

5. HOUSING

OBJECTIVES AND STRATEGY (Paragraphs 2.1-10)

Objections 7/9, 104/179, 280/3418, 512/793-4, 530/3646-8, 531-3658-60, 532-3369-71, 551/952, 553/3458-3460, 557/1041, 565/1095, 570/1112&7, 571/3682, 578/1225&7, 578/1230-2, 584/1282, 774/3119

Issues

- (a) Paragraph 2.1 and objectives. The omission of specific reference to nature conservation interests in the second objective; the need to reflect the sequential approach to allocating sites for development, with priority to be given to previously developed land and lack of emphasis on category C settlements.
- (b) Paragraphs 2.2 and 2.3. The overall level of housing provision in the District and the scale of development in Witney
- (c) Paragraph 2.4. The absence of a reference to Eynsham; whether it is right to concentrate development in only the larger settlements or whether two new villages should be provided; the insertion of a reference to Bampton (and in paras. 2.6 & 2.8)
- (d) Paragraphs 2.5-10. The lack of reference to the priority given to previously developed land and to the Urban Capacity Study.
- (e) Paragraph 2.8. Whether ‘windfalls’ should be only in sustainable locations.
- (f) Paragraph 2.9 (as amended – 103). Whether the paragraph should apply mainly to category ‘C’ settlements; the deletion of the word ‘redevelopment’ and the fact that agricultural buildings are not ‘previously developed land’ and hence should not be counted as ‘windfalls’.

Conclusions

5.1 Issue a) - As with plan chapters 4 to 8 the objectives set out in the box in paragraph 2.1 of Chapter 5 are the same as those in paragraph 1.2 of chapter 2. Such duplication is unnecessary because the plan should be read as a whole. It also leads to a duplication of some of the objections. Thus, objection 179 is very similar to 158 which I consider in paragraph 2.5 of this report.

5.2 The second objective already refers to the priority to be given to previously developed land. It is a matter for discussion in individual circumstances whether sufficient emphasis is given to this. (793) The second sentence in the second objective is clearly a reference to the sequential approach. (1282) It is not appropriate to refer to category C settlements in an objective, or to any other aspect of the settlement hierarchy. It is a matter for the development of the strategy as I discuss below. (1225)

5.3 Issue b) – I refer to this in paragraph 2.12. Paragraphs 2.2 and 2.3 in chapter 5 are but statements of fact as to the context provided by the adopted structure plan with

which the local plan must remain in general conformity. The structure plan specifies the approximate number of new houses to be built in Witney during the plan period and was an issue discussed at the structure plan Examination in Public. In that respect it is a ‘given’. However, the draft replacement structure plan 2016 is at an advanced stage towards adoption. As I discuss below it will have implications for the amount of new housing required before 2011. Otherwise, the main issue for this report is where those houses should be sited. (952, 1041)

5.4 Issue c) - Paragraph 2.4 reflects decisions taken by the Council after consultation to include allocations in only three of the four ‘key service centres’ in the District. As I state in paragraph 2.14 of this report, at the Inquiry the Council confirmed that Eynsham is one of the key service centres, Bampton is not. The Council did not deny the locational advantages (proximity to Oxford) and sustainability characteristics of Eynsham but after a careful evaluation of a number of sites put forward by objectors and local views on them came to the conclusion that no sites should be allocated in the village. I am aware of the level of support for this decision locally but, after considering the objections, I recommend the allocation of a site (see paragraph 5.312). Paragraph 2.4 (and 2.6) will need to be amended accordingly to include Eynsham. (1095)

5.5 The objections (3119, 3369, 3458, 3646, 3658) to the inclusion of Bampton in paragraphs 2.4 have merit in that Bampton does not fit the criteria for identification as a ‘key’ service centre. It is, as the Council describe it, a local service centre. As I comment in chapter 2, the decision to include a site (Housing Proposal 5) in Bampton should not be confused with the strategy otherwise to focus on the more sustainable locations. The particular reason for doing so was, effectively, an exception to the strategy. For these reasons Bampton should be deleted from paragraphs 2.4 and 2.6 with paragraph 2.8 returning to the deposit plan wording (3370-1, 3459-60, 3647-8, 3659-60)

5.6 I recognise that the housing strategy for the settlements outside of Witney has been derived taking full account of national policy guidance in PPGs 3 and 13. In particular this aims to focus new development in the more sustainable locations where a wide range of local facilities are either already available or can be provided. The strategy does not deny all development in the smaller settlements but it rightly looks to provide the majority of new development needed to meet the strategic requirement in or on the edge of the larger towns. This also conforms with structure plan policy H1. In overall terms I support this approach although I consider that the policy might be more restrictive in the smallest settlements. (1112) To be sustainable, any new villages would need to be of such a size as to provide all necessary services and local employment. They would need to be justified for strategic reasons for which there is no basis in the structure plan. (9)

5.7 Issue (d) – The priority given to the identification of previously developed land is fully set out in chapter 2 of the plan, paragraphs 2.15-18 and the Urban Capacity Studies are mentioned in paragraph 2.17. However, I also consider that a re-arrangement of chapter 5 would help to demonstrate how this is put into practice, see R5.7 and R5.8. (794)

5.8 Issue (e) - There was considerable discussion at the Round Table Session on Housing Land Supply about the assumptions made on rural ‘windfalls’ which,

essentially, comes back to the application of policies H5-7 which permit small scale housing development and infill. I agree with the objections (1230) that the policies should as far as possible focus all new development in sustainable locations and that policy H5 for small villages is too permissive. This is discussed further in later sections of this report. The wording in paragraph 2.8, especially the use of the verb “secure” suggests positive action whereas by their nature “windfalls” are not planned for. I recommend a re-wording to change the emphasis here. The question of ‘windfalls’ is considered further with other objections to the assumptions in figure 5.1, below. (1117)

5.9 Issue f – Paragraph 2.9 is something of a mixture. In so far as it represents a summary of the plan strategy, policy H9 is the equivalent to the first bullet point. PPS7 does not restrict the conversion of agricultural buildings to the larger settlements and it would seem somewhat perverse to do so. (1231) The second sentence under the first bullet point appears to be merely a statement of fact as to how many conversions (not redevelopment (3418)) have been permitted rather than a statement of strategy and it seems out of place. (1232) Neither does the additional wording “within or on the edge of existing built-up areas” appear in either policies H9 or 10. I recommend a re-wording. It is clear from PPG3 that agricultural buildings are not to be treated as ‘previously developed land’ but that is a different policy consideration to those of PPS7.

RECOMMENDATIONS

- 5.10 **R5.1 Modify paragraph 2.4 by the deletion of the words “and Bampton” in the fourth line and the substitution of “and Eynsham”.**
- 5.11 **R5.2 Modify paragraph 2.6 by the deletion of the words “and Bampton” (in red) in line 4.**
- 5.12 **R5.3 Modify paragraph 2.8 as follows:
in the fourth line delete the words “will be secured” and substitute “is likely to arise”;
in the last sentence replace “are” by “have been”.**
- 5.13 **R5.4 Delete the third sentence under the first bullet point in paragraph 2.9 and substitute:
“In addition, some dwellings will continue to be created from the conversion of existing buildings in towns and villages to residential use in accordance with policy H9”.**

PROPOSALS (Paragraphs 3.1-3.5 and Figure 5.1)

In this section I will deal with those issues which were covered at the Inquiry by way of the Round Table discussion on Housing Land Supply. This focused on the statistical assumptions underlying figure 5.1 (also 9.1)¹. Although figure 5.1 includes figures for the capacity of individual sites where there are objections to those they are considered under the relevant site-specific proposal. Paragraph 3.2 of Chapter 5 refers to the proposals for Witney but I consider it more appropriate to consider all objections to the strategy for Witney together in Chapter 9.

Objections 247/377, 285/439, 295/464, 326/536, 504/766, 3532, 512/795, 518/816, 519/820, 523/846, 530/886, 3649, 50,1&3, 531/893, 3661-3&5, 532/901, 3372,3&6, 537/918, 553/984-5, 3461, 554/993, 557/1042, 3542, 561/1078, 563/3576, 564/1086, 565/1091, 570/3473, 571/1128, 576/3482-3&5* 578/1233&5, 45-7, 579/1253, 580/1254, 589/1300&3442&9*, 632/3374, 643/3551-2, 984/3420

162/3572, 247/3524, 316/3412, 509/3589, 523/3628, 553/3463. Relate to inclusion of allocation at Bampton. See para. 5.322

589/3443, 4114,6-7, 558/4109-10. Relate to treatment of N. Curbridge allocation. See paras. 9.1-7.

Issues

- (a) The wording of paragraph 3.1, particularly the reference to an over-supply of 10% and the proportion of development on previously developed land.
- (b) The interpretation of the structure plan requirement over the remainder of the plan period and the implications of the guidance in paragraphs 28 and 34 of PPG3 and the minister’s clarification in July 2003.
- (c) Whether there is flexibility to adjust provision in Witney as against the remainder of the District.
- (d) The adequacy of assumptions made as to the contribution to overall housing provision from i) urban capacity and b) unidentified or “windfall” sites in Witney and elsewhere.

Conclusions

5.14 Issue a. Paragraph 3.1 starts with a simple reference to the structure plan housing requirement. The revised plan includes the additional statement that there is a potential over-supply of 10%, a statement of fact derived from the amended figure 5.1. The amendment (104) to the last sentence is sufficient, in my view, to clarify the 40% figure for previously developed land (1042).

5.15 The Council’s responses make it clear that they are not seeking, as a matter of policy, to exceed the structure plan guideline figure for housing provision. They point to the GOSE objection (3532) which effectively supports flexibility in allocation in order to ensure that the structure plan requirement is met. Nevertheless, I share the objectors’ concerns (3442, 3482) that an over-supply might well mean a higher level of greenfield development unless the Plan, Monitor and Manage (PMM) approach is

¹ There are only 2 objections to figure 9.1. These replicate objections to figure 5.1 and raise no new issues. They are considered here and are marked in the list with an asterisk *.

rigorously applied with a clear policy intention (policy H1) to hold back permissions on greenfield sites if more previously developed land than expected comes forward.

5.16 The amended figure 5.1 on a 2002 base shows a total provision 1996-2011 in the range 6967-7477 whereas a 10% over-provision would be 7425, very close to the top of the range. However, the Council’s equivalent table updated to April 2004 suggests a range of 7856-8071, almost 20% in excess of the requirement to 2011. Account should be taken of paragraph 30 of PPG3 which advises that only land sufficient to meet the housing requirement set as a result of the strategic planning process should be identified. This suggests that a careful analysis of the implications of any possible over-supply is required.

5.17 Although the reasoned justification for the figures in figure 5.1 is given in paragraphs 3.2-3.5 this does not, in my view, explain sufficiently clearly the priority accorded to previously developed land (urban capacity sites) and the justification for any over-supply. A clarification is needed in paragraph 3.1 to make clear that the PMM process is intended to ensure that the structure plan requirement is met, not significantly exceeded in reality.

5.18 Issue b. Paragraph 34 of PPG3 indicates that sufficient sites should be shown on the plan’s proposals map to accommodate at least the first five years of housing development proposed in the plan. The ministerial statement of July 2003 makes clear that this is to safeguard against unrealistic windfall allowances. It is to allow for the proper operation of the PMM approach by bringing forward allocated sites should the anticipated windfalls not be realised and to hold them back if they are exceeded. The statement does not say that the allocations have to be post-adoption²; that relates to the 10 year time horizon of paragraph 28, making allowance for windfalls.

5.19 At the Inquiry (RTS1) I questioned whether the five year supply should be measured on the basis of the annualised provision over the full 15 year plan period of 1996-2011 or on the basis of the residual number of dwellings to be completed to achieve the structure plan ‘target’ to 2011. The Council argued that it should be measured against the annualised structure plan rate of 450 dwellings per annum, 2250 in 5 years, not the ‘residual’ rate because that allows for contributions to supply from all sources, including windfalls. The ministerial statement does not relate to the structure plan target.

5.20 To my mind the answer is somewhat more simple. The reference in paragraph 34 to the ‘housing development proposed in the plan’ must relate to the total plan provision, from all sources. The plan provision in this case is 6750 dwellings in 15 years so one-third, or 2250 dwellings, should be on sites specifically allocated in the plan. It may be that if there is a high expectation of housing on windfall sites, when totalled, the resultant figure will be more than the total required plan provision but, under the PMM approach and phasing policies, development should be held back so that does not occur. The residual requirement at any given date is not directly relevant.

5.21 The Council have made an estimate of likely development prior to April 2006, an assumed adoption date, and give figures to show that the revised deposit plan allocates sufficient land on the proposals map to accommodate about 2600 dwellings. This includes the full North Curbridge allocation of 800 dwellings and also allows for

² However, the letter of 25.3.04 from GOSE to East Hampshire District Council refers to adoption date.

the completion of the major sites in NE Witney (350 dwellings) and Carterton (900 dwellings) which have permission and are under development. The difficulty here is that these sites are commitments; they are not capable of being advanced or held back in order to prioritise sites according to the criteria in paragraph 31 of PPG3. In my opinion, such commitments should normally be excluded from the five year ‘pool’ of allocated sites described in the ministerial statement. Indeed, they are not ‘proposals’ in the strict sense of the word. Nevertheless, I also recognise that policy guidelines are not hard and fast rules and that a pragmatic approach is needed to reflect local circumstances. West Oxfordshire is a semi-rural district with a limited amount of previously developed land. It is also in an area of high housing demand. There is no reason to think that, now development is under way on these ‘remainder’ sites, they will not be completed within the plan period. If they were to be excluded from the five year supply calculation they would most likely be replaced by new allocations on greenfield sites which may be a) in less sustainable locations b) requiring additional infrastructural provision and c) possibly not needed even before 2016. That would be wasteful of resources and is not justified. I therefore support the approach the Council have taken on this issue. I consider the implications of PPG3 paragraph 28 later.

5.22 There is another aspect to the statistics for housing provision in figure 5.1 which requires consideration. It arises because this provision, quite correctly, is taken from the 1996 base used in the adopted structure plan. Thus by seeking to ensure that there is land for 6750 dwellings to be built by 2011 it is, in effect, using the residual approach to allocation, not an annualised one. The graph attached as appendix 1 to the Council’s revised position statement for RTS1 emphasises this showing anticipated completions of 625 from 2004 through to 2009 peaking at 650 in 2005/6, thus exceeding the 2004 residual rate. Although there is no duly-made objection which addresses this point directly it relates to concerns about over-provision (see paragraph 5.15 above).

