoS v Gladman Developments Ltd* [2018] EWHC 1611 (Admin). However, Dove J's judgement in that case was "based solely on the texts of Policies H1 and H9" and concluded they were part of a clear restrictive development strategy when the plan is read as a whole. The context is therefore better reflected in *Chichester DC v SoSHCLG and Beechcroft Ltd* EWHC 2386 (Admin).

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<sup>6</sup> SODC7 Paras 24-25

<sup>7</sup> SODC7 Paras 26-29

<sup>8</sup> CALA7 Para 6.2, CD6.45 para 39, CD6.74 Para 22, SODC7 Paras 33-36

21. In that case the High Court rejected the Council's argument that simply because the appeal proposal was not an identified site and not within the settlement boundary it must conflict with the NP.
22. Policy CSR1 provides where housing will be acceptable in rural communities. Housing will be allowed in LVs through allocations, infill, a rural exception or potentially a redevelopment. If a proposal is outside the four corners of CSR1 it would be contrary to the strategy for new housing. The appellants both maintain that although the appeal proposals might not fall within the four categories in the policy it does not follow that they are in conflict or are otherwise incompatible with it. This argument was rejected by Dove J as a matter of principle.<sup>9</sup>
23. However, it is argued that whilst the Persimmon site is not a rural exception site, not allocated and not a redevelopment site, it is an infill site within the built up area of Chinnor. Paragraph 13.10 of the supporting text states "Infill development is defined as the filling of a small gap in an otherwise built up frontage, or on other sites within settlements where the site is closely surrounded by buildings". CNP Policy CH H1 also contemplates infill development within the existing built-up form of Chinnor village, albeit of a smaller scale.<sup>10</sup>
24. Size is not a factor as the table within CSR1 notes in relation to Smaller Villages and Other Villages sizes up to 0.2 hectare and 0.1 hectare respectively whilst for the Larger Villages which includes Chinnor the sites are stated to have no limit on size.
25. There is no defined settlement boundary so it is a matter of judgement whether the site is within the settlement. The Chinnor community centre and associated playing fields cover a large site but are clearly within the settlement. Similarly, the appeal site would have existing development on all sides
26. Turning to "closely surrounded by buildings", it is not necessary to have 4 or even 3 sides occupied by development nor are adjacent buildings required to be hard up against the boundary. In this case the site is nearly 4 hectares of agricultural land. However, it is surrounded on all 4 sides by existing and approved development being built out. Back gardens adjoin the site and will provide residential curtilage and some containment. An electricity sub-station is close to the south eastern boundary which is otherwise bounded by a railway line whilst the south western part of the site completely adjoins existing identified local green space and a proposed open space on the adjoining Bellway site.
27. Analysis in the Council's LCA says of the site before the latest development "contained on 3 sides", "heavily influenced by adjacent housing", "well contained by the existing built form at Chinnor" and "would not extend the settlement footprint into the wider landscape". The proposal would therefore be perceived as infill development in terms of the CS Policy CSR1 and, albeit of a smaller scale, CNP Policy CH H1 and would accord with the development plan housing strategy.

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<sup>9</sup> SODC7 Paras 37-41

<sup>10</sup> SODC7 Paras 55-57

## Housing Land Supply

28. NPPF2, like the NPPF, seeks to significantly increase the delivery of housing and paragraph 11 footnote 7 identifies that, for housing, the most important development plan policies are deemed to be out of date where a 5 year supply of deliverable housing sites, in accordance with paragraph 73 of the NPPF2, cannot be demonstrated. A WMS dated 12 September 2018 has introduced a temporary change for Oxfordshire authorities, the Oxford Housing Growth Deal (OHGD). This sets out that, for decision making, footnote 7 only applies where a three year supply of housing sites cannot be delivered.<sup>11</sup>
29. The housing requirement set out in the adopted strategic policies in SODC is more than 5 years old. Consequently, in accordance with paragraph 73, the three year supply of housing sites should be tested against 'local housing need' (LHN). This is defined in the glossary to NPPF2 as "the number of homes identified as being needed through the application of the standard method set out in national planning guidance, or a justified alternative approach". The default position is the standard method and any alternative needs to be justified.<sup>12</sup>
30. It is accepted that the Council can demonstrate both a 3 and 5 YHLS on the basis of the Standard Method (SM). It is also accepted that the Council can demonstrate a three year land supply, but not a 5 YHLS if figures from the SHMA excluding unmet needs are used as a justified alternative.
31. The Government has realised that in some cases the SM would produce anomalous results. The SM formula identifies the minimum number of houses expected to be planned for and produces an annual requirement of 556hpa, significantly below current levels of delivery and even further below the emerging Local Plan requirement of 945hpa which in turn is below the 1023hpa requirement to deliver the Council's commitment to the OHGD. Previously delivery has exceeded the SM annual requirement but the recent SHMA suggests a much higher level of need. Although at this stage little weight can be attributed to the consultation document on housing land supply, higher need figures would be justified to achieve the policy aim of significantly increasing the amount of housing.<sup>13</sup>
32. The WMS supports the delivery in Oxfordshire of 100,000 homes by 2031, a figure recognised as above housing need. It accepts that in the short term there would be fewer permissions and states that a plan-led approach will deliver more housing in the longer term. In contrast, the appellants advocate the approval of a significant number of residential planning applications now. This does not factor in interventions a plan might provide for or how a stepped trajectory could be implemented such as that in West Oxfordshire. However, it is not for this inquiry to predict what the housing land position might be when the LP comes to be examined.
33. A Memorandum of Co-operation (MOC) sets out the assumption that Oxford City will have an unmet need of 15,000 homes that will be delivered by other authorities. Paragraph 3.5 assumes that the apportioned unmet need will not apply until 2021 due to the "complexity of the issues being considered

