



Appeal Decision

Inquiry held on 17 and 18 April 2012

Site visit made on 18 April 2012

by Edward A Simpson JP BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 June 2012

Appeal Ref: APP/C3105/A/12/2168102

OS Parcel 4100 adjoining and to the south of Milton Road, Adderbury, Oxon.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Berkeley Homes (Oxford & Chiltern) Ltd. against Cherwell District Council.
 - The application Ref 11/01409/OUT, is dated 16/09/2011.
 - The development proposed is erection of 65 dwellings with associated access, open space and landscaping and provision of sports pitch (football) with changing facilities and car park.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by Berkeley Homes (Oxford & Chiltern) Ltd against Cherwell District Council. That application is the subject of a separate Decision.

Procedural Matters

3. Following the submission of the appeal the appellant re-submitted a further planning application (Ref.12/00026/OUT) to provide the council with an opportunity to reconsider its position. That application was refused on 24 February 2012 and the council indicated that the reasons for that refusal would be the reasons relied on to defend its failure to determine the application the subject of this appeal.
4. Two reasons for refusal were stated. The second of these related to the failure of the appellant to submit a satisfactory unilateral undertaking relating to infrastructure directly required to service or serve the proposed development. Shortly prior to the inquiry the appellant submitted an acceptable draft undertaking and this was subsequently signed by all relevant parties. At the opening of the inquiry the council stated that this undertaking addressed the matters raised in the second reason for refusal and further indicated that it would no longer contest that matter or submit any evidence with regard to the second reason for refusal.
5. The first reason for refusal is as follows:

- i) *The proposal represents development beyond the built up limits of Adderbury, a rural settlement where development is less sustainable than the urban areas, and where it will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone as it will result in an unplanned development potentially undermining the council's emerging core strategy. As such the proposed development is contrary to the saved policies H12, H13, H18 and C7 of the adopted Cherwell Local Plan, Policies H2 and SP3 of the South East Plan, Planning Policy Statement 3 – Housing, Planning Policy Statement 7 – Sustainable Development in Rural Areas.*

Main Issues

6. The main issues in this case are:

- (a) in the context of the Council's acceptance of the absence of a 5-year housing land supply, the impact of the proposal on the character and appearance of the countryside and whether the appeal proposals represent sustainable development;
- (b) whether, in the light of other emerging proposals for residential development in Adderbury, the proposals could be said to pre-empt decisions for the provision of a 5-year housing land supply more appropriately taken in the context of the emerging Core Strategy;
- (c) whether the proposals would result in a need for additional infrastructure, and if so, whether the necessary agreements are in place to ensure the provision of that infrastructure; and,
- (d) whether, in the light of the needs of the community of Adderbury, the level of affordable housing proposed is appropriate in this location.

Reasons

Preliminary matters

Development Plan and Housing Land Supply

7. The Development Plan comprises the South East Plan and the saved policies of the adopted Cherwell Local Plan. Although it is a material consideration that it is the Government's intention that regional strategies should be revoked, and that the necessary powers have been included in the Localism Act 2011, the necessary orders to effect revocation have not yet been laid. The sub-regional apportionments contained within the South East Plan have been used by Cherwell District Council (CDC) as the basis for the preparation of its emerging Core Strategy and for the calculation of a 5 year supply of housing land.
8. The parties have agreed that the regional and local planning policies relevant to the consideration of this case are the South East Plan, the saved policies of the Cherwell Local Plan (adopted in 1996), together with the policies of the 'Non-Statutory Cherwell Local Plan 2011' and the policies of the draft Core Strategy (February 2010). Both of these latter two documents constitute other material considerations.

9. The 'Non-Statutory Cherwell Local Plan 2011', was originally produced as a replacement for the adopted plan. Although subject to draft deposit and pre-inquiry changes, further work was discontinued in 2004 in favour of the preparation of local development framework (LDF) documents. The plan was, however, approved by the council for development control purposes.
10. The draft Core Strategy February 2010 is a regulation 25 consultation document. The submission Core Strategy is not yet a public document. That is anticipated to be presented to council members in draft form in May 2012. Consultants are currently undertaking a Strategic Housing Land Availability Assessment (SHLAA). The current timetable for the submission of that report to Members is June 2012.
11. In addition to these emerging development plan documents the council has also published a Housing Land Supply Position Statement (HLSPS). This document, approved by members in February 2012, aims to set out how housing land supply could be managed in the context of the acknowledged shortfall within Cherwell District as at 6 December 2011. That supply, as set out in the AMR¹ was agreed to be 2.9 years for the period 2012 – 2017, compared with the national policy requirement of 5 years supply of available housing land.
12. Two subsequent grants of planning permission, one by CDC and one on appeal, have resulted in the district-wide land supply figure rising to 3.1 years. The Banbury and North Cherwell Area forms part of 'Rest of Oxfordshire' within the SE Plan. Within that sub-area, the housing land supply as a result of the appeal decision increased from some 1.8 years to some 1.9 years. This remains, and for CDC this is acknowledged to be, a marked shortfall when compared with the aim of national policy as now set out in the Framework.

