

Appeal by **JA Pye (Oxford) Ltd**

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Land South of Witney Road, Long Hanborough, Oxfordshire

Proposed Residential Development of up to 169 Dwellings, New  
Doctors Surgery with Associated Car Parking, Access Details,  
Open Space and Associated Works

Appeal Ref: APP/D3125/W/15/3129767

Original Planning Application Reference: 14/1234/P/OP

&

Land East of Bowling Club, Roosevelt Road, Long Hanborough

Creation of a playing field for Hanborough Manor School on part  
of a field in agricultural use and an area of grassland. Erection of  
a single storey building containing toilets; PE equipment &  
maintenance stores

Appeal Ref: APP/D3125/W/15/3139807

Original Planning Application Reference: 15/03341/FUL

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West Oxfordshire District Council

and

**JA Pye (Oxford) Ltd**

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**April 2016**

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# 1 INTRODUCTION

1.1 This statement of Common Ground has been prepared jointly by JA Pye (Oxford) Ltd (herein referred to as 'The Appellant'), and West Oxfordshire District Council as the Local Planning Authority in this case (herein referred to as the LPA).

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1.2 The statement refers to appeals: I) in relation to the refusal by the LPA of Planning Application ref. 14/1234/P/OP (ref. APP/D3125/W/15/3129767) seeking outline planning permission with all matters reserved except access for:

*The erection of up to 169 dwellings; with new Doctor's surgery, to be up to 740m<sup>2</sup> in size with circa 27 car parking spaces; with access from Witney Road, plus open space and associated works on land south of Witney Road, Long Hanborough and*

II) In relation to the non determination by the LPA of Planning Application ref. 15/03341/FUL (ref. APP/D3125/W/15/3139807) seeking planning permission for:

*The creation of a playing field for Hanborough Manor School on part of a field in agricultural use and an area of grassland. Erection of single storey building containing toilets; PE equipment and maintenance stores on land east of Hanborough Bowling Club, Roosevelt Road, Long Hanborough.*

1.3 It sets out the agreed matters of fact and agreed positions between the parties in respect of the appeal.

1.4 The first application relating to land south of Witney Road, Long Hanborough was considered by Uplands Area Planning Sub-Committee on 2 March 2015, when it was resolved to refuse the proposed development. A copy of the Officers Committee Report, dated 2 March 2015, is provided at **Appendix 1** and the Minutes of the Planning Sub-Committee Meeting held on the 2 March 2015 are provided at **Appendix 2**.

1.5 The Officer's Committee Report dated 2 March 2015, **Appendix 1**, recommended the application for refusal based on the following reason for refusal:

*"1. By reason of the scale of development both in its own right and in combination with other planned and approved schemes, the failure to take the opportunity to create a locally distinctive development, the coalescence of the settlements of Long Hanborough and Freeland and the precedent for further encroachment into the open countryside around the village the proposed development represents a disproportionate addition that will damage the social and environmental character and sustainability of the village and urbanise the road between the settlements of Long Hanborough and Freeland with inappropriate ribbon development. As such the proposals are contrary to policies BE2 and H7 of the adopted plan, H2 and*

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[Updated Final](#) Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & JA Pye (Oxford) Ltd

405

*OS1 of the emerging plan and paragraphs 14, 64 and 66 of the NPPF. These are considered to represent significant and demonstrable harms that substantially outweigh the benefits of the scheme.”*

- 1.6 The Minutes of the Uplands Area Planning Sub Committee meeting held on 2 March 2015 show that the Officer’s recommended Reason for Refusal was amended by Members to include reference to health and education impacts as well as Policy BE4(a) of the adopted West Oxfordshire Local Plan and Paragraph 56 of the National Planning Policy Framework. Thus the final Reasons for Refusal voted on and passed by Members was:

*“1. By reason of the scale of development both in its own right and in combination with other planned and approved schemes, the failure to address the education and healthcare implications for the village, the failure to take the opportunity to create a locally distinctive development, the coalescence of the settlements of Long Hanborough and Freeland and the precedent for further encroachment into the open countryside around the village the proposed development represents a disproportionate addition that will damage the social and environmental character and sustainability of the village and urbanise the road between the settlements of Long Hanborough and Freeland with inappropriate ribbon development. As such the proposals are contrary to policies BE2, BE4 (a) and H7 of the adopted plan, H2 and OS1 of the emerging plan and paragraphs 14, 56, 64 and 66 of the NPPF. These are considered to represent significant and demonstrable harms that substantially outweigh the benefits of the scheme.”*

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[Updated Final](#) Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & [JA Pye \(Oxford\) Ltd](#)

405

- 1.7 The Decision Notice refusing planning permission was issued 8 March 2015.
- 1.8 The second application relating to land east of Hanborough Bowling Club, Roosevelt Road, Long Hanborough was not considered by the Council prior to the appeal against non determination. Subsequently, the application was considered by the Uplands Area Planning Sub-Committee on 4 January 2016. A copy of the Officers Committee Report, dated 2 March 2015, is provided at **Appendix 3** and the Minutes of the Planning Sub-Committee Meeting held on the 4 January 2016 are provided at **Appendix 4**.
- 1.9 The Officer's Committee Report dated 4 January 2016, **Appendix 3**, recommended that if the Council still had the power to determine the application that it should be refused based on the following reason for refusal:

*'The development as proposed would lead to the urbanisation of an attractive area of open countryside and the visible erosion of the local landscape character and setting contrary to Policies BE2, BE4, NE1 and NE3 of the existing West Oxfordshire Local Plan; Policies OS4 and EH1 of the emerging Local plan; and the provisions of the NPPF.'*

- 1.10 The Minutes of the Uplands Area Planning Sub Committee meeting held on 4 January 2016 show that the Committee resolved *'that, had it had the opportunity to do so, the Sub Committee would have refused the application for the reasons set out in the report.'*

## **2 DEVELOPMENT DETAILS AND ENVIRONMENTAL ASSESSMENT**

- 2.1 The planning application relating to land south of Witney Road (ref. APP/D3125/W/15/3129767) was screened for the purposes of Environmental Impact Assessment (EIA) by letter dated 26 June 2014 from the Appellant and confirmation that an Environmental Impact Assessment was not required was issued by letter 23 July 2014, which confirmed that an EIA would not be required for the proposed development on this appeal site.

