

**THE TOWN AND COUNTRY PLANNING APPEALS
(DETERMINATION BY INSPECTORS) (INQUIRIES PROCEDURE)
(ENGLAND) RULES 2000 (AS AMENDED)**

Appeal by

Gladman Developments Ltd

Relating to land off Peppard Road, Emmer Green

For an Outline Application for

Residential development of up to 245 residential dwellings (including up to 40% affordable housing), structural planning and landscaping, informal public open space and children's play areas, vehicular access from Peppard Road and Kiln Road and associated ancillary works. All matters reserved with the exception of the main vehicular access.

Statement of Case of

South Oxfordshire District Council

The Local Planning Authority

Appeal reference: APP/Q3115/W/17/3185997

Application reference: P16/S3630/O

12 December 2017

1.0 INTRODUCTION

- 1.1 This is the Statement of Case on behalf of South Oxfordshire District Council (the council), and provides a description of the case that the council will present at the forthcoming Inquiry which will start on 1 May 2018 and will sit for 4 days ending on 4 May 2018.
- 1.2 A Statement of Common Ground (SoCG) will be submitted subsequent to this Statement of Case. It is intended that the SoCG will contain an agreed description of the appeal site and its surroundings, the details of the proposed development, including the documents and plans comprising the appeal application, the planning history and background and the relevant planning policies. It will also seek to include an agreed list of suggested conditions should the Inspector be minded to allow the appeal and grant planning permission

2.0 APPEAL SITE LOCATION AND DESCRIPTION

- 2.1 The council's evidence will describe the appeal site and its surroundings. The characteristics and features of the site and its surroundings, with particular reference to the rural setting of Emmer Green will be described.

3.0 THE APPEAL APPLICATION

- 3.1 The details of the proposed development that is the subject of the appeal application, reference number P16/S3630/O, will be set out in the SoCG and referred to in evidence.
- 3.2 Reference will be made to the publicity of the application and the representations received.

3.3 The appeal application was refused at committee on 6 September 2017, contrary to officer recommendation, for the following reasons which were also set out in the decision notice dated 14 September 2017 and were as follows:

1. The application site lies in open countryside, outside any defined settlement boundary in the South Oxfordshire Core Strategy and the proposed development would represent a significant encroachment into the open countryside. As a result the proposal would detract from the undeveloped rural character and appearance of the site and its surroundings and the attractive landscape setting of the settlements in the district and would not comprise sustainable development as defined by local and national legislation. As such the proposal is contrary to policies CSS1, CSR1 and CSEN1 of the South Oxfordshire Core Strategy, policies C4, G2 and G4 of the South Oxfordshire Local Plan 2011 and Government Guidance within the National Planning Policy Framework.

2. In the absence of a completed S106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the district. As such, the development would be contrary to the National Planning Policy Framework and Policy CSH3 of the South Oxfordshire Core Strategy.

3. In the absence of a completed S106 legal agreement, the proposal fails to secure on and off site infrastructure necessary to meet the needs of the development. As such, the development would be contrary to the National Planning Policy Framework, Policy CS11 of the South Oxfordshire Core Strategy and Policies T1, R2 and R6 of the South Oxfordshire Local Plan 2011.

3. In the absence of a completed S106 legal agreement, the proposal fails to secure funding to mitigate the potential adverse effects of the

***proposed development to local wildlife sites in conflict with Section 11
(Conserving and enhancing the natural environment) of the NPPF.***

4.0 PLANNING HISTORY

- 4.1 There have been no planning applications on the site that are directly relevant to the appeal proposal.

5.0 PLANNING POLICY CONTEXT

Current Local Policy / Guidance

- 5.1 The relevant sections of the Development Plan currently are the South Oxfordshire Core Strategy (CS) and the “saved” policies of the South Oxfordshire Local Plan (SOLP).
- 5.2 The policies of the CS that are considered to be of most relevance to the issues raised by the reasons for refusal are CS1, CSS1, CSR1, CSEN1, CSH3 and CS11.
- 5.3 The policies of the SOLP that are considered to be of most relevance to the issues raised by the reasons for refusal are C4, G2, G4, T1, R2 and R6.
- 5.4 The council may refer to other policies that are of wider relevance to the appeal proposals as appropriate (these will be listed in the SoCG).
- 5.5 The council’s evidence will address the degree to which the appeal proposals do or do not comply with the relevant policies in the Development Plan, and in particular will explain why it is considered that the proposals do not comply with those policies identified.

5.6 The council will also refer to local guidance and other background documents that supplement the above policies. The draft South Oxfordshire Local Plan 2011-2033 was published for final consultation in the period 11 October – 30 November 2017. Its policies are a material consideration. Of particular relevance to the appeal proposal are draft policies STRAT1, H1 and ENV1.

National Policy / Guidance

5.7 The council's evidence will consider the appeal proposals against the policy guidance in the National Planning Policy Framework (NPPF) and the Planning Policy Guidance (PPG) and in particular the extent to which the appeal proposal does or does not comply with relevant policy and guidance.