The Framework

13. The Framework was published on 27 March 2012. Annex 3 to that document sets out the list of previous Planning Policy Statements (PPS) and Planning Policy Guidance (PPG) superseded and replaced by the Framework. In relation to the reason for refusal set out above, the guidance set out in PPS3 – Housing, and PPS7 – Sustainable Development in Rural Areas, is now replaced. As agreed by the parties this is a material consideration and I have taken the Framework guidance into account in determining this appeal.
14. It is also agreed by the parties that paras.49 and 14 of the Framework are engaged in this case. Para.49 states that '*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*' Para.14, with regard to decision taking, states that '*where the development plan is absent, silent or relevant policies are out-of-date, (local planning authorities should) grant planning permission unless: – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in (the) Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

¹ Annual Monitoring Report

Issues

Issue a) –Impact on the countryside and the sustainability of the development

15. Policy H13 of the adopted Cherwell Local Plan limits new residential development in Category 1 settlements such as Adderbury to infilling, minor development within the built up area of the settlement and conversion of existing buildings. Policy H18 restricts residential development outside the built limits to those essential for agriculture or other existing undertakings. The site is agreed to lie outside the built up area of Adderbury and the parties further agree that the appeal proposals do not accord with these policies. The proposal is, therefore, contrary to the development plan.
16. As noted above, para.49 of the NPPF states '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*' That does not mean, however, that all policies of the development plan are to be considered to be out of date. Policies that restrict development in the countryside clearly accord with the core planning principle of *recognising the intrinsic character and beauty of the countryside* (Framework para.17)
17. In her decision letter on the previous appeal on this site² the Inspector noted at para.29 that '*although the site is contained by established hedgerows, with the topography of the wider area meaning that longer range views are generally restricted, there are, nevertheless, clear views of the site from the west and north-west, and from the public footpath that cuts diagonally across one corner*'. That is a view with which I concur. Having viewed the site from both close to and from various points 1 – 2 km away it is apparent that development on the appeal site as proposed would be no more conspicuous in those more distant views than the adjoining residential development served by St Mary's Road/Norris Close. On the other hand, development on the site would be clearly visible from close public views to north and north-west, not least because of its frontage to Milton Road and the route of the public footpath across the north-western corner of the site. The harm here is not as a result of a significant harm to the wider landscape of the AHLV³, but rather the loss of an element of open countryside on this western edge of the village.
18. It is to be noted that, with respect to the wider landscape impact of the proposed development, there was little difference between the appellant's conclusions based on its submitted landscape assessment and the conclusions drawn on behalf of CDC. No criticism was raised by CDC with respect to either the approach or methodology of the assessment, and in so far as there was any difference, these were very minor and subjective opinions as to the weight to be attached to the degree of visual harm.
19. It is CDC's position that Adderbury is one of the most sustainable villages in the district⁴. This Category 1 classification has been applied consistently from the adopted local plan through subsequent documents to the 2010 draft Core Strategy, where it is referred to as Category 'A'. It is the view of Adderbury Parish Council (APC) and Cllr. Atkinson that, compared with Bloxham and Deddington which have facilities more associated with small towns, Adderbury should not be so highly classified as it has no medical facilities, only 1 small

² Appeal 2132662

³ Ironstone Downs Area of High Landscape Value

⁴ Statement of Common Ground para.7.1(xii)

shop, and a post office that opens for only 2 half days. I disagree. When compared with many other villages it has a reasonable range of services and community facilities, is on a regular bus route and in relatively close proximity to the urban area of Banbury some 2km north of the village. Moreover, the appeal site is only a short distance from a bus stop and the availability of alternative means of transport other than the car makes the location of the appeal site relatively sustainable in transport terms. I do accept, however, that unless residents of the proposed properties have jobs within or close to the village, an urban location would be more sustainable, and this is the principal thrust of strategy for both the South East Plan and the 2010 draft Core Strategy.