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### **3 APPEAL SITES AND SURROUNDING AREA DESCRIPTION**

#### **3.1 RESIDENTIAL APPEAL SITE**

- 3.1.1. The land south of Witney Road residential Appeal Site (ref. APP/D3125/W/15/3129767), as shown bounded by a red line on the submitted site location plan, comprises land to the south east of Witney Road (A4095), covering an area of 7.9 hectares in the form of a small narrow field/ paddock and part of an adjoining much larger field, as well as a 180m stretch of the A4095 running along the site's northwestern boundary. An aerial image of the subject site, as outlined in red is included in **Appendix 5** of this Statement of Common Ground
- 3.1.2. The site is bounded by the rear of residential properties on Witney Road; in Hurdeswell; and in Marlborough Crescent to the northeast. To the northwest the larger main field is bounded by a hedgerow with Witney Road beyond and on the opposite side of the road the site as a whole is bounded to the northwest by a further hedgerow with open fields beyond, the nearest of which contains a public footpath. The site is bounded by a belt of mature trees to the southeast. The southwestern boundary is currently undefined by existing features except at its northern extent where it is marked by an existing dwelling house ("The Old Police House) and its curtilage. The main field within the site is in arable agricultural use and the small narrow field/ paddock in the north eastern part of the overall site is grassed.
- 3.1.3. The residential development to the northeast of the appeal site is a mixture of housing of differing ages. The relatively small development at Slatters Close to the northeast was constructed in the 2000s, while the larger developments to the east and southeast, Hurdeswell and Marlborough Close respectively appear to date from the 1970s/1980s. Numbers 27, 33 and 39 Witney Road beyond the north eastern boundary and the Old Police House which is on Witney Road beyond the southwestern boundary are older single detached dwellings but are not subject to any form of local or statutory heritage listing.
- 3.1.4. The site itself contains a hedgerow that forms a curve in the north eastern part of the site separating the main field from the small narrow field/ paddock.
- 3.1.5. The site is located on the western boundary of the village of Long Hanborough, which lies around 10 miles north west of Oxford and 5 miles north east of Witney. The village of Long Hanborough itself contains the following facilities: primary school, petrol station, churches, a post office within a small co-operative store, a larger Co-operative store, health services,

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day care nursery, public house, substantial employment estate (circa 10.72 hectares) and train station. The location of these facilities is shown in **Appendix 6**.

- 3.1.6. The site is within 400m of two bus stops which are served by the 11 and 242 buses which offer hourly services Monday to Saturday to key local centres including Oxford and Witney. Long Hanborough train station offers direct services to destinations including Oxford, London Paddington and Worcester.
- 3.1.7. The Cotswolds Area of Outstanding Natural Beauty (AONB) extends along the Evenlode Valley to the north of Long Hanborough. However, the development site is located approximately 420m south of the boundary of the AONB at its nearest point.
- 3.1.8. The main field and the small field/ paddock do not contain any Public Rights of Way.

## 3.2 THE PLAYING FIELD APPEAL SITE

- 3.2.1. The land east of Hanborough Bowling Club, Roosevelt Road playing field appeal site (ref. APP/D3125/W/15/3139807) is located at the southern end of Kents Bank, which consists of a recently completed development of eighteen dwellings by Westlea Housing Ltd, at the southern end of Riely Close. The playing field appeal proposal is shown at **Appendix 7**.
- 3.2.2. The current use of the replacement playing field appeal site consists of unmanaged grassland on the northern part of the site and an arable field on the southern part. The appeal site is broadly level and a permissive path currently crosses the middle of the site at the point where there is a change from unmanaged grassland to arable field. The landowner has agreed that the permissive path will be diverted round the southern edge of the proposed playing field.
- 3.2.3. The site is adjoined by a mature hedgerow on its western boundary approximately 2-3 metres in height. To the north, there is a new double post and rail fence, beyond which is the new housing at Kents Bank and an associated parking area and area of grassed open space. There is an existing hedgerow and a clump of trees to the east of the appeal site beyond the site boundary. To the south-east the land is an open arable field except for a strip of enclosed land along the eastern edge of this field, which is used as a receptor area for protected species displaced by the Kents Bank development. Pinsley Wood is an area of ancient woodland that bounds much of the southern part of the field. The nearest part of Pinsley Wood is 265 metres from the appeal site.

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3.3 The adjoining uses include Long Hanborough Recreation Ground to the west, where there are existing grass sports pitches; a bowling green; all weather tennis area/multi-sport area; children's' play area; and skate park. The southern limit of the proposed playing field extends no further than the adjoining recreation ground. To the north there are the residential dwellings of Kents Bank. To the south and east is agricultural land.

3.4 The playing field could be accessed by pupils from Hanborough Manor School via the existing pedestrian footways in Riely Close and Kents Bank although these do not form part of the appeal site. These roads are culs-de-sacs serving a small number of dwellings and they also provide access to the school and a car park used to access the nearby shops, the Methodist church and a recycling area. The walking distance between the school and the playing field is approximately 250 metres. The school site is 125 metres long between its east and west boundaries and has an area of approximately 0.9 hectares.

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## 4 THE DEVELOPMENT PLAN

4.1 The Development Plan for West Oxfordshire District comprises:

- The 'Saved' Policies of the West Oxfordshire Local Plan (2011) (WOLP)
- The West Oxfordshire Local Plan Proposals Map

4.2 The 'saved' policies contained within the WOLP that may be relevant to the determination of these appeals include:

BE1 Environmental and Community Infrastructure; BE2 General Development Standards; BE3 Provision for Movement and Parking; BE4 Open Space within and Adjoining Settlements; NE1 Safeguarding the Countryside; NE3 Local Landscape Character; NE6 Retention of Trees, Woodlands and Hedgerows; T1 Traffic Generation; T2 Pedestrian and Cycle Facilities; T6 Traffic Management; H2 General Residential Development Standards; [H3](#) Range and Type of Residential Accommodation; H7 Service Centres; H11 Affordable Housing on Allocated and Previously Unidentified Sites; TLC1 New Tourism, Leisure & Community Facilities; and TLC5 Existing Outdoor Recreational Space.

4.3 Weight should be given to the policies of the WOLP according to their degree of consistency with the policies of the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).in accordance with paragraph 215 of the NPPF.

4.4 The proposals represent a conflict with housing policy H7 of the WOLP.

[4.5](#) However, primarily because the housing policies of the WOLP pre-date the NPPF; were drafted at a time when the LPA was able to demonstrate that its housing target (derived from the former Oxfordshire Structure Plan) could be met on allocated and brownfield sites without recourse to unallocated undeveloped sites on the edge of settlements; because the LPAS now accepts that this target is significantly less than the appropriate objectively assessed need for housing in the District ("the OAN"); and because the LPA now accepts that to meet the OAN will require development on Greenfield sites in suitable locations, housing policy H7 should be attributed limited weight according to the provisions of the NPPF. It is further agreed that if the Council cannot demonstrate a five year housing land supply then policy H7 is out of date as stated in paragraph 49 of the NPPF.

[4.6](#) [It is further agreed that a recent court case involving Cheshire East Council vs Secretary of State for Communities & Local Government, which was handed down on the 17 March](#)

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Updated Final Statement of Common Ground  
Land South of Witney Road, West Oxfordshire DC & JA Pye (Oxford) Ltd  
Long Hanborough 405  
Oxfordshire

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2016 reinforces that policy H7 should be considered out of date and given minimal weight. (*Richborough Estates vs Secretary of State for Communities & Local Government [2016] EWCA Civ 168*) In this case in the Court of Appeal, Lord Justices Lindblom, Jackson and Voss judged that the reference in paragraph 49 of the NPPF to '*relevant policies for the supply of housing*,' should be interpreted widely and applies to all policies which are restrictive of where development can go, including a Green Gap policy. This means that policy BE4, which restricts development within open space within and adjoining settlements, is also out of date.

