



Appeal Decision

Inquiry held on 7-10 and 21 July 2026

Site visit made on 9 and 10 July 2026

by Stephen Wilkinson BA, BPI, Dip LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2026

Appeal Ref: 6005108

Land west of Little Smiths Farm, Drayton, OX14 4JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Edward Leeson against the decision of Vale of White Horse District Council.
 - The application Ref is P25/V0180/O.
 - The development proposed is for the erection of up to 31 dwellings with associated means of access, car parking, public open space, landscaping, sustainable drainage system (SuDS) and associated infrastructure (all matters reserved except for access).
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for the erection of up to 31 dwellings with associated means of access, car parking, public open space, landscaping, sustainable drainage system (SuDS) and associated infrastructure (all matters reserved except for access) at land west of Little Smiths Farm, Drayton, OX14 4JP in accordance with the terms of the application, Ref P25/V0180/O, and the plans submitted with it, subject to the conditions in the attached schedule

Preliminary Matters

2. For the purposes of this appeal the Development Plan comprises the Vale of White Horse Local Plan 2031(2016) Part 1 (LP1), Strategic Sites and Policies (2016) and Part 2, Detailed policies and Additional Sites (2019) (LP2) and the Drayton Neighbourhood Plan (DNP) (2015).
3. During the Inquiry the appellant confirmed that the appeal had been lodged on behalf of Eagle One Homes Limited.
4. Parties were consulted following the publication of the revised National Planning Policy Framework (the Framework) issued on 17 August 2026. Comments received have been taken into account in this decision.
5. The Council is preparing a Joint Local Plan (the JLP) with South Oxfordshire District Council which was submitted to the Secretary of State on 9 December 2024. Following an interim report by the Examining Inspectors, hearings have commenced. Its draft policies were not referred to by the parties during the Inquiry although background evidence on the housing land requirement was. I accord this emerging plan only limited weight.
6. The Dovecote Residents Association and Residents First CIC were granted Rule 6 status (the R6 party).

7. The application was submitted in outline with all matters reserved apart from access. A set of revised plans were submitted with the appeal following the receipt of further information on land ownership. The change involved a minor alteration to the site's southern boundary. Given the small scale of this suggested change I am satisfied that no party will have been prejudiced. The revised plans on which the decision is made are; location plan 2409 200B, parameter plan 2409 228B, illustrative open space plan 2409 SK002A and illustrative masterplan 2409 220H.
8. A draft S106 Agreement was presented in advance of the Inquiry. A completed Agreement dated 30 July 2026 was received after the Inquiry. This is discussed in this decision.

Main Issues

9. In advance of the Case Management Conference, held on 11 May 2026, the Council indicated that it would not defend its second Reason for Refusal relating to the impact of the existing sewerage treatment works on the living conditions of future occupiers of the appeal site. Accordingly, the main issues on which this decision is made are:
 - Whether or not the Council has a policy compliant housing land supply,
 - The location of the appeal scheme having regard to the settlement boundary and any conflict with the spatial strategy of the Development Plan, and
 - Whether there is sufficient infrastructure to support the appeal proposal.

These matters will be taken into account in determination of the planning balance.

Reasons

ISSUE 1

Housing Land Supply

10. The parties differ on three elements of how housing land supply is calculated. These relate to whether the housing requirement for the City of Oxford should be included in that for the district for the purposes of planning decisions, the contribution that specific sites make to the supply and the operation of a discount allowance to address the non-implementation of permissions.
11. The Council and Appellant agree that given the age of the Development Plan the District's local housing need (LHN) is based on the standard method. There is a policy requirement that Council's should maintain a five-year housing land supply (5YHLS). The assessment period is from 1st April 2025 to 31st March 2030 and the housing requirement is 4,982 dwellings (including a 5% buffer) or 996 dwellings per annum (dpa).
12. However, the parties do not agree on the supply. The Council's position is that there is 5.34 years housing land supply (YHLS) whereas the appellant adopts a series of positions based on their analysis of sites and an allowance for non-implementation. These vary from its primary position of 3.63YHLS but they advance a secondary position of 3.27 YHLS. They acknowledge however that a range between these figures may also be appropriate.

Unmet need of Oxford City Council

13. The Council is one of the Oxfordshire Districts included in a Strategic Housing Market Assessment (SHMA) required to accommodate part of the housing demand for the City of Oxford. This was agreed through a Memorandum of Cooperation in 2016 and is included in policy LP2 CP4a. The requirement is for 2,200 dwellings (183dpa) for the local plan period up to 2031. The requirement to address Oxford's housing need is retained in the emerging Joint Local Plan.
14. Given the age of their respective Development Plans both the Council and Oxford calculate local housing need using the standard method. This is consistent with Annex D to the Framework. There is no basis in policy for including the unmet need of Oxford in the Council's housing requirement. The Council has been consistent in adopting this approach since its review of its adopted policies¹ until it received the revised local housing need figure in December 2024.
15. The emerging JLP retains the housing requirement for Oxford on the basis that large-scale allocations should be appropriately planned with strategic infrastructure. I am satisfied that planning for such growth should be accounted for through the Local Plan process and not addressed through the development management process.
16. A distinction can be made between the circumstances underpinning the judgement in the Dorchester Living case² concerning a Development Plan of which one part was out of date and the other less than five years old and the case before me. This is not the situation in this appeal. The Council's approach by negating the requirement for Oxford through the Development Management process does not undermine the Government's commitment to deliver 1.5m new homes within this Parliament. This is being planned for in its JLP.
17. LP2 identifies that Oxford's unmet housing need should be directed towards the Abingdon on Thames and Oxford Fringe sub area (the sub area) given its public transport infrastructure and linkages to the city. Supporting text to LP2 policy 4a identifies that the Council's approach is not designed to ring fence allocations to meet Oxford's unmet need within the district but instead this should be addressed through a combination of strategic allocations across the district.
18. The Examining Inspector's report for Part 1 of the plan highlights the difficulties involved in attempting to identify the 'origin' of residential occupiers of housing in the sub area between the District or Oxford.
19. This is recognised by both parties³. I acknowledge that to achieve balance in this equation removal of the Oxford requirement would require a limited decrease in the supply of housing attributed to sites allocated in the sub area. Given the difficulties inherent in this process the removal of dwellings from the supply to reflect those which may be occupied by residents from Oxford is a notional exercise in the absence of any agreed planning framework but the appellant's suggestion that the entire supply should be discounted from three sites lying within the sub area,

¹ CD7.03

² High Court judgement Dorchester Living v SSLUHC [2024] EWHC 2332 (Admin)

³ Statement of Common Ground para 5.16

amounting to 173 dwellings is excessive. It would not account for those residents in these sites who had moved from within the district and not from Oxford.

20. I accept however, that a proportionate reduction in dwellings located on these three could be made but it would only lead to a limited reduction to the overall supply. I acknowledge that this approach appears to be counter to that adopted by an Inspector colleague in the Sunderland Road decision⁴, but I am unaware of the evidence which informed his conclusions in that case.
21. I have considered the Council's argument that the revised housing projections included in the JLP are lower than those included in the LHN as measured by the standard method but this is a matter for Examination at the JLP and not for determination through this decision.