20. The Framework notes that there are 3 dimensions to sustainable development; economic, social and environmental (Para.7). Para.56 of the Framework notes that *'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and indivisible from good planning, and should contribute positively to making places better for people'*. At para.17 it states, inter alia, that in decision-taking the planning system should *'always seek to secure high quality design'*.
21. The suggested form of development as set out in the various illustrative plans concentrates housing along the eastern half of the site. This provides the opportunity for the creation of a more attractive 'edge' to the development of the village than that currently formed by the properties marking the western edge of this part of the village. However, the plans also show a narrow finger of development along the southern boundary of the appeal site setting off in a westerly direction and unrelated to any physical feature of the site or to the remainder of the illustrative layout.
22. The design and access statement appears silent on this aspect of the scheme. In response to my question those currently representing the appellants were not able to give further elucidation. It would appear that having established the areas for sustainable drainage (at the lowest (northern) part of the site) and space for a football pitch and associated facilities, the remaining 'L-shape' of land formed the basis for the siting of some 65 dwellings; the finger of development effectively occupying a remnant of the appeal site.
23. The artificial nature of the layout also derives from the fact that the appeal site comprises only some 75% of OS Parcel 4100. The southerly boundary follows no physical feature on the ground, would be an entirely artificial boundary and raises questions as to the future use of the remainder of the field to the south which is indicated by a blue line as being in the appellant's control. The illustrative master-plan (JNS/MRA 2) submitted with Mr Smith's proof of evidence shows a pedestrian access to this area. The re-siting of the LAP⁵ from what was accepted as being an inappropriate location in the original Masterplan, and the centrally located gap between the properties sited along the proposed southerly boundary would clearly allow the extension of the proposed spine road through to the southerly part of OS Parcel 4100 beyond the boundary of the appeal site and brings into question the long term form of development in this part of the village; clearly a matter of concern to APC but not one addressed by the appellant's witness when questioned by APC.

⁵ Local Area of Play

24. I accept that this is an outline application and that the layouts were submitted for illustrative purposes only. However, it is not obvious how a layout for 65 dwellings which addressed these design concerns could be accommodated on this site while at the same time accommodating the football pitch and the necessary drainage facilities. I conclude that in the context of the proper planning of the future of Adderbury, which I address further below, this is a factor which weighs heavily against the appeal proposal.
25. A further uncertainty relates to the football pitch. The provision of a football pitch forms part of the description of the proposed development and would appear to have been included as a means of meeting an apparent need faced by the local football club. However, the 'need' of that club to have facilities that would satisfy the requirements of its league is for the provision of two pitches, and that would not be met by this proposal. It is to be noted that the land the subject of the change of use from agricultural to recreational use on the northern side of Milton Road granted permission in July 2010 would be sufficient to accommodate 2 playing pitches. It would appear that that development would have been undertaken in conjunction with an application for residential development on land north of Milton Road⁶ but that application was refused. Although that decision has not been the subject of an appeal that applicant, by letter dated 10/11/2011, indicated that revised proposals are to be submitted following consultation with APC and CDC.
26. As part of the evidence on behalf of the appellant, a further illustrative Masterplan, based on the submitted indicative Masterplan housing layout dated January 2010, showed possible landscaping improvements strengthening both the southern and western boundaries of the site. I noted that this scheme omitted both the football pitch and the associated facilities, replacing them with 'species rich' and 'amenity' grasslands and an informal kick-about area. In response to questions on this apparent change it was stated for the appellant that they were not seeking to change the terms of application, and that the provision and funding of a football pitch formed a part of the S.106 obligation. It does, however, indicate a degree of uncertainty in the mind of the appellant, and with it uncertainty as to the final form of development here.
27. I conclude on this first issue that the location of the appeal site is sustainable both in terms of it being within a specified Category 1 rural settlement and in providing alternatives to the motor car as a means of access to the main urban centre of Banbury. I am not satisfied that the approach to the development of the appeal site as shown by the design and access statement and illustrative Masterplan represents the basis of good design here and, in the light of the guidance in paras.7 and 56 of the Framework I am not able to conclude that the proposals constitute sustainable development.

Issue b) - Prematurity

28. For CDC it is accepted that the scale of development proposed is not, of itself, strategic; the view being expressed that, in Core Strategy terms, a strategic site would be of the order of some 300 dwellings or larger. CDC is more concerned that to allow this scheme would encourage other similarly sized proposals in rural villages which together would tend to conflict with the urban-centred approach to housing allocations set out both in the SE Plan and in the draft Cherwell Core Strategy.