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4.7 It is further agreed that a recent High Court case involving *Wychavon District Council vs Secretary of State for Communities and Local Government and Crown House Developments*, handed down on the 16 March 2016, indicates that even with a demonstrable five year housing land supply, the requirement to weigh the need to significantly boost the supply of housing land and the presumption in favour of sustainable development in the planning balance, in accordance with paragraphs 14 and 47 of the NPPF, are still applicable. (*Wychavon District Council vs Secretary of State for Communities & Local Government & Anor [2016] EWHC 592*) In this case it was accepted that Wychavon had a five year housing land supply and that policies precluding residential development outside of established settlement boundaries were therefore up to date. However, Mr Justice Coulson upheld the Inspector's conclusion that the benefits, mainly accruing from the provision of market and affordable housing, outweighed contravention of these policies, was right in law, and accorded with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. The inspector had therefore been correct in granting planning permission. In accordance with the methodology handed down by Mr Justice Coulson, the presumption in favour of sustainable development and the requirement to significantly boost the supply of housing should therefore be used as substantial benefits in the determination of all residential planning applications, irrespective of whether or not there is a five year housing land supply.

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Updated Final Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & JA Pye (Oxford) Ltd

405

## 5 THE EMERGING LOCAL PLAN

- 5.1 The West Oxfordshire Local Plan 2031 represents the emerging local plan for the District.
- 5.2 The West Oxfordshire Local Plan 2031 underwent its first stage of Examination in Public on the week commencing 23 November 2015 and the Inspector's Preliminary Findings on this were dated 15 December 2015. The Preliminary Findings of the Inspector included significant concerns about the housing requirement within the District and also some concerns about the potential supply of housing sites. Some of these concerns are discussed further in Section 6 of this Statement of Common Ground.
- 5.3 As a result following a request from West Oxfordshire District Council, the Local Plan Inspector Mr Simon Emerson has formally suspended the examination of the West Oxfordshire Local Plan 2031 until December 2016 to allow the Council to undertake additional work towards a 'main modifications' document in order to attempt to make the plan sound.
- 5.4 As some of the housing supply policies of the emerging local plan may need to be revised to reflect the likely uplift in the housing requirement and the emerging local plan is some way from being re-submitted to the Planning Inspectorate, in accordance with paragraph 216 of the NPPF the weight to be given to these emerging policies will depend upon (1) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); (2) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (3) the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 [It is further agreed that in the light of the Cheshire East Council vs Secretary of State for Communities and Local Government case referred to in paragraph 4.5 above of this Statement of Common Ground, all of those emerging policies which seek to restrict the location of new housing including policies OS2 on Locating Development in the Right Places and H2 on the Delivery of New Homes should be considered out of date in the absence of a five year housing land supply.](#)
- 5.6 Notwithstanding the weight to be given to emerging policies, the emerging West Oxfordshire Local Plan 2031 policies that may be of relevance to this appeal include:

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OS1 Presumption in Favour of Sustainable Development; OS2 Locating Development; OS4 High Quality Design; OS5 Supporting Infrastructure; H1 Amount and Distribution of Housing; H2 Delivery of New Homes; H3 Affordable Housing; H4 Type and Mix of New Homes; T1 Sustainable Transport; T3 Public Transport, Walking and Cycling; Parking Provision; E5 Local Services & Infrastructure; EH1 Landscape Character; EH2 Biodiversity; EH3 Public Realm and Green Infrastructure; EH5 Flood Risk; EH6 Environmental Protection; EH7 Historic Environment and EW2 Eynsham – Woodstock Sub-Area Strategy.

Updated Final Statement of Common Ground  
Land South of Witney Road,  
Long Hanborough  
Oxfordshire  
West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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**6 SETTLEMENT SUSTAINABILITY AND PRINCIPLE OF RESIDENTIAL DEVELOPMENT AND A REPLACEMENT PLAYING FIELD FOR HANBOROUGH MANOR SCHOOL**

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- 6.1 Long Hanborough is defined as a Group C Service Centre within the Local Plan 2011. Group C represents the most sustainable grouping of settlements in the West Oxfordshire Settlement Hierarchy with the greatest amount of facilities, services and transport accessibility. However, the level of these facilities and other indicators of sustainability/ accessibility varies significantly between different Group C Service Centres.
- 6.2 Long Hanborough is defined as one of six Rural Service Centres within the emerging Local Plan 2031. These Rural Service Centres are suitable for residential development of an appropriate scale and type that would help to reinforce their service centre role.
- 6.3 Long Hanborough represents one of only 2 settlements in the Main Towns and Rural Service Centres that has a train station. The other is Charlbury, which is within the Cotswolds Area of Outstanding Natural Beauty. Hanborough train station is on the Cotswold Line and has a regular service to locations such as Oxford and Worcester Shrub Hill. It is located approximately 2.3km walking/cycling distance from the proposed access to the proposed residential development at land to the south of Witney Road and there are also two current bus stops within 400 m of the site.
- 6.4 Both parties agree that under the policies of the Emerging West Oxfordshire Local Plan 2011-31, development of new dwellings should be permitted in Rural Service Centres on undeveloped land within or adjoining the built up area where the proposed development is necessary to meet identified housing needs and is consistent with criteria 3) of policy H2 and the other policies of the emerging Local Plan.
- 6.5 Long Hanborough represents a suitable location to accommodate significant residential growth.
- 6.6 Both parties agree that the proposed recreation ground would not be necessary if the residential appeal should be dismissed and there are currently no suitable alternative sites known to be available on which to provide the playing field closer to the school.
- 6.7 There is also agreement that there are no highway safety issues associated with walking from the school to the proposed playing field site but that children would need to be supervised.

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## 7 HOUSING LAND SUPPLY

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- 7.1 The housing requirement figure contained within the WOLP is out of date and is not a suitable figure to use as a basis of the calculation of a five year housing land supply.
- 7.2 It is agreed that in the absence of an up to date adopted Local Plan housing requirement the figure to be used in the calculation of a five year housing land supply is the full and unconstrained objectively assessed need in accordance with the Hunston Judgement<sup>1</sup>.
- 7.3 In accordance with the Gallagher Homes ruling<sup>2</sup>, it is agreed that the Oxfordshire SHMA 2014 prepared by GL Hearn Ltd ("the SHMA") is an important document in assessing the full objectively assessed housing need ("the FOAN") for West Oxfordshire District.
- 7.4 It is agreed that any preliminary report arising from the recently convened first session of the Emerging Local Plan EIP may have a direct relevance to assessing housing requirement and/or land supply.
- 7.5 It is agreed that the Council cannot currently produce sufficient evidence to justify the use of the Liverpool Method of calculating the five year supply of housing land. As such, the Sedgefield Method of calculation must be used.
- 7.6 It is agreed that West Oxfordshire District Council cannot currently demonstrate a five year supply of housing land, as acknowledged at the Inquiry concerning Station Road, Eynsham (APP/D3125/W/15/3019438), using its own preferred requirement and supply.
- 7.7 It is agreed that in the absence of a five year housing land supply, relevant policies for the supply of housing should not be considered up to date and planning decisions should be considered in the context of the presumption in favour of sustainable development in accordance with paragraph 49 of the NPPF.
- 7.8 It is agreed that Local Plan Policy H7 and Policy BE4 are relevant to the supply of housing under the interpretation taken in Case Law<sup>3</sup> and therefore should be considered as out of date in the context of a lack of five year housing land supply.