Disputed housing sites

22. The calculation of the five year housing land supply (5YHLS) represents a snapshot in time based on the evidence of the main parties. For this decision the assessment period runs from 1.04.25 until 31.03.2030. The parties differ on how national and local factors determine the health of the development market. Whilst I acknowledge that the Council has a track record of delivery with Housing Delivery Test (HDT) scores of 177%, 193% and 192% for the last three years, this cannot be relied on as a marker of future delivery. The financial reports submitted by the Housebuilding Companies attest to this issue given the gravity of emerging international conflicts and their impact on costs, interest rates and buyer confidence. For this reason, I have altered some of the suggested trajectories. My assessment is based on an analysis of prospects for housing delivery specific to each site.
23. The Glossary to the Framework requires that sites have a realistic prospect of development within five years and identifies two categories summarised as follows:

Category a) have detailed planning permission where there is a presumption that they will be delivered unless there is clear evidence that homes will not be delivered, and

Category b) includes sites with outline planning permission but should only be considered deliverable where there is clear evidence that homes will be delivered within the five year period.
24. The difference between the parties is 1,008 dwellings.

Category A sites

885 Westview

25. Both parties agree that works have lawfully commenced. The Council's evidence indicates that there has been no progress since July 2019 when a Lawful Development Certificate was issued. I consider that this site should be retained in the supply as there is no clear evidence that it will not be delivered. The delay is not sufficient evidence to merit deletion from the Council's figure.

1022 Greensands

⁴ APP/ P0240/W/18/32192133219213

26. This is a brownfield site with the benefit of outline planning permission granted on appeal in 2017 for 75 units which includes ten units of specialist housing. Applications for RM for the specialist housing have been approved and the units have been completed. A further application for RM for the remaining dwellings was allowed on appeal in January 2021. I accept that the permission remains extant although it is understood that there is still an outstanding planning condition in respect of land contamination.
27. A fresh planning permission is anticipated from the new site owners although nothing has been received. Even allowing for the Council's own suggested lapse period from the time of the submission of an application to the commencement of development of around 2 years the completion of 65 dwellings over two years as the Council's trajectory suggests would be unlikely. Whilst I accept that homes will be delivered on this site within the assessment period there would be delays in delivery from the Council's suggested trajectory and for this reason **29 units** are deleted from the supply.

1055 Long Reach

28. This site has been included in the Council's trajectory since 2019. A lawful Development Certificate confirmed that demolition had been carried out and that the approved access had been 'pegged out'. Despite the lack of progress to date the site should be retained as there is no clear evidence that homes will not be delivered within the assessment period.

1178 Ferndale Street

29. Several conditions have not been discharged covering surface water, foul drainage and arboricultural matters. The appellant considers that the passage of time indicates that the site should not be included in the supply. The Council's survey evidence which includes Building Control records, an officer survey and aerial imagery identifies that works were underway in April 2025. The site should be retained in the supply.

1356 Land of Oxford Road

30. The Council state that demolition of the existing dwelling, evidenced by a Building Notice and officer survey had been completed in 2023 following the grant of permission earlier in the year. The Appellant states that this is insufficient. However there is no evidence that the dwelling will not be delivered.

1455 Grange Cottage

31. The parties have starkly contrasting evidence on whether the two dwellings have been completed. The Council relies on the receipt of a Building Control Notice dating from October 2023, a month before the expiry of the permission and whilst the appellant states that this is insufficient evidence I find that the Council's evidence is to be preferred.

1469 18 Market Place

32. Permission was granted for a single dwelling in November 2020. The Council's evidence includes a CIL form, dated 26 February 2021 and a Building Control Notice demonstrating that works had commenced in advance of expiry of the

permission. Whilst the appellant states that permission has not commenced no clear evidence is presented to counter that of the Council.

1489 Bow Bank

33. Permission was granted in January 2021 and the Council's evidence of both a CIL form, Building Control Notice and Google earth imagery demonstrates that building materials were on site in July 2023 and June 2024. The appellant contends that works had not commenced but offers no clear evidence. The Council's evidence on this is to be preferred.

1639 Wootton Business Park

34. The Council included this site in the supply given that it had an extant permission for an office and 58 dwellings. Whilst the office has been completed (evidence that the scheme has commenced) none of the dwellings have and a new application for offices has been recently granted conditional permission on the site of the housing included in the original permission. Three conditions attached to this second permission have been discharged. Whilst the prospects for this site contributing to housing supply maybe frustrated there is no clear evidence which would support the appellants contention that homes will not be delivered as housing delivery remains a possibility.

1642 Land at Kiln Lane

35. The Council accept that the planning permission for the development of seven units has now expired. Accordingly, **7 units** should be deleted from supply.

1685 Home Farm

36. The Councils evidence which includes a BCN and Google Street Earth demonstrates that construction is underway. Whilst progress has been slow and a further permission has been granted the appellant has not provided evidence to demonstrate why an adjustment is necessary from the Council's supply.

1726 Land south of Park Road

37. The dispute between the parties relates to whether the permission granted for 60 self contained flats is for Class C2 or C3 accommodation and accordingly how many units will contribute to the supply. Through the application of a standard metric the contribution to supply would reduce from 60 to 32 units if this is a C2 scheme.
38. Throughout the officer's report on this application there are consistent references to the scheme being an extra care facility although the description of development indicates that this could be within Class C2 or C3. The Design and Access statement identifies that whilst all units are self-contained they would allow needs to be tailored to residents as they age. The floor plans indicate that the only shared facilities are for three rooms for communal living, dining and 'activities'. These communal facilities are modest in scale given that 60 self-contained units designed to accommodate up to 120 residents are proposed. I conclude that the site is for 60 dwellings within Class C3.

1740 3-7 Marlborough Street

39. The appellant revised the suggested trajectory from three to six units of the nine permitted. However, given that the site is under construction I find that this is not a compelling argument to reduce all of the permitted dwellings from the supply given that there are over three years of the assessment period remaining.

1745 Land at Fernham Road

40. This permission for **8 dwellings** expired on 12 May 2026 with no evidence of any building works commencing. These units are therefore deleted from the supply.
41. Accordingly, **44 dwellings** should be reduced from the Council's Category A sites.

Category B sites

41 Land to the west of Great Western Parkway – phases 3P and 6T

42. This is a large site with outline permission for 4,000 dwellings. It is divided into sub areas with anticipated development phased and delivered by several developers. The Council's evidence identifies that reserved matters have been approved for 882 dwellings and that the rate of progress to date demonstrates that these will be delivered within the five-year period.
43. The differences between the parties relate in respect of two parcels within this large site and their anticipated trajectory of 525 dwellings. The Council, despite receiving suggested build out rates from two developers have increased these to reflect how well previous phases of development have been delivered. The assumptions which inform the Council's trajectory are speculative when compared to those suggested by the developers which reflect their local views of site development. Whilst the Council has determined Reserved Matters the developers' projections are to be preferred in this instance. Accordingly, I am reducing 90 units from phase 3P and 175 units from phase 6T.
44. Accordingly, **265 dwellings** should be deleted from the Council's supply to reflect a reduction in build out rates.

1237 Monks Farm

45. This is an allocated site and it is understood most of the site benefits from either outline or full planning permission. Despite concerns⁵ raised by the appellant on viability leading to a reduction in the amount of affordable housing a revised draft S106 Agreement includes a policy compliant amount of affordable housing. The Council's suggested trajectory for this site is based on developer evidence and that infrastructure matters have now been resolved. The applications for approval of RM were submitted earlier than anticipated and it is considered will be approved by the end of the summer 2026. Accordingly, the Council's figure is to be preferred.

1255 & 1256 North of Abingdon on Thames

46. The site has outline planning permission for 196 dwellings and applications for the approval of RM for a further 142 dwellings have yet to be submitted. The Council relies on evidence from sites across the district that it would take around 2 years from submission of applications for RM to building work commencing. However, whilst agents acting on behalf of the developers have indicated a programme for the submission of RMs for each phase resulting in all the dwellings being

⁵ CD11.47

completed within the 5 years the lack of progress to date on the approval of the RM means that the anticipated trajectory is likely to slip and for this reason the Council's suggested trajectory requires modification. **70 dwellings** should be deleted from the trajectory.