⁶ Application No. 10/00512/OUT

29. That latter concern is a theoretical risk, although CDC was unable to point to any other specific proposals in the locality that were either the subject of submitted applications or an outstanding appeal, and were awaiting determination. It should also be noted that the 2010 draft Core Strategy envisages some housing in rural areas, and for the group of 4 villages of Bodicote, Bloxham, Deddington and Adderbury the anticipated level of housing growth for the period 2006 - 2026 would be some 350 dwellings. However, draft Core Strategy Policy RA2 also anticipates that this total would be spread relatively evenly amongst those 4 villages and Cllr. Atkinson's evidence that some 89 dwellings had been built in Adderbury since 2006 was not disputed. The rate of development in the village would appear to be well ahead of that anticipated for the period 2006 to 2026 in the then emerging Core Strategy. It is CDC's position that the supply of rural dwellings within the district has kept up with draft Core Strategy projections, and this is confirmed by Table 4 at para.65 of the Housing Land Supply Position Statement – February 2012. CDC's land supply difficulties in Banbury/North Cherwell would appear to relate primarily to the provision of strategic sites focused on the urban area of Banbury and its immediate surroundings.
30. The guidance document 'The Planning System: General Principles' which was published alongside PPS1 is not included in the list of superseded documents set out at Annex 3 to the Framework. At section 17 it addresses the issue of prematurity and states that it may be justifiable to refuse planning permission where a proposed development '*is so substantial or where the cumulative effect would be so significant, that granting planning permission could prejudice the DPD by predetermining decisions about scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come in this category*'.
31. I am satisfied that the appeal proposals fall within the latter category and refusal on the grounds of prematurity in a strategic context would not be justified. On the other hand, para.17 of the Framework sets out a series of core land-use planning principles that should underpin both plan-making and decision-taking. The first of these is that decisions should be *genuinely planned, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area*.
32. Cllr. Dolamore, on behalf of APC, indicated that the village wished to be able to state its preferences for development, including the provision of affordable housing, through the preparation of a Neighbourhood Plan endorsed by the community. He argued that to do otherwise would be to undermine the fundamental intent of localism and drew particular attention to the Ministerial statement on transitional arrangements. He accepted, however, that preparation of a Neighbourhood Plan for Adderbury was at a very early stage and that APC would need further clarification from CDC as to the appropriate level of housing; numbers that would be forthcoming with publication of the Submission Core Strategy, a draft of which is, as noted above, expected to go before Members in May 2012.
33. Where, as in the case of Cherwell District, there is a substantial shortfall in housing land supply, there is marked tension between the need for councils to ensure an adequate supply of specific deliverable sites sufficient to provide five years of housing against their requirements (together with 5% moved forward

from later in the plan period) and the now formally and strongly expressed core planning principle which aims to empower local communities to shape their surroundings; a process that necessarily will take that community a little time to set up. It is also to be noted that this appeal proposal is not a scheme that has been prepared with the support of the parish council or local community.

34. In the case of Adderbury there would appear to be some 14 sites that were canvassed by various parties in 2006 as a result of an options process, although I note that this process was not finally completed. While only two of those other sites have been specifically drawn to this inquiry's attention by interested persons, it would appear that there are a range of possible options for both the scale and location of future development in the village. In so far as a decision on the appeal scheme in isolation may well pre-empt those local decisions, this is a matter that weighs against the appeal proposals, although in the context of the under supply of housing land in Banbury and North Cherwell, this would not be sufficient reason on its own to justify a refusal of planning permission.

Issue c) - Infrastructure

35. It is accepted that the proposed development would add directly to pressures on local infrastructure and services that would otherwise have to be provided by either CDC or Oxfordshire County Council (OCC). However, as noted above, the costs of the provision of these services has now been addressed through the signed legal agreement, and the terms of that agreement are acceptable to both CDC and OCC.
36. A number of local residents have drawn particular attention to the fact that Christopher Rawlings CE (VA) Primary School in Adderbury is close to capacity and, in view of its constrained site, is not capable of further expansion. This appears to be confirmed by the February 2012 version of OCC's Pupil Place Plan 2011-2017. However, additional accommodation has been provided at Bloxham CE Primary School which shows a modest surplus of capacity over demand to 2017/18.
37. While there are clearly both social and sustainability advantages of young village children being educated within their local village school where available, it is also government policy that parents should be able to exercise choice in these matters. Equally significantly, OCC has sought, as part of the S.106 Agreement, a school transport contribution towards the cost of transporting primary age children from the development to maintained primary schools outside Adderbury. Bloxham lies only some 4km away from the appeal site and the fact that primary school children from the site may have to be transported there on a daily basis, when compared to the distances that children living in the surrounding rural areas would also need to travel to school, does not amount to a strong planning argument against the appeal proposals.