<sup>1</sup> Hunston Properties Ltd v Secretary of State for Communities and Local Government and St. Albans City and District Council [2013] EWHC 2678 (Admin)

<sup>2</sup> Gallagher Homes Limited and Lioncourt Homes Limited v Solihull MBC [2014] EWHC 1283 (Admin)

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7.9 The parties are not in agreement as to the extent of the shortfall.

7.10 ~~The parties agree that a round table discussion on the housing land supply position in West Oxfordshire District would be an appropriate way of addressing this and other related issues, including the following topics: the objectively assessed housing need in West Oxfordshire District, the housing land supply between 1 April 2015 and 31 March 2020, calculation methodologies and whether the LPA can demonstrate a five year supply of housing land. More topics may emerge during discussions but an agenda will be agreed between both parties prior to the start of the Inquiry.~~

**Deleted:** <#>The housing requirement figure contained within the WOLP does not reflect an up-to-date OAN for the District and is not a suitable figure to use as a basis of the calculation of a five year housing land supply calculation. - ... [1]

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<sup>3</sup> [Richborough Estates Vs Secretary of State for Communities and Local Government \[2016\] EWCA Civ 168](#)

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## **8 HOUSING NEED**

8.1 The housing requirement figure contained within the WOLP does not reflect an up-to-date OAN for the District and is not a suitable figure to use as a basis of the calculation of a five year housing land supply calculation.

8.2 It is agreed that in the absence of an up to date adopted Local Plan housing requirement the figure to be used in the calculation of a five year housing land supply is the full and unconstrained objectively assessed need.

8.3 It is agreed that it is important to assess full objectively assessed housing need for the District and that in this context consideration should be given to the Oxfordshire SHMA 2014 carried out by GL Hearn Ltd.

8.4 It is agreed that in interpreting the expression "available now" for the purposes of Footnote 11 to the NPPF, it is relevant to consider whether there are legal or physical impediments or other identifiable constraints integral to the site preventing immediate development.

8.5 The following points from the emerging Local Plan Examination in Public Preliminary Findings are agreed:

- The housing requirement of 10,500 is not justified and has not been derived from a process which complies with the requirements of the NPPF (paragraph 1.2 – Part 1);
- The Housing Market Area identified within the SHMA is appropriate (paragraph 2.1 – Part 1);
- The EiP Inspector states at his paragraph 4.2 of Part 1:

National guidance states If a Council has robust evidence that past high delivery rates that inform the projections are no longer realistic – for example they relied on a particular set of circumstances that could not be expected to occur again – they can adjust their projections down accordingly. (Paragraph: 036Reference ID: 3-036-20140306) The Council's view is that there were abnormally high rates of house building which have unfairly influenced projections, particularly as used in the SHMA. The Council explains this spike in building by reference to a number of large allocations coming on stream at a similar time. However, Table 9 in HOU3 indicates that delivery on previously unidentified sites was also making a significant contribution. I do not regard that particular past situation as one which

Updated Final Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & JA Pye (Oxford) Ltd

405

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could not be expected to occur again. Indeed, the plan makes several large allocations which the Council expects to be delivering at the same time (see WOLP14, 15, 16, 17, 18 and 19). In the period before the plan is adopted and any necessary allocations are made, development is also likely to occur on a number of previously unidentified sites. So a spike in housing delivery may well occur again. In part at least, this would be the result of the long gap without an up-to-date plan in place. Nevertheless, bearing in mind that ONS population projections are largely based on the past 5 years, it is right to be alert to any unusual factors in the period which feed into a particular projection. I explore this further below.

- The EIP Inspector states: There is not the evidence to support the Council's contention that the SHMA's revised demographic starting point was biased by untypically high migration flows (paragraph 4.5 – Part 1);
- The EIP Inspector states: The selection by the Council of its preferred demographic starting point based on the average outputs of the long term and short term projections is unjustified, since it skews the outcome too much to a period of very low delivery (paragraph 4.8 – Part 1);
- The EIP Inspector states: The DCLG 2012 based household projection of 483 dpa and the John Hollis' projection based on migration over 10 years of 491 dpa ...are remarkably similar and both avoid being unduly influenced by untypically high migration. Subject to my comments on Household Representative Rates (HRR) below, they indicate that an up-to-date demographic starting point is around 490dpa. (paragraph 4.9 – Part 1)
- A demographic starting point of 490 dwellings per annum may be embedding some suppression of household formation (paragraph 4.11 p Part 1);
- The EIP Inspector concludes that the extent by which WODC 'over delivered' housing in the period 2006-2011 compared with the requirement applicable at the time in the South East Plan should not be subtracted from the housing requirement as this would be contrary to Government policy (paragraph 4.12 – Part 1);
- The EIP Inspector states: I consider that the SHMA's recommended figure of a need for 274 affordable dwellings per annum is justified for the period 2013-2031. (paragraph 5.5 – Part 1);

[Updated Final](#) Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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- The EIP Inspector states: The Council is not justified in planning on the basis of the economic baseline (paragraph 6.3 – Part 1), but should adopt the Committed Economic Growth scenario to plan for higher growth than the baseline in a 'policy on' context; I am not in a position to specifically endorse the related projection of job growth of 7,900 for West Oxon (ECON2, Table 5.2). If the Council choses to adopt a new demographic starting point then that projection may be different. (6.13 – Part 1);
- If any apportionment of Oxford's unmet meet is made to West Oxfordshire then this would become part of the housing need for the District..... My initial view is that it would need to be taken into account in calculating the five year land supply (paragraph 7.6 – Part 1);
- If the local plan were to proceed to adoption without having regard to any apportionment that had been made by the Oxford Growth Board, it would immediately be out of date (paragraph 7.7 – Part 1);
- The EIP Inspector states in his Overall Conclusion and Way Forward at paragraph 10.5 of Part 1: I am unable to identify what the housing requirement should be. It is likely to be between the recommended figure in the SHMA (660dpa) and that in the plan (525dpa).
- There is a high risk of delay in the delivery of the East Witney Strategic Development Area Allocation (paragraph 2.3 – Part 2);
- There has been double counting in the windfall calculation for the Plan period as a whole. Therefore, the figure for the plan period should be 1,505 rather than 2000 (paragraph 2.8 – Part 2);
- The Inspector has concerns about identifying and relying on specific SHLAA sites within the plan but not allocating them (paragraph 2.11 – Part 2);
- A 5% buffer is required (paragraph 2.14 – Part 2);
- Paragraph 2.15 – Part 2 states:

On the basis of the plan's current requirement of 525 dpa there has already been a shortfall in delivery since 2011 of 885 dwellings. National Guidance seeks any such shortfall to be made up in the next 5 years. On the Council's own assessment of land supply this is achievable and so the Council accepts that an

Updated Final Statement of Common Ground

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alternative approach could not currently be justified. If the housing requirement is increased, the shortfall will be greater and may need further action to address. The Council needs to have particular regard to National Guidance on this matter, as the "Liverpool method" (spreading the shortfall over the whole plan period) is not mentioned. In passing, I would comment that the Council's calculation (HOU5, Table 1) appears to apply the 5% buffer only to the normal annualised requirement and not to the shortfall. It should apply to both since the buffer is intended to boost supply to give greater confidence that the overall housing requirement will be delivered.

- The 5% buffer should apply to both the normal annualised requirement and the shortfall (paragraph 2.15 – Part 2).

8.6 As stated in Section 7 of this Statement of Common Ground, it is agreed for the purposes of this appeal that the Council cannot demonstrate a five year supply of housing land and therefore policies which restrict the supply of housing land are out of date under paragraph 49 of the NPPF.

8.7 Paragraphs 14 and 47 are also engaged and applications for planning permission should be granted planning permission unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.* It is therefore incumbent on the Council to demonstrate the adverse impacts outweigh the benefits.

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8.8 In the absence of a five year housing land supply; the advice in paragraph 14 of the NPPF; and that the residential scheme is an outline application, it is also agreed that there is no need for discussion of the minor points regarding urban design as these can be addressed at the reserved matters stage. Similarly, it is agreed that there is no need for discussion of viability issues given that if the 50% affordable housing sought by WODC is required along with the other infrastructure provided it will stop sites such as the current appeal proposal being developed, and thereby act as an obstacle to the council meeting its five year housing land supply.

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**9 HIGHWAYS SAFETY AND ACCESS**

- 9.1 The reasons for refusal in this case for the proposed housing & doctors' surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767) do not refer directly to any outstanding highways safety or access issues associated with the appeal proposal.
- 9.2 The proposed reason for refusal on the replacement playing field application (ref. APP/D3125/W/15/3139807) also makes no reference to any outstanding highways safety or access issues associated with that appeal proposal.
- 9.3 Oxfordshire County Council in its capacity as the Highway Authority did not object to either scheme during the determination process, nor did it object to the duplicate application 15/02687/OUT.

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Updated Final Statement of Common Ground  
Land South of Witney Road, West Oxfordshire DC & JA Pye (Oxford) Ltd  
Long Hanborough 405  
Oxfordshire

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## **10 AFFORDABLE HOUSING**

- 10.1 Both parties agree that it is necessary in planning terms for a proportion of the site to be utilised for the provision of affordable housing and that subject only to the viability of the scheme, that proportion should ordinarily be 50% in this location.
- 10.2 It is further agreed that it may be acceptable for the level proposed to fall below the LPA's normal requirement of 50% if this is justified by an appropriate, properly carried out viability assessment subject to consideration of other ways to restore the viability of the proposal other than reducing affordable housing provision.
- 10.3 Notwithstanding any of the above, if less than 50% affordable housing is offered, the extent to which the amount of affordable housing being provided fell below 50% would need to be considered within the overall planning balance.

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## **11 ECOLOGY**

- 11.1 Neither the reasons for refusal for the proposed housing & doctors surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767), nor the proposed reasons for refusal for the playing field application (ref. APP/D3125/W/15/3139807) refer to any unacceptable impacts in respect of ecology provided that conditions are imposed to ensure that the mitigation measures identified within the Ecological Reports that supported the initial planning applications (and any other mitigation measures that may be considered necessary for whatever reason) are implemented.
- 11.2 For the playing field proposal, this would involve approximately doubling the width of the existing enclosed receptor area established in relation to the Kents Bank housing approval.

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## **12 PUBLIC OPEN SPACE**

- 12.1 The proposed housing & doctors' surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767) can provide adequate public open space that is compliant with requirements for this type of development.
- 12.2 An appropriately worded planning condition or other legally secure and binding mechanism is required to secure the areas to be set aside for public open space and provisions for their equipment and future maintenance.

Updated Final Statement of Common Ground  
Land South of Witney Road,  
Long Hanborough  
Oxfordshire  
West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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### **13 DRAINAGE**

- 13.1 Neither the reasons for refusal for the proposed housing & doctors surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767), nor the proposed reasons for refusal for the replacement playing field application (ref. APP/D3125/W/15/3139807) refer to concerns about drainage.
- 13.2 It is agreed that the drainage arrangements pertaining to the appeal proposals can be dealt with by means of suitably worded planning conditions.

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Updated Final Statement of Common Ground  
Land South of Witney Road, West Oxfordshire DC & JA Pye (Oxford) Ltd  
Long Hanborough 405  
Oxfordshire

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## **14 ARCHAEOLOGY AND HERITAGE**

- 14.1 There are no outstanding archaeological issues relating to either appeal proposal subject to the imposition of a suitably worded planning condition in line with the recommendations of the County Archaeologist in relation to the proposed housing & doctors surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767).
- 14.2 There are no heritage assets on either site and the reasons for refusal and proposed reason for refusal do not refer to concerns about impacts on heritage assets.

Updated Final Statement of Common Ground  
Land South of Witney Road,  
Long Hanborough  
Oxfordshire  
West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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**15 NOISE**

15.1 The LPA has no objections regarding impact of noise from or on the development in relation to the proposed housing & doctors surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767), subject to the imposition of a suitably worded planning condition, in accordance with that recommended by the Council's Environmental Health Officer.

Updated Final Statement of Common Ground  
Land South of Witney Road,  
Long Hanborough  
Oxfordshire  
West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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## 16 AGRICULTURAL LAND QUALITY

16.1 The proposed housing & doctors' surgery on land south of Witney Road (ref. APP/D3125/W/15/3129767) appeal site does not represent Best and Most Versatile Agricultural Land.