1270 East of Kingston Bagpuize

47. The site has outline planning permission for 660 dwellings including a 70 unit care home and detailed permission for road infrastructure. The Council is in receipt of a signed proforma dating from December 2025 from the developer confirming their intentions to submit applications for RM and a Sn273 application. This has been honoured and the sn73 application was programmed for decision on 22nd July. In this case the Council's projections adhere to the developers progress in addressing outstanding matters. Whilst this evidence is not supported by the appellant who considers that delays will occur when compared to the Council's evidence I am satisfied that the 140 dwellings will be delivered within the assessment period.

1636 Rogers Concrete

48. The site has outline planning permission for 85 dwellings on a brownfield site. A developer has been selected leading to amendments to the outline scheme included in a S73 application. This is likely to be determined over the summer. However, the application for RM remains outstanding. Whilst the Council has modified projections received from the developer on their suggested completion rates given that the Council has adopted its standard of around 2years from receipt of applications for RM until completions I anticipate that only 55 units could be completed in the period 2027/28-29/30. Accordingly, the appellants figure is to be preferred. **30 units** should be deleted from the Council's supply.

1735 Land at Crab Hill

49. This is a site allocation for 1,500 homes with outline permission for 1,534 units with RM approval for 1,213 of which 804 are complete.
50. The parties differ on the housing delivery trajectory for just one phase located in the south-west part of the site. The Council's latest figures are based on a proforma partially completed by the developer earlier this year which demonstrates their intention to submit applications for RM by October 2026. Given the Council's standard lead in times from submission to commencement of completions of just under two years it anticipates that up to 130 dwellings would be completed within the assessment period. Even allowing for the Council's moderated position⁶ there would be a build period of around 20 months until the end of the assessment period. I regard these figures as over optimistic and accordingly the trajectory should be amended to remove **65 dwellings** from the supply.
51. Accordingly, **430 dwellings** should be reduced from the Council's Category B sites as not all of the dwellings would be delivered on the sites within the assessment period.
52. In conclusion overall **474 dwellings** should be removed from the Council's supply.
53. In the calculation of the supply of housing land derived from just these sites I find that the supply amounts to around 4,850 dwellings rounded to 4.9YHLS.

⁶ Rebuttal Appx

Allowance for non delivery

54. The appellant has included in their supply figure a percentage discount for a non-implementation or lapse rate to account for the expiry of permissions. There is no evidence before me to support this approach which importantly it is not advocated by the Framework or the PPG. Whilst I acknowledge that some of my Inspector colleagues have agreed a percentage discount this may reflect the evidence before them.
55. The definition of 'deliverable' included in the Glossary to the Framework does not refer to a non-implementation allowance but the assessment of supply through the application of the two distinct categories of sites requires the decision maker to explore the prospects for their delivery. As demonstrated above this has identified that whilst some sites were appropriately included in the assessment period included in Category a), their permissions have expired before implementation.
56. For these reasons I am satisfied that the application of an allowance would lead to unnecessary and unjust reduction of the Council's supply figures. Accordingly, no reduction from the Council's supply figure is to be assumed on this basis.

Conclusions on HLS

57. I find that the Council has a 5YHLS of around 4.9 years. In arriving at this figure I have not included an allowance for /non delivery for the reasons stated above. Neither have I calculated a specific figure for the number of dwellings which should be discounted from the supply for Oxford.
58. Whilst the Council advance an argument that the JLP now identifies that the LHN based on the standard method is presently higher than the figures anticipated in the JLP I am only concerned with the supply figures before me.
59. Even if I were to make further reductions in supply from the three sites identified by the appellant to account for the unmet needs of Oxford this would result in only marginal reductions to my supply figure. There would be no change to my conclusions on this issue that the Council does not have a policy compliant amount of housing land.

ISSUE 2

Location of the appeal site

60. The appeal site comprises two small fields of 2.53ha⁷ and includes a northern extension to provide for access through Bisby Close which in turn links through to the junction of Halls Close with the High Street. The two fields are currently cropped for hay and divided by an access track serving Little Smiths Farm which lies to the east.
61. Boundaries to the west and north comprise thick tree belts beyond which are recently completed residential developments at the Dovecote and Bisby Close. The site's southern boundary is tree lined with lengths of high hedge along the Bridleway 192/1/20, Drayton East Way, used as a pedestrian/cycle way beyond which are arable fields.

⁷ The inclusion of the access through Halls Close and Bisby Close within the site boundary extends the site's area to around 2.64ha

62. Policy LP1CP3, Identifies Drayton as a 'Larger Village' within the settlement hierarchy, characterised by a more limited range of employment, services and facilities than Service Centres and Market Towns. The policy requires that unallocated development, such as the appeal scheme, will be limited to providing for local needs, employment, services and facilities within local communities. 'Local' is not defined in this policy but the hierarchy of settlements indicates that development should be proportionate to their size and function. In this respect development in larger villages is required to support their vitality and sustainability and local services⁸ and not the needs of the wider District.
63. Policy LP1CP4 includes a presumption in favour of sustainable development located within the existing built-up area of each settlement type including Larger Villages. Whilst the policy allows for development beyond built up areas this should only be through allocations included in the Development Plan which should be adjacent or well related to the existing built-up area of the settlement or meet exceptional circumstances. Consistent with this, the policy specifies that development in open countryside will not be appropriate unless supported by other relevant policies of the Development Plan. The appeal scheme conflicts with this policy given that it is not an allocated site. The appellant has not made an explicit needs case to address the exception included in this policy.
64. The DNP includes at policy P-LF2 a defined settlement boundary. Given that this does not embrace the allocated sites and other more recent developments it is out of date. The policy seeks to restrict ribbon development along the roads serving the village. The appeal scheme does not conflict with this policy.
65. Policy LP1 CP8 identifies the sub-area strategy to address Oxford's unmet needs based around strategic allocations and whilst there is no housing allocations included for Drayton the policy identifies it as having a strategic employment site. The policy is refined by policies LP2 CP4a and CP8a which include five additional housing allocations to address Oxford's unmet need. Although Drayton is located within the sub-area it is not one of the larger villages which has an allocated housing site. However, whilst the appeal scheme does not comply with the sub area strategy, policy LP2 CP4a allows some development to come forward through the Development Management process as long as it is supported by other policies.
66. Drayton includes services and amenities consistent with its designation as a 'larger village'. These include a post office, public house, convenience store and primary school. The site's location allows access to these by walking or cycling. The village is serviced by two bus services, the 34 and X2 which provide connections to local centres including Wantage, Harwell Campus, Didcot, Abingdon and Oxford.
67. Despite its location in relation to shops and services and the existing built-up area the appeal site lies in open countryside and is not included in any site allocations. The appellant has not advanced a case to justify the scheme based on a need to maintain the vitality and sustainable of local services. Accordingly, I conclude that the appeal scheme conflicts with policies LP1 CP3 and CP4 with limited conflict with policies LP1 CP8 and LP2 CP4a and CP8a given that housing on windfall sites⁹ in the sub area may be allowed through the Development Management process.