5.23 I am aware that the structure plan review has now reached an advanced stage. The Examination in Public was held in October 2004 and the report of the Panel was made available before this local plan Inquiry closed. I am, therefore, able to take it into account. As the Panel have confirmed the County Council’s pre-examination changes, despite WODC’s objection to them, it seems reasonable to assume that the structure plan will be adopted on this basis. Consequently, I take the view that this Local Plan ought, as far as possible, to reflect the emerging structure plan although I do not go so far as to suggest that the plan period should be extended to 2016.

5.24 I pointed out at the Inquiry that the deposit draft Structure plan effectively “rolls forward” the existing planned provision for West Oxfordshire by five years to 2016. It does not seek to make up the under provision which occurred, especially in Witney, in the 1996-2001 period. The Panel’s recommendation 4.1 is that 6800 dwellings should be provided in West Oxfordshire in the period 2001-2016 (453 per year) with 3000 (200 a year) in Witney. There is, therefore, very little change to the anticipated annual development rate from the current plan.

5.25 The base date for the revised structure plan is 2001. I was provided with figures for housing completions in West Oxfordshire in the 1996-2001 period so that a comparison might be carried out. Only 275 dwellings were completed in Witney and 1152 elsewhere (excluding rural exception sites) a total of 1427. The new structure plan annualised rates factored by 10 for the years 2001-2011 give 4530 in the District

as a whole; 2000 in Witney. This means that the 1996-2011 figure for the District might be amended to 5957 and for Witney to 2275. The revised structure plan means, in effect, a re-scheduling or re-phasing of housing development in West Oxfordshire. Consequently, I consider it unrealistic and unnecessary to continue to plan for the completion of 6750 dwellings by 2011 in accordance with the adopted structure plan. This conclusion has major implications for the plan strategy.

5.26 The revised 2004 base version of figure 5.1, as discussed at RTS1 (*CDI/110*), shows a potential land supply sufficient for between 7856 and 8071 dwellings to be built 1996-2011, 3254-3319 in Witney. A simple calculation indicates that these figures represent 1899-2114 dwellings more than will be needed to meet the revised structure plan requirement annualised to 2011. The requirement for the 5 years pro-rata 2011-16 is 2265 which means that land for between 151 and 366 dwellings only is required before 2016. In Witney the result is between 21 dwellings and an *excess* of 44. This also does not allow for further unidentified (windfall) urban capacity sites which might be expected to come forward in 2011-16, perhaps 150.

5.27 I recognise, of course, that these figures relate to capacity and that actual development may not reach these levels. However, a density assumption of 30 dwellings per hectare is the minimum of the range envisaged by PPG3 and the Council evidence is that higher average densities are being achieved in the major developments of North East Carterton (35 dph) and Witney (32 dph). Much development on these allocations is unconstrained in that the sites can be built out as the market dictates. This is reflected in the high completions forecasts for the next few years. Should that occur, however, it would leave scope for very little if any additional allocation to meet the revised structure plan requirement to 2016, as I indicate above.

5.28 It seems likely that, even if it is adopted in its present form, the Oxfordshire Structure Plan 2016 will be overtaken by a review of RPG (RSS) 9 which may take account of a Government response to the Baker Report expected shortly. I cannot make any assumptions about the implications of this for Oxfordshire, let alone West Oxfordshire. It will be for any forthcoming LDF process to take this into account.

5.29 My overall conclusion on this issue is that the provisions of this plan, as indicated in revised figure 5.1, represent a wide margin of flexibility against what is likely to be the revised annualised structure plan requirement to 2011. They are generally sufficient to 2016 and verge on over-provision contrary to the guidance in paragraph 30 of PPG3. However, this has to be read with the ministerial statement of July 2003 and, in that context, I am satisfied that the plan has identified a potential supply of housing for almost 10 years following the likely adoption date. This is not significantly affected by my comments below on the “rural windfall” allowance.

5.30 Issue c. Although the structure plan makes specific provision for the scale of housing development to take place in Witney this is clearly intended to be a “sub-set” of the district provision. In some ways it is unusual for a structure plan to specify provision at a sub-district level but it is part of the market towns strategy in Oxfordshire. I can find no basis for the suggestion that the five-year supply requirement should be calculated separately for the rest of the district outside Witney, which includes Carterton. (The description “rural area” is misleading) I agree with the Council that if the provision was ring-fenced in this way it would almost certainly result in a higher level of greenfield development than would otherwise be the case contrary to the priorities identified in paragraph 31 of PPG3. Furthermore, although

adopted structure plan policy H1 states that the provision for Witney should be “about 2700 dwellings” it is not suggested that this is necessarily an upper limit; it gives flexibility for the local plan to increase it within the overall plan total should that be justified.

5.31 This means, in effect, that the plan provision outside of Witney is a guideline and not a target. The supply identified in revised figure 5.1 (*CD1/110*) of 4602-4752 dwellings would represent no less than 77-80% of the total district provision to 2011 under the revised structure plan. Figure 5.1 will need further adjustment to allow for the Parker Knoll development, for example. Nevertheless, the margin of flexibility is such that it would not be necessary to make any significant green field allocations, particularly on the scale of Woodstock East. There is undoubtedly a need for affordable housing which may justify smaller allocations in each of the key centres, including Eynsham.

5.32 Issue d. Figure 5.1 gives an indication of the number of dwellings which are expected to be completed on sites allocated in the plan, applying density assumptions where the capacity of sites has not yet been determined by a permission. A significant proportion of the total provision is made up of dwellings on unidentified sites; in the update to April 2004 this would be in the range 515-730 out of 7856-8071 (6.5-9%), a reduction from the revised deposit plan, although it is proportionally higher in the ‘remainder of West Oxfordshire’ i.e. outside Witney.

5.33 The Council have carried out an Urban Capacity Study (UCS) (*CDs 1/44, 96, 97*) in accordance with the advice in PPG3 and associated good practice guidance. This covered not only Witney but also the 4 key service centres of Carterton, Chipping Norton, Eynsham and Woodstock. The urban capacity is, not unsurprisingly, greatest in Witney and several of the largest sites have been allocated in the plan as a result with an estimated capacity given. There was discussion at the Inquiry about the accuracy of these assumptions, whether too high or too low, and whether additional smaller sites should be identified.

5.34 Overall, I consider that the approach to the identification of urban capacity on previously-developed land is robust. I heard evidence of significantly higher capacity achieved at Bridge Street Mills (176) but I agree that at the base date of 1st January 2004 this could not be anticipated. It is now a fact and, no doubt, will be taken into account when the modified plan is prepared. The Witney Society (*1042*) also urge higher estimates for unidentified sites but the estimate should be realistic. Such variations only go to illustrate how the PMM approach is supposed to work and why there must be a mechanism through a phasing policy to hold back the development of allocations on green field sites. All that can be done is to make a best estimate at a given point in time.

5.35 The UCS does not identify all potential sources; it cannot, because it is inevitable that sites will become available unexpectedly. These are the essence of “windfall” sites as defined in paragraph 34 of PPG3. An allowance is made therefore for these windfall sites on a trend basis. The sources are identified in the study and include employment sites. Reference was made to a permission on a site at Tower Hill, Witney, for 61 dwellings, which if implemented would push the “windfall” provision in Witney to the top of the assumed range. Nevertheless, I agree with the Council that this is a matter for monitoring. It does suggest that the urban capacity assumption for Witney may be “conservative” as one objector put it. Indeed, “omission” objections within the urban area of Witney (see Chapter 9) suggest that a

number of additional sites might come forward and I recommend an additional allocation at the Buttercross Works (*R9.17*). Otherwise, I am prepared to accept the Council’s estimate as reasonable on the basis of the evidence available although it emphasises the need for the phasing policy to retard development on green field sites. (*536, 795, 993, 1300, 3420, 3443, 3473, 3483*) I agree that in the PMM approach it is not necessary to apply a 10% non-implementation assumption. (*377, 439*)

5.36 Although it would make the plan too detailed should more of the background work from the UCS be included in the plan itself (*3420*) I think there is a legitimate point about the emphasis given to the phasing policy H1 and the strategic choice elements which underpin the priorities for allocation. I note that amendment no. 99 to the revised plan introduces a new paragraph 1.4 which sets out a “running order” for the chapter. To my mind the PMM approach should be given more emphasis by bringing forward policy H1 to follow figure 5.1, which is part of the justification for policy H1. The site-specific housing proposals are all set out in policy H1 and should logically follow it. Such a re-arrangement should assist in justifying those sites which it is necessary to allocate in this plan period, especially those on greenfields. There is also a need to explain the way in which the plan deals with the questions of 5 year supply (PPG3, paragraph 34) and 10 year provision (paragraph 28) as covered in the 2003 ministerial statement. Consequently, I recommend a new section 3 on the Plan, Monitor and Manage approach in West Oxfordshire.

5.37 In the remainder of the district, outside Witney, the UCS covers the 4 key service centres and has identified relatively little previously developed land. It takes a trend approach to “windfalls”. The last UCS update (*CD1/97*) mentions the large windfall which has occurred through the closure of the Parker Knoll factory at Chipping Norton where the Council have resolved to approve a mixed use development including up to 120 dwellings. That in itself would be a significant addition to the provision in that town and other development should be phased to take account of it. It is also possible that significant redevelopment of former MoD properties in Carterton could take place. The Council say they would regard that as key worker housing but it will still be necessary to take it into account should it occur.

5.38 The Council make much of the historic contribution made by windfall developments in the rural areas. These have fallen into two main categories a) the conversion of agricultural buildings to residential use and b) infill plots and “rounding off” within the villages (policies H5-7). However, the guidance in paragraph 35 of PPG3 is clear that no allowance should be made for “greenfield windfalls”. This has led to a number of objections to the rural windfall allowance. (*439, 766, 846, 886, 893, 901*). In particular GOSE maintain their objection (*766*) to the inclusion of conversions of agricultural buildings because these are specifically excluded from the definition of “previously developed land” in Annex C of PPG3. There was correspondence on this point between four Oxfordshire LPAs and GOSE in November 2000.

5.39 The scale of the possible provision through conversions is not great and, given the degree of uncertainty over this element must be within range of flexibility built in to the figures. It is now clear that no allowance for any type of windfall should be made in identifying the 5 year supply to be shown on the proposals map (see above) but they count towards the longer-term 10 year supply under paragraph 28 of PPG3. I also recognise that the advice in Annex C of PPG3 refers as much to the land as to

buildings and does not distinguish between those within villages and those in more remote rural locations.

5.40 It seems to me that the main purpose of Annex C is to prevent the quite extensive areas covered by redundant farm complexes and yards, of which there are many following agricultural re-structuring, from being given the policy priority accorded under paragraph 31 to previously-developed land. Otherwise there would be considerable potential for new housing development in unsustainable locations. This is somewhat different to the conversion of individual former agricultural buildings which meet the quite strict criteria of PPS7 and plan policy H10 which I recommend for modification to bring it more closely in line with national policy.

5.41 In certain respects the re-use of existing buildings is more sustainable than building new ones but whether the activities which a residential use generates are sustainable is open to doubt and will depend very much upon the location of the building. By their very nature group A villages lack facilities so that additional residential uses, through conversion or otherwise, would be likely to increase the need to travel for most day-to-day needs. I recommend (see paragraph 5.107) that the group A villages should be treated no differently to the open countryside. It might, therefore, be expected that the number of conversions permitted in accordance with the amended policy might be reduced compared to past trends. Notwithstanding the statement in paragraph 35 of PPG3, I am not convinced that a small allowance should not be made for these additional dwellings within the overall 10 year provision suggested by the third bullet point in paragraph 28 of PPG3.

5.42 The other element of the windfall allowance is development which has historically taken place on small sites primarily within the group B and C villages by way of infill and rounding off within the terms of policies H5-7 in the adopted local plan. These are little changed in this plan.

5.43 The unidentified or “windfall” element on the revised (April 2004) figure 5.1 represents 8.5-11.4% of the total provision to 2011. In their supplementary statement following RTS1&2 dated 12th July 2004 the Council state that when planning permissions (for 560 dwellings on 1.1.04) are also taken into account they would expect completions on such sites January 2004-end March 2011 to be in the range 960-1120 dwellings, although it appears the latter figure should be 1060, which equates with 132-146 dwellings per annum (dpa.) from this source. As I explain above, figure 5.1 looks to the SP ‘residual’ figure to 2011 which is no longer a realistic aim. The revised annualised SP provision for the whole district is 453 dpa. 132-146 dpa. thus represents 29-32% of the housing provision in the period. For that reason alone the validity of continuing the existing rural settlement policies is a matter requiring consideration.

5.44 The analysis in the 12th July statement also provides some indication of the balance of development between the different settlement categories although those in category C settlements include permissions on sites allocated in the adopted plan. In terms of outstanding permissions in April 2004 there were 2170 in group C, mostly in Witney and Carterton; 266 in group B and 70 in group A. I find the figures for some of the group A villages surprisingly high and those in group B suggest some sizeable developments. My concern here is that reliance on criteria based policies provides much scope for interpretation and appears to permit an element of dispersal.

5.45 It is not clear what element of these rural ‘infill’ sites might be ‘greenfield’ which should not be counted at all in land supply calculations. Despite what the Council said on this it seems to me that not all such sites will be created by the sub-division of large gardens. My experience is that gaps between houses in smaller villages are often in agricultural use and “rounding off” sites are also likely to be open land at present. A supplementary paper provided by the Council shows that in the category B villages, 1996-2004, 472 dwellings were granted permission as ‘windfalls’ under existing policies of which 120, over a quarter, were ‘greenfield’.

5.46 The objections to the rural windfall allowance are split between those who argue that it is too high and, consequently, not enough land is identified by way of specific allocation to meet the structure plan target (377, 918, 1254, 3516) and those who say it is too low (3372, 3649, 3662). I accept that the figure produced by the Council, based upon past trends, is probably a reasonable estimate of the number of dwellings which will be completed on these sites but it assumes a continuation of past policies. Despite the studies carried out into the sustainability characteristics of this aspect of policy there remains a significant element of windfall provision in smaller villages which are, by their very nature, less sustainable than the allocations made in the larger centres. I recognise that this represents an aggregate of small developments scattered through many different settlements but there is no clear justification for this element.