16.2 The appeal site comprises fairly low-grade arable land.

Updated Final Statement of Common Ground  
Land South of Witney Road,  
Long Hanborough  
Oxfordshire  
West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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**17 RESIDENTIAL AMENITY, SITE LAYOUT, PARKING AND PRIVATE AMENITY SPACE IN RELATION TO THE PROPOSED HOUSING AND DOCTORS' SURGERY ON LAND SOUTH OF WITNEY ROAD, LONG HANBOROUGH (APP/D3125/W/15/3129767)**

- 17.1 Any indicative masterplan for the housing site to the southeast of Witney Road is for illustrative purposes only and that design, layout and landscaping are for consideration at Reserved Matters stage. However, the various submitted layout plans are useful in informing discussion of the likely impacts and general appearance of the proposed housing estate and it is noted that the draft S.106 agreement includes a plan for public open space that is consistent with the submitted illustrative layouts, with the precise boundaries to be determined as part of Reserved Matter approvals.
- 17.2 The appeal site offers the scope for a policy compliant provision of parking and private amenity space that would be compatible with West Oxfordshire District Council and Oxfordshire County Council standards.
- 17.3 Based on the indicative layouts submitted, there is the scope for a development to be agreed at reserved matters stage that would be acceptable in terms of impact on privacy and access to daylight from neighbouring properties.

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**18 REPLACEMENT DOCTORS SURGERY**

- 18.1 The proposed residential development on land south of Witney Road (APP/D3125/W/15/3129767) would result in an increased demand for local healthcare services that are currently predominantly met by Long Hanborough Surgery.
- 18.2 The provision of a fully fitted out and operational doctors' surgery within the appeal site would adequately address the component part of the Council's stated reason for refusal pertaining to the appeal proposals impact on the healthcare provision of the village, at the point when it came into use and provided its deliverability is shown to be reliable.

Updated Final Statement of Common Ground  
Land South of Witney Road,  
Long Hanborough  
Oxfordshire  
West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

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## **19 REPLACEMENT SCHOOL PLAYING FIELDS**

- 19.1 The development would result in increased demand for school places in Primary and Secondary Schools in the nearby area, which must be met locally. It would also result in increased demand for special educational needs provision.
- 19.2 Subject to the grant of planning permission, providing an additional, fully appointed and equipped playing field, as proposed by the appellant (ref. APP/D3125/W/15/3139807) would provide an opportunity to expand the capacity of Hanborough Manor C of E Primary School by building within the existing site, as would be required to increase the capacity of the school to meet the increased demand that would arise from the proposed new housing on the site to the southeast of Witney Road that is also the subject of these conjoined appeals.

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Updated Final Statement of Common Ground  
Land South of Witney Road, West Oxfordshire DC & JA Pye (Oxford) Ltd  
Long Hanborough 405  
Oxfordshire

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## **20 SECTION 106 AGREEMENT CONTRIBUTIONS**

20.1 The Council and Appellant will seek to agree section 106 obligation or obligations as a matter of expediency, together with a 'CIL Compliance Statement' to include the following issues and subject to any alterations/ revisions that may arise through negotiation:

### **Oxfordshire County Council Contributions**

- Education:
  - £625,428 for necessary expansion of permanent primary school capacity in the area;
  - £721,235 for necessary expansion of permanent secondary school capacity in the area;
  
- Highways
  - A contribution of £1,000 per additional residential dwelling towards enhancing strategic public transport provision through Long Hanborough.
  - A contribution of £20,000 towards bus stop infrastructure
  - Travel Plan Monitoring Contribution £1,240;
  
- Community Facilities
  - Library Infrastructure Contribution £37,400.
  
- Affordable Housing
  - See Section 8 for discussion of Affordable Housing matters.

### **West Oxfordshire District Council Contributions**

- District Contributions
  - £187,590 towards off-site sport/recreation facilities
  - Provision of a local equipped area for play to the standard required by the District Council
  - £71,916 towards the maintenance of the equipped children's play space.

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**21 PROCEDURAL – THE HOUSING APPEAL;**

- 21.1 As part of the housing appeal submission a revised illustrative masterplan (SK100) was submitted to address some of the points of concern as identified by the Council in its decision notice.
- 21.2 The revised illustrative masterplan (SK100) has been available for public inspection as part of the appeal procedure. In addition, a second duplicate application (Ref 15/02687/OUT) was submitted on the housing appeal site which incorporated the revised illustrative masterplan and was subject to a full public consultation exercise.
- 21.3 It is agreed by both parties that these plans may be considered to aid in the determination of the housing appeal without causing prejudice to any person or party.
- 21.4 Notwithstanding the above, as the housing appeal relates to an outline application, matters of detailed layout and design are to be considered at Reserved Matters stage, should the appeal be allowed.

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## 22 MATTERS OF DISAGREEMENT

22.1 The following matters remain areas of contention between the Council and Appellant:

- ~~The correct objectively assessed housing need for the District, the correct supply of housing sites in the District and the extent of the housing land supply shortfall;~~
- ~~How much weight may be attributed to Local Plan policies H7 and BE4 in the determination of the housing appeal proposal;~~
- Whether the proposals would result in harm to the social and visual character and value of the appeal sites and surrounds, with specific reference to the Council's Reason for Refusal;
- The extent of the planning benefits of the proposals and the weight that may be attributed to them;
- Whether there is significant demonstrable planning harm resulting from the appeal proposals that outweighs the planning benefits of the schemes.

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**23 AGREED POTENTIAL PLANNING CONDITIONS FOR THE PROPOSED HOUSING & DOCTORS SURGERY ON LAND SOUTH OF WITNEY ROAD AT LONG HANBOROUGH (REF. APP/D3125/W/15/3129767)**

23.1 Both parties agree that, should the appeal be allowed, the following planning conditions would be acceptable.

GENERAL

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and

(b) The development hereby permitted shall be commenced either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matter to be approved, whichever is the latter.

REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.

2. Details of the appearance, landscaping, layout and scale, (herein called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

3. The completed development will consist of no more than 169 residential units.

REASON: To ensure that the the final development accords with the outline planning permission.

4. That no works in connection with the permission hereby approved shall commence unless a detailed site-specific construction method statement and related site plan has been submitted to and approved in writing by the Planning Authority. Once agreed, all construction works on the site shall be carried out in accordance with the approved construction method statement.

REASON: To protect the amenity of neighbouring residents.

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HIGHWAYS

- 5. Vehicular and pedestrian access to the site shall be implemented in accordance with the approved drawings.

REASON: To ensure safe access to the development.

- 6. Prior to the commencement of any development a Travel Plan which adheres to the principles outlined in the submitted Transport Statement shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that the final development reflects the recommendations of the Transport Statement.

- 7. Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.

REASON: In the interests of highway safety and in accordance with Policy BE3 WOLP.

DRAINAGE

- 8. No development shall take place until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be carried in accordance with the approved plans and implemented prior to occupation.

REASON: To ensure that an appropriate foul drainage infrastructure scheme is provided so that the foul drainage network can effectively convey and treat foul flows from the development, ensuring there is no risk posed to controlled waters in accordance with Paragraph 109 of the NPPF.