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<sup>11</sup> SODC7 Para 94

<sup>12</sup> SODC7 Para 95

<sup>13</sup> SODC7 Para 96

- and.....to factor in reasonable lead in times to enable options to come forward and to be fully considered through the Local Plan process. This long term approach is also a feature of an Outline Agreement.<sup>14</sup>
34. PPG identifies that where, as here, there is a SHMA then any lower LHN will have to be justified. In this case, post NPPF2, the SHMA has been found to be sound by an Inspector in West Oxfordshire District Council. The SHMA takes account of economic growth and other factors, including affordable housing, and identifies an overall need for 100,000 dwellings or 5,000pa. Originally the Council identified the 775dpa in the 2014 SHMA as a realistic figure for housing need despite not addressing Oxford City's unmet need, which it is agreed is 15,000, or the OHGD commitment.
35. For decision making, paragraph 73 requires housing land supply to be tested only against local housing need. NPPF2 paragraph 60 identifies that 'unmet needs' are in addition to local housing need. Alternatives should not include any needs that cannot be met within neighbouring areas. CALA's HLS witness accepted in a recent Statement of Common Ground relating to an inquiry at Emmer Green in August 2018 that "It is agreed that the only potential local housing need figures which exclude unmet needs are the figures which arise from the standard method and the SHMA"<sup>15</sup>
36. This view is no longer held due to a perceived change in the interpretation of NPPF and guidance. Paragraphs 2a-010 and 2a-014 are relied on to justify the change in position but these relate to plan making not decision making. The courts confirm that national policy and guidance draw a distinction between plan-making and decision making, as in *Gladman v Daventry* [2016] EWCA Civ 1146 paragraphs 47-49. NPPF2 and PPG maintain the distinction. How the standard method is calculated is set out in 2a-004 but how it applies in decision making is addressed in separate guidance (Paragraph 3a-030). This paragraph sets out the expectation that the standard method will be used, although it is only guidance and can be departed from.<sup>16</sup>
37. The appellants also refer to two appeal decisions where a justified alternative was used to determine local housing need but both predate revisions to the PPG and concern areas not subject to a specific WMS and so turn on their own facts.<sup>17</sup>
38. The Council would still have to demonstrate a 5YRHLS with a base date of April 2019 for plan-making. Based on a trajectory to restore a 5YHLS the Council would need to deliver between 2,259 and 4,653 homes in the single year 2023-4 compared to 785, the highest number of completions ever achieved in a single year. On the basis of the Council's average lead in times it would need between 57-78 additional applications of less than 100 dwellings by 1 April 2019. There is an overwhelming need for housing now, which would justify an alternative approach. The Council would only need to demonstrate a 3YHLS but that should be against the justified alternative housing requirement arising from the SHMA.
39. Rather than use the standard method or the SHMA figures to calculate local housing need the appellants use a figure that includes a substantial amount of

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<sup>14</sup> CD5.4 Para 11, CD5.15 Para 1.2.3, CD5.17 SODC7 Para 111

<sup>15</sup> CD5.26 Para 2.11 SODC7 Paras 96-98

<sup>16</sup> SODC7 Paras 99-102, CD1.20, CALA5 Paras 6.22 & 6.28

<sup>17</sup> CALA5C App 2 and 3

'unmet need' from Oxford City Council. This is contrary to the wording of NPPF2.<sup>18</sup>

40. The Report on the Examination of the West Oxfordshire Local Plan 2031, relied on by the appellants, exemplifies the point made by SODC that unmet need should be addressed through plan-making. South Oxfordshire is expected to have its local plan examination in 2019.
41. On any approach to determining local housing need which accords with NPPF2, the Council can demonstrate in excess of a three year land supply. If it is accepted that unmet need is a part of local housing need the Council contends that it should be phased as set out in the MOC and the expectations of the Delivery Plan which recognises that housing delivery is "likely to be skewed towards the later years of the deal".
42. NPPF2 paragraph 73 requires the supply of sites to include a buffer. A 5% buffer is applied as a minimum in all cases but a 20% buffer should be applied "where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. Paragraph 3a-037 of the PPG explains that "the buffer for authorities where delivery of housing over the previous 3 years, has fallen below 85% of the housing requirement, is 20%.
43. The issue of an appropriate buffer only arises if local housing need is based on figures in the MOC. That is phased from 2021 and if a 5% buffer is added there is no dispute that a three year supply can be demonstrated. However, if a 20% buffer should be applied then the matter of supply will become determinative of whether a three year supply could be achieved. The Council's housing delivery has not fallen below 85% of the figures in the MOC if delivery is phased. 99% of the phased local housing need has been met over the previous three years and therefore a 5% buffer should be used.

### **Landscape, Character and Appearance**

44. The sole remaining reason for refusal in the 'main' appeal has two limbs, firstly, because the site "provides separation between two approved housing developments and mitigates against the harmful impacts that these developments would have on the character and appearance of the area", and secondly, the built up area would be consolidated and the rural, green, open character, which can be seen from the Chilterns AONB would be diminished.<sup>19</sup>
45. Although a third of South Oxfordshire District is Green Belt and another third AONB the appeal site is not subject to any statutory or landscape policy related designations. Moreover the Chinnor NP does not identify the site as a significant open space that contributes to the openness and attractiveness of the village. The site is within the built up envelope of Chinnor but has no public access and performs no recreational function. It is a field that from time to time is ploughed but which is severed on every side from any other agricultural land.
46. In terms of visual impact, the reason for refusal is directed to views of the appeal scheme in conjunction with adjoining developments. The open space on the edge of the Bellway scheme is designated in the CNP for its ecological,

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<sup>18</sup> SODC7 Para108

<sup>19</sup> PH8 Sect 1



rather than visual, value. Enhanced ecological connectivity further afield would be provided by the proposal. Proposed planting would be assimilated at year 1 insofar as it would be noticed at all.

47. Turning to the photomontages submitted by PH, it was accepted that the 10 year photographs were the most relevant and that VP5 was the worst case scenario, albeit with a finding of only a minor adverse impact in the LVIA. Indeed, the appeal site cannot be seen from the footpath at VP5 only from the relatively high banking alongside the footpath. The skyline and foreground would be unaffected as the new built form would be seen from within the development envelope. The development edge of Chinnor would not be brought any closer to the AONB and would not have a material impact on the setting of the AONB. The effects of development would be softened by planting and would echo the character of this part of the village where trees are interspersed with buildings. The site might be capable of being pointed out but it would not be noticed by walkers casually looking at the view. Indeed, the Chilton Conservation Board's (CCB's) consultation response does not raise any objection or allege any harm to the setting of the AONB.
48. The Council's landscape witness's firm contributed to the 2014 Landscape Capacity Appraisal which referred to the appeal site and "recommended that the whole site be considered as a site option on landscape and visual grounds". The Inspector who allowed the development of the two fields that adjoin the application site made reference to the appeal site and said "as that proposed development would be separated from the appeal development by a large field, some green space would still penetrate the settlement. The NP post-dates those decisions but didn't include the appeal in the NP list of significant open spaces.
49. The most up to date landscape related policy in the reason for refusal is CS Policy CSEN1. This does not impose a zero impact case but seeks to ensure that impacts are kept to a minimum. The site does not conflict with CSEN1 and is in accordance with the development plan. There would also be compliance with CSQ3 in relation to design. If any policies in the old LP (such as C4, G2, and G4) pull in a different direction to CSEN1 the latter would prevail as the most up to date policy.

### **Other Matters**

50. At application stage there were 13 objections to the original scheme with 8 objections to the amended drawings. These are summarised in the reports to committee dated March and May 2017. More objections were made at appeal stage and overall in the order of 50 written submissions were read out at the Inquiry.
51. A variety of topics were raised with the most common being the effect on the character and appearance of the surroundings, and access and traffic.
52. The Council's Conservation Officer raises no objection subject to appropriate design details at reserved matters stage. The Urban Design Officer's comments led to the revised scheme and any outstanding matters could be addressed at detail stage. Whilst a concern has been raised about possible flooding the site is in Flood Zone 1, with the lowest probability of flooding. Air quality and pollution have also been raised. Mitigation would be addressed by conditions and a Section 106 Obligation. These matters would not justify

dismissing the proposal. Noise, odour and contaminated land will also be conditioned. During construction the scheme would have time restrictions to prevent 'mass disruption'.