5.8 The council will also refer to guidance that supplements the above and to other relevant national policy and relevant planning case law where necessary.

6.0 THE CASE FOR THE COUNCIL

6.1 The council will refer to S38(6) of the Planning and Compulsory Purchase Act 2004, which provides that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 The council will refer to the Development Plan, and the case for the council in respect of the issues arising from assessment of the application will be addressed in evidence and assessed against the relevant policies. The council will acknowledge that policies relating to the supply of housing may be given less weight in decision making due to the current shortfall in terms of five year housing land supply but that other policies of the CS and the saved policies of the SOLP are generally consistent with the NPPF and should

therefore be afforded significant weight in accordance with Paragraph 215 of the NPPF.

- 6.3 The council will refer to policies STRAT1, H1 and ENV1 of the emerging South Oxfordshire Local Plan (SOLP) 2011-2033.
- 6.4 The case for the council in respect of the issues arising from each reason for refusal will be addressed in evidence. In summary, the council's case in respect of each reason for refusal will be as follows:

Reason 1 – Unsustainable development arising from encroachment into the open countryside which would detract from rural character and appearance of the site.

- 6.5 To achieve more sustainable development, the spatial strategy of the Development Plan seeks to direct substantial new housing development to Didcot, the three market towns of Henley, Thame and Wallingford, and the twelve larger villages. Some infill and other forms of minor development may be acceptable in the smaller villages. The appeal site is located in countryside on the edge of Reading and as such does not fall within the settlement hierarchy of the District. The appeal proposal is contrary to the spatial strategy (and also to the emerging spatial strategy in the draft Local Plan).
- 6.6 The site comprises 13.48 hectares of agricultural land, with mature hedgerows along the field boundaries. It has strong links with the wider rural landscape and affords open views north over the rural landscape, with the Chiltern escarpment visible on the skyline. The proposed development of the site would extend the settlement edge of Emmer Green reducing the essential separation between Emmer Green and Sonning Common, to the north. The proposal conflicts with the Development Plan which contains a number of policies that comply with the NPPF in seeking to protect the district's distinct

landscape character and securing sensitive developments that make a positive contribution to the local character of the area.

Reasons 2 to 4 (failure to secure affordable housing, on and off-site infrastructure and funding to mitigate potential adverse effects of development to local wildlife sites)

- 6.7 In relation to affordable housing, the council will explain that whilst the appellant has agreed the council's policy requirements in this respect, the scheme remains unacceptable on these grounds as no provision has been made for the delivery of this housing in an appropriate planning obligation. If a S106 agreement is forthcoming which makes such provisions, this reason for refusal will not be pursued.
- 6.8 The council has adopted the Community Infrastructure Levy (April 2016). In addition, the SPD Planning Obligations (April 2016) on-site infrastructure can still be sought for site specific infrastructure. In the case of this appeal the following infrastructure is required to be funded through a S106 agreement: sustainable transport and highway works required to meet the impacts of the development, delivery of on-site open space and play area (and securing the management thereof), wheeled bins/recycling and street-naming.
- 6.9 Due to the proximity of the appeal site to two designated Local Nature Reserves and the likely increase in their recreational use by future occupiers of the development, contributions are required to mitigate associated impacts of the increased use. These contributions have not yet been agreed with the appellant, and there is no completed S106 agreement. However, it is acknowledged that these matters could be overcome through the provision of a suitable Section 106 agreement.

7.0 OTHER MATERIAL CONSIDERATIONS

7.1 The council's evidence will also consider a number of other material considerations that must be taken into account in striking the overall planning balance.

Housing Land Supply

7.2 The council acknowledges that it cannot demonstrate a five year supply of housing sites against the most recent assessment of housing need. The current supply was last assessed at 4.1 years (as set out in the Assessment of Five Year Housing Land Supply, May 2017). The council's evidence will include an up to date position of the five year housing land supply.

7.3 The council reserves the right to comment on any statements that the appellant may provide on housing land supply.

The Overall Planning Balance

7.4 The council acknowledges that the delivery of housing on this site would have social and economic benefits that are associated with house building and addressing the housing needs of the district, including the need for affordable housing.

7.5 However, the proposal would conflict with the spatial strategy in the existing and emerging development plan, creating a development outside any designated settlement in the District and outside the built up area of Reading. The harm to the undeveloped rural character and appearance of the site and the surrounding area would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as whole, and there are no material considerations that would justify a departure from the development plan.

8.0 PLANNING CONDITIONS

8.1 A list of conditions will be included in the SoCG that both appellant and the council consider necessary should the Inspector be minded to allow the appeal.

9.0 DOCUMENTS

9.1 Relevant documents will include all planning application and appeal documents, relevant policy documents and appeal decisions (including those documents set out in the SoCG).

9.2 In accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000¹, all documentation associated with the inquiry can be viewed on the council's website² as well as in our offices at 135 Eastern Avenue, Milton Park, Didcot OX14 4SB.

¹ Rule 6(13)

² <http://www.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P16/S3630/O>