5.47 I consider objections to policies H5-7 in paragraphs 5.82 to 5.111 below and conclude that a more restrictive approach should be taken. I also consider that it would be highly advantageous if, as far as possible, small housing sites should be identified and allocated for development in the group C and D settlements in accordance with revised policy H7. This should apply to all sites that cannot be described as infill, probably anything more than 2 dwellings (5 in Witney). However, I recognise the resource implications of making a formal recommendation to this effect and it might delay the adoption of the plan because some might be controversial and lead to objections to modifications and the need for a further Inquiry. It is not in any one’s interest to delay matters in that way.

5.48 I intend, therefore, to recommend only that the windfall allowances for the rural area be re-examined in the light of the revised policies H5-7 to ensure that they remain a realistic estimate of the likely contribution to housing supply from completions on unidentified sites in the rural settlements of the district. Otherwise, suitable sites for small-scale housing development, as mentioned above, might be identified, in accordance with a core strategy, in a site allocations Development Plan Document (DPD) prepared in due course under the provisions of the 2004 Act.

5.49 I am not in a position to quantify the reduction in the ‘rural’ windfall allowance which might occur as a result of the above, or indeed to suggest a revision to figure 5.1 of this plan other than to update it. Those objectors who sought a reduction in the windfall allowance also sought additional allocations in the rural area to compensate. Not only does it not follow that such allocations should necessarily be outside Witney but also it does not affect the 5 year allocations on the proposals map because that supply explicitly excludes windfalls. The only possible consequence of a reduction would be in terms of the 10 year supply in accordance with the ministerial clarification of paragraph 28 in PPG3. However, even if the effect of the recommended modifications to policies H5-7 was to halve the development rate for ‘additional development on unidentified sites’ such reduction would make little difference to the overall plan provision because it would represent only about 6

months supply at the structure plan annualised rate. In view of the number of potential options for any re-distribution through allocation and the uncertainties of prediction over such a time-span I consider that this is a matter which is most appropriately considered as part of a future core strategy DPD.

RECOMMENDATIONS

- 5.50 **R5.5** **Modify paragraph 3.1 to clarify that the purpose of figure 5.1 is to demonstrate how the plan will achieve the requirements of the structure plan, taking account of the re-phasing to be introduced in the replacement structure plan to 2016. Also state that these provisions are intended to ensure that land is brought forward in order that the requisite number of houses will be built through the rigorous application of the Plan, Monitor and Manage approach through the provisions of policy H1.**
- 5.51 **R5.6** **Update figure 5.1 to the most recently available base date showing only the level of housing provision needed by 2011 to meet the revised structure plan requirements to 2016 pro-rata, deleting reference in brackets to the timing of land release at North Curbridge and replacing with “this site is held in reserve for development after 2011”. Re-assess the contribution to be made from unidentified sites in the light of recommendation R.5.15 on policies H5-7.**
- 5.52 **R5.7** **Modify paragraphs 3.2-3.5 to explain more fully the PMM approach as taken in the plan; the requirements of PPG3 paragraph 34 for the identification of a 5 year supply of land through allocations on the proposals map, listing the sites to achieve that and the basis for the selection of those sites in accordance with the criteria in paragraph 31. Also set out the statistical assumptions which demonstrate a 10 year supply in accordance with paragraph 28; all as an introduction to a revised policy H1.**
- 5.53 **R5.8** **Bring forward revised policy H1 and section 4 of chapter 5 to follow paragraph 3.5, revised section 3 to be called “Planning, Monitoring and Managing Housing provision in West Oxfordshire”.**

POLICY H1 – PHASING

Policy H1 was considered at the Inquiry at the first RTS on Housing Land Supply. As I recommend that more emphasis be given to the PMM approach to allocation by moving policy H1 forward I also deal with objections to the policy before considering site-specific objections to the housing proposal sites and other housing policies.

The objections considered in this section are those which raise matters of principle with regard to the operation of the phasing policy. Those which are concerned with the treatment of particular sites, i.e. which phase they should fall within or whether they should be regarded as “strategic” are considered along with other objections to the relevant proposal. These objections are listed in italics below.

At the end of this section I set out a recommendation (R5.9) for a modified policy H1 which takes into account my consideration of all site-specific objections to the housing proposals in the plan in later sections of chapter 5 and in chapter 9.

Objections 146/231, 302/484, 326/539, 504/759, 510/782&3608, 511/787&3612, 512/796, 514/803, 526/865, 530/3657, 531/3669, 532/3380, 563/3577, 571/1129,40 &3612, 576/1149, 577/3642, 645/1498, 983/3398

550/3494, 553/3466&7 and 560/3505 raise objection to the inclusion of Bampton in the revised phase 2. These are considered together with other objections to this allocation in paragraphs 5.316 - 5.328

300/474 & 3387, 558/4111 and 589/1303, 3444&4114 raise objection to the phasing of North Curbridge inc. PIC5.4 that it be a “strategic site”, see paragraphs 9.58-66. Objection 571/1140 relates to the treatment of phasing in chapter 9.

162/260&3574, 509/3591 and 575/1148 relate to the phasing of housing Proposal 3, Woodstock E., see paragraphs 5.197 - 5.240

Issues

- (a) Whether the policy, with the revised supporting text, is sufficiently clear and precise as to the manner in which the phasing policy will work, particularly the mechanism for bringing forward sites or delaying them as envisaged in the guidance in PPG3 and the Good Practice Guide “Planning to deliver”
- (b) Whether the need to provide affordable housing should be a factor which triggers the advancement of a greenfield site for development whatever the position with regard to the contribution to general housing provision made from previously developed land (urban capacity sites)
- (c) Whether in the light of these considerations, the short time left before 1st April 2006, and the need to consider options for development after 2011 (towards 2016), an alternative approach to phasing might be appropriate.
- (d) Highway infrastructure; the treatment of smaller sites and the reference to development briefs in paragraph 4.2.

Conclusions

5.54 Issue a. The policy on the phasing of land allocated in the plan for housing development is a critical element in the Plan Monitor and Manage approach to land release. It needs to be stated clearly in the plan how the search sequence set out in paragraph 30 of PPG3 has been followed and how criteria in paragraph 31 have been applied in choosing the sites for allocation. It is because I believe this analysis requires strengthening as a precursor to the identification of sites in policy H1 that I have recommended a re-ordering of the plan content in chapter 5 (R5.8). R5.7 would result in the insertion of text similar to that contained in paragraphs 3.1-3.21 of the Council’s topic paper “An Overview of the Housing Strategy” (CD1/101) describing the sequential search process leading to the final selection of sites for allocation. (3657, 3669, 3380)

5.55 The additions made to the explanatory text in paragraph 4.1 (amendment No. 117) go some way towards explaining the Council’s intended approach to phasing. They appear to have met the objection to the deposit plan by GOSE. (759) However,

I agree with the other objections on this point (796, 1129), that the analysis should be more robust.

5.56 The policy defines each phase as ‘development to commence prior to’. Commencement is not, as a general rule, something which is controlled by the LPA and has little meaning in practice other than to ensure that permissions do not lapse. The policy does not, as advised in “Planning to deliver”, distinguish between the large allocations which have already commenced and those for which there is, as yet, no permission. (231, 1498) It does not make allowance for development rates nor lead-in times from permission. What is important in planning terms, and should be monitored, is the rate at which dwellings are completed. Housing provision, as measured from the RPG (RSS) down through the structure plan is always expressed in terms of dwelling completions. In this context, the figures for dwellings introduced into this policy by amendment no. 116 are of little value and it is unclear from where they are derived.

5.57 What is needed here is a clear indication of the anticipated contribution to supply from the various sources identified in figure 5.1 within each phase; what will trigger corrective action under the PMM approach and what will be done. I recognise that nearly all of the sites in phase 1 are on previously developed land except the green field commitments of NE Carterton and Witney which should be kept separate giving an estimate of completions on those sites in each phase. It seems to me from the evidence presented that come April 2006 there will still be a significant residual supply from urban capacity sources which should be given priority. This suggests a later end-date for the first phase and sites included in it should be those which may be “released”, i.e. planning permission granted, during the period, not development commenced.

5.58 Paragraph 4.1b identifies two possible triggers for remedial action, an “inadequate supply of housing land and/or affordable housing targets not being met”. I deal with affordable housing below but I consider that the plan should define what is meant by an inadequate supply of land. (539) This might, perhaps, relate to the maintenance of a five-year supply of land based on the structure plan annualised requirement. Otherwise, with my recommended modifications to the policy, the text of paragraph 4.1b is superfluous.

5.59 Paragraph 4.1c, draws from “Planning to deliver” and properly identifies the mechanisms for amending the phasing of a site should monitoring reveal a shortfall or excess provision of housing land. It should work both ways. Unfortunately, these mechanisms are no longer available during the transitional period pending the preparation of an LDF. It seems to me that in practice it will be the core strategy and site allocation DPDs which will do this and paragraph 4.1c needs to be updated accordingly.

5.60 Issue b. If a strict priority was accorded to previously developed land across the district as a whole it would mean that the allocations made on green field sites on the fringes of the key service centres would be in the last phase to be developed only should the overall supply of land fall below a specified level. The likely availability of the former Parkner Knoll factory site in Chipping Norton suggests a re-appraisal of priorities in that town and, possibly, in the remainder of the “rural” area.

5.61 There is nothing in PPG3 itself which suggests that the need to provide affordable housing in a given area is a factor which would justify bringing forward a

greenfield site while previously developed land remained available. Indeed, the danger of such an approach is that greenfield sites might be developed first because site costs are often lower than brownfield. This could undermine objectives to locate as much new development as possible on urban capacity sites. This is the concern of Oxfordshire County Council (3642). Of the criteria for site selection in paragraph 31 of PPG3 it is only “the ability to build communities” which might cover affordable housing. In “Planning to deliver” the only reference to affordable housing is in the “Frequently Asked Questions” on page 36 which acknowledges that there may be occasions where the provision of affordable housing may have a bearing on the managed release of sites.

5.62 In order to meet an identified need for affordable housing consideration must be given to the inclusion in the plan of small allocations for 100% affordable provision or for exception sites in accordance with amended annex B to PPG3.³ (539) Nevertheless, I acknowledge that *in the local context*, i.e. in a particular settlement or area, there may be no other way to meet an identified need for affordable housing but to make an allocation for a greenfield development with an element of open market housing under policy H11, but this should be seen as part of the overall supply of new housing and be subject to the same requirements in terms of location and sustainability. What I cannot accept is that a shortfall of affordable housing provision *generally* in the district would justify advancing the phasing of larger greenfield sites with at least 50% open market housing. To do so would undermine the priority given to previously developed land. It needs to be clear from the policy, rather than in the supporting text, that affordable housing need should be assessed locally and I have incorporated it in the recommended amended policy wording.

5.63 In the revised draft plan there are but three ‘new’ housing proposals for the peripheral development of rural settlements on green field sites. Of these, Bampton was put forward only because of an identified need for affordable housing and the large Woodstock East allocation is also strongly influenced by this. In the event, and for a variety of reasons, I do not favour either allocation but do recommend making smaller allocations at Shipton Road in Woodstock and in Eynsham East. I consider that this is compatible with the approach I have taken to policy H1; provides for a more even spread of new housing within the rural area and will meet affordable housing needs locally.

5.64 Issue c. From the above analysis it will be apparent that I consider that policy H1 should be re-structured. Firstly, rather than the commencement of development the policy should state the earliest date (phase) at which planning permission for a site might be given and make an estimate of the number of dwellings likely to be completed on the site by the end of the phase. This can be no more than a best estimate but it will give an indication of the monitoring criteria (triggers) against which it may be decided that sites should be advanced from a later phase, or indeed put back, as the case may be.

5.65 Secondly, the purpose of a phasing policy is to relate it to the PMM approach to ensure continuity in housing land supply and to prioritise the development of previously developed land. It is not simply a list of allocations with likely implementation dates. There is no point in listing sites on which development has already commenced unless there is a phasing condition on a permission. On the other

³ Annex B was updated in a statement on “Planning for sustainable communities in rural areas” issued by ODPM, January 2005

hand, those parts of the large NE Witney and Carterton allocations, both greenfield, which do not yet have permission should be separated out because they might be given a lower priority than the UCS sites, although there may be good planning reasons to allow those developments to be completed in order to support the necessary infrastructure. The UCS allocations in Witney are proposal sites 13, 14 and 15, although development is now under way at Bridge Street Mills (15). I also recommend (R9.17) an additional allocation at Buttercross Works. Otherwise, only Rock Hill, Chipping Norton and Groves Timber Yard at Milton are on previously developed land.

5.66 April 2006 is so close to the likely adoption date for the plan that it is of little practical value as an end date for a ‘first phase’. It also needs to be made clear that the level of outstanding commitments on the other sites, which should be listed separately, is such that no further permissions need be granted in Witney until the end of the first phase. I do not have any firm views as to when that might be although April 2008 would allow time for monitoring of progress towards the 2011 end date for the plan. A phase end at 2008 is also likely to enable a review by way of the first DPDs as part of the LDF under the 2004 Act. I did not hear evidence on this point nor do I have the Council’s programme for preparation of the first DPDs (LDS) and so, although I include the date in the formal recommendation on H1 for completeness, it should be treated as advisory.

5.67 When the level of existing commitments (i.e. sites on which development has commenced) is taken into account and in view of the conclusions of the UCS work plus the likely availability of land at the Parker Knoll factory in Chipping Norton I take the view that there is no case for the inclusion of any greenfield sites in the first phase. The Council appear to have included sites such as Shilton Road, Carterton (Carterton Proposal 5) in the first phase solely because they are carried forward from the currently adopted plan. That approach does not fit with PPG3 guidance. For similar reasons there is no case for advancing the phasing of any of the sites included in phase 2 even though my suggestion puts back the timing of that phase. I do not accept that any of the sites outside Witney are critical to the plan strategy as a whole, including the Woodstock site (539).

5.68 This leaves the vexed question of the major allocation at North Curbridge. This is central to the strategy for Witney and, along with the major alternatives put forward, is considered in chapter 9 of this report. In that chapter I conclude that the site should not be treated as a “strategic site” under the approach suggested in “Planning to deliver” because to do so would run counter to my recommendation that the strategy be reviewed. Furthermore, it was generally agreed at the Inquiry that even on the basis of conformity with the currently adopted structure plan (to 2011) the site would only be required to make a contribution to housing provision right at the end of the plan period. I now conclude that the site is not required before 2011 and, possibly, not before 2013 or 14.