53. In terms of transportation, Chinnor has a good range of sustainable transport infrastructure to serve the size and scale of proposed development. Whilst the capacity of the local highway network and pollution are not issues between the two main parties, they are serious concerns of many local residents. However, despite having considered the wealth of data provided by residents the highways experts maintain their views.
54. In terms of the local road network, the expert witnesses accept that the capacity of a single straight carriageway such as the Crowell Road is generally taken to be about 1500 vph although the road from the site access to Oakley has a narrower stretch. The maximum peak hour traffic on Crowell Road has been recorded as 918 vehicles in the AM peak and 851 in the PM peak averaging 14 vehicles per minute. The agreed traffic associated with the scheme would be an additional 32 and 34 two-way vehicle movements in the AM and PM hours respectively equating to one additional trip on the highway network every two minutes. The network would continue to operate safely well within capacity.
55. Using the survey data gathered by local residents in the peak periods (05:00-09:00 and 17:00-21:00) the overall traffic difference between AM and PM peak periods is only around 10 vehicles in a 4 hour period. The B4009 is operating at around 45-50% of its capacity. The traffic counts broadly support those submitted in the Transport Assessment and Oxfordshire County Council's conclusions and the residual cumulative impact cannot be considered 'severe' which is the key NPPF2 policy test.

### **Planning Balance**

56. In terms of social benefits, the provision of market housing and the significant need for affordable housing, together with the increased choice of tenures, size, and mix, would constitute major benefits. Moderate benefits would arise from the location in one of the Larger Villages with services and public transport facilities. Contributions through CIL and a Section 106 Obligation would have a limited indirect benefit in terms of improvement to the quality of facilities.
57. Turning to economic benefits, up to 420 construction jobs would be created as well as an estimated 258 economically active residents contributing to the local economy. Little visual impact would arise and most viewpoints would not have a view of the development. Moderate benefits would arise from better ecological enhancement and habitat creation. Public open spaces would be provided as would additional tree planting. Linking development to the east and west would create a limited benefit through more permeable development.
58. Greenfield sites are required to achieve housing targets so the development of a greenfield site would have a neutral impact. Two further limited benefits would be reduced run-off in extreme rainfall events through the provision of SuDs and additional tree planting.
59. These benefits would support the fact that the appeal scheme would be infill and that the landscape and visual impact would be minimal. Both would be in

accordance with the development plan.

### **Conditions and Section 106 Obligations**

60. The main parties have agreed a number of conditions in respect of both Appeals A and B and pre commencement conditions have been justified. I consider that they are necessary to meet the tests unless there are comments in this section of the decision to explain otherwise.
61. Condition 5 of Appeal A is not agreed. The Council relies on the SHMA for a desirable housing mix but is using it as a substitute for a SPD that has not been published. A similar condition in the Watlington Road, Benson case was considered by the Inspector to be too vague and unnecessary in the light of Policy CSH4. In the absence of the SPD I consider that a mix of dwelling types and sizes to meet the needs of current and future households as set out in CS Policy CSH4 should be required by condition.
62. Condition 18 of Appeal A was suggested by the Council but is not agreed. The proposal includes an Air Quality Report. This has been the subject of a consultation response by environmental health in January 2017 which raised a number of points that do not appear to have been fully resolved. Although other agreed conditions relate to noise, and odour and pollutant mitigation and may overlap with condition 18 I consider that the condition relating to air quality should still be attached.<sup>20</sup>
63. Whilst Thames Water originally required further information its most up to date comments confirm that it no longer requires a further water impact report. Condition 23 (play space) was added to the agreed conditions as it is not covered by a Section 106 Deed of Agreement.
64. The completed Agreement covers provision of Affordable Housing whilst Schedules 2 and 3 require contributions to the District Council including for street naming, recycling and refuse, open space and public art. Contributions to the County Council include bus stop and public transport contributions. Justifications have been provided and I consider that the contributions would meet the tests in CIL Regulations 122 and 123.
65. However, a letter from the County Council dated 25 October confirms its acceptance that an administration and monitoring fee referred to at clause 8.3 of the Section 106 agreement should be £500 and not £3750. The only signed Agreement before the Inquiry would include the unjustified fee of £3750 and so I have given no weight to this provision of the Agreement.

### **Conclusion**

66. The Council confirmed that the focus should be on the surviving reason for refusal. In policy terms the proposal would be perceived as infill policy in accordance with the development plan. SODC can demonstrate in excess of a 3YHLS, in landscape and visual impact terms there would be only minor adverse impact and in transportation terms the highway network would continue to operate within capacity. On balance the benefits of the scheme would clearly outweigh any adverse impacts and in terms of the development plan as a whole the proposal would accord with the development plan. It is common ground between PH and SODC that if the 'main' appeal for housing is

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<sup>20</sup> CD7.22

allowed then that should also be determinative of the 'secondary' proposal for a new access. I agree with this.

*Ken Barton*

INSPECTOR

Richborough Estates

## Appendix A

### Schedule of Conditions Appeal A: APP/Q3115/W/17/3187058

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than [2] years from the date of approval of the last of the reserved matters to be approved.
- 4) That the development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 15.240-LP-01 Rev A and 15.240-LP-02 Rev A, 15.240/P401 Rev C, 15.240/P403 Rev C and 15.240/P402 Rev B, except as controlled or modified by conditions of this permission.
- 5) Prior to the commencement of development details of a mix of dwelling types and sizes to meet the needs of current and future households shall be submitted to and approved in writing by the local planning authority.
- 6) Prior to the commencement of development detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside of the application site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved detail
- 7) Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
- 8) A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the construction of the development.
- 9) Before any of the dwellings hereby permitted are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with the specification details that shall have been first submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation

- relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority
- 11) Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
  - 12) Development shall not commence until a drainage strategy detailing any on and off site drainage works, has been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
  - 13) The development hereby permitted shall not be occupied until surface water drainage works in accordance with the principles of sustainable urban drainage (SUDS) have been carried out in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
  - 14) Prior to the commencement of any site works (including demolition or site clearance) a protected area shall be designated for all existing trees which are shown to be retained, and the trees shall be protected in accordance with a scheme which complies with the current edition of BS 5837: "Trees in relation to design, demolition and construction" that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be kept in place during the entire course of the construction of the development.
  - 15) Concurrent with the submission of comprehensive details of the proposed landscape works pursuant to condition 1 above, a fully detailed scheme for the timing of planting, its maintenance and a long-term management shall be submitted to and approved in writing by the Local Planning Authority. The schedule and plan shall be implemented and maintained in accordance with the agreed programme.
  - 16) No development shall commence until a scheme of noise mitigation measures has been submitted to, and approved by the Local Planning Authority. The development shall be built in accordance with the approved scheme prior to first occupation of any of the dwellings and retained thereafter.
  - 17) No development shall commence until a scheme of odour and pollutant mitigation measures has been submitted to, and approved by the Local Planning Authority. The development shall be built in accordance with the approved scheme prior to first occupation of any of the dwellings and retained thereafter.
  - 18) Prior to the first occupation of the dwellings hereby approved details of measures to mitigate the impact on air quality shall be submitted to and approved in writing by the Local Planning Authority. The mitigation

measures shall be installed prior to completion of the development and retained as such thereafter.