- 9. No development shall take place until a surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (Infrastruct CS Ltd, Ref: 13-1364-08-02, Rev: B, August 2014) has been submitted to, and approved in writing, by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

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Updated Final Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & JA Pye (Oxford) Ltd  
405

- A restriction of the surface water run-off rate from the site to 25 l/s for all storm events up to and including the 1 in 100 year, with an appropriate allowance for climate change, rainfall event.
- An attenuation pond with the capacity to safely contain the surface water run-off from the site for all storm events up to and including the 1 in 100 year, with an appropriate allowance for climate change, rainfall event. This is estimated to be 1026.5m<sup>3</sup>.

REASON: To prevent the risk of flooding.

BIODIVERSITY

10. Prior to the commencement of the development hereby permitted, including any works of site clearance, details for protecting biodiversity on the site and any mitigation measures shall be submitted and approved in writing by the Local Planning Authority.

REASON: In the interests of biodiversity (Policy NE13 of WOLP).

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless written agreement has first been obtained from the LPA before any vegetation is cleared.

REASON: In the interest of safeguarding the habitat of local bird species.

NOISE

12. Development shall not begin until a scheme for protecting the proposed dwellings from road traffic noise, to achieve the following British Standard 8233:2014 internal ambient noise levels, has been submitted to and approved in writing by the LPA. All works which form part of the scheme as approved, shall be completed before any of the permitted dwellings are occupied.

Required Internal noise levels:

Location:

Living room: 35 dB LAeq 16 hour – 07:00-23:00

Bedroom: 30 dB LAeq 8 hour- 23:00-07:00

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[Updated Final](#) Statement of Common Ground

All habitable rooms must be afforded noise mitigation measures including appropriate glazing and ventilation so as to achieve the above criteria standards.

The layout and or mitigation measures employed for residential property shall achieve a general daytime noise level in rear gardens not exceeding 55 dB LAeq 16 hour (07:00-23:00 hours).

REASON: To ensure that occupant's amenity is not adversely affected by traffic noise.

#### ARCHAEOLOGY

13. Prior to any demolition and the commencement of the development a professional archaeological organization 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.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

14. Following the approval of the Written Scheme of investigation and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The Programme of work shall include all processing, research and analysis necessary to produce an accessible and usable archive and a full report for publication, which shall be submitted to the Local Planning Authority.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

#### CONTAMINATED LAND

15. Prior to the commencement of any development or preparatory site works (other than the demolition of existing buildings) an investigation of the site and a report shall be submitted for the consideration and written approval of the Planning Authority.

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[Updated Final](#) Statement of Common Ground

Land South of Witney Road,  
Long Hanborough  
Oxfordshire

West Oxfordshire DC & [JA Pye \(Oxford\) Ltd](#)

405

Where it is determined by the site investigation report that remediation of the site is required an appropriate remedial scheme shall be submitted and approved in writing by the Planning Authority prior to the commencement of any development or preparatory site works (other than the demolition of existing buildings). The approved scheme of remediation shall be carried out, in its entirety, before the development is occupied.

REASON: To ensure any potential contamination of the site is dealt with appropriately.

**ADDITIONAL CONDITIONS RELATING TO THE PROVISION OF THE SURGERY CONSIDERED NECESSARY BY THE LPA BUT DISPUTED BY THE APPELLANTS**

16. None of the dwellings hereby permitted shall be occupied before the surgery, which shall have a minimum of 740m<sup>2</sup> of internal floorspace and its associated car parking area, which shall have at least 27 spaces, at least three of which shall be accessible to wheelchair users, has been built; fully fitted out and is in operation as a doctors' surgery serving the local population.

The parking spaces shall thereafter be kept available for parking related to the surgery at all times.

REASON: To ensure that the development does not adversely affect provision of medical services within the nearby area.

17. Notwithstanding the provisions of the Principal Act or the Town and Country Planning General (Permitted Development) Order 2015 or any other related legislation or regulations that may amend, alter or supersede the Principal Act or the Town and Country Planning General (Permitted Development) Order 2015, the doctors surgery hereby permitted shall remain in that specified use.

REASON: To ensure that the development does not adversely affect provision of medical services within the nearby area.

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**24 POTENTIAL PLANNING CONDITIONS FOR REPLACEMENT PLAYING FIELD ON LAND EAST OF BOWLING CLUB, ROOSEVELT ROAD, LONG HANBOROUGH FUL (REF. APP/D3125/W/15/3139807)**

24.1 . Both parties agree that, should the appeal be allowed, the following planning conditions would be acceptable

**Commencement Of Development**

24.2 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

24.3 Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004

**Approved Drawings**

24.4 The development shall be carried out in accordance with the approved drawings:

- Sk01D, (January 2016) proposed location for playing field;
- P010 (November 2015) toilets & pe maintenance store plan;
- P011 (November 2015) toilets & pe maintenance plan elevations

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings

**Site Access**

24.5 The means of vehicular access to and from the land shall be taken only to and from Kents Bank and shall be formed, laid out, constructed and drained in accordance with plans to be submitted to and approved by the local planning authority before development commences.

24.6 Reason - To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

**Size Of Playing Field**

24.7 The proposed playing field shall be a rectangle of 100m x 60m and the area to be used for outdoor sport shall be fenced with a 2.1 metre weld mesh fencing

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24.8 Reason: To meet the standards of Oxfordshire County Council for the provision of playing fields.

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**Playing Field Details**

24.9 Full details of the playing fields including levels and drainage which shall be prepared which demonstrate compliance with the recommendations of the Natural Turf for Sport Design Guidance Note published by Sport England shall be supplied to the Council and approved in writing prior to the commencement of development.

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24.10 Reason: To ensure that the playing field is laid out to an appropriate standard and to avoid flood risk to nearby land and properties.

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**Ecological Mitigation**

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24.11 A reptile and great crested newt mitigation strategy method statement shall be prepared detailing the principles outlined in the letter dated 5<sup>th</sup> August 2015 from BSG Ecology submitted with the application, and shall be submitted to the local planning authority and approved in writing prior to the commencement of development.

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24.12 Reason: To ensure that potential impacts on protected species are properly mitigated.

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**ADDITIONAL CONDITIONS RELATING TO THE PROVISION OF THE PLAYING FIELD CONSIDERED NECESSARY BY THE LPA BUT DISPUTED BY THE APPELLANTS**

**Use Of Playing Field Restricted To The School**

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24.13 The use hereby permitted shall be for the benefit only of Hanborough Manor School and shall not be used at the weekend.

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24.14 Reason – to protect the amenity of the residents of Riely Close and Kents Bank

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| Signed on Behalf of               | Signature | Date |
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| West Oxfordshire District Council |           |      |
| <del>JA Pye (Oxford) Ltd</del>    |           |      |

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Updated Final Statement of Common Ground  
 Land South of Witney Road,  
 Long Hanborough  
 Oxfordshire  
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The housing requirement figure contained within the WOLP does not reflect an up-to-date OAN for the District and is not a suitable figure to use as a basis of the calculation of a five year housing land supply calculation.

It is agreed that in the absence of an up to date adopted Local Plan housing requirement the figure to be used in the calculation of a five year housing land supply is the full and unconstrained objectively assessed need.