5.69 As I indicated at the Inquiry it has not previously been seen as necessary to include sites in a local plan on which development is not expected to start until after the end of the plan period. However, this has been changed by the July 2003 ministerial statement. If the North Curbridge site was not included the plan would fail to include sufficient land for a five-year supply excluding windfalls, neither would it be giving an indication of a 10 year supply from the likely adoption date. For these reasons, I consider that Witney Proposal 6 should remain but as a phase of its own,

post 2011. However, this is dependent upon a re-evaluation of the housing strategy for Witney in a core strategy DPD for all of the reasons I give in chapter 9. The modified policy is worded in such a way that it does not completely rule out a permission prior to 2011 but I would only expect this to be necessary once the results of monitoring in parallel with the preparation of a core strategy DPD has clearly established that as the way forward. It necessarily refers to the structure plan to 2016 because this seems likely to be approved and form part of the ‘saved’ development plan until such time as it is superseded either by revisions to RSS9 or through a core strategy DPD (or both).

5.70 Issue d. This ‘issue’ is intended to pick up the other points raised in objections to this policy. Firstly, the Highways Agency (484) are concerned that certain sites are premature pending highway improvements. This issue is at the heart of my consideration of the strategy for Witney in chapter 9. Secondly, Eynsham Parish Council (3398) are concerned that the policy will not bring forward the smaller sites needed by the community. By its nature, a phasing policy does not deal with small sites for which proposals are considered under the wording of policies H6&7. This is clear from CP016. Finally, All Souls College (865) object to the reference to planning briefs in paragraph 4.2. There may be some confusion in terminology here because what is termed a “planning brief” is actually a master plan prepared by the developer, something they might normally be expected to do and to that extent the paragraph is acceptable as it is not a statement of policy. To my mind a brief is usually supplementary guidance prepared by the LPA giving more detail than the generalised plan policy on the design concept and principles expected of the developer. I commend such an approach although do not recommend a change to paragraph 4.2.

RECOMMENDATIONS

5.71 R5.9 Delete policy H1 and replace it by a new policy as follows:-

Development of the sites allocated in this plan for residential development or mixed uses including housing will take place in accordance with the following phasing requirements:-

First phase – planning permission on these sites may be granted prior to 1 April 2008 (*Figures in brackets indicate the expected housing completions on each site prior to this date*).

(List in the first phase those sites on which development has not yet commenced and which are previously developed land.)

Second phase – planning permission on these sites will not be granted before 1 April 2008 unless monitoring of housing completions and outstanding commitments, including progress on the development of sites included in the first phase and any otherwise unidentified sites on previously developed land, suggests that additional land should be released either a) to ensure a five year supply of housing land in accordance with the annualised structure plan requirement or b) in order to satisfy a proven need for affordable housing in a particular settlement or its environs which cannot be met by any other means, including rural exception sites.

(List all greenfield sites including any parts of larger allocations which do not have permission, except North Curbridge)

The allocation at North Curbridge (Witney Proposal 6) will not be granted permission before 1 April 2011 unless monitoring of development during the second phase suggests that there is likely to be an inadequate supply of land to meet the structure plan requirements to 2016.

- 5.72 **R5.10 Modify the supporting text to policy H1, paragraph 4.1 and 4.1a, to provide a link to figure 5.1 and revised paragraphs 3.1-5 to explain the assumptions made on completions and commitments on sites not identified under policy H1 which will be developed during the plan period but cannot be phased.**
- 5.73 **R5.11 Delete paragraph 4.1b and replace it with new text to define what is meant by an ‘inadequate supply of housing land’.**
- 5.74 **R5.12 Modify paragraph 4.1c to explain that sites may be either brought forward or held back subject to the outcome of the monitoring process. State that the phasing will be reviewed before the end of the first phase in Local Development Documents prepared under the 2004 Act.**

I shall now continue to consider objections to the rural settlement policies H4-7 before returning to the Housing Proposals 1-5 and the omission sites. Other policies, H2-3 and H8-14 then follow in sequence.

POLICY H4 – CONSTRUCTION OF NEW BUILDINGS IN THE OPEN COUNTRYSIDE

Objections 508/770, 595/1365, 640/1468, 526/3404

Issues

- (a) Whether conditions controlling occupancy should only be removed when the dwelling is no longer required to serve the needs of the agricultural community in the area.
- (b) Should the test be limited to functional requirement and extended to ventures of a worthwhile nature?
- (c) Should the reference to affordable housing in paragraph 6.1 (amendment no. 123) be reflected in the policies?

Conclusions

5.75 Isolated dwellings in the countryside require special justification. It is a long standing principle, reiterated in PPS7, that new dwellings required in connection with agriculture or other rural activities can only be justified if functional and financial tests are met. It is not sufficient for a venture just to be worthwhile. Whilst I sympathise with the plight of many farmers the state of the agricultural economy strengthens the need for new dwellings only to be built where they are essential to support financially viable operations. (1365, 1468)

5.76 PICs 5.10 and 5.11 accord with the advice in PPS7. Agricultural occupancy conditions should not be removed unless it is demonstrated that there is no need for the dwelling for someone working in an area as a whole. It seems to me that testing the market would give a strong indication of the need for such dwellings for sale or rent. (770)

5.77 Amendment no. 123 is meant as a precursor to Section 6 and does not relate solely to Policy H4. (3404) Policy H12 makes provision for exception sites but I am concerned that some may use amendment no. 123 to justify otherwise unacceptable housing schemes on the grounds that an element of affordable housing is included. CD1/27 sheds no light on the reason for the amendment but if it is meant to indicate that the Council will pursue affordable housing in appropriate cases (subject to Policy H11) then it should say so. As drafted it is ambiguous and should be revised.

5.78 I do not consider that any of these objections merit changes to the policy or its reasoned justification. However, my conclusions and recommendations regarding Policies H5 to H7 require consequential modifications to Policy H4.

RECOMMENDATIONS

5.79 **R5.13 Delete ‘additional’ in the first sentence of Policy H4 and insert ‘and all villages and groups of houses not listed in Figure 5.2’ after ‘countryside’ in the second line of the first paragraph.**

5.80 **R5.14 Modify Policy H4 and paragraph 6.9 as set out in PICs 5.10 and 5.11.**

POLICY H5 – SMALL VILLAGES

Objections 175/286, 304/500, 308/505, 578/1219, 595/1366,

POLICY H6 – MEDIUM-SIZED VILLAGES

Objections 14/18, 39/46, 41/52, 53, 63/77, 75/92, 93, 175/285, 285/436, 437, 288/444, 316/514, 506/768, 509/777, 537/920, 541/934, 560/1076, 578/1221, 161/3365, 175/3493

POLICY H7 – LARGER VILLAGES AND TOWNS

Objections 146/232, 159/257, 247/380, 316/515, 516, 526/864, 578/1241-43, 595/1367, 596/1374, 601/1379, 645/1499, 983/3400

FIGURE 5.2 – HIERARCHY OF SETTLEMENTS

Objections 285/437, 537/924, 570/1115, 578/1243, 591/1332, 596/1373, 600/1378, 612/1403, 619/1413, 644/1493, 648/1509,

Issues

5.81 I shall consider Policies H5 to H7 together as their operation has a bearing on the issue of land supply and strategy upon which I comment in paragraphs 5.1 to 5.49. In addition, the objections to these policies follow common themes which can be summarised as follows:

(a) Whether Policies H5 to H7 would prevent houses being provided to meet local needs and development which would not harm interests of acknowledged importance.

(b) Are the towns and villages in Figure 5.2 categorised correctly?

(c) Whether the criterion in Policies H5 to H7 governing the location of new housing conflict with the objectives of sustainable development.

Conclusions

5.82 Issue a. Policy H5 makes provision for new housing for agricultural workers and development to meet a genuine local social need. (1366, 1493) Indeed, with regard to the latter I say below why I consider the policy to be too lax. Some objectors argue that allowance should be made for infilling in group A villages and that some growth would help sustain rural communities. (285, 500, 505, 1374) However, surveys undertaken by the Council show that new housing does not guarantee the retention of existing facilities (CD1/32).

5.83 Policies H6 and H7 do not mention the provision of dwellings to meet agricultural or other operational needs but a proposal to build such dwellings within a village is likely to find support in Policy H6a) and H7b). (1367) In addition, there is nothing in either policy to override Policy H4. The provision of affordable housing could be pursued through Policy H11, or on exception sites under Policy H12.

5.84 One objector suggests that the reference to affordable housing in the definition of rounding off fails to meet the needs of Minster Lovell (amendment no. 125). I say in paragraph 5.382 why I do not consider it appropriate to include a specific reference to Minster Lovell in Policy H11 and set out below why I consider the definition of rounding off should be deleted altogether. (3365)

5.85 I agree that the limit of 0.2ha for rounding off sites in group B villages is arbitrary and that the impact of proposals on the setting of a village and the character of an area is best considered on a site by site basis. (53, 93, 285, 436, 514, 777, 920, 1379) Policies H2, BE2 and others provide a basis for the consideration of the physical impact of development and the definition is unnecessary. Such a modification would address the concern of one objector that a small site could become a large one through incremental increases of 0.2ha. (46)

5.86 The need to achieve sustainable development is also a matter of acknowledged importance. I set out below why I consider Policies H5 to H7 would conflict with this important objective.

5.87 Issue b. A number of objectors seek the re-classification of settlements from group A to group B or from B to C. I shall deal with these first before turning to the hierarchy in general. Three residents of Black Bourton argue that it should be elevated to group B. (1378, 1403, 1413) However, with only a pub, church and a playing field the facilities available in this small village fall far short of those found in the group B settlements.

5.88 Minster Lovell to the north of the B4047 is classified group A whilst to the south it is classified group B. The B4047 is a busy road, linking the A40 to the

western side of Witney and forms a strong physical boundary between the two halves of the village. The road also marks a change in character with the linear Chartist settlement to the south looking very different from the traditional Cotswold village to the north. I agree with the Council that the differences are such that they appear to be two separate villages and I consider that splitting Minster Lovell is justified for the purposes of the settlement hierarchy.

5.89 No buses run through the northern half but villagers on both sides of the B4047 have access to services to Witney and elsewhere. However, this is only one of 31 indicators in the matrix (*CD1/101*). To the north of the road the limited facilities available are consistent with group A. The B4477 runs through the southern half of the village and provides direct access to the A40. The settlement matrix should recognise this but the village has no secondary school, doctor or dental surgeries or library and so lacks the range of facilities offered by group C settlements. I do not consider Minster Lovell to the south of the B4047 or as a whole to be worthy of group C status. (*1115*)

5.90 One objector compares Middle Barton to Bampton, Long Hanborough and Milton-under-Wychwood whilst others argue that Curbridge, Enstone, Finstock, Standlake and Shipton-under-Wychwood be added to group C. (*18, 437, 768, 924, 934, 1076*). Middle Barton and Standlake provide a number of facilities but, in common with all those mentioned above, not the range of shops and services found in group C settlements. Curbridge is close to Witney, it has a range of employment opportunities nearby and benefits from a good bus service but it does not have a post office, shop or medical facilities and children need to travel out of the village to school. The elevation of these settlements to group C is not justified.

5.91 An objector (*924*) argues that and Milton-under-Wychwood and Shipton-under-Wychwood function as one large village and so should both be in group C. I have seen no evidence to support this assertion. There is a distinct gap between the two villages and they appear as separate entities. Shipton-under-Wychwood has a range of services commensurate with other group B settlements and its elevation is not justified.

5.92 Turning to the hierarchy in general, I am satisfied that the villages in group A share similar characteristics with their peers and are grouped appropriately. However, the same cannot be said of the settlements in groups B and C and I consider that there are inconsistencies between the Council’s approach to the allocation of land and what would be permitted under Policies H6 and H7.

5.93 The Council’s search for previously developed land concentrated on group C and the larger group B villages (defined as villages with a population in excess of 1000). There is, therefore, a distinction to be made between villages in group B in that some are clearly considered to be more sustainable than others. In addition, the Council’s settlement matrix is a useful tool but a simple one. It gives all indicators equal weight and so, for example, groups Witney alongside Bampton which is a fraction of its size and, as admitted by the Council, has limited public transport and employment opportunities.

5.94 This is inequitable and I comment on the implications for achieving sustainable development below. The Structure Plan housing requirement splits

Witney from the rest of the District but there can be no doubt that it sits at the top of the hierarchy. In the so called rural area, Carterton, Chipping Norton, Woodstock and Eynsham are identified as key service centres. Together with Witney, these four perform a higher level function than the other settlements in group C and should be set apart in a new group D.

5.95 The remaining group C should remain in a group of their own in recognition that the range of shops and services to be found in these settlements sets them apart from those in group B. Further, to be consistent with the sequential approach in the housing strategy the villages in group B should be split with the larger settlements making a set on their own (those with populations in excess of 1000 as identified in the Priority 1 search). The remaining group Bs would become group A. I say below why I consider that settlements in group A should be deleted from Figure 5.2 and development within them treated no differently from that in the open countryside.

Issue c.

Policy H5

5.96 Villages listed in group A lack basic services and are poorly served by public transport leaving residents dependant on the car for most trips. The Council accept that they are not sustainable locations for speculative new housing other than the re-use of buildings worthy of retention. Indeed, in terms of sustainability, I see little difference between the group A settlements, smaller groups of dwellings and the open countryside. (1219, 1373) I acknowledge that there may be a need in these villages for an agricultural workers’ dwelling but provision is made for such development in Policy H4.

5.97 Policy H12 makes provision for affordable housing in rural areas to meet the needs of local families. The term ‘local social need’ in Policy H5b) does not limit development to affordable housing. Whilst it is usually appropriate to impose restrictions to ensure that affordable housing remains so in perpetuity, Circular 11/95 warns against imposing conditions limiting occupancy to local people. Thus, whilst an individual may have a genuine social need to live in a particular village it is unlikely that future occupancy could be controlled. To my mind Policy H5b) provides a loophole and is likely to result in development being permitted in small villages contrary to national guidance promoting sustainable development. (1219)

5.98 Policy H5c) permits the conversion of existing buildings but, read in conjunction with Policy H9, the plan does not accord with the spirit of PPS7. I am aware that the advice in paragraph 17 of PPS7 relates largely to undeveloped countryside but, as accepted by the Council, group A villages are not sustainable locations for new dwellings. I consider that proposals to convert existing buildings in group A villages should be subject to the tests set out in Policy H10 on which I comment below. (1219, 1373)

Policies H6 & H7

5.99 Shilton Parish Council object to Policy H7a) on the basis that it paves the way for the proposed allocations in Carterton. (232, 1499) I deal with those allocations in Chapter 10.