Issue d) – Affordable housing

38. It is agreed that there is a shortage of affordable housing within Cherwell District and that the proposed provision of 40% affordable housing exceeds policy requirements. The draft CS, at para.A.142 notes that '*Cherwell has a huge need for affordable housing*'. It is also CDC's position that this provision is a factor in favour of the scheme.

39. A number of representations, both at the application stage and subsequently, questioned the appropriateness of so large a percentage on a single site; Cllr. Atkinson noting that there were already some 90 social housing properties in Adderbury and that to raise this to 116 as proposed would put the percentage in Adderbury well above that in the nearby village of Bodicote. Moreover, while for APC it was acknowledged that there is a need for further affordable housing the parish council is already working with CDC and Oxfordshire Rural Housing Project to identify appropriate sites through the exception sites process. As with the general issue of additional housing in Adderbury, the village wished to be able to state its preferences through the preparation of a Neighbourhood Plan endorsed by the community.
40. While I note those concerns it is currently a council requirement, within a scheme of the size of the appeal proposal, to provide some 30% affordable housing and that figure is anticipated to rise to some 35% in CDC's emerging housing strategy. In any event, the demand for affordable housing greatly exceeds both the current supply and the annual rate of provision within the district. I conclude that in this context the inclusion of a figure of 40%, albeit higher than that currently required, cannot reasonably be said to be excessive given that it will comprise both affordable rented housing and shared ownership housing. I conclude that the affordable housing element of the appeal proposals amount to a not insignificant benefit to be weighed in its favour.

Other matters

41. Particular reference was made to the recent grant, on appeal, of planning permission for residential development on land at Cotefield Farm, Bodicote.⁷ Like the appeal site its southern boundary does not appear to follow any particular physical feature or boundary. It does differ from the appeal proposal in that that site, unlike the appeal site, is bounded on two sides by existing residential development and would appear as a rounding off of development in that part of Bodicote when viewed from the A4260 Oxford Road. The settlement of Bodicote is also located immediately abutting the southern edge of the built up area of Banbury and has a highway network which feeds directly into the road system which serves this southerly part of Banbury. Its immediate proximity to Banbury makes it a more sustainable location in transport terms when compared with Adderbury. I conclude that there is sufficient difference between these proposals for that decision not to be treated as a precedent for the determination of this proposal.
42. In determining this case I have placed little weight on CDC's HLSPS. I note above that this document was approved by members in February 2012 with the aim of setting out how housing land supply could be managed in the context of the acknowledged shortfall. However, it appears to be an entirely internally generated management document that has not been the subject of any public consultation. Moreover, while it may have resulted in some expressions of interest from developers of potential strategic sites around Banbury, it will shortly be superseded by the draft Core Strategy (CS). In these circumstances the HLSPS and the CS will not readily sit 'side by side', and the CS, a formally prepared Development Plan Document subject to formal consultation and eventual examination, will take precedence, even in draft form.