⁸ LP1 figure 4.1 page 39

⁹ Defined in the Glossary to the Framework as sites not specifically identified in the Development Plan

ISSUE 3

Infrastructure

68. The Community Infrastructure Levy (CIL) Regulations 2010 include tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind. The Council submitted a CIL compliance schedule which references the S106 Planning Obligations SPD with additional comments from the County Council which together identify how each suggested obligation is consistent with its adopted policies and the requirements of the Regulations.
69. Whilst not being a party to the S106 Agreement the R6 party contributed to the roundtable discussion raising concerns on the planning merits of several areas of the draft Agreement concerning the proposed areas of public open space within the scheme. These concerns can be summarised as:
- the proposed stewardship model given that management may be split between the Parish Council and a Management Company,
 - limiting the liabilities of occupiers for public open space on transfer
 - the governance of the management company, and
 - transparency of the estate management.
70. The scheme before me is in outline and consideration of these matters is premature at this stage of the planning process. Whilst the completed Agreement provides an opportunity for the Parish Council to manage one area of public open space this has not been finalised, and it would be inappropriate to require the Agreement to resolve concerns on a stewardship model at this point. Furthermore, the liabilities of occupiers, governance and estate management issues are more likely to be determined on transfer of the site from the appellant to the housebuilder and then on sale to individual occupiers. Obligations designed to address these concerns on third parties who are unknown at this stage would not be enforceable. I find that the key principles included in policy DP3 of the Framework would not be undermined by the structure of this S106 Agreement.
71. The S106 Agreement includes a series of covenants in favour of the County and District Councils.

Obligations in favour of the County Council

72. These include highway improvements for the provision of a pedestrian footway along the eastern edge of Halls Close and an uncontrolled pedestrian crossing on the High Street. These measures will require a Traffic Regulation Order.
73. An obligation covers a contribution of £41,106 for local bus services and a further contribution of £25,000 for Public Rights of Way (PRoW) directed to Drayton East Way and other PROWS in the area. These obligations are consistent with the Regulations in seeking to enhance existing infrastructure given the increase in residents occupying the site and would support modal choice. They are consistent with the County's Local Transport and Connectivity Plan.

74. Given the site's location allowing access to a range of transport modes to shops and services I consider that the obligation within Schedule 10 requiring payment of £200.00 for each dwelling for Green Travel vouchers is unnecessary.
75. Other obligations include a contribution of £333,416 to the provision of secondary education and a further £35,411 towards Special Education Need provision. A Statement of Common Ground identifies that both parties accept the suggested contributions. These contributions are derived from the County's estimates for school building costs and would be directed to schools in the Abingdon area. Furthermore, they are supported by the County's standard formula based on child yield arising from the occupation of 31 dwellings. These contributions are consistent with LP1 CP7 in respect of infrastructure being necessary and proportionate to the need arising from the appeal scheme.
76. Other obligations in favour of the County require a payment of £3,158 towards household waste and recycling. These reflect the County's obligations for the management of waste and are necessary.
77. The County's standard monitoring fee of £5,992 is included as an obligation to ensure that all obligations are tracked and accounted for. This is appropriate.

Obligations in favour of the District Council

78. The Agreement includes an obligation requiring that 35% of all dwellings are affordable as defined by the Glossary to the Framework and with a tenure mix consistent with the Council's housing needs. This would lead to the provision of 10 dwellings on site and requires a financial contribution of £137,937.00 for that part of a single dwelling which cannot be provided. This is linked to an open market value of a house in the area. These obligations are consistent with policy LP1CP24.
79. Within the scheme obligations require that 15% of the site area is laid out as public open space. This will include the provision of a play area likely to be a locally equipped play area or LEAP which will be offered to the Parish Council for public management. This is consistent with LP2DP33 and is supported by policies DEV5 and DEV6 included in the Supplementary Planning Document (SPD) 2021. The Agreement allows for a contribution of £30,000 in the event that public open space and the play area is transferred to the Parish Council.
80. The S106 Agreement requires the provision of waste bins for each dwelling at a cost of £226.00 This is consistent with policy DEV15 of the SPD and is clearly proportionate and directly related to the development. Other obligations are included for Street Numbering at £281.00 per 10 dwellings.
81. Consistent with policy LP2 DP20 and policy DEV20 of the SPD, obligations include financial contributions for off site public art of £409.00 per dwelling together with a maintenance fee for a period of 15 years.
82. There are several monitoring fees including for the BNG of £9,617.29, and other District Council monitoring fees of £1,836. This a composite figure and is in accordance with the PPG¹⁰.
83. The S106 Agreement allows for a series of enhancements of existing habitats and creation of additional ones on the site in existing hedgerows and through the

¹⁰ REF: 036Reference ID23b-036-20190901

creation of species rich grassland, ponds and other semi natural habitats which will be secured through a Habitat Management Plan for 30 years. The extent of 'off site' provision will be addressed on approval of RM. These measures are necessary and consistent with the Environment Act 2021.

84. I conclude that the obligations would provide for the infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude, I am satisfied that each of these obligations fall within the provisions of Regulation 122(2) of the CIL Regulations.

Other Matters

85. The Council and Interested parties have raised several matters which whilst not forming reasons for refusal require addressing. These relate to Heritage, Best and Most Versatile Agricultural Land, Landscape, Highways and the impact of the local sewerage treatment works on living conditions and the impact on the capacity of the local primary school.

Heritage

86. LP1 policy CP39 seeks to preserve and enhance heritage assets and LP2 policies DP36, DP37 and DP38 require development to preserve the significance of heritage assets with specific reference to the setting and appearance of Conservation Areas and the setting, architectural and historic significance of listed buildings.

Drayton Conservation Area (the CA)

87. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
88. Drayton CA is itself a designated heritage asset designated in 1969 and covers the historic core of the village centred on the High Street. Only the proposed access by Halls Close lies within the CA and the body of the appeal site lies around 130m to the south. The CA includes a broad range of buildings dating from the seventeenth century within a historic street pattern. Its significance is derived from its historic relationship with the surrounding farmland. The High Street's grassed verges form an element of the CA's character.
89. In terms of the setting of the CA the body of the appeal site makes only a limited contribution to the significance of the CA due to its location behind housing in both Halls Close and Bisby Close. The rural setting of the site has already been compromised by the development of Bisby Close which significantly restricts views towards the CA.
90. However, there would be direct impacts arising from the proposed pedestrian footway along the edge of 44 High Street involving the removal of an existing grassed verge. The existing verge appears to have been created on the development of Halls Close in the late twentieth century and makes only a limited contribution to the significance of the CA. Accordingly, the loss of the verge would result in less than substantial harm to the CA at this point.
91. The harm I have found, expressed in the terms of the Framework, would be at the lower end of less than substantial, but nevertheless of great weight. The extent of

this harm should be weighed against the public benefits of the appeal scheme. I return to this later in this decision.

Listed Buildings

92. In respect of the impact of the proposed scheme on the setting of listed buildings, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers, to have special regard to the desirability of preserving listed buildings or their setting. None of the assets would be physically affected by the appeal scheme with the effects limited to their setting. The Framework defines 'setting' as the surroundings in which a heritage asset is experienced.
93. Historic England's guidance (The Setting of Heritage Assets, Planning Note 3) advises that the setting itself is not a heritage asset. Its importance lies in what it contributes to the significance of the asset or the ability to appreciate that significance.
94. There are four listed buildings within the vicinity of the appeal site none of which have an historical relationship to it.

Parish Church

95. The Grade ii* Parish Church of St Peter, dates in part from the thirteenth and fourteenth centuries. Its significance derives from its architectural and historic and community value which arise from its relationship to the surrounding rural area.
96. The significance of the parish church derives from views from surrounding areas including the appeal site towards its tower. In the context of the site these views have been diminished by the recently completed housing scheme in Bisby Close and the extent of tree cover on the northern boundary. From within the site, only limited views of the top section of the church tower are possible; these would be unaltered by the scheme's development. Given this context the appeal scheme would have a neutral impact on the significance of the Parish Church.
97. Given the distance and the limited intervisibility between the Church and the site the appeal scheme would not undermine the significance of this asset which is principally contained within its immediate fabric and context as I have set out.