- 19) Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 1 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy.

Phase 2 requires that a remediation strategy be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use.

- 20) The development shall not be occupied until any previously approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.
- 21) In connection with the implementation of this permission no construction works shall take place outside the hours of 07:30 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. Works shall not take place at all on Sundays or Bank Holidays without the prior written authority of the Local Planning Authority.
- 22) Prior to first occupation details of the means by which the dwellings hereby approved may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 23) No dwelling shall be occupied until details of the layout and equipment to be included in the children's play space, and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The play space shall be implemented in accordance with the approved details and be maintained thereafter.

## Appendix B

### Schedule of Conditions Appeal B: APP/Q3115/W/17/3187059

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the details shown on the following approved plans, 15.240-A/LP-01, 15.240-A/SL-01, 15.240-LP-03 and 21610\_03\_020\_01 Rev C, except as controlled or modified by conditions of this permission.
- 3) This permission shall only be implemented in combination with the development permitted under planning application P16/S3284/O.
- 4) Prior to the commencement of the development hereby permitted a scheme for the landscaping of the site, including the planting of live trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation or use of development and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.
- 5) Prior to the commencement of the development a plan of the access to Greenwood Avenue shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of development, the access shall be constructed in accordance with the approved plan.
- 6) A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved CTMP shall be implemented prior to any works being carried out on site, and shall be maintained throughout the course of the development.
- 7) Prior to development a detailed design for the management of surface water shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and maintained appropriately. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.
- 8) Prior to any demolition and the commencement of development details of measures for the control of noise and dust during demolition shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.  
Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of



Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority

- 9) Following the approval of the written scheme of investigation referred to in condition 8, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Richborough Estates

## Appendix C

### Appearances

(Replicated in App/Q3115/17/3188694 as only one Inquiry was held but two reports have been produced)

#### FOR SOUTH OXFORDSHIRE DISTRICT COUNCIL:

Thomas Cosgrove QC and Ben Du Feu of Counsel	Instructed by Margaret Reed, Head of Legal, South Oxfordshire District Council
They called	
Bettina Kirkham DipTP BLD CMLI	(Landscape) Kirkham Landscape Planning
Dr Valerie Scott MA PhD (English architectural history)	(Heritage) Head of Conservation, Built Environment Advisory and Management, (BEAMS), The Castle, Hertford SG1 1HR
John Patey BSc CEng MICE	(Transport) Transport Development Control, Environment and Economy, Oxfordshire County Council, County Hall, New Road, Oxford OX1 1ND
Thomas Rice BSc MSc MRTPI	(HLS) Senior Planning Officer, Development Management, South Oxfordshire District Council
Philippa Jarvis BSc(Hons) DipTP MRTPI	(Planning) Principal PJPC Limited

#### FOR CALA MANAGEMENT LIMITED:

Paul Cairnes QC	Instructed by Pegasus Planning Group, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT
He called	
Andrew Cook BA(Hons) MLD CMLI MIEMA CEnv MID	(Landscape) Director, Pegasus Planning Group
Gail Stoten BA(Hons) MCifA FSA	(Heritage) Director, Pegasus Planning Group
David Frisby BEng(Hons) CEng FCIHT	(Transport) mode transport planning, Lombard House, 145 Great Charles Street, Birmingham B3 3LP
Neil Tiley BSc(Hons) Assoc RTPI	(HLS) Associate Pegasus Planning Group
David Hutchison BSc(Hons)Dip TP MRTPI	(Planning) Director Pegasus Planning Group

### FOR PERSIMMON HOMES:

Charles Banner of Counsel	Instructed by Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucester GL50 1DZ
He called	
Tom Robinson BPhil CMLI	(Landscape) Director, Robinson Landscape Design Limited, The Studio, Hedgelay, North Bank, Haydon Bridge, Hexham NE47 6LY
Guy Wakefield MRTPI BA(Hons)	(Planning) Director, Hunter Page Planning

### INTERESTED PERSONS

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IP1 IP1A	Danny Woodward	Chinnor and Princes Risborough Railway Association Limited
IP2	Statement by John Howell MP	Read by Lee King
IP3	Residents of Glynnswood Chinnor	Represented by Lee King
IP4	Holly Cringle David Layton	
IP5	Martin Wright	Chinnor Parish Council
IP6	Susan Ashdown	Chinnor Parish Council
IP7 IP7A	Paul Martin	
IP8	Maxine Pickard	
IP9	Roger Pickard Ian White	District Councillor
IP10	Mrs Crockett Lynn Davern	
IP11	Sophie Lacey 'Stand up for Chinnor' Petitions Coordinator	2220 signature petition and e-petition with 413 signatures and 200+ comments at time of submission. Updated 4 July.
IP12	Lee King	
IP13	Diane Eyre	

IP14	Jo Gaulsworthy	
IP15	Brian Fagan	
IP16	Jeremy Peters	
IP17	Daryl Ridgley	
IP18	David Layton	
IP19	Bernard Braun	
IP20	Mrs Pickard	
IP21	Diane Carver	
IP22	Keith Webley	
IP23	Mr Radnege	
IP24	Susan Ashdown	Chinnor Parish Council
	Jo Wills	
IP25	Mr Dodds	Represented by Lee King
IP26	Darayus Motivala	
IP27	Roger Pickard	
IP28	Bev Cort, Jackie Pritchard, Jennie Dunse	
IP29	Roger Payne	
IP30	Mrs Twomey	
	Janet Erskine	
IP31	Barbara Bestwick	
IP32	Robert Dobbs	
IP33	Lee King	
IP34	Bev Cort, Robert Dobbs	Traffic Survey
IP35	Mrs Lee King	Concluding argument from Stand Up For Chinnor

## **Appendix D**

### **Documents**

(Replicated in App/Q3115/17/3188694 as only one Inquiry was held but two reports have been produced)

#### **South Oxfordshire District Council Documents**

- SODC1 South Oxfordshire District Council Opening
- SODC2 Ms Kirkham's Proof of Evidence (Landscape)
- SODC2A Appendices to Ms Kirkham's Proof of Evidence
- SODC2B Ms Kirkham's Rebuttal Proof of Evidence and Appendices
- SODC3 Dr Scott's Proof of Evidence (Heritage) and Appendices
- SODC4 Mr Patey's Proof of Evidence (Highways)
- SODC4A Mr Patey's Rebuttal Proof of Evidence and Appendix
- SODC5 Mr Rice's Proof of Evidence (Housing Land Supply)
- SODC5A Appendices to Mr Rice's Proof of Evidence
- SODC5B Mr Rice's Rebuttal Proof of Evidence (Housing Land Supply)
- SODC5C Appendices to Mr Rice's Rebuttal Proof of Evidence
- SODC5D Mr Rice's Supplementary Proof of Evidence (Housing Land Supply)
- SODC6 Ms Jarvis's Proof of Evidence (Planning)
- SODC6A Appendices to Ms Jarvis's Proof of Evidence
- SODC6B Ms Jarvis's Rebuttal Proof of Evidence
- SODC6C Ms Jarvis's Supplementary Proof of Evidence (Planning)
- SODC7 Closing Submissions on behalf of SODC
- SODC8 Note By SODC on MHCLG Consultation on Housing Land Supply