5.100 In recognition that it is by far the largest and most sustainable town, Witney will accommodate almost 40% of the total number of new houses to be built in the District up to 2011. In the rural area, a search for previously developed land in group C and larger group B settlements discovered only one site in Milton-under-Wychwood, although sites at Charlbury quarry and Stanton Harcourt airfield were also considered. The search then shifted to sites on the fringes of the key service centres with the result that greenfield sites were allocated on the edge of three of the key service centres in the rural area.

5.101 There is no limit to the size of a ‘rounding off’ site that could be permitted under Policy H7b), nor to sites permitted under Policy H6a) which include affordable housing. (1221) There is nothing in Policy H1 or elsewhere to prevent the development of sites in the less sustainable group C settlements and in group B villages before more sustainable options are released, undermining the sequential approach set out in the housing strategy. (1241) If suitable sites in group B and C settlements were to be specifically allocated it would allow their release to be phased in accordance with PMM. (52, 380) However, the plan as it stands affords no such control and the provision for greenfield rounding off sites in Policies H6a) and H7b) would undermine the housing strategy whether they include affordable housing or not. (3493)

5.102 In addition, and contrary to the advice in PPG3, Policies H6a) and H7b) make provision for greenfield windfalls and I set out my views on this issue in paragraph 5.38 The Council stated at the Inquiry that greenfield sites in the rural area primarily relate to conversions and very few relate to ‘open sites’ (CD1/122). Therefore, restricting development to infill and conversions in group B settlements would not unduly restrict the supply of windfalls in the rural area.

5.103 One objector is concerned that Policies H6 and H7 would preclude the development of brownfield land adjacent to built up areas. (515, 516). The Council’s survey of previously developed land in the rural area discounts sites in active use but the closure of Parker Knoll in Chipping Norton shows how things can change. The development of previously developed land in or on the edge of villages outside the group C and larger group B settlements (B, C and D as recommended) would undermine the sequential approach set out in the Housing Strategy. However, the Parker Knoll factory, if it had not been in use at the time, would have appeared as a Priority 1 site in the survey of previously developed land and it would seem sensible to me for the plan to make provision for similar eventualities in the future.

5.104 Most group B settlements have a school and at least one shop but accessibility to public transport is poor. Nevertheless, I consider that group B villages could accommodate limited development. In the smaller group B villages (A as recommended) this should be limited to infill and conversions but in larger group Bs and group C (Priority 1) settlements this should be expanded to include brownfield land within or adjacent to the built up area.

5.105 I am aware that some of the other group B settlements such as Ducklington, Standlake and Stanton Harcourt either have a local employment base or good transport links to centres of employment. In the adopted local plan the first two are included in category C. Consequently, I recognise that in view of my recommended

replacement policies the Council may choose to re-classify some of the settlements within the hierarchy.

Overall conclusions

5.106 One objector suggests that the plan make provision for houses in certain villages and others argue that these policies are inflexible and should be relaxed. (92, 444, 864) I disagree, and, for the reasons given above, consider that Policies H5 to H7 conflict with national guidance relating to sustainable development. Although not necessarily for the same reasons, I agree with other objectors who contend that they would allow too many houses to be built, particularly in unsustainable locations. (77, 257, 1332, 1509)

5.107 I consider that Policy H5b) and c) conflict with the objectives of sustainable development. Policy H5a) repeats Policy H4 and is unnecessary. I recommend that Policy H5 be deleted and Figure 5.2 modified by removing those villages currently listed under group A. Policy H4 should be modified to state that it applies to development in the open countryside and villages not listed in Figure 5.2, as modified. These villages would be ‘washed over’ by the countryside and residential development limited to that permitted under Policies H4, H10 and H12.

5.108 Witney, Carterton, Chipping Norton, Eynsham and Woodstock should be listed as group D settlements with the rest of the group C settlements remaining in group C. (1221) The larger group B villages should combine to form a new group B with the remainder of the existing group B listed under group A.

5.109 Policies H5, H6 and H7 should be deleted and substituted with new policies. Policy H5 should permit development in group A villages as defined above on a) infill sites and b) the conversion of appropriate existing buildings. Policy H6 should permit development in the group B settlements as defined above on a) infill sites, b) the development of previously developed land in and adjacent to the built up area and c) the conversion of appropriate existing buildings. In addition, Policy H7 would permit development in groups C and D settlements on sites allocated in the plan.

5.110 I do not consider the definition of infill to be too restrictive and it is right to protect infill sites which are important in their own right. (444, 920) However, the last sentence of the definition goes beyond reasoned justification. This should be remedied by indicating that infill proposals will be subject to Policy BE4.

5.111 These recommendations may have some impact on the provision of affordable housing but given that many sites are likely to be smaller than the thresholds I recommend under Policy H11, the impact is not likely to be significant. (3400) The framework set out above will not prevent affordable homes being provided on exception sites under the provisions of Policy H12.

RECOMMENDATIONS

5.112 R5.15 Delete Policies H5 to H7 and substitute with the following:

Policy H5

New dwellings will be permitted in the towns and villages in group A (listed in Figure 5.2) in the following circumstances:

- a) infilling, provided development would not result in the loss of a space which makes a significant contribution to the character and appearance of the area;**
- b) the conversion of existing buildings.**

Policy H6

New dwellings will be permitted in the towns and villages in group B (listed in Figure 5.2) in the following circumstances:

- a) infilling, provided development would not result in the loss of a space which makes a significant contribution to the character and appearance of the area;**
- b) the development of previously developed land in and adjacent to the built up area and**
- c) the conversion of existing buildings**

Policy H7

New dwellings will be permitted in the towns and villages in groups C and D (listed in Figure 5.2) in the following circumstances:

- a) infilling, provided development would not result in the loss of a space which makes a significant contribution to the character and appearance of the area;**
- b) the development of previously developed land in and adjacent to the built up area and**
- c) the conversion of existing buildings**
- d) on sites specifically allocated for residential development in this plan;**

5.113 R5.16 Delete the last sentence in the definition of infillings and replace with: ‘In assessing proposals for infill development particular regard will be given to Policy BE4.’

5.114 R5.17 Delete the definition of rounding off.

5.115 **R5.18** Modify the groups of settlements in Figure 5.2 as follows:

Group A: Villages

Alvescot	Ascott-under-Wychwood
Bladon	Brize Norton
Cassington	Chadlington
Churchill	Clanfield
Combe	Curbridge
Filkins & Broughton Poggs	Finstock
Fulbrook	Great Rollright
Kingham	Langford
Leafield	Over Norton
Stanton Harcourt & Sutton	Tackley
Wootton	

Group B: Medium sized villages

Aston	Ducklington
Enstone	Freeland
Hailey	Middle Barton
Minster Lovell (south of B4047)	North Leigh
Shipton-under-Wychwood	Standlake
Stonesfield	

Group C: Larger villages

Bampton	Burford
Long Hanborough	Charlbury
Milton-under-Wychwood	

Group D: The key service centres

Carterton	Chipping Norton
Eynsham	Witney
Woodstock	

5.116 **R5.19** Modify paragraph 5.6.11 to reflect the recommendations set out above.

5.117 **R5.20** Delete the second sentence of paragraph 5.6.12 and replace with the following: ‘This classification reflects the services and facilities offered and takes into account the sequential approach to the location of new housing which determined the allocation of housing sites in the plan.’

5.118 **R5.21** Delete the headings ‘Small Villages’ and ‘Other Villages and Towns’.

5.119 **R5.22** Delete paragraphs 6.13 to 6.19 and replace by the following:

‘In recognition of their place in the settlement hierarchy most new housing is directed to Witney and the key service centres in the rural area. Thus, in accordance with the housing strategy, Policy H6 makes

provision for the development of previously developed land in group B settlements. This would allow, subject to Policies E6, TLC5 and SH5 amongst others, the redevelopment of previously developed sites which were not identified in the housing capacity study. Sufficient land has been identified to provide a 5 year supply of housing and the release of greenfield sites not allocated in the plan will be resisted.

Most group A settlements have a school and at least one shop but accessibility to public transport is poor. They are not, therefore, suitable locations for significant numbers of new houses and development is restricted to infilling and the conversion of existing buildings subject again to the provisions of Policies E6, TLC5 and SH5 amongst others. Infilling should not result in the loss of a space which forms an integral part of the character or setting of a settlement.’

SITE SPECIFIC PROPOSALS – OUTSIDE WITNEY AND CARTERTON

PRIORITY 1 – BROWNFIELD SITES

HOUSING PROPOSAL 4 – GROVES TIMBER YARD, MILTON-UNDER-WYCHWOOD

Objections 51/63, 109/191, 196/311, 206/321, 271/417, 303/499, 313/510, 553/987, 578/1234, 613/1404

Issue

Whether the site should remain in the plan as an allocation (proposal) for housing.

Conclusions

5.120 The site lies to the rear of Groves Timber Yard, which is still in use. The site is accessed from Elm Grove which is a cul de sac of approximately 30 recently developed, 2 storey houses which line the east side of the road; there is a landscaped strip of land on the west side which acts as a buffer between the residential development and the timber yard. Many of the objections to the housing proposal were from residents of Elm Grove who expressed concern that the density of the development and the number of units proposed would lead to traffic congestion and safety concerns along Elm Grove. I am satisfied that Elm Grove can accommodate the extra traffic generated by the new housing, without having any undue adverse impact upon the residential amenity of the existing residents, including safety concerns. With regard to the remaining issues raised by the objectors, they have all been overtaken by events since it was clear from my visit to the site that the allocation has now been substantially implemented. As such there is little point in retaining the allocation in the plan and the deletion of this proposal would assist in focussing the plans housing strategy. Milton under Wychwood is one of the smallest group C settlements and as such the retention of this allocation in the revised deposit draft plan does not sit easily with the plan’s strategy of allocating sites in only the largest group C settlements.

RECOMMENDATION

5.121 **R5.23 Delete Housing Proposal 4 (Groves Timber Yard, Milton under Wychwood).**

OMISSION – CHARLBURY QUARRY

Objections 579/1251&2

Issues

- (a) Whether the site complies with the definition of “previously developed land” in accordance with Annex C of PPG3 and should thus be accorded priority for residential development;
- (b) The justification for the retention of an allocation under policy E1 for employment (B1 use);
- (c) The suitability of the site solely for housing or a ‘mixed use’.

Conclusions

5.122 Issue a) The site was formally part of Town Quarry which has been reclaimed, the Council say in accordance with conditions on a planning consent, although there appears to be some doubt as to whether such conditions have been fully complied with. Although the site shows some signs of natural regeneration with trees and shrubs, generally it has the appearance of rough grassland and is not obviously in any particular use.

5.123 The definition of ‘previously developed land’ in annex C of PPG3 includes land used for mineral extraction where provision for restoration has not been made through development control procedures. In this case it appears that such provision has been made but, perhaps, the restoration has not been fully successful. There are no structures on the land and only a rough access track. There is no amenity use and, it was agreed, there is no nature conservation interest.

5.124 It is also apparent that the Council have treated the site as if it were previously developed by the inclusion of it in the ‘priority one’ category in the sequential search for land for residential development and its listing under the brownfield sites section of the 2003 committee report on objections. From the evidence before me, I consider on balance that the site should be treated as previously developed and that in accordance with PPG3 advice it should be accorded priority in the sequential approach for housing.

5.125 Issue b) The guidance in paragraph 42 of PPG3 is clear. It has now been supplemented by paragraph 42(a) which also refers to a need to ensure that there is a realistic prospect of the land being taken up for employment purposes during the plan period.

5.126 I was informed that the allocation for employment use was first made in the Rural Areas Local Plan in 1986 and that no development has taken place. A planning application for a factory on the site was refused in 1993 partly on the grounds of the difficult access along Quarry Lane which is partly in separate ownership. This is acknowledged to remain a problem, although the Council now envisage ‘small-scale’ B1 employment uses on the site. This is not stated in the plan nor is the term defined.

5.127 The Council emphasise the limited employment opportunities in Charlbury and the net out flow of economic active residents for work and they use this to justify retention of the site as an employment allocation. Such allocation is also supported by the Chamber of Commerce. In principle, I agree that small B1 units might provide a useful supplement to local job opportunities but this is a sensitive site right on the edge of the built-up area and there would be a need to ensure development to a very high quality, with landscaping, to enhance the setting of the Conservation Area and AONB.

5.128 I consider that the lapse of time since the allocation was first made and the considerable development constraints and costs which would be incurred make it unlikely that the existing allocation, solely for employment, will be taken up. I do not consider that its retention in the plan is justified under paragraph 42 advice and a more flexible approach is required.

5.129 Issue c. The objection site extends a fair way to the east of the allocation as shown on the proposals map (inset no. 1) and ends in an arbitrary line which appears to have been drawn between the field boundary to the north and the eastern extent of existing housing off Ticknell Piece Road to the south. I do not consider there is any logical basis for extending development so far to the east. The housing development to the south is well screened and Ditchley Road is at a somewhat higher level. There is also no particular need for additional housing allocations in the district generally to meet structure plan housing requirements to 2011. There would certainly be no justification for as many as 60 houses here. On the other hand, the allocation shown on the proposals map does not relate to any features on the ground either.

5.130 As was pointed out at the hearing, the objection site includes an area on the Ditchley Road frontage north of ‘Bag End’ which would probably be an acceptable infill site under policy H7. In the deposit plan Charlbury is identified as a ‘group C’ village with a fair range of facilities, including a railway station. Although I recommend (R5.18) that the village be re-categorised that does not mean that a smaller residential allocation, especially on previously developed land, would be contrary to the strategy.