Manor House and barn

98. The significance of the Grade ii* Manor House lies in its architectural form and history probably dating from the mid fifteenth century with additions dating from the eighteenth and twentieth centuries. It includes communal and social values derived from it being a focus for the village and symbol of local society. Its edge of settlement location contributes to its significance as an ancient Manor related to surrounding farmland and the village.
99. Lying around 30m to the southwest of the Manor House is a Grade ii listed barn, dating from the early eighteenth century. Its significance derives from its vernacular architecture and materials.
100. These buildings both individually and together reflect the historic settlement pattern of Drayton in relation to its rural surroundings and are significant.

101. Whilst the appeal site lies within 200m of these two assets its location is within their extended setting which development could erode. There is, however, no evidence which identifies any historical relationship between them. Physically, there is an intervening belt of trees beyond which is residential development in Chiers Close and Bisby Close. These developments reduce the appreciation of its significance from an extended setting. Accordingly, harm arising from the appeal scheme on the significance of both the Manor and the Barn would be neutral.

56 and 58 High Street

102. These buildings were originally built as a farmhouse but now occupied as a single dwelling included as single Grade ii listed heritage asset. This asset's value is derived from it being a historic farmhouse dating from the eighteenth century. Its significance is derived from its vernacular design and use of materials comprising brick and with an old plain tile roof and also from its location at a bend in the High Street which makes it prominent in views within the CA. However, it does not have any intervisibility with the appeal scheme and there is no record of historic links to the site. The appeal scheme would have a neutral effect on this asset.

44 High Street

103. This is a Grade ii listed building dating from the mid seventeenth century which includes period features including a Queen post roof with plain tiles. It makes an important contribution to the CA given its position on the High Street. The grassed verge along the flank of the property appears to date from the latter part of the twentieth century with no historical significance. Although it lies away from the appeal site the suggested highway works along the site's eastern boundary with Halls Close would result in a less than substantial harm to this building.

Conclusions on heritage

104. Policy HE6 of the Framework requires that substantial weight must be given to the asset's conservation and given the duties of the decision maker under S66(1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard is to be had to the desirability of preserving buildings and their setting and the character and appearance of the CA.
105. However, the harm I have found regarding the highway works on both the CA and 44 High Street, would be at the lower end of less than substantial, but nevertheless of great weight. This harm should be weighed against the public benefits of the appeal scheme. I do this later in this decision.

Best and Most Versatile Agricultural Land (BMV)

106. There is broad agreement between the main parties that the site comprises Grade 2 Agricultural Land. This classification identifies the site as within the Best and Most Versatile Agricultural Land as defined in the glossary to the Framework.
107. I acknowledge however that given the extent of Grade 2 Agricultural Land in the local area its loss to development would not undermine the extent of productive land. The proposed loss of BMV agricultural land conflicts with policy LP1 CP43 and is considered as part of the overall planning balance.

Landscape

108. The site lies in the Lowland Village Farms as defined in the Oxfordshire Wildlife and Landscape study and within the Local Character Area 80, Sutton Courtney, and the Landscape Character Assessment (2017) which identifies the site as lying within Steventon to Sutton Courtney.
109. Whilst the surrounding landscape shares many of the features of these designations which is a varied and gently rolling landscape of medium to large sized arable fields, the site comprises two small fields surrounded by hedgerows. It is accepted that the proposed development would make a significant impact on the site consistent with this form of housing development but harm arising would be limited to the site itself and development would be read as an extension of the existing settlement; there would be no wider landscape impacts affecting the designated landscape character areas.
110. The site's existing boundaries to the north and west comprise deep belts of shrubs and trees limiting views from the surrounding residential developments located in Bisby Close and the Dovecote. Whilst views from Little Smith's Farm would be significantly impacted the suggested mitigated planting could limit the extent of visual harm arising.
111. Whilst the site's eastern boundary is a post and rail fence to Little Smith's Farm beyond this is a broad band of mature trees. To the south from Drayton East Way the high and thick hedgerow almost reduce entirely all views into the site and just beyond the farm access, the hedge becomes gappy but landscaping within the site could limit views of the housing. Visual impacts from the site's development would be entirely contained.
112. For these reasons I find that the appeal scheme does not conflict with LP1 CP44.

Sewerage Treatment Works

113. The Council's second reason for refusal reflected concerns from Thames Water on the impact of the local sewerage treatment works (SWT) on the living conditions of future residents of the appeal scheme through odour, noise, external lighting and insect nuisance. Since the Council's decision the appellant has provided an Amenity and Odour Assessment demonstrating that these adverse impacts could be mitigated.
114. Accordingly, I find that the appeal scheme does not conflict with policy LP1 DP24 which requires that development is located appropriately.

Highways

115. Traffic generated by the appeal scheme would be around 16 vehicles per hour at the busiest period, the morning peak. Cumulatively when this amount is added to that generated by residential properties in Bisby Close and Halls Close there would be around 31 vehicles during this peak period. I am satisfied from the evidence before me that this can be accommodated on the existing highway network.
116. Suggested changes to the traffic infrastructure involving a footway of between 1.7-1.8m width along the east side of Halls Close and an unsignalled pedestrian crossing would benefit existing residents of both Halls Close and Bisby Close. The design of the proposal accounts for the Road Safety Audit completed as part of the

application. I am satisfied that these proposals would not prejudice highway safety and satisfy policy TR3 of the Framework.

117. I acknowledge concerns from interested parties over the potential impacts of construction traffic on highway safety. However, at this stage in the planning process it is not possible to understand the number, type and frequency of vehicle movements. A condition requiring full details of these matters together with appropriate measures designed to fully address highway safety is considered necessary and is included in the schedule of conditions attached to this decision.
118. For these reasons, I find that the appeal scheme would not conflict with Policy TR3 of the Framework.

Capacity of the local primary school

119. The County's Education team have not requested a contribution for primary education despite the site lying within the catchment of the local primary school. Despite a recent expansion in capacity required to accommodate larger year groups following recent housing growth it is already full in most year groups.
120. I recognise that the school does not have sufficient space to accommodate the additional children of primary school age who may live at the appeal site. However, whilst regrettable that there is a possibility that children may have to be educated beyond the village leading to increased use of the private car to enable access there is insufficient evidence before me that this amounts to a significant objection to the appeal scheme.
121. All of the above matters are taken account of in the overall planning balance.

Planning balance and conclusions

Benefits of the appeal scheme

122. The appeal scheme includes a range of benefits which are identified below:
123. Given my findings on housing land supply, I find that the provision of 20 market homes would make a contribution to in part address the undersupply of housing land across the district. Furthermore, the provision of 10 units of affordable housing together with a financial contribution could also address the affordability issue and the needs of people on the housing waiting lists across the district. It could also partially address the demand from Oxford given its location within the sub area.
124. A plan led solution to addressing this undersupply is likely to continue for several months with February 2027 identified by the Council as the earliest date for its adoption. Accordingly, I place substantial weight on the housing benefits of the scheme.
125. There will be economic benefits derived from both the employment of construction workers and through an increased spend in local shops and services from new households created by the scheme. These benefits would contribute to the local economy consistent with policy LP1CP3. The Framework recognises the importance of economic growth and I accord this matter moderate weight.
126. I recognised that the public open space provision at around just under half the site area would be a benefit of the scheme. However, this would make only a limited contribution to the open space needs of a broader catchment of local residents

given its relative self-containment. Accordingly, I give this matter only limited weight.

127. The site's location allows a choice of transport modes in how occupiers would access shops and services. This is a particular benefit of the scheme derived primarily from its location which I accord significant weight and means that the suggested Travel Plan would have a strong possibility of delivering modal shift. Furthermore, the programme of works proposed for adjacent highways would benefit residents of the whole village. Accordingly, I accord these improvements moderate weight.
128. The provision of 10% BNG is compliant with the Environment Act 2021. I regard this as meeting the minimum statutory requirements and is neutral in the planning balance. The fact that this site lies in flood Zone 1 is a function of the site and not of the proposed scheme and is accorded neutral weight.