#### **CALA Documents**

- CALA1 CALA Opening
- CALA2 Mr Cook's Proof of Evidence (Landscape)
- CALA2A Appendices to Mr Cook's Proof of Evidence(A3)
- CALA2B Mr Cook's Summary Proof of Evidence and Appendices
- CALA2C Detailed Methodology for the Production of Photomontages
- CALA3 Ms Stoten's Proof of Evidence (Heritage) and Appendices
- CALA3A Ms Stoten's Summary Proof of Evidence
- CALA4 Mr Frisby's Proof of Evidence (Highways)
- CALA4A Appendices to Mr Frisby's Proof of Evidence
- CALA4B Mr Frisby's Rebuttal Proof of Evidence

CALA4C	Mode Transport Planning Technical Note
CALA5	Mr Tiley's Proof of Evidence (Housing Land Supply) also witness for Persimmon Homes
CALA5A	Appendices to Mr Tiley's Proof of Evidence
CALA5B	Mr Tiley's Rebuttal Proof of Evidence
CALA5C	Mr Tiley's Addendum Proof of Evidence (Housing Land Supply)
CALA5D	Appendices to Mr Tiley's Addendum Proof of Evidence (Housing Land Supply)
CALA6	Mr Hutchison's Proof of Evidence (Planning)
CALA6A	Appendices to Mr Hutchison's Proof of Evidence
CALA6B	Mr Hutchison's Summary Proof of Evidence
CALA6C	Mr Hutchison's Addendum Proof of Evidence (Planning NPPF2)
CALA7	Closing Statement on behalf of CALA Management Limited
CALA8	Joint Statement on NPPF Consultation Paper October 2018

### **Persimmon Homes Documents**

PH1	Persimmon Homes Opening
PH2	Mr Robinson's Proof of Evidence (Landscape)
PH2A	Appendices to Mr Robinson's Proof of Evidence
PH2B	Mr Robinson's Rebuttal Proof of Evidence
PH2C	Figures to Mr Robinson's Proof of Evidence
PH2D	Illustrative Layout
PH3	Mr Wakefield's Proof of Evidence (Planning)
PH3A	Mr Wakefield's Rebuttal Proof of Evidence
PH3B	Mr Wakefield's Addendum Proof of Evidence
PH3C	Plan and Note on Chinnor Constraints Plan
PH3D	Site Location Plan
PH3E	Wider Development Context Plan
PH3F	Chinnor Basic Conditions Statement
PH3G	SODC Report 6 Planning Committee 14 Sept 2011
PH4	Mark Hewitt CV
PH4A	Court of Appeal Order Canterbury CC v SoS for Housing, Communities and Local Government
PH4B	Gladman Skeleton Argument Gladman v Canterbury CC and SoS for Housing, Communities, and Local Government
PH5	Rebuttal Statement relating to Noise Matters by Rosie James BSc PIEMA

- PH6 Supplementary Proof of Simon Prescott, Associate Transport Engineer at M-EC Consulting Engineers on Highways and Transportq
- PH7 Costs Application on behalf of Persimmon Homes
- PH8 Closing Submissions on behalf of Persimmon Homes

### **Core Documents**

#### **CD1 Planning Documents**

- 1.1 South Oxfordshire Core Strategy (adopted 2012)
- 1.2 South Oxfordshire Local Plan (adopted 2006)
- 1.3 South Oxfordshire Core Strategy Inspector's Report
- 1.4 Chinnor Neighbourhood Plan (referendum version), 2017
- 1.5 Oxfordshire SHMA 2014
- 1.6 National Planning Policy Framework
- 1.7 South Oxfordshire Local Plan 2033, Publication version October 2017
- 1.8 South Oxfordshire Settlement Assessment Background Paper Updated 2017
- 1.9 The Housing White Paper – Fixing our Broken Housing Market – 2017
- 1.10 Chinnor Neighbourhood Plan Examiner's Report
- 1.11 CIL Charging Schedule and Reg. 123 List 2016
- 1.12 Planning Obligations SPD 2016
- 1.13 Affordable Housing SPG 2004
- 1.14 Joint Henley and Harpsden Neighbourhood Plan Final Submission 2012-27
- 1.15 Written Ministerial Statement on Neighbourhood Plans, December 2016
- 1.16 South Oxfordshire Settlement Assessment Background Paper 2011
- 1.17 Draft NPPF2
- 1.18 Draft NPPG
- 1.19 NPPF2
- 1.20 NPPG – Housing Needs Assessment
- 1.21 NPPG - Housing and Economic Land Availability Assessment
- 1.22 "Housing Land Supply in Oxfordshire: Written Statement" – Written Ministerial Statement, 12 September 2018 Not Provided

#### **CD2 Landscape Documents**

- 2.1 Oxfordshire Landscape Character Assessment Not Provided (see 2.1 and 2.2)

- 2.2 South Oxfordshire District Council Landscape Character Assessment, 1998, Adopted July 2003
- 2.3 South Oxfordshire District Council Landscape Character Assessment, 2017
- 2.4 National Character Area 108: Upper Thames Clay Vales
- 2.5 South Oxfordshire Design Guide 2008
- 2.5A South Oxfordshire Design Guide 2016
- 2.6 Chilterns AONB Management Plan 2014-19, (2014)
- 2.7 Position Statement – Development Affecting the Setting of the Chilterns AONB (2011)
- 2.8 Not used
- 2.9 South Oxfordshire Landscape Capacity Assessment for the Larger Villages, 2015 (Introduction and Chinnor site CH21 extracts only)

### **CD3 Heritage**

- 3.1 The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), December 2017.
- 3.2 Managing Significance in Decision taking in the Historic Environment Good Practice in Planning Note 2, July 2015
- 3.3 Extracts from the PPG
- 3.4 Listed Building Descriptions
- 3.5 Conservation Principles, Policies and Guidance, Historic England, April 2008
- 3.6 Scheduling Guidance Funerary

### **CD4 Highways Documents**

- 4.1 Oxfordshire County Council Local Transport Plan 2015 – 31 Vol 1
- 4.2 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 2 part 1
- 4.3 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 2 part 2
- 4.4 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 3
- 4.5 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 4



- 4.6 DMRB Vol 6 section 2 part 3 TD16/07 Geometric design of roundabouts
- 4.7 Residential Roads Design Guide, 2015
- 4.8 DMRB Vol 6 section 2 part 6 TD42/95 Geometric design of major/minor priority junctions
- 4.9 Manual for Streets (Foreword and introduction).
- 4.10 OCC Highways consultation response dated 28/09/17
- 4.11 OCC Highways consultation response dated 15/11/17