It is agreed that it is important to assess full objectively assessed housing need for the District and that in this context consideration should be given to the Oxfordshire SHMA 2014 carried out by GL Hearn Ltd.

It is agreed that in interpreting the expression “available now” for the purposes of Footnote 11 to the NPPF, it is relevant to consider whether there are legal or physical impediments or other identifiable constraints integral to the site preventing immediate development.

The following points from the emerging Local Plan Examination in Public Preliminary Findings are agreed:

The housing requirement of 10,500 is not justified and has not been derived from a process which complies with the requirements of the NPPF (paragraph 1.2 – Part 1);

The Housing Market Area identified within the SHMA is appropriate (paragraph 2.1 – Part 1);

The EiP Inspector states at his paragraph 4.2 of Part 1:

National guidance states If a Council has robust evidence that past high delivery rates that inform the projections are no longer realistic – for example they relied on a particular set of circumstances that could not be expected to occur again – they can adjust their projections down accordingly. (Paragraph: 036Reference ID: 3-036-20140306) The Council's view is that there were abnormally high rates of house building which have unfairly influenced projections, particularly as used in the SHMA. The Council explains this spike in building by reference to a number of large allocations coming on stream at a similar time. However, Table 9 in HOU3 indicates that delivery on previously unidentified sites was also making a significant contribution. I do not regard that particular past situation as one which could not be expected to occur again. Indeed, the plan makes several large allocations which the Council expects to be delivering at the same time (see WOLP14, 15, 16, 17, 18 and 19). In the period before the plan is adopted and any necessary allocations are made, development is also likely to occur on a number of

previously unidentified sites. So a spike in housing delivery may well occur again. In part at least, this would be the result of the long gap without an up-to-date plan in place. Nevertheless, bearing in mind that ONS population projections are largely based on the past 5 years, it is right to be alert to any unusual factors in the period which feed into a particular projection. I explore this further below.

The EiP Inspector states: There is not the evidence to support the Council's contention that the SHMA's revised demographic starting point was biased by untypically high migration flows (paragraph 4.5 – Part 1);

The EiP Inspector states: The selection by the Council of its preferred demographic starting point based on the average outputs of the long term and short term projections is unjustified, since it skews the outcome too much to a period of very low delivery (paragraph 4.8 – Part 1);

The EiP Inspector states: The DCLG 2012 based household projection of 483 dpa and the John Hollis' projection based on migration over 10 years of 491 dpa ...are remarkably similar and both avoid being unduly influenced by untypically high migration. Subject to my comments on Household Representative Rates (HRR) below, they indicate that an up-to-date demographic starting point is around 490dpa. (paragraph 4.9 – Part 1)

A demographic starting point of 490 dwellings per annum may be embedding some suppression of household formation (paragraph 4.11 p Part 1);

The EiP Inspector concludes that the extent by which WODC 'over delivered' housing in the period 2006-2011 compared with the requirement applicable at the time in the South East Plan should not be subtracted from the housing requirement as this would be contrary to Government policy (paragraph 4.12 – Part 1);

The EiP Inspector states: I consider that the SHMA's recommended figure of a need for 274 affordable dwellings per annum is justified for the period 2013-2031. (paragraph 5.5 – Part 1);

The EiP Inspector states: The Council is not justified in planning on the basis of the economic baseline (paragraph 6.3 – Part 1), but should adopt the Committed Economic Growth scenario to plan for higher growth than the baseline in a 'policy on' context; I am not in a position to specifically endorse the related projection of job growth of 7,900 for West Oxon (ECON2, Table 5.2). If the Council chooses to adopt a new demographic starting point then that projection may be different. (6.13 – Part 1);

If any apportionment of Oxford's unmet need is made to West Oxfordshire then this would become part of the housing need for the District..... My initial view is that it would need to be taken into account in calculating the five year land supply (paragraph 7.6 – Part 1);

If the local plan were to proceed to adoption without having regard to any apportionment that had been made by the Oxford Growth Board, it would immediately be out of date (paragraph 7.7 – Part 1);

The EiP Inspector states in his Overall Conclusion and Way Forward at paragraph 10.5 of Part 1: I am unable to identify what the housing requirement should be. It is likely to be between the recommended figure in the SHMA (660dpa) and that in the plan (525dpa).

There is a high risk of delay in the delivery of the East Witney Strategic Development Area Allocation (paragraph 2.3 – Part 2);

There has been double counting in the windfall calculation for the Plan period as a whole. Therefore, the figure for the plan period should be 1,505 rather than 2000 (paragraph 2.8 – Part 2);

The Inspector has concerns about identifying and relying on specific SHLAA sites within the plan but not allocating them (paragraph 2.11 – Part 2);

A 5% buffer is required (paragraph 2.14 – Part 2);

Paragraph 2.15 – Part 2 states:

On the basis of the plan's current requirement of 525 dpa there has already been a shortfall in delivery since 2011 of 885 dwellings. National Guidance seeks any such shortfall to be made up in the next 5 years. On the Council's own assessment of land supply this is achievable and so the Council accepts that an alternative approach could not currently be justified. If the housing requirement is increased, the shortfall will be greater and may need further action to address. The Council needs to have particular regard to National Guidance on this matter, as the "Liverpool method" (spreading the shortfall over the whole plan period) is not mentioned. In passing, I would comment that the Council's calculation (HOU5, Table 1) appears to apply the 5% buffer only to the normal annualised requirement and not to the shortfall. It should apply to both since the buffer is intended to boost supply to give greater confidence that the overall housing requirement will be delivered.

The 5% buffer should apply to both the normal annualised requirement and the shortfall (paragraph 2.15 – Part 2).

It is agreed that if the Oxfordshire SHMA housing requirement of 660 dwellings per annum is used the LPA cannot demonstrate a five year supply of housing land on a “Sedgefield” basis.

It is the LPA’s position that it has a deliverable housing supply of 4,067 units between 1 April 2015 and 31 March 2020.

It the Appellant’s position that the LPA can only demonstrate a deliverable housing supply of 3,263 units between 1 April 2015 and 31 March 2020.

If the ‘Sedgefield Method’ is used the LPA cannot demonstrate a five year housing land supply when using its own preferred housing land requirement figure and number of deliverable units. However, using its preferred number of deliverable units on a “Liverpool” basis, the LPA can demonstrate a 5 year housing land supply against the full SHMA figure of 660dpa.

It is agreed that in the absence of a five year housing land supply, then under the provisions of paragraph 49 of the NPPF relevant policies for the supply of housing should not be considered up to date and the planning decision in this case should be considered in the context of the presumption in favour of sustainable development.

It is agreed that Policy H7 is a relevant policy for the supply of housing.

SK01B (January 2016) Proposed location for playing field;

P010 (November 2015) Toilets & PE maintenance Store Plan;

P011 (November 2015) Toilets & PE maintenance Plan Elevations