Heritage balance

129. The analysis above demonstrates that of the five heritage assets, harms would affect just two, the Conservation Area and 44 High Street.
130. I find that the appeal scheme would lead to less than substantial harm to the significance of the CA, as a designated heritage asset. Whilst the harm would be less than substantial and lies within the low range of the scale of harm, I find that this would be overcome by the range of social, economic and environmental public benefits which are referred to above.
131. Given the limited scale of the proposed highway works to the verge along the east side of Halls Close, I find in this case, that any harm to 44 High Street would be less than substantial and lies within the low range of the scale of harm.
132. Nevertheless, less than substantial harm does not equate to a less than substantial planning objection and bearing in mind the statutory duty set out in the Planning (Listed Buildings and Conservation) Act 1990 the harm still attracts considerable importance and weight. However, I find that the extent of the harm arising in each case would be overcome by the range of economic, social and environmental public benefits arising from the scheme.

Conclusions

133. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case I have found that the appeal scheme conflicts with policies LP1, CP3 and CP4 with limited conflict with policies LP1 CP8 and LP2 CP4a and CP8a given that housing on windfall sites¹¹ in the sub area may be allowed through the Development Management process.
134. Annex A to the Framework identifies that the degree of weight to be applied to the policies of the Development Plan rests on the extent to which they are consistent with those of the Framework.
135. When read as a whole these policies require development proposals to be proportional to the size of existing settlements. The settlement strategy included in

¹¹ Defined in the Glossary to the Framework as sites not specifically identified in the Development Plan

LP1 CP3 accords with the essential thrust of the Frameworks policies which support sustainable patterns of development by reducing dependence on private transport. When read together with policy LP1 CP4 development will be allowed at Larger Villages but only through allocated sites and outside these sites, development in the countryside will not be appropriate unless specifically supported by other relevant policies in the Development Plan.

136. Policy LP1 CP8 establishes sub area strategies including one for Abingdon on Thames and the Oxford fringe. This reinforces the settlement strategy which in turn is refined by policies LP2 CP4a and CP8a with additional housing allocations to address the unmet need from Oxford. These include allocated sites at 4 Larger Villages but not at Drayton. However, policy LP2 CP4a does not allow for development in the countryside unless supported by other policies.
137. Policy S3 of the Framework includes a presumption in favour of sustainable development and includes reference to policy S5 relating to the principle of development outside settlements; Drayton falls within the definition of a settlement identified within Annex B and the site lies outside its built up area. Policy S5 is an important material consideration in the overall planning balance.
138. Policy S5 defines categories of development which should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when considered against the national decision-making policies included in the Framework. For residential development policy S5ji refers to whether development would address unmet need (evidenced through less than 5YHLS) and that it should be physically well related to an existing settlement.
139. The effect of this policy undermines the essential thrust of policies LPC3 and C4 and to a lesser extent policy LP1 CP8 and policies LP2 4a and 8a. Accordingly, I give only moderate weight to the conflict between the appeal scheme and these policies.
140. The appeal scheme would be consistent with policy S5 of the Framework in respect of addressing unmet housing need both for market and affordable housing given the 5YHLS position. Furthermore, my conclusions on both landscape and the site's connectivity by a range of transport modes are consistent with the site being well related to Drayton. There is no evidence before me to demonstrate that the scale of the scheme cannot be accommodated within existing infrastructure¹².
141. Although I find that the scheme's location on BMV agricultural land conflicts with policy N2 this is outweighed by the public benefits of the scheme. Harms relating to heritage assets are also outweighed by the public benefits consistent with policy HE6 and environmental and highway safety can be addressed through planning conditions and S106 Agreement.
142. Furthermore, the economic benefits would support local services and employment and there would be environmental benefits.
143. The scheme does not conflict with other policy areas other than by not being an allocated site in the countryside. However, its location does not undermine the principles upon which the Council's settlement strategy rests, in seeking a sustainable pattern of development. This together with the absence of

¹² Officer's delegated report

demonstrable harm undermines the Council's concerns that by allowing this scheme a precedent would be established.

144. I acknowledge that the Council has a successful track record of housing delivery, as evidenced through its Housing Delivery Test results for the last three years but the under supply of housing land runs counter to the Framework's objective to deliver a substantial increase in the supply of homes.
145. I conclude that in this instance the limited adverse impacts of the proposed scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework. As such the proposed development benefits from the Framework's presumption in favour of sustainable development.
146. In this case therefore, material considerations, including the Framework outweigh the conflict with the development plan as a whole and indicate that planning permission should be granted for development that is not in accordance with it.
147. The appeal is allowed and outline planning permission is granted subject to conditions and the completed S106 Agreement.

Conditions

148. The suggested conditions were considered during the Inquiry and since reviewed in the context of policy DM6 of the Framework and the Government's PPG. Their wording set out in the schedule below reflects that discussion. The appellant indicated they were content with the proposed pre commencement conditions. I am satisfied that through the Inquiry process the main parties have addressed the requirements of DM3c. The numbers referred to below relate to the corresponding condition in the schedule.
149. Whilst the Rule 6 Party suggests that a Community Liaison Framework (CLF) is included as a planning condition, I do not consider this would be necessary or proportionate for a site of this size which is likely to be delivered within a single phase. Policy DM6 of the Framework requires that planning conditions should only be attached to permissions where they are necessary, relevant, enforceable, precise and reasonable. I acknowledge the Rule 6 party's comments that the CLF would not be viewed as a 'gateway' designed to frustrate the delivery of the scheme but changes made to a number of conditions including condition 18 negate a requirement for this. Their suggested condition would therefore be unnecessary and potentially unenforceable given the involvement of unnamed third parties.
150. I have amended the standard conditions relating to the life of the permission and the submission of reserved matters (RM) (conditions 1 and 2) to expedite its implementation. This reflects the housing supply position. To provide certainty, the plans on which this decision is based (condition 3) are identified; these have been amended to reflect the revisions discussed at the beginning of the Inquiry.
151. I have imposed a condition regarding the proposed dwelling sizes to address local housing needs (condition 4) and consistent with this, condition 5 requires adherence to standards for space and accessibility.
152. To ensure that biodiversity enhancements are provided consistent with the ecological statements submitted with the appeal I have imposed condition 6 requiring that suggested enhancements are included with the applications for RM regarding layout and appearance. Consistent with this condition I have imposed

condition 16 in respect of the need for full details of updated ecological appraisals identifying amongst other things practical measures to protect local habitats. Other details required to be submitted at this stage include condition 7 for a lighting strategy designed to mitigate for local bat populations. For the same reasons condition 23 is imposed requiring that an arboricultural statement and tree protection plan is submitted. This could also assist in the protection of boundary screening.