5.131 I agree that a small residential element at the western end of this site would be appropriate and may help to assimilate any development more sympathetically with the conservation area. However, I consider that there is a case for seeking to provide small business uses on the eastern part with a landscaped area between the two and probably further to the east to soften the development edge within the AONB. The increased land value from the inclusion of a residential element may well assist in resolving the access issue, possibly with an additional access to Ditchley Road, and may ensure that the whole scheme for business use is more likely to be achieved during the plan period.

5.132 Consequently, I agree with the objection that the site be treated as a ‘mixed use’ site although, in reality, this would mean part for housing and part for employment and a mention under both policies H1 and E1. I think it will have to be a matter for discussion and agreement as to the exact areas for each use and the nature of any landscaping. Treatment in the plan would be similar to that for Milton-under-Wychwood. This means that there will be an additional housing proposal but it is not necessary to delete the proposal from policy E1. Paragraph 6.2.2. will require

amendment to refer to the housing element. Consequential amendments will need to be made to paragraph 5.2.8, figure 5.1 and the proposals map inset.

5.133 As it is not clear how large the housing element might be I do not know whether the threshold of 15 for negotiation on an affordable housing contribution might be applicable. However, if it is, the viability of the whole scheme, including the access and employment elements, must be a matter for negotiation. I do not make a recommendation on the point.

RECOMMENDATION

5.134 **R5.24 Modify the plan to include an additional Housing Proposal site at Charlbury (Town Quarry). This should indicate the area of land to be allocated for housing and make clear the relationship to employment (B1) provision under policy E1. Make consequential amendments to paragraph 5.2.8; figure 5.1; paragraph 6.2.2 and the Proposals Map Inset No. 1.**

OMISSION – STANTON HARCOURT (FORMER AIRFIELD)

Objection 305/501

Issue

Whether the plan should give higher priority to the re-use of previously developed land in the allocation of land for housing in the rural parts of the district.

Conclusions

5.135 Although the advice in PPG3 is that priority in the allocation of sites for housing should be given to previously-developed land the emphasis is on the identification of such sites within urban areas through the preparation of Urban Capacity Studies. Even then, the guidance in paragraph 31 of PPG3 refers to a variety of factors to be taken into account, including the location and accessibility of the site. In general terms, priority should also be given to development in the more sustainable locations in order to reduce the need to travel.

5.136 There is no dispute that the former Stanton Harcourt airfield is previously developed land. The former runways remain and there is variety of derelict buildings although the use is now primarily for agriculture and the southern part of this large site has regenerated to a degree.

5.137 It is clear from *CD1/39* that serious consideration was given to this site as ‘priority 1’ precisely because it is previously-developed. However, Stanton Harcourt is not one of the larger settlements in the district and it is included in category B in the draft plan. As such, it would not be in accordance with the plan strategy, which in turn derives from the structure plan and national policy, to make provision for significant new housing development.

RECOMMENDATION

5.138 **R5.25 Make no modification to the plan in respect of the status of land at Stanton Harcourt (former) Airfield.**

PRIORITY 2 – CHIPPING NORTON, WOODSTOCK AND EYNSHAM

CHIPPING NORTON

HOUSING PROPOSAL 1 – CROMWELL PARK

Objections 25/31, 35/42, 36/43, 37/44, 39/47, 40/50, 48/60, 54/66, 64/78, 91/133, 117/199, 122/204, 143/225, 172/280, 178/289, 191/306, 192/307, 258/402, 259/404, 291/453, 510/779, 511/784, 530/883, 531/890, 532/898, 553/986, 561/1079, 562/1082, 564/1087, 565/1092, 569/1107, 70/1114, 577/1167, 1204, 649/1510, 510/4121-24, 511/4127-30, 548/4112, 577/4104-07, 649/4068

Issues

- (a) The principle of development in this location, which is partially on greenfield land, when there are brownfield sites available, and whether it is the most suitable site.
- (b) The justification for the changes to the proposal suggested by PICs 5.5 to 5.9.
- (c) Whether vehicular access should be permitted to London Road.

Conclusions

5.139 Issue a. Of the key service centres in the West Oxfordshire district Chipping Norton is the most distant from Oxford but, it seems to me, that is no argument to suggest that it is less sustainable than other centres and less suitable to accept a modicum of further development. I agree with the Council that the town is more self-contained than others. It has a wide range of services and facilities.

5.140 The Council carried out a comparative analysis of the various sites put forward on the fringes of Chipping Norton (*CD1/43*). All of the sites involve development on greenfields to varying degrees. These omission sites are considered individually in paragraphs 5.155- 5.195 below. I conclude that none has significant locational or environmental advantages in comparison with Cromwell Park such as to warrant the substitution one for the other.

5.141 There is no dispute concerning that part of the site which is currently a Council highways depot. It is the paddock and open field on the north side of the London Road which would represent a degree of extension of the built-up area eastwards, along one of the main approaches to the town. However, the fact cannot be ignored that these fields are directly opposite the very dominant buildings of the Parker Knoll factory. This factory had virtually closed down at the time of the Inquiry and the Council had resolved to grant permission for the redevelopment of the site for housing (about 120 dwellings) and employment (2 ha.). In May 2005 I observed that demolition had commenced. This is a significant brownfield ‘windfall’ site and, as such, should be given priority for development over any greenfield site in the town. It is partly in response to this that the Council have put forward PIC 5.8 reducing the housing element on the Cromwell Park site from 120 to 40-80 dwellings. I think it right that such a reduction be made. The other element is the suggested care home/community health care facility, which I discuss below.

5.142 The site is well within 1 km. of the town centre shopping area, within easy walking distance. I agree with the Council that this site is reasonably well contained. It will not be at all obvious from the Banbury Road frontage and the restriction of

access on London Road to pedestrians and cycles only will minimise the break in the frontage wall. Structural landscaping along the eastern side of the site would do much to soften the appearance of any development on this approach to the town. The site is not identified as of special nature conservation interest.

5.143 In the April 2004 committee report (*CDI/29*) it is acknowledged that this site will be treated as a reserve site, effectively as part of a pool of sites to be drawn upon under the PMM approach should the need arise. I agree with that. Apart from the highways depot, which appears to be most suitable for employment use, being adjacent to the existing business park, the remainder of the site should not be developed whilst the Parker Knoll site remains available. The fact that demolition has commenced suggests that the redevelopment of the site is unlikely to be delayed in the manner suggested by Gleeson and Banner Homes (*4121&7*). Should there be any difficulty policy H1 would enable this site, which should be included in the second phase, to be brought forward earlier than April 2008. The local need for affordable housing would be another factor. It is not clear how, or if at all, such phasing would be affected by the community health proposals.

5.144 Issue b. As explained in *CDI/29* the PICs have not come about as the result of objections to the plan. Indeed, there were no changes made at the revised deposit stage as a result of first deposit objections. It is a matter of updating the plan to take account of changing circumstances, always a somewhat uncertain process because by the time the modifications stage is reached things may have changed again. It seems that the proposals for a 50 bed care home (*CD3/47*) and, possibly, co-location with a primary health care facility (*CD4/42*) were, at the time of the Inquiry, still subject to discussion and consultation. The County Council (*4112*) consider the community health element of the revised proposal to be premature.

5.145 As the County Council point out the deposit plan provides for a degree of flexibility in that the proposal refers to C2 uses and paragraph 3.9 explains that this may include a nursing home. The Council explain in *CP006* that the amendment in PIC5.5 is not intended to suggest that the ‘minimum of 2.5 ha.’ should refer only to the community/health care facilities but jointly with the employment (B1) element. Thus, the flexibility is through an interchangeability between employment and community/health care. I think the clarification of the wording suggested in *CP006* would be helpful in this respect, leaving housing on the ‘residual’ area. One might deduce that that will be on a maximum of 2 ha. I agree that in view of the uncertainties regarding the health care element that there should be greater emphasis on employment, rather than housing. This might be clarified in the replacement paragraph 3.9 (PIC5.7) Logically, the site should also be mentioned under policy E1.

5.146 As a matter of detail, it is not clear why PIC5.5 introduces the concept of ‘community’ uses. It does not appear to be suggested that any such use would be a major element and it does not fall within Use Class C3 to which the deposit plan refers. The change appears to have been brought about only because of proposals for C3 uses. Also, if they are covered in part (a) of the proposal it is confusing, and unnecessary, to refer to them again in part (c). In line with my recommendation on policy H11, and other proposals, I consider that the policy should not prescribe 50% affordable housing particularly in view of the complexities involved in financing a variety of uses on a site

5.147 I also have reservations about the way in which PIC5.9 amends the proposals map to show the whole site as ‘mixed use’. Firstly, despite the need for flexibility, I find it difficult to see how the former highways depôt land (0.9 ha.) would be suitable for anything other than employment (B1) use. It is shown as such on the proposals map and there is nothing in the representations to justify altering that. I am prepared to accept the logic of showing a mixed use notation on the remainder of the site, although it is less than ideal because it does not provide any certainty to residents of Rockhill Farm Court, for example, as to the uses they might have adjacent to them.

5.148 Issue c. I have already commented upon the importance of the fine avenue of trees along London Road. Although I agree with the objectors (1510 & 4068) that the saplings within the row on the north side could be removed to form an access with minimal disruption to the visual integrity of the tree row I would be concerned about the opening up of the frontage and views into the site which would inevitably result. I also consider that providing separate pedestrian access marginally closer to the town than the Banbury Road frontage would be entirely in line with Government policy guidance which seeks to encourage people to walk or cycle shorter distances rather than to drive.

5.149 I accept that Banbury Road is more heavily trafficked than London Road but visibility in both directions from the existing access is adequate despite the slight difficulty in right turning movements due to the bend to the north-east. It seems to me that the concerns the objectors have about conflicting traffic movements, especially at the morning peak, between workers and those leaving the residential area should be capable of management through design to ensure adequate road safety; nor do I consider that the difference in level between the highway depôt and Rockhill Farm need create an intractable problem for the layout and design of any future development.

RECOMMENDATIONS

5.150 **R5.26 Modify Housing Proposal 1, Cromwell Park, Chipping Norton, to read as follows:-**

Land adjacent to Cromwell Park, Chipping Norton, is allocated for mixed use development as defined on the Proposals Map (Inset No. 1). Within the allocated area provision will be made for:

- a) Employment (B1) uses on the former highways depôt land (0.9 ha.)**
- b) Structural landscaping (0.6 ha.)**
- c) Non-residential uses on a minimum area of 1.6 ha., to include employment (B1) and community health care facilities (Use Class C2);**
- d) Housing on the residual area to include up to 50% affordable housing.**

5.151 **R5.27 Delete the word ‘housing’ in the fourth line of paragraph 5.3.8 and replace it by ‘development’ (PIC5.6)**

- 5.152 **R5.28 Delete paragraph 3.9 and replace it by new text as in PIC5.7 but amplified to explain the interchangeability between employment and community health facilities i.e. non-residential uses.**
- 5.153 **R5.29 Delete all references in the plan to 120 dwellings at Cromwell Park, including figure 5.1, and replace by 40-80 dwellings (PIC5.8)**
- 5.154 **R5.30 Amend the proposals map inset no. 1 to retain the separate B1 allocation on the former highways depôt (also list under policy E1) but replace the housing notation on the remainder of the site by mixed use.**

OMISSION – EAST OF CHIPPING NORTON

Objections 16/20, 510/783, 511/788

Issues

Two adjoining sites are promoted to the east of the town. The former quarry to the rear of Foxfield (20) lies in the Conservation Area and is enclosed to the north and east by the site promoted at Tank Farm (783, 788). The issues common to both sites are:

- (a) Access to the public highway.
- (b) Are they sustainable locations for housing?
- (c) The impact of development on the setting of the town and the Chipping Norton Conservation Area.

Conclusions

5.155 Issue a. The former quarry lies at the top of Wards Road which is narrow and not suitable to accommodate the level of traffic likely to be generated by either site. The promoter of the quarry site hopes that access could be provided off Fox Close and Foxfield but cars are prevented from entering Wards Road from Foxfield by a row of bollards (16). Wards Road is not much more than a narrow, rough track at this point and to bring it up to an acceptable standard is likely to destroy its rustic character. In addition, negotiating the bend between Foxfield and the former quarry is likely to be an awkward manoeuvre. It would be better to devise a comprehensive approach to the development of both sites with access from London Road.

5.156 The Council do not dispute the assertion made at the Inquiry that Oxfordshire County Council have negotiated a deal to gain access to Tank Farm through the Parker Knoll factory (783, 788). The existing access is to be improved to facilitate its redevelopment but its ability to accommodate the additional traffic generated by the omission site is in dispute. Nevertheless, there seems to be no technical reason why a solution could not be found.

5.157 The impact of works over and above those already envisaged on the trees lining London Road is unknown. I do not condone the loss of any trees, particularly those covered by a preservation order. However, the avenue is sufficiently robust to withstand a limited amount of felling without unacceptable harm to its character. I am content to leave this to the design stage.

5.158 Issue b. Both sites lie on the fringe of the main service centre in the north of the District and their location accords with the housing strategy. Tank Farm site is promoted in part as an alternative to Cromwell Park but in my view there is little to choose between them (783, 788).

5.159 I have my doubts regarding the viability of a circular bus service running from the town centre through Tank Farm. However, both sites are within walking distance of the town centre and opportunities exist to create and improve pedestrian and cycle links. Prospective residents would be faced with an uphill walk home from the shops but they would be no worse off than many living in the town. Pupils would be able to walk to both primary and secondary schools and residents would be able to walk through the Parker Knoll site to reach bus services along London Road.

5.160 Issue c. The former quarry lies in the Conservation Area. It adjoins modern housing of no architectural or historic merit and it should not be difficult to design a scheme which, at the very least would preserve the character or appearance of the Conservation Area and complement the adjoining countryside. Tank Farm adjoins the Conservation Area and I agree with the Council that the relationship between it and any new development could be satisfactorily resolved through detailed design.

5.161 The Council conceded at the Inquiry that the land between Wards Road and Tank Farm has a more enclosed character than the open wolds to the east and that the land adjoining Wards Road is well screened by Tank Farm. This is borne out by my own observations from various points along the footpath to Glyme Farm to the south and the bridleway to New Chalford Farm to the east.

5.162 The West Oxfordshire Landscape Assessment (CD1/30) describes one of the visual characteristics of the area as ‘*generally high intervisibility due to open character and topography although intervening higher ground shields urban edge*’. The water tower, farm buildings and topography combine to screen the existing built edge from views from the east. Provided that it is limited to the area shown on Replacement Figure 2 (submitted with the RPS letter dated 1 October 2004) I am satisfied that development would not harm the setting of the town or the adjoining countryside.