⁷ Appeal APP/C3105/A/11/2159619

The Planning Balance

43. CDC is unable to show a 5 year supply of housing land either within the district as a whole (only some 3.1 years) or within the sub-area of Banbury and North Cherwell (1.9 years). This is a marked under provision which weighs strongly in favour of allowing the appeal. This application is to be considered in the context of the presumption in favour of sustainable development. In the light of the guidance in para.49 of the Framework the policies for the supply of housing land in the adopted Cherwell Local Plan are clearly out of date.
44. Turning to the guidance on decision taking at para.14 of the Framework, as it is accepted that the proposal does not accord with the development plan, but certain relevant housing supply policies are out of date, 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 as a whole. This is not a case which is subject to a general Framework restriction under the terms of footnote 9.
45. A further factor which weighs in favour of the proposal is the provision of a higher than policy-required percentage of affordable dwellings, for which there is an acknowledged need, and the fact that conditions could be imposed which would ensure the early development of this site.
46. The following factors weigh against the proposal. The site lies within the countryside and its development is accepted as being contrary to the approved development plan. I conclude that the location of the appeal site is sustainable in terms of it being on the edge of a specified Category 1 rural settlement and in providing alternatives to the motor car as a means of access to the main urban centre of Banbury. However, I am not satisfied that the approach to the development of the appeal site as shown by the design and access statement and illustrative Masterplan represents the basis of good design here and, in the light of the guidance in paras.7 and 56 of the Framework I am not able to conclude that the proposals overall constitute sustainable development.
47. I am satisfied that this is not a development that could be said to be of strategic scale in the context of Banbury/North Cherwell. It is, however, of significant scale in the context of Adderbury. APC indicated a wish to produce a neighbourhood plan but accept that this will have to accord with the terms of the emerging CS, a draft of which is due to be published shortly. This plan-led approach is strongly supported by the guidance at para.17 of the Framework which seeks to empower local people to shape their surroundings.
48. I conclude that this is important in the context of Adderbury for two reasons. Firstly, irrespective of the difficulties that CDC has encountered in achieving an urban-centred supply of housing land in Banbury, Adderbury has made a more than adequate contribution bearing in mind that it appears to have provided within the first 6 years of the draft Core Strategy plan period sufficient sites for the anticipated supply of housing in the village for the whole of the plan period, although I accept that these are not maximum figures. This is not a village community opposed to development per se.
49. Secondly, it is clear from both the earlier and current expressions of interest in sites around the village that the appeal site is not the only site that needs to be considered. At this point in time it is not possible, on the evidence before this inquiry, to say which site or sites should come forward, and as I have noted

above, there are also clear uncertainties as to the scale of development that would eventually occur in this western part of the village if planning permission were to be granted for this proposal now. It would also clearly conflict with the guidance at para.17 of the Framework given that this proposal is currently not supported by the local community.

50. I have considered all other matters raised but my overall conclusion in this finely balanced case is that the obvious benefits of providing an additional 65 dwellings in the short term, including affordable housing, are outweighed by the dis-benefits I summarise at paras.46 - 49 above and that the appeal should be dismissed.

E A Simpson

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis of counsel

Instructed by Ross Chambers, Solicitor, Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

He called

Caroline Eve Roche
BA(Hons) MA MRTPI

Planning Officer, Major Developments Team,
Cherwell DC

David Robert Peckford
MA MRTPI

Senior Planning Officer, Strategic Planning and
Economy, Cherwell DC

FOR THE APPELLANT:

Sasha White of counsel

Instructed by Kemp & Kemp Property Consultants, Elms Court, Botley, Oxon OX2 9LP

He called

Jeremy Nigel Smith
BSc(Hons) Dip.LA CMLI

Executive Director, SLR Consulting Ltd.

Steven John Sensecall
BA(Hons) Dip.TP MRTPI

Partner, Kemp and Kemp Property Consultants

INTERESTED PERSONS:

Cllr.Rick Atkinson

Adderbury Ward Member – Cherwell DC

Cllr.Mike Dolamore MBE

Adderbury Parish Council

DOCUMENTS

- 1 Lists of persons present at the inquiry
- 2 Notice of inquiry dated 2/3/2012 and list of addressees
- 3 Folder of letters received.
- 4 Statement of Common Ground
- 5 Copy – signed S.106 Agreement
- 6 Proof of evidence of Ms.Roche
- 7 Appendices to proof of evidence of Ms.Roche
- 8 Proof of evidence of Mr Peckford
- 9 Appendices to proof of evidence of Mr Peckford
- 10 Proof of evidence of Mr Smith
- 11 Appendices to proof of evidence of Mr Smith
- 12 Proof of evidence of Mr Sensecall
- 13 Appendices to proof of evidence of Mr Sensecall
- 14 Copy of Statement by Cllr.Atkinson
- 15 Copy of Statement by Cllr.Dolamore
- 16 Notice of Refusal and Plan – Application 10/00512/OUT – Residential Development on Land North of Milton Road, Adderbury
- 17 Notice of Decision (Grant) - Application 10/00508/OUT – C.o.U to Recreation of Land North of Milton Road, Adderbury
- 18 Corrected Statement of Support from Oxfordshire County Council for draft S.106 Agreement under covering letter dated 16 April 2012.

PLANS

- A Bundle of 6 application plans Drawing Nos.L01, SK08-B, SK08-D and 17 - 19
- B Expression of Interest Housing Sites AD1 – AD13 – Adderbury + BL14
- C Site boundary - Cotefield Farm, Bodicote

-----*-----