153. To ensure that landscaping will be managed in a way which will lead to enhancements across the site in the long term and will be of an acceptable standard I have imposed conditions 8 and 9 requiring details of the management of open space within the site and the details of hard and soft landscaping. This addresses the Rule 6 party's concerns regarding boundary treatment and is consistent with policy DP4 of the Framework.
154. A series of conditions are imposed to ensure highway safety both during construction and after completion of the whole scheme. These include condition 10 in requiring details of cycle/pedestrian connections, full engineering details for the access (condition 17), and details for the off site highway works (condition 19).
155. I have imposed condition 11 requiring the submission of details of the location of the electric vehicle charging points within the site; this is designed to support sustainable modes of travel. To ensure that living conditions of future occupiers of the site will be protected, condition 12 requires a waste management plan.
156. Given the nature of the development on a greenfield site I have imposed a condition requiring the submission of details of a sustainable drainage scheme (SUDS) in order to avoid flooding across the site and land adjoining (condition 13) and for the same reason condition 15 requires details to be submitted for the realignment of the watercourse which lies on the northern boundary of the site. To ensure the efficacy of these proposed works a SUDS compliance report is required by condition 24 to ensure that the scheme has been built as required by the submitted drawings. Also to maintain effective drainage across the site I have imposed a requirement for the submission of details of a foul drainage system (condition 14). Consistent with a need to manage foul waste is a requirement for all sewerage upgrades to be completed in advance of the site's occupation given the additional demands arising from the scheme.
157. To protect the living conditions of surrounding occupiers during the construction programme I have imposed condition 18. This is extensive in scope in requiring the submission of details of a range of matters involved in construction. Whilst this does not include an option appraisal on means of access as the R6 party requested, I am satisfied that this has been fully considered by the Highway Authority consistent with policy TR6 of the Framework. Condition 26 requires details of the STW upgrades to protect the living conditions of the future occupiers of the site.
158. Conditions 20, 27 and 28 require land contamination surveys to be completed and appropriate action to be taken as a result of these surveys. I understand that this is required because of the area of made-up ground in the south of the site.

159. Conditions 21 and 22 are required to address the archaeological interest of the site given local records. Consistent with the Frameworks intentions to encourage modal choice I have imposed a planning condition requiring details of a residential travel pack (condition 25).

Stephen Wilkinson

INSPECTOR

Richborough

Schedule of Conditions

1. The development hereby permitted shall be begun no later than whichever is the later of the following dates:
 - a) the expiration of two years from the date of this permission; or
 - b) the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Within a period of two years from the date of this permission all of the reserved matters shall have been submitted for approval in writing by the Local Planning Authority. The reserved matters shall comprise the following details:
 - a. The scale of the development;
 - b. The layout of the development;
 - c. The external appearance of the development
 - d. The means of access, not approved by this permission, and
 - e. The landscaping of the development.

The development shall be carried out in accordance with the approved details.

3. Except as controlled or modified by conditions of this permission, the development hereby permitted shall be carried out in accordance with the details shown on the following approved plans:
 - Site Access Point and Forward Visibility Envelope (ref. P22-2021 Figure 3.1) (dated 15/01/2025)
 - location plan, 2409 200B,
 - parameter plan, 2409 228B,
 - illustrative open space plan, 2409 SK002A and
 - illustrative masterplan, 2409 220H.
4. The provision of residential accommodation (excluding affordable housing) across the site shall comprise:
5.9% one bedroom
21.7% two bedrooms
42.6% three bedrooms
29.8% four (or more) bedrooms

A variation will only be permitted if there is a demonstrable housing need for a different mix.

5. The reserved matters applications submitted shall contain full details of the space standards of all dwellings including meeting the following requirements:
 - a. All one and two-bedroom market dwellings shall accord with the Department for Communities and Local Government's 'Technical Housing Standards - Nationally Described Space Standard March 2015' as amended 19th May 2016 or any replacement Government standards.
 - b. 15% of market dwellings and all affordable housing shall be constructed to M4(2) Category 2 Accessible and Adaptable Dwellings as set out in the

Building Regulations Approved Document M: Access and Use of Buildings - Volume 1: Dwellings.

6. Concurrent with the first reserved matters application for layout and/or appearance, details (including specification, position, height, orientation) of a scheme of features to be provided for protected and priority species, shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed in conjunction with a suitably qualified ecologist and shall be based on Section 8 of the Ecological Appraisal report (Malford Environmental Consulting, dated 04 June 2025). Bird/bat boxes on buildings shall be integrated into the fabric of the development.

A minimum number of biodiversity enhancement features shall be provided onsite as follows:

- 30 integrated bird nest boxes for house sparrow *Passer domesticus* or swift *Apus apus*,
- 15 integrated bat boxes or access tile features (with appropriate bat-safe roofing membrane),
- six bat boxes on retained trees,
- eight bird nest boxes on retained trees, and
- one hedgehog fence tunnel within each length of close-boarded fencing or walling forming a plot boundary (arranged so that each plot is connected to at least two separate adjacent plots or to one other plot and open/public space as appropriate).

Thereafter, the development shall be implemented in accordance with the approved details. All features shall be provided prior to first use and shall be retained and maintained thereafter.

7. Concurrent with the first reserved matters application for appearance, layout or landscaping, a sensitive lighting strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall protect the conservation status of local bat populations, by:
- a) identifying those areas/features on site that are likely to be both sensitive for bats and vulnerable to disturbance from artificial lighting, including: known or potential breeding sites, resting places, foraging areas or important routes used to access key areas of their territory.
 - b) demonstrating that the design and siting of the proposed lighting installation will not disturb or prevent bats using the areas identified in a) (through provision of appropriate lighting plans, isolux contour maps and technical specifications)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy. Under no circumstances should any other external lighting be installed without the written approval of the local planning authority.

8. Concurrent with the reserved matters application for landscaping, a maintenance schedule and a long-term management plan (for a minimum period of 20 years), for the soft landscaping works shall be submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall include:
- a) Details of long-term design principles and objectives;
 - b) Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, street furniture within open spaces and any play/youth provision;
 - c) Management responsibilities and maintenance schedules for boundary features around the perimeter of the site;
 - d) A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible for the maintenance of the other areas of the site;
 - e) Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.

The schedule and plan shall be implemented in accordance with the agreed details.

9. Concurrent with the reserved matters application for appearance, layout or landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. These details shall include:
- a) Existing trees, hedgerows and other landscape features to be retained (noting species, location and spread);
 - b) Soft landscaping including a planting plan, to include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities)
 - c) Pit design for tree planting within streets or areas of hard landscaping;
 - d) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works;
 - e) Hard landscaping materials;
 - f) Locations and specifications for street furniture and minor artefacts including signs, seats, bollards, cycle racks, lighting columns, planters, refuse bins, play areas and equipment;
 - g) Existing and proposed services above and below ground;
 - h) The location and specification of all external and internal boundary treatments and means of enclosure including particulars of height, materials, brick bonds and fencing styles; and
 - i) an implementation programme.

The scheme shall be implemented in accordance with the implementation programme 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.

10. The reserved matters applications submitted shall contain full details of the connection onto the East Way bridleway to the south of the site. The approved connection shall be provided in accordance with the approved details prior to the occupation of the final dwelling.
 11. The reserved matters applications submitted shall contain full details of active provision of electric vehicle charging points (EVCP) which shall be provided as follows:
 - a. A minimum of 1 per household for each of the houses with on plot parking; and
 - b. A minimum of 1 per every 10 flats (with unallocated parking, or 1 for every dwelling if there are allocated spaces or garages).
 12. Concurrent with the first reserved matters application for appearance, layout or landscaping, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan shall include bin presentation points, bin stores (if applicable) and swept path analysis.
- Thereafter the development shall be carried out in accordance with the approved details.
13. No development shall commence until a detailed sustainable drainage scheme sufficient for the associated phase and any upstream catchments, has been submitted to and approved in writing by the Local Planning Authority. This shall be based on the principles outlined within the Flood Risk Assessment and Surface Water Drainage Strategy, REF: P22-2021 Rev E dated 12/06/2025 by Pegasus Group, sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

The scheme to be submitted shall include:

- Drainage Catchment Plans and outline strategy for the entire development;
- Information on proposed discharge rates with the overall discharge from the site restricted to 4.8l/s for the worst case 1 in 1yr storm and 4.8l/s for the worst case 1:100yr + 40% storm;
- A compliance report to demonstrate how the scheme complies with the Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire;
- Detailed hydraulic calculations including node references with consideration for the worst case 1:100 + 40% event based on using the latest FEH input data;
- Fully detailed sustainable surface water drainage layouts;
- Proposed site levels, floor levels and an exceedance plan;
- SUDS features and sections;

- Landscape plans with sustainable drainage features integrated and coordinated as appropriate;
- Drainage Construction Details;
- Maintenance and Management Plan covering all surface water drainage and SUDS features.