#### **CD5 Housing Land Supply Documents**

- 5.1 Extracts of the PPG
- 5.2 South Oxfordshire Housing Land Supply Statement 20185.3 Memorandum of Co-operation
- 5.4 Oxfordshire Growth Deal Outline Agreement
- 5.5 South Oxfordshire Local Plan to 2033, Housing Topic Paper, October 2017
- 5.6 Nathaniel Lichfield & Partners Report "*Start to Finish: How quickly do large-scale housing sites deliver?*" (November 2016)
- 5.7 Trading Statements of Volume Housebuilders
- 5.8 Gloucester, Cheltenham and Tewkesbury Housing Implementation Strategy
- 5.9 Stroud Housing Land Supply Statement
- 5.10 Wiltshire Housing Land Supply Statement
- 5.11 Not used
- 5.12 South Oxfordshire Annual Monitoring Report 2016/17
- 5.13 South Oxfordshire DC Assessment of Housing Land Supply May 2017
- 5.14 Not used – see CD5.6
- 5.15 Oxfordshire Growth Deal Delivery Plan
- 5.16 Objectively Assessed Needs and Housing Targets Technical Advice Note (PAS)
- 5.17 Memorandum of Co-operation (signed version)
- 5.18 Extract from Thame Neighbourhood Plan March 2013 Not

Provided

- 5.19 Email from Nick Ireland (GL Hearn) dated 22.6.2018
- 5.20 Extract of the report to and minutes of meeting of the OGB 26th September 2016
- 5.21 Oxfordshire Growth Board Joint Statutory Committee Terms of Reference (revised April 2018)
- 5.22 Objections from OGB Members
- 5.23 NIC – Partnering for Prosperity: A new deal for the Cambridge-Milton Keynes - Oxford Arc
- 5.24 Extracts from the Autumn Budget 2017
- 5.25 Oxfordshire Housing and Growth Deal Planning Freedoms and Flexibilities 3 Year Housing Land Supply Consultation
- 5.26 Housing Land Supply Statement of Common Ground – Emmer Green Inquiry (Planning Inspectorate Reference: APP/Q3115/W/17/3185997 and LPA reference: P16/S3630/O.
- 5.27 “How is the minimum annual local housing need figure calculated using the standard method” – MHCLG – July 2018
- 5.28 Draft Updated Advice Note on Oxford’s Development Capacity – Fortismere Associates for the Oxfordshire Growth Board – <https://www.oxfordshiregrowthboard.org/wp-content/uploads/2018/04/UpdatedadvicenoteOxfordHousingCapacity.pdf>
- 5.29 “A Countywide Approach to Meeting the Unmet Housing Need of Oxford” – Oxfordshire Growth Board (September 2016) <https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/communityandliving/partnerships/GrowthBoard/PostSMAstrategicWorkProgramme.pdf>
- 5.30 Housing Delivery Test Measurement Rule Book – MHCLG - (July 2018)
- 5.31 South Oxfordshire Local Development Scheme
- 5.32 Report to Cabinet Meeting of 2 August 2018
- 5.33 Minutes of Cabinet Meeting of 2 August 2018

## **CD6 Relevant Appeal Decisions and Court Cases**

- 6.1 Land south of Crowell Road, Chinnor (APP/Q3115/W/14/3001839)

- 6.2 Land adjoining Greenwood Avenue, Chinnor  
(APP/Q3115/A/14/2229389)
- 6.3 Stroud DC v SSCLG and another [2015] EWHC 488 (Admin)
- 6.4 Thames Farm, Reading Road, Shiplake, Henley-on-Thames, RG9  
3PH (APP/Q3115/W/16/223161733)
- 6.5 South Oxfordshire District Council v Secretary of State for  
Communities and Local Government & Anor, Court of Appeal  
[2016] EWHC 1173 (Admin)
- 6.6 Suffolk Coastal District Council and Cheshire East District Council  
in Suffolk Coastal District Council v Hopkins Homes Ltd &  
Richborough Estates Partnership LLP v Cheshire East Borough  
Council [2017] UKSC 37
- 6.7 The Barn House, 46 Lower Icknield Way, Chinnor  
(APP/Q3115/W/17/3179647)
- 6.8 R (on the application of Cherkley Campaign Ltd) v Mole Valley DC  
[2014] EWCA Civ 567
- 6.9 Bloor Homes East Midlands Limited v Secretary of State for  
Communities and Local Government, Hinckley and Bosworth  
Borough Council [2014] EWHC 754 (Admin)
- 6.10 R (Forge Field Society) v Sevenoaks District Council [2014]  
EWHC 1895 (Admin)
- 6.11 Crane v Secretary of State for Communities and Local  
Government [2015] EWHC 425 (Admin)
- 6.12 Woodcock Holdings Ltd v Secretary of State for Communities and  
Local Government [2015] EWHC 1173 (Admin)
- 6.13 Not Used – see CD6.38
- 6.14 Forest of Dean DC v Secretary of State for Communities and  
Local Government [2016] EWHC 2429 (Admin)
- 6.15 Gladman Developments Ltd v Daventry District Council [2016]  
EWCA Civ 1146
- 6.16 Keith Langmead Limited v Secretary of State for Communities  
and Local Government, Arun District Council [2017] EWHC 788  
(Admin)
- 6.17 R (on the application of Leckhampton Green Land Action Group  
Limited) v Tewkesbury Borough Council v Redrow Homes

- Limited, Martin Dawn (Leckhampton) Limited [2017] EWHC 198 (Admin)
- 6.18 Not Used – see CD6.6
- 6.19 Barwood Strategic Land II LLP v East Staffordshire BC [2017] EWCA Civ 893
- 6.20 St Modwen Developments Ltd v Secretary of State for Communities and Local Government [2017] EWCA Civ 1643
- 6.21 Jelson Ltd v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24
- 6.22 Preston New Road Action Group v Secretary of State for Communities and Local Government [2018] EWCA Civ 9
- 6.23 Richborough Estates Ltd v Secretary of State for Housing, Communities and Local Government [2018] EWHC 93 (Admin)
- 6.24 Not Used – see CD6.4
- 6.25 Wainhomes v Secretary of State for Housing, Communities and Local Government [2013] EWHC 597 (Admin)
- 6.26 Court of Appeal Judgment - City and District Council of St Albans v R (on the application of) Hunston Properties Limited et al [2013] EWCA Civ 1610
- 6.27 Appeal decision - Land between Iron Acton Way and North Road, Engine Common APP/0119/A/12/2186546
- 6.28 Appeal decision - Land south of Filands, Malmesbury APP/Y3920/A/12/2183526
- 6.29 Appeal decision – Land at Mansfield Road, Farnsfield (APP/B3030/W/17/3169436)
- 6.30 Appeal decision – Land at Horsepond Road, Gallowstree Common (APP/Q3115/W/17/3166856)
- 6.31 Appeal decision – Mulberry House, Old Bix Road, Bix (APP/Q3115/W/17/3169079)
- 6.32 Appeal decision – Land off St Helen’s Avenue, Benson (APP/Q3115/W/16/3163844)
- 6.33 Appeal decision – CABI International, Nosworthy Way, Mongewell, Wallingford (APP/Q3115/W/16/3165351)
- 6.34 Appeal decision – Newington Nurseries, Newington Road,