Other matters

5.163 Thames Water have concerns regarding the impact of the development of Tank Farm on the flow and pressure of water supplies but indicate that these issues could be resolved with further investment (783, 788). The Holy Trinity Primary School does not have the capacity to accommodate additional pupils but it was agreed at the Inquiry that there are no technical or physical constraints to the development of this site. The promoters of Tank Farm include playing fields in their overall package but I have seen no evidence to show that there is a shortage in the town.

5.164 The Council’s argument that allocating this site would lead to pressure to extend development further into the countryside is repeated many times. Land values in the south east are such that pressure will exist whether or not this or other omission sites are allocated.

5.165 The Council describe Chipping Norton as being the most self contained settlements in the District and they are rightly concerned regarding the balance between jobs and housing. The redevelopment of Parker Knoll includes 2ha of industrial land and the Council hope that this and the amendments to the Cromwell Park allocation will go some way to replacing the 460 jobs lost at the factory. Nevertheless, the development of the omission sites would add to the housing stock in Chipping Norton, potentially creating an imbalance between housing and jobs leading to out commuting from this relatively isolated town. The Council admit that balancing jobs and housing is not an exact science but combined with my conclusions regarding the supply of housing land, I consider this provides compelling reasons for not allocating this site at this time.

RECOMMENDATION

5.166 **R5.31 Make no modification to the plan with respect to the allocation of land at Tank Farm or the former quarry to the rear of Foxfield.**

OMISSION – SOUTH OF CHIPPING NORTON

Objections 281/427, 291/454, 562/1083

Issues

- (a) Whether a site should be found for a further 50 houses in the town over and above the allocations in the plan.
- (b) Whether Chadlington Downs Farm is an appropriate location for housing

Conclusions

5.167 Issue a. My conclusions regarding land supply overall and where any shortfall in the rural area should be met are set out at the beginning of this chapter (454, 1083).

5.168 The resolution to grant planning permission for the redevelopment of Parker Knoll has changed the picture in Chipping Norton with regard to the supply of housing land since the Town Council made its original objection. The First Deposit Draft allocated 120 new dwellings at Cromwell Park and 23 at Rock Hill. Housing Proposal 1 was modified to reflect the closure of Parker Knoll and the allocation reduced to between 40 to 80 dwellings. Add this to Rock Hill and the estimate of 120 dwellings to be built at Parker Knoll and the number of houses expected to be built in the plan period rises to between 183 and 223. These figures do not take into account windfalls (281).

5.169 It is likely, therefore, that there will be between 40 to 80 additional dwellings built in the town over and above the allocations in the First Deposit Draft. These developments are also likely to include a proportion of affordable housing, so meeting another concern of the Town Council. The Town Council’s objectives can be met without needing to develop land at Chadlington Downs Farm (427).

5.170 Issue b. Taylor Woodrow compare the omission site with the allocations at Cromwell Park and Woodstock East. My conclusions on these sites are at paragraphs 5.139-149 and 196-236. (291/562).

5.171 Chipping Norton is a key service centre, the Council accept that it is the most self contained of the District’s towns and there is no dispute that it is a sustainable location for new development. The site is close to schools and the leisure centre but Council argue that the site is a long way from the town centre and I agree that it is not as well placed as Cromwell Park.

5.172 The Town Council propose a site of 3.6ha to the south of Cotswold Crescent. Taylor Woodrow promote a site of 16.5 ha which includes the land put forward by the Town Council and which comprises a large open field stretching from Burford Road to the football ground off Walterbush Road.

5.173 The whole of the omission site lies within the AONB. The West Oxfordshire Landscape Assessment (*CD1/30*) describes the landscape as ‘large-scale rolling farmland’ with an ‘open, elevated hilltop character’. There are few trees or hedgerows to break up the wide open spaces to the south of the town and the site is open to long distance views when approaching along the A361.

5.174 It is difficult to argue with the Town Council’s view that this is the least attractive approach to the town and the Landscape Assessment acknowledges the need to strengthen the landscape structure at the urban edge. Both objectors argue that development provides an opportunity for this interface to be improved but I do not consider such improvements should be at the expense of allowing even a portion of the site to be developed.

5.175 The larger site could accommodate around 300 houses and PPS7 advises that major development should only take place in AONBs in exceptional circumstances. In light of my findings elsewhere with regard to housing supply there is no need to release this site, particularly as, in my view, it would have a seriously detrimental impact on the open, rural character of this part of the AONB. The Town Council’s site is smaller but it occupies a visually sensitive location and development here would be damaging to the setting of the town and the character and appearance of the AONB.

RECOMMENDATION

5.176 **R5.32 Make no modification to the plan with the respect to the allocation of land at Chadlington Downs Farm, Chipping Norton.**

LAND NORTH OF CHURCH LANE

Objection 515/806

Issues

- (a) The need for this mix of development in Chipping Norton.
- (b) Whether it is a sustainable location.
- (c) The impact of the development of this site on the Conservation area.

Conclusions

5.177 The omission site originally consisted of the paddocks to the north of Church Lane but by letter dated 6 December 2004, the objector sought to add the adjoining ambulance station and the old peoples’ home. The objector seeks the allocation of a mixed use site comprising residential, a hospital/nursing home and a health centre or similar use.

5.178 In response to threatened cuts in health care provision in Chipping Norton the Council introduced PIC 5.5 which makes provision for new facilities at Cromwell Park. However, the type of provision and the size of the site needed to accommodate any new facility is unknown.

5.179 The site is a short walk from the town centre but it lies in a sensitive location within the Conservation Area close to the church and the remains of the castle. As previously developed sites in close proximity to the town centre, I would expect proposals to redevelop the ambulance station and old peoples’ home to be received favourably. I have no doubt that any new buildings on these sites would be designed to preserve and enhance the character and appearance of the Conservation Area.

5.180 The two paddocks which comprise the lions share of the site rise from the remains of the castle to the backs of properties on Spring Street. I agree with the Council that the paddocks are important to the setting of the castle. In addition, together with Church Lane they create a rustic approach to the traditional Cotswolds buildings that frame this entrance to the town. In my view the presence of the modern estate immediately to the north of the site increases the importance of this space to the Conservation Area and I am not satisfied that a development here would preserve its character and appearance.

5.181 There is no question that the site is in a sustainable location and, to my mind, it is better placed for the types of uses proposed than Cromwell Park. However, the advantages in this regard are outweighed, in my view, by the likely adverse impact of development on the Conservation Area. Health care provision in Chipping Norton is clearly an emotive subject but if a new site is needed provision is made through PIC5.5 for the development of facilities in a far less sensitive location.

RECOMMENDATION

5.182 **R5.33 Make no modification to the plan with the respect to the allocation of land at Church Lane, Chipping Norton.**

OMISSION – WEST END FARM, CHURCHILL ROAD

Objection 578/1228, 1248

Issue

Whether West End Farm is an appropriate location for housing.

Conclusions

5.183 The English Courtyard Association seek to redevelop this site to provide sheltered retirement housing. I deal with their objections relating to the failure of the

plan to address the housing needs of the elderly and related matters under policy H3 in paragraphs 5.432- 5.439 below. The objectors provided a great deal of information on the need for the planning system generally to recognise the needs of the elderly. In particular, the type of development that English Courtyard promote is designed to attract those in the owner-occupied sector who are currently under-occupying family housing. They argue that this will ‘free-up’ the existing housing to meet the needs of others within the general market. These arguments were also put forward in support of a site in Burford. (*see paragraphs 5.346-51 below*)

5.184 It seems to me that much of the objectors’ case, here and in Burford, is seeking an allocation specifically to cater for sheltered housing for the elderly much as for affordable housing on an ‘exceptions’ basis. However, planning guidance does not permit such a distinction to be drawn. Provided that the housing needs of the district have been analysed and are catered for in overall terms, as I have concluded that they are, there should be no need to make special provision. Unlike the provision of affordable housing which depends upon the lower value of land which would not otherwise be available for open market housing, there are no special considerations relating to the type of housing proposed by the objectors. It is, effectively, open market housing with units sold on a commercial basis. In my view, this should be treated as a facet of general housing provision and there is no reason why development should not be viable on sites which are suitable for general housing and already allocated in the plan for the purpose.

5.185 Access to the site is via the farm track which rises steeply from the site to Churchill Road. This together with the steep climb back out of town to Churchill Road leads the Council to question whether the elderly would walk. However, as it is not possible to allocate the site specifically for sheltered retirement housing, one must consider whether the site is a sustainable location generally. The site lies on the fringe of a key service centre and its location accords with the housing strategy but I have no doubt that the long steep walk up from the site to Churchill Road would make the car seem an attractive alternative. The hills in the town will put many people off walking or cycling but I do not agree that the site is better placed than Cromwell Park.

5.186 The site overlooks Bliss Mill, a Grade II* listed building which sits in the bottom of the valley below the farm. The Chipping Norton Conservation Area was expanded to include the valley sides and the farm principally to protect the setting of the listed building. The site also lies in the AONB. Looking back across the valley from the A44 one catches glimpses of the farm buildings through a belt of trees. I have no doubt that any new development would be well designed but I see nothing wrong with the existing buildings. Although modern, they are clearly agricultural and are in keeping with the rural character of this part of the Conservation Area.

5.187 The argument that the site is likely to fall into disrepair if not redeveloped could be repeated many times. I understand that the current owners are unwell and do not wish to continue farming but there is nothing to say that someone else may not take over. Any proposals for re use other than agriculture are likely to require planning permission and the impact of such development on the AONB and Conservation Area addressed at that time.

RECOMMENDATION

5.188 **R5.34 Make no modification to the plan with respect to the allocation of land for housing at West End Farm, Churchill Road, Chipping Norton.**

OMISSION – P A TURNEY, STATION ROAD

Objection 175/283

Issues

- (a) Whether the retention of an employment use on the site is necessary in light of the availability of other employment land in the District
- (b) Whether the impact of the existing buildings and use of the site on the character and appearance of the area warrants redevelopment for housing

Conclusions

5.189 Issue a. The emerging Local Plan allocates around 30ha of employment land but half of it is in Witney and around 10ha in Carterton. These allocations are some way from Chipping Norton and it would be more sustainable to provide job opportunities locally.

5.190 According to the 2001 census the district had the lowest unemployment rate in the south east region (*CD1/104*). However, at a local level the closure of the Parker Knoll factory in 2004 resulted in a loss of 460 jobs.

5.191 PIC 5.5 seeks to mitigate this loss by increasing the amount of land allocated for employment uses at Cromwell Park and the Council have resolved to grant planning permission for the redevelopment of Parker Knoll which includes 2ha of employment land. However, the amount of land available for employment at Cromwell Park will depend on whether it is to be the location of new health facilities in the town. In addition, the timing of the release of land at Cromwell Park and Parker Knoll is uncertain.

5.192 Nothing is submitted to this Inquiry to support the contention that other employment land is available in the Chipping Norton. It is important, in light of the closure of Parker Knoll, to retain a wide range of employment sites and premises in order to ensure the town is well placed to attract new employers.

5.193 My observations support the contention that the site is underused but I have seen nothing to suggest that its full potential could not be realised by another user. It is a brownfield site but it is as sustainable a location for employment as it is for housing.

5.194 Issue b. The site forms part of the Station Yard Industrial Estate. The estate lies on the western edge of the town and adjoins residential properties on The Leys, Wess Crescent and Lewis Road. To the north is Chipping Norton Common and to the east Bliss Mill. The western tip of the site lies within the Conservation Area.

5.195 Looking across the valley from the A44 and the common in late summer the appeal site is well screened by the trees and hedges on its northern boundary. In winter the building is more exposed and I have no doubt that a well designed housing

scheme would look more attractive. However, the building does not look out of place when seen in context with the industrial estate and I do not consider that the existing building is damaging to the character and visual amenity of the area. I do not consider that the benefit that may accrue through redevelopment for housing to the character and appearance of the area outweighs the loss of this employment site.

RECOMMENDATION

5.196 R5.35 Make no modification to the plan with respect to the allocation of land for housing at P A Turney, Station Road Chipping Norton.

WOODSTOCK

HOUSING PROPOSAL 3 – WOODSTOCK EAST

Objections to the principle of allocation

The list of objectors to the Proposal and Amendment No. 111 can be found in Appendix A to this chapter.

Issues

- a) Whether the site is a sustainable location for the proposed uses
- b) The need for a new employment site in Woodstock
- c) Whether the infrastructure in Woodstock is capable of accommodating the proposed development
- d) The impact of traffic generated by the proposed development
- e) Whether the site is a suitable location for housing in light of the proximity of Oxford Airport
- f) Does the need for affordable housing in Woodstock warrant the allocation of such a large site?
- g) The impact of the Proposal on the World Heritage Site and the setting of the town

Conclusions

5.197 A number of objectors argue that the Plan makes an overprovision of housing in excess of Structure Plan requirements and that, as a result, this allocation should be deleted. There are a large number of objectors to this Proposal and the report would become cumbersome and difficult to follow if I were to list each one beside their specific objection. Local opposition is led principally by Woodstock Town Council (326) and the Woodstock Action Group (WAG) which represents a significant number of residents listed in Appendix A. J A Pye (514) are amongst a number of landowners and developers who oppose the allocation of this site and propose its replacement with others. The majority of objectors share common ground and I will cover most objections under the umbrella of the above objectors.

5.198 Issue a. Woodstock is a key service centre and one of the most sustainable settlements in the District. Directing new development here complies with advice in PPGs 3 and 13, RPG9 and the Structure Plan. The proposed allocation lies on the fringe of the town but then so do all of the allocations and most omission sites. The size of settlements in the rural area is such that most sites are within walking distance of the respective town or village centre. I agree with the Council that in a comparison of attributes between the different sites it is very much a level playing field.

5.199 PPG13 advises that walking offers the greatest potential to replace short car trips, particularly under 2km. I fear that some objectors are right and that people are generally lazy and will drive, particularly in inclement weather or if shopping (*WAG, 326*). Nevertheless, the site lies within walking distance of the town centre and it must be right to locate new development in locations where residents have a realistic choice.