No building shall be occupied until the surface drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

14. No development shall commence until a detailed foul drainage scheme sufficient for the associated phase or sub phase and any upstream catchments, has been submitted to and approved in writing by the local planning authority.

No building shall be occupied until the foul drainage works to serve that section of the development has been carried out and completed in accordance with the approved details.

15. No development shall commence until a detailed design for the realignment of the existing watercourse flowing across the northern boundary of the site has been submitted to and approved by the local planning authority. The scheme should provide volumetric calculations on a level for level basis before and after to illustrate that there is no net loss of storage within the watercourse. Sections through the proposed watercourse should be provided.

No building shall be occupied until the realignment of the existing watercourse has been carried out and completed in accordance with the approved details.

16. No development shall take place, including vegetation clearance, demolition or ground works, unless and until a construction environmental management plan for Biodiversity (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Updated ecological appraisal shall be undertaken by a suitably qualified ecologist. Where previous ecological surveys are more than three years old, the appraisal shall assess whether existing survey information remains valid and identify any further survey work necessary to inform the CEMP and associated mitigation measures.
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of biodiversity protection zones.
- d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction. These shall include measures to (1) protect retained hedgerows, ditches and other boundary vegetation, (2) avoid harm to badgers, hedgehogs and other small animals during vegetation clearance and throughout the construction process; (3) time vegetation clearance and/or provide ecological supervision to avoid harm to nesting birds; and (4) clear vegetation sensitively to avoid harm to reptiles and common amphibians.

- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

17. Prior to commencement of any works, full engineering details of the access and (and emergency access and foot/cycleways) serving the site shall be submitted and approved by the Local Planning Authority. Thereafter, prior to occupation, the means of access road and foot/cycleways shall be laid out, constructed, lit and drained.

18. Prior to the commencement of development, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall include as a minimum:

- a) Measures to manage vehicle movements at the site access point.
- b) The operational times for deliveries and how this will be managed.
- c) Traffic management measures required for safe routes to site.
- d) Construction vehicle routing and route management,
- e) Wheel washing or other measures to prevent mud on the highway
- f) Details of temporary traffic management works as considered necessary by the Highway Authority, to facilitate safe access and egress by construction traffic including, but not limited to, the use of signage and banksmen
- g) Pre-commencement and post-completion highway condition surveys at and on the immediate approaches to the development's site access
- h) Measures to protect pedestrians and highway users
- i) Contact details for a named point of contact prior to and during the construction period, for construction traffic queries or complaints.

The approved CTMP shall be implemented prior to any works being carried out on site and shall be implemented throughout the whole construction period.

19. No development shall commence until a scheme for the off-site highway works has been submitted to and agreed in writing by the Local Planning Authority. These works include, but are not limited to:

- Proposed pedestrian footway along the eastern edge of the Halls Close carriageway linking to the High Street (B4016)
- Provision of an uncontrolled pedestrian crossing with dropped kerbs and tactile paving to the west of the Halls Close junction.

The approved works shall be implemented in full before the first occupation/use of the development or in accordance with a programme of implementation agreed in writing with the Local Planning Authority.

20. 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 such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 Investigation of potentially contaminated sites. Each phase shall be submitted to and approved in writing by the Local Planning Authority.

Phase 2 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 3 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.

21. 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.
22. Following the approval of the Written Scheme of Investigation referred to in condition 21, 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 programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved 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 within two years of the completion of the archaeological fieldwork.
23. Prior to the commencement of any site works or operations, including demolition and site clearance relating to the development hereby permitted, an Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include the following:
- a) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;
 - b) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;

- c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- d) The means of demolition of any existing site structures, and of the re-instatement of the area currently occupied thereby;
- e) The route and method of installation of drainage or any underground services in the vicinity of retained trees; consideration will be made to avoid the siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.
- f) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;
- g) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles within Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees" and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.
- h) Provision for the supervision of **ANY** works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

24. Prior to 90% of occupations, a SUDS Compliance report prepared by an appropriately qualified Engineer must be submitted to and approved by the Local Planning Authority. This must appropriately demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations). This report should as a minimum cover the following;

- Inclusion of as-built drawings,
- Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated,
- Details of any remediation works required following the initial inspection,
- Evidence that remedial works have been completed.

- Confirm details of any management company set up to maintain the system.

25. Prior to first occupation a Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

26. No development shall be occupied until confirmation has been provided that either:

- a. all sewage works upgrades required to accommodate the additional flows from the development have been completed; or
- b. a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied.

If a development and infrastructure phasing plan is agreed to be required no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

27. 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, in accordance with Policy DP27 of the adopted Local Plan 2031 part 2.

28. The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue until a programme of investigation and/or remedial works to include methods of monitoring and certification of such works undertaken. Where land contamination investigation/remedial works are required this must be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 Investigation of potentially contaminated sites and submitted to and approved in writing by the local planning authority.

End of Schedule

Documents

All documents can be found at the following link:

<https://valeofwhitehorse.planning-register.co.uk/>

Documents presented during the Inquiry

ID.1	Appellant openings
ID.2	Council Openings
ID.3	Rule 6 Openings
ID.4	R6 Party's speaking notes in Chief
ID.5	Summary Table of HLS
ID.6	Schedule of revised plans and plans
ID.7	Extracts from V3 of S106 Agreement
ID.8	Rule 6 summary schedule
ID.9	Summary schedule of disputed housing sites
ID.10	Email of 7 July 2026 from Ms E Wade, Parish Councillor
ID.11	Email of 6 July 2026 from Gary
ID.12	Appeal ref APP/X2220/W23/3324453
ID.13	Appeal ref APP/V3120/W/22/3310788
ID.14	Appeal ref APP/Q3115/W/23/3323268
ID.15	High Court judgement <i>Dorchester Living v SSLUHC</i> [2024] EWHC 2332 (Admin)
ID.16	HLS roundtable agenda
ID.17	Site visit itinerary
ID.18	Revised conditions dated 09.07.26
ID.19	Note on off-site BNG contributions
ID.20	Summary of S106 Obligations
ID.21	Rule 6 Closings
ID.22	Council Closings
ID.23	Appellant Closings

APPEARANCES

FOR THE APPELLANT:

Mr Robson of Counsel, assisted by Ms M Critchlow of Counsel instructed by Mr S Tofts, MPlan, MRTPI of Eagle One Homes Ltd called:

Mr R Grant BA(Hons), PGDip, MBA, MRTPI

Mr Rawlinson BA (Hons)

Mr E Leeson, Principal Planner Origin 3

Mr C Rawlinson Eurling BEng (Hons), CEng, MCIHT, CMILT

Mr A Madden LLB (Hons) Partner, Hugh James Solicitors

FOR THE LOCAL PLANNING AUTHORITY:

Ms Parekh of Counsel instructed by Vale of White Horse District Council called:

Ms H Reid BSc, MSc, MRTPI, MIED, Director, Lambert Smth Hampton

Mr M Reynolds BSc(Hons), MSc, MRTPI, Managing Director Context Planning Ltd

Mr A. Akram, Senior Transport Development Officer, Oxfordshire County Council

Ms S. Wright, Senior Planning Officer (Majors), Vale of White Horse District Council

Ms K. Chesterman, Senior Infrastructure Negotiator, Oxfordshire County Council

FOR THE RULE 6 PARTY

Nigel Billingham

INTERESTED PARTIES:

Ms E Wade, Councillor Drayton Parish Council