- Stadhampton (APP/Q3115/W/15/3035899)
- 6.35 Appeal decision – Land east of Chalgrove, Chalgrove (APP/Q3115/W/17/3177448)
- 6.36 Appeal decision – Land off Fieldside Track, Long Wittenham (APP/Q3115/W/17/3169755)
- 6.37 Appeal decision – East End Farm, South East of Wallingford Road, Cholsey (APP/Q3115/W/17/3179191)
- 6.38 Court of Appeal Judgement, Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors [2014] EWCA Civ 137
- 6.39 Mordue v Secretary of State for Communities and Local Government [2015] EWCA Civ 1243
- 6.40 Appeal Decision – Gallows Hill, Heathcote (APP/T3725/A/14/2229398)
- 6.41 Steer v Secretary of State for Communities and Local Government [2017] EWHC 1456 (Admin)
- 6.42 Bedford BC v Secretary Of State For Communities And Local Government [2013] EWHC 2847 (Admin)
- 6.43 South Lakeland v Secretary of State for the Environment [1992] 2 W.L.R. 204
- 6.44 Palmer v Herefordshire Council and ANR [2016] EWCA Civ 1061
- 6.45 Appeal Decision – Land North of Lower Icknield Way, Chinnor (APP/Q3115/W/15/3097666)
- 6.46 Appeal Decision – Land North of Littleworth Road, Benson (APP/Q3115/A/14/2222595)
- 6.47 Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
- 6.48 Not Used
- 6.49 Not used – see CD6.29
- 6.50 Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government [2016] EWCA Civ 1040 (October 2016)
- 6.51 Appeal decision (SoS) - Land west of Castlemilk, Moreton Road, Buckingham (APP/J0405/V/16/3151297)
- 6.52 Dr Anna Hoare v Vale of White Horse DC v Oxfordshire County Council, Faringdon DC [2017] EWHC 1711 (Admin)

- 6.53 Appeal decision – Mount Hill Farm, Tetsworth (APP/Q3115/W/15/3136319)
- 6.54 Appeal decision – land east of Newington Road, Stadhampton (APP/Q3115/W/15/3035899)
- 6.55 Appeal decision (SoS) – Land south of Verney Road, Winslow (APP/J0405/W/15/3137920)
- 6.56 Appeal decision – land south of the Strand, Quainton (APP/J0405/W/16/3157098)
- 6.57 Appeal Decision – Spencers Wood (APP/X0360/A/13/2209286)
- 6.58 Appeal Decision - Land South of Oxford Road (APP/D3125/W/17/3182718)
- 6.59 Appeal Decision - Land South of Love Lane (APP/F1610/16/W/3151754)
- 6.60 Appeal Decision - Land and Buildings off Watery Lane (APP/K3415/A/14/2224354)
- 6.61 Appeal Decision - Land east of Marlborough Road (APP/U3935/W/16/3147902)
- 6.62 Appeal Decision - Burgess Farm (APP/U4230/A/11/2157433)
- 6.63 Appeal Decision - Land adj Gretton Road (APP/G1630/A/12/2183317)
- 6.64 Anita Colman v Secretary of State for Communities and Local Government, North Devon District Council and RWE Npower Renewables Limited [2013] EWHC 5 (Admin)
- 6.65 Borough of Telford And Wrekin v Secretary of State for Communities and Local Government and Gladman Developments Limited [2016] EWHC 3073 (Admin)
- 6.66 Appeal Decision – Mitchelswood Farm (APP/P1425/W/15/3119171)
- 6.67 Appeal decision – Steeple Claydon (APP/J0405/W/16/3154432)
- 6.68 Appeal Decision – Soulbury (APP/J0405/W/16/3146817)
- 6.69 St Modwyn Developments Ltd v Secretary of State and East Riding of Yorkshire Council [2016] EWHC 968 (Admin)
- 6.70 Appeal Decision – Crowmarsh Gifford (APP/Q3115/W/17/3186858)
- 6.71 High Court – R on application of Simon Shimbles v City of

- Bradford Metropolitan District Council [2018] EWHC 195 (Admin)
- 6.72 Canterbury and Secretary of State v Gladman Developments Ltd [2018] EWHC 1611 (Admin)
- 6.73 Appeal Decision – Land East of Park Road, Didcot (APP/Q3115/W/17/3188474)
- 6.74 Appeal Decision – Land south of Watlington Road, Benson (APP/Q3115/W/17/3180400)
- 6.75 Appeal Decision – Land at Kennylands Road, Sonning Common (APP/Q3115/W/17/3183391)
- 6.76 Chichester DC v SoS for Housing Communities and Local Government and Beechcroft Ltd [2018] EWHC 2386 (Admin)
- 6.77 Appeal Decision – Land Rear of 59-63 Lower Icknield Way, Chinnor (APP/Q3115/W/17/3192374)
- 6.78 City of Edinburgh Council, SoS for Scotland, Revival Properties

**CD7 Parties Statements of Case and Statements of Common Ground**

- 7.1 Persimmon Homes' Statement of Case
- 7.2 LPA Statement of Case on Persimmon Homes' Appeal
- 7.3 Persimmon Homes/LPA Statement of Common Ground
- 7.4 CALA Homes' Statement of Case
- 7.5 CALA Homes' Planning Statement of Common Ground
- 7.6 CALA Homes Landscape Statement of Common Ground
- 7.7 CALA Homes' Highways Statement of Common Ground
- 7.8 Housing Land Supply Statement of Common Ground
- 7.8A Updated Housing Land Supply Statement of Common Ground
- 7.9 Draft Conditions Persimmon Scheme
- 7.10 Persimmon comments on draft condition 3 not agreed
- 7.11 Section 106 signed Deed of Agreement – Persimmon scheme
- 7.12 Letter re mistake in Section 106 Obligation Admin and Monitoring sum in appeal 3187058 should be £500 not £3750.
- 7.13 Oxfordshire County Council's Regulation 122 Compliance Statement – Persimmon Scheme
- 7.14 South Oxfordshire District Council's Note on Compliance with CIL Regulations – Persimmon Scheme

- 7.15 Agreed List Of Draft Conditions CALA Scheme
- 7.16 Signed S106 Planning Obligation Appeal Ref 3188694 dated 2 July 2018 CALA Scheme
- 7.17 Signed S106 Deed of Unilateral Undertaking (Additional Affordable Housing) Appeal Ref 3188694 dated 4 July 2018 CALA Scheme
- 7.18 Signed S106 Deed of Agreement Appeal Ref 3188694 dated 4 July 2018 CALA Scheme
- 7.19 Signed S106 Deed of Variation Appeal Ref 3188694 dated 25 October 2018 CALA Scheme
- 7.20 Oxfordshire County Council's Regulation 122 Compliance Statement – CALA Scheme
- 7.21 South Oxfordshire District Council's Note on Compliance with CIL Regulations – CALA Scheme
- 7.22 Statement of Common Ground between Persimmon Homes and the Chinnor and Princes Risborough Railway Association

**CD8 Not Used See Parties' Documents**

**CD9 Application Documents for both applications**

- 9.1 Application Form Site Ownership Certificate (part of application form)
- 9.2 Location Plan
- 9.3 Tree Survey
- 9.4 Design and Access Statement
- 9.5 Ecological Appraisal
- 9.6 Flood Risk Assessment and Surface Water Drainage Strategy
- 9.7 LVIA
- 9.8 Planning Statement
- 9.9 Statement of Community Involvement
- 9.10 Transport Assessment

**CD10 Documents sent to SODC Following Submission**

- 10.1 Letter from Boyer 20<sup>th</sup> December
- 10.2 Proposed Access Arrangements drwg no 21610\_03\_020\_01c

**CD11 Not Used**



## **CD12 Committee Report**

### 12.1 Full Committee Reports (2 applications)

- a. 1<sup>st</sup> March (outline)
- b. 24<sup>th</sup> May (outline)
- c. 1<sup>st</sup> March (full)

### 12.2 Minutes of Committee Meeting

- a. 24th May
- b. 1st March

## **CD13 Decision Notice**

### 13.1 Decision Notice outline

### 13.2 Decision Notice full

## **CD14 Consultation Responses**

### **Full Application (LPA ref: P16/S3285/FUL)**

#### 14.1 Chinnor Parish Council

#### 14.2 Conservation Officer

#### 14.3 Air Quality – December 2016

#### 14.4 Air Quality – October 2016

#### 14.5 Environmental Protection Team

#### 14.6 Oxfordshire CC Transport and Archaeology December 2016

#### 14.7 Oxfordshire CC Transport and Archaeology January 2017

### **Outline Application (LPA ref: P16/S3284/O)**

#### 14.8 Chinnor Parish Council

#### 14.9 Conservation Officer

#### 14.10 Countryside Officer

#### 14.11 Drainage Engineer

#### 14.12 Forestry Officer

#### 14.13 Air Quality November 2016

#### 14.14 Air Quality January 2017

#### 14.15 Contaminated Land

#### 14.16 Environmental Health

#### 14.17 Housing

#### 14.18 Leisure

#### 14.19 Oxfordshire CC Transport and Archaeology

#### 14.20 Thames Water November 2016

- 14.21 Thames Water February 2017
- 14.22 Urban Design November 2016
- 14.23 Urban Design January 2017
- 14.24 Waste Management

**CD15 Not Used**

**CD16 Application Documents**

**DOCUMENTS RELEVANT TO CALA APPLICATION** Application Form

- 16.2 Not used
- 16.3 Site Location Plan
- 16.4 Site Layout Plan
- 16.5 Site Layout Plan Colour
- 16.6 Site Layout with Storey Heights Plan
- 16.7 Site Layout with Wall Materials Plan
- 16.8 Site Layout with Roof Materials Plan
- 16.9 Site Layout with Tenure Plan
- 16.10 Site Layout with Building Heights Plan
- 16.11 Site Layout with Shed Locations Plan
- 16.12 Street Scenes
- 16.13 House Types (Various)
- 16.14 Landscape Strategy edp2770\_08g
- 16.15 Soft Landscape Design (Overview) EDP2770\_11e
- 16.16 Soft Landscape Design (Sheet 1 of 2) EDP2770\_11e
- 16.17 33 Soft Landscape Design (Sheet 2 of 2) EDP2770\_11e
- 16.18 Soft Landscape Design edp2770\_12c (Overview)
- 16.19 Soft Landscape Design edp2770\_12c (Sheet 1 of 2)
- 16.20 Soft Landscape Design edp2770\_12c (Sheet 2 of 2)
- 16.21 Planning Statement
- 16.22 Chinnor Design and Access Statement 19.07.17
- 16.23 Chinnor Design and Access Statement Addendum RFS
- 16.24 Aboricultural Impact Assessment
- 16.25 Addendum to Aboricultural Impact Assessment
- 16.26 Tree Survey and Report
- 16.27 Flood Risk Assessment
- 16.28 Flood Risk Assessment Appendices

- 16.29 Foul Water Drainage and Utilities Assessment
- 16.30 Foul Water Strategy
- 16.31 Not used
- 16.32 Transport Statement
- 16.33 Transport Statement Addendum
- 16.34 Transport Design Team Response
- 16.35 Travel Plan Statement
- 16.36 Environmental Noise Assessment
- 16.37 Air Quality Assessment
- 16.38 Ecological Appraisal
- 16.39 Transport Technical Note TN004 REV C
- 16.40 Transport Technical Note TN005 REV C
- 16.41 Ecological Appraisal Addendum
- 16.42 Statement of Community Involvement
- 16.43 Revised Landscape Visual Impact Assessment
- 16.44 Heritage Assessment
- 16.45 CIL Information Form
- 16.46 Archaeological Evaluation
- 16.47 Ground Investigation Report

**CD17 Not used**

**CD18 Officer Delegated Report**

- 18.1 Full Delegated Report

**CD19 Consultation Responses**

- 19.1 Air Quality
- 19.2 Archaeology
- 19.3 Chinnor Parish Council
- 19.4 Contaminated Land
- 19.5 Countryside (Biodiversity)
- 19.6 Crowell Parish Council
- 19.7 Chilterns Conservation Board
- 19.8 CPRE
- 19.9 CPRE (PROW)
- 19.10 Drainage
- 19.11 Education – See 19.15 for County Joint Response

19.12 Environmental Protection

19.13 Forestry

19.14 Housing Development

19.15 Highways (dated 28/9/17 and 15/11/17)

19.16 Landscape

19.17 Thames Water

19.18 Urban Design

19.19 Waste Management

19.20 Cotswold Conservation Board 29.5.2018

**CD20 Not Used**

**CD21 Not Used**

Richborough Estates

## Appendix E

### Glossary

(Replicated in App/Q3115/17/3187058 and 3187059 as only one Inquiry was held but two reports have been produced)

3YHLS	3 year housing land supply
5YHLS	5 year housing land supply
CCB	Chilterns Conservation Board
CIL	Community Infrastructure Levy
CS	Core Strategy
DMRB	Design Manual for Roads and Bridges
DPD	Development Plan Document
dpa	Dwellings per annum
EA	Environment Agency
HLS	Housing Land Supply
LCA	Landscape Character Area
LCT	Landscape Character Type
LP	Local Plan
MfS	Manual for Streets
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPF2	National Planning Policy Framework 2
OCA	Oakley Conservation Area
OHGD	Oxford Housing Growth Deal
PH	Persimmon Homes
PPG	Planning Policy Guidance
RSA	Road Safety Audit
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment
SM	Standard Method
SoS	Secretary of State
SODC	South Oxfordshire District Council
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SuD	Sustainable urban drainage system
WMS	Written Ministerial Statement

Richborough Estates