5.200 This choice can be influenced by providing attractive, convenient and safe pedestrian and cycle links. I see no reason to doubt the assertion made by the Highway Authority at the Inquiry that there is capacity along the A44 to widen the footpath, improve pedestrian links and put in a new crossing (*23*). I share the concerns of some objectors that residents may be discouraged from walking and cycling through the proposed woodland to reach the A44 (*WAG, 326*). However, I consider that with careful design and good lighting such problems should be capable of resolution.

5.201 Prospective residents would also be able to use the existing public footpath to access the town via Princes Ride and the Council propose a link to Hedge End. Residents would not be not limited to the path though the recreation ground to reach Hensington Road as there are alternatives which, amongst other things, would provide pupils with a safe route to Marlborough School (*326*).

5.202 Added to this is the pedestrian /cycle route proposed under Policy T2. The new route would skirt the eastern boundary of the existing built up area and provided it is designed with care, I see no reason why it should be a security risk or lead to problems of noise and disturbance (*388/3535 and 991/3536*). In addition, I have seen nothing to suggest that the existing routes through the estates could not be improved. Existing residents of Woodstock could also use these routes to walk or cycle to the proposed employment, community use and playing fields. The provision of new and improved pedestrian/cycle links will be important in ensuring proper integration with the rest of the town.

5.203 The A44 is one of the county’s premium bus routes and provides a regular service to Oxford. The Highway Authority conceded at the Inquiry that parts of the site would be more than 400m from the A44 (the distance people are prepared to walk to catch a bus). It is also argued that residents will drive to the Pear Tree park and ride rather than use the bus for the whole of their journey to Oxford (*WAG, 326, 514*). I heard that the proposed developers are proposing a bus loop which one would hope would be integrated with services on the premium bus route. However, there is no guarantee that the County Council would step in once the developers stopped subsidising the service.

5.204 Only 8% of workers in Woodstock use the bus to get to work. It is not easy to tempt drivers out of their cars, particularly in a rural district but no site will be perfect and one should take advantage of good public transport links where they exist. The premium bus route will provide residents of the allocated site with an alternative to the private car.

5.205 I comment on the need for the proposed employment allocation below but I accept in principle that it finds support in paragraph 8.16 of the Structure Plan which requires employment sites to be capable of being well served by public transport and have good cycle and pedestrian links. The allocation would provide existing and prospective residents with the opportunity to find work within walking and cycling distance of their homes. It is likely that new businesses would attract workers from outside Woodstock. PPG13 advises that in rural areas the objective should be to ensure that, amongst other things, employment uses are located in the most accessible place in the local area. Woodstock is that location and the allocation may result in those living in the rural hinterland travelling shorter distances to work. (*WAG, 326, 514*).

5.206 Issue b. There is nothing in Policy E3 of the Structure Plan to preclude the development of employment sites in Woodstock (*WAG*). The policy seeks to restrain employment generating development to activities which do not give rise to excessive or inappropriate traffic. I deal with traffic below but suffice to say the Highway Authority have no objection to the allocation.

5.207 The Council conceded at the Inquiry that they had not tested the market nor was any detailed analysis undertaken to show a need for 1.5ha of employment land in Woodstock. I heard conflicting evidence regarding the number of vacant premises in the town but the Council accepted that some have been vacant for a year or more. I also heard that there were empty units in Kidlington and vacant land at Oxford airport (*WAG, 326, 514*).

5.208 The presence of vacant units is not necessarily an indication of poor demand. The premises at the Tannery and the Quadrangle are constrained by poor access whilst any new businesses on the allocated site would be well placed to take advantage of the good transport links provided by the A44 (*WAG, 326, 514*).

5.209 The construction of 180 houses would lead to a significant increase in the town’s population. Policy E5 of the Structure Plan seeks to balance employment and housing. Surveys of new estates in Witney and Carterton show that whilst initially residents tend not change their place of employment, over time more find jobs in the town they live (CD1/41). They will not be able to do so if the employment opportunities do not exist for lack of land or premises.

5.210 Should some of the objectors be right and there are no takers for the 1.5ha allocated for employment use, it is likely that the Council would come under pressure to release the land for additional housing (*WAG, 326, 514*). Any decision would need to be taken in light of the need for housing and employment land at the time and would be best addressed through the Local Development Framework process.

5.211 To conclude, evidence submitted to the Inquiry suggests that Woodstock does not need additional employment land. However, balancing jobs and housing is not an

exact science and should the 180 houses be built new employment opportunities would provide a means of reducing the need to travel by matching jobs to housing.

5.212 Issue c. The community element of the allocation was originally devised to accommodate the town’s surgery which needs to expand. I heard that the practice does not wish to relocate to the allocated site and is still looking for larger premises (*WAG, 326*). It would appear that the practice does not have the capacity to cater for the number of houses proposed but I have neither seen nor heard anything to suggest that this represents an insurmountable problem.

5.213 Whilst the need for a larger surgery is not in dispute the Council produced no evidence to counter the assertion made at the Inquiry that Woodstock is well served by and does not need additional community facilities. (*WAG*) As with the employment land it is likely that the lack of demand for a community use will lead to pressure to release the land for additional housing. It also raises the question of whether the site is larger than it needs to be.

5.214 The County Council acting as Local Education Authority (LEA) indicate that the primary schools in Woodstock and Bladon have the capacity to accommodate the influx of children generated by the Proposal. At secondary level, Marlborough School does not have the capacity to accommodate the number of pupils generated by 180 houses. I heard that the Governors of the school do not wish to accommodate more than 1000 pupils but the LEA indicate that the increase could be accommodated by the provision of two additional classrooms (*514*). In addition, I heard that the school caters for children from Upper Heyford who may be transferred to a new school in Bicester, although exactly when this will occur is uncertain.

5.215 The Council dispute objectors’ claims that the town is not short of playing fields but provide no evidence to support their case. Indeed the Council conceded at the Inquiry that no assessment had been carried as recommended by PPG17 (*WAG, 326, 514*). There will be a need for play areas and I see nothing wrong with providing more open space than is strictly necessary. However, add this to the lack of evidence to support the employment and community elements of the allocation and the size of the allocation again is brought into question.

5.216 Issue d. One objector points out that the vehicle movements on the A44 rose by 1000 a day between 1991 and 2001 (*28*). However, no one disputed the evidence given to the Inquiry by the Highway Authority that before the opening of the M40, traffic levels were higher than they are now. The figure of 180 dwellings arises from a housing area of 6ha developed at the minimum density of 30 dwellings per hectare (dph) set out in PPG3. The Council conceded at the Inquiry that densities of 40 to 45 dph would not be inappropriate. The development of the allocated site would inevitably lead to an increase in vehicle movements. However, I have seen no technical evidence to indicate that the A44 would not have the capacity to accommodate the level of traffic generated by a more intensive development.

5.217 I fear that some objectors are right and that the proposal will increase parking problems in the town (*WAG, 326*). Pressure for spaces will come from tourists and those living and working in the town but it is perhaps not surprising that residents struggle to find spaces when parking is free.

5.218 It may sound harsh but the inability to find a parking space may contribute to meeting the Government’s aim of getting people out of their cars and encourage them to walk, cycle or use public transport.

5.219 Issue e. Oxford Airport lies about 2km to the south of the site. The results of a noise survey commissioned by the Council show that on all but a few days noise levels fell into NEC A where, as set out in Annex 1 to PPG24, noise need not be considered as a determining factor in granting planning permission. On all but two days where noise levels fell within NEC B and C the airport was closed. On those two days no unusual activity was recorded at the airport and it seems reasonable to accept the assumption made by the Council’s consultant that other factors influenced the readings.

5.220 I understand that the airport is looking to increase the number of flights from 20 to 30 per week. The type of aircraft will depend on future contracts won by the airport but it is likely to be a small jet. In the absence of any evidence to the contrary, I see no reason to doubt the predictions of Council’s consultants that, based on 30 flights per week, noise levels would remain in NEC A.

5.221 At least one objector contends that the surveys were undertaken at times when the airport was quiet or that the equipment was faulty (27). The Council acted on these criticisms following a survey in February 2004 and commissioned further work to be done. The results show that readings were taken over 3 months from February to May 2004. I am satisfied that the survey is sufficiently robust to support the conclusion that noise generated by the airport should not be a bar to the development of this site (WAG).

5.222 One outcome of the survey was to show that noise levels on the southern boundary of the development area stray into NEC C due to road traffic noise on the A44. PPG24 advises that planning permission should not normally be granted for housing on sites which experience this level of noise. However, this would only affect a small part of the site and I see no reason to doubt that noise mitigation measures would bring noise levels down to an acceptable level.

5.223 I have seen no technical evidence to lead me to question the proposed allocation on safety grounds (27).

5.224 Issue f. That there is a need for affordable housing in Woodstock is not in dispute, the main difference between the objectors and the Council is the amount (WAG, 326, 401, 514).

5.225 The initial analysis at the time the plan was prepared suggested that greenfield sites on the edge of the larger and more sustainable (priority 2) settlements would be needed to meet the Structure Plan requirement to 2011. However, the 2004 base version of figure 5.1 especially when compared to the revised structure plan requirement (see paragraphs 5.24-6 above) suggests that there is no pressing need to make allocations. I heard at the Inquiry that there is a need in Woodstock for about 30 affordable houses. Based on 30dph, if the Council have their way the site would provide 90 affordable homes and, in light of what I heard, I do not consider that the need for affordable housing alone justifies the release of such a large greenfield site. In my view, it would be better to spread the affordable housing around the District in

order to meet local need. It is likely that the site to the east of Marlborough School would provide sufficient affordable housing to meet Woodstock’s current needs and my recommendation regarding Eynsham East would address local need there.

5.226 I have seen no evidence to support the assertion that Blenheim Estates would be willing to release land for an exception site should this allocation be deleted (326). Although a late written submission (407-8; 627) suggests that there might be alternative, smaller, exception sites I have no collaboration of that. Blenheim Estates own the most of the land around the town but I have seen no evidence to support the assertion that the Estate would restrict supply in order to bring forward the release of the site (326).

5.227 Housing Proposal 3 and Policy H11 are inconsistent in that the latter seeks rather than requires the provision of 50% affordable housing on the site. I deal with this issue in paragraph 5.252 in response to objection 162/260. The Council announced at the Inquiry that in future they would aim to ensure that 50% of the occupiers of new affordable housing schemes would be local people. This is not a planning policy but it may satisfy objectors who do not wish to see affordable homes taken up solely by outsiders (23, 401).

5.228 Issue g. Blenheim Palace is a Grade 1 listed building and the Park itself is a Grade 1 listed park. There are 44 other listed buildings in the Park including parts of the wall which encloses it but it is not clear from the plan which maps the listed buildings in the Park that the section of the wall opposite the proposed allocation is listed (514). Nonetheless, this does not lessen the care that must be taken in considering the impact of this Proposal on the World Heritage Site (WHS).

5.229 In their response to the First Deposit Draft in 2001, English Heritage stated that they had not considered whether the proposed housing sites were likely to have an adverse impact on listed buildings. However, in response to a consultation in 1999 they indicated that housing would be acceptable if a wide belt of land on the road frontage was planted with forest trees. This is what is proposed, as explained in paragraph 3.16 of the plan text. In addition, English Heritage stated in August and September 2004 that they had no objection to the Proposal provided development was subject to, amongst others, Policies BE8, BE11 and H2.

5.230 English Heritage resolved not to object to this Proposal on 3 separate occasions. I cannot believe that they would reach such a view without careful consideration (WAG, 326, 514).

5.231 The listing description of the Park describes its setting as largely rural and agricultural. The Park measures around 10km² and for the most part adjoins countryside. Should this site be developed the setting of the vast majority of the Park would remain rural and agricultural. However, the Council accepted at the Inquiry that this does not mean that the A44 boundary should be afforded less protection.

5.232 Development would be set well back from the A44 and a large part of it would be separated from the WHS by modern housing estates. A high wall encloses the eastern boundary of the Park and one would not be able to see the proposed development from within the Park. The boundary of the WHS stretches beyond the wall to include the field between the Cowyards and the A44. The field sits slightly

below the road and, seen from the path that skirts the wall, views of the development area would be obscured by distance and the woodland fronting the A44.

5.233 Approaching Woodstock along the A44 from its junction with the A4095, one has Campsfield Wood and parkland to the west and large open fields to the east. To the west, the road is enclosed and views are foreshortened first by the woodland and then by the boundary wall. To the east are flat, open fields over which are glimpses of the countryside beyond with some hedges and tree belts. The West Oxfordshire Landscape Assessment (*CDI/30*) identifies the area as part of the Eastern Parks and Valleys character area and as semi-enclosed limestone wolds (large-scale) landscape type. Here an enhancement priority is to ‘plant large blocks and belts of native broadleaved woodland, to link with existing woodlands and restore a mosaic of woodland and farmland’ (*CDI/30, p35*).

5.234 Taking this into account, and the views of English Heritage on the setting of the park, I do not consider that the planting of a substantial area of woodland on the A44 frontage would be harmful, in its own right. At the moment the open nature of the views to the east and north-east provide glimpses of the existing housing on approach to Woodstock, although set well back. Even though the main purpose of the woodland would be to screen further development, I do not agree with the point made by one objector (*514*) that the existing open nature of the site is of such importance to the character of the area and the setting of the park on the A44 approach that its loss is a reason in itself to delete this allocation or to prefer any other in Woodstock.

5.235 Approaching the town along Oxford Road, road signs and the view of houses across the fields signal a change from rural to urban. Provided it is done sensitively, I see no reason why the construction of the access, improved footpath and cycleways, lighting and other works should harm the setting of the Park or the town (*WAG, 326, 514*).

5.236 PPG15 does not preclude the development of sites which may affect the setting of a listed building, historic park or WHS and, for the reasons given above, I am satisfied that this site can be developed in a way which would respect the setting of the WHS.

5.237 I turn now to the setting of the town. The landscape is flat and photographs submitted by the Council and the promoters of Shipton Road (*514*) show how trees and hedges can screen development. The allocated site is bordered to the west by housing and to the north by the playing field to Marlborough School. The plan provides for structural landscaping on the eastern boundary of the site, probably in the form of a thick shelter belt and a strong hedge, to screen views from that direction. This boundary also forms the boundary between West Oxfordshire and Cherwell District Council and I consider that it comprises a defensible limit to further expansion to the east (*401*).

5.238 In order to meet the Structure Plan requirement the Plan needs to allocate greenfield sites for development. All of the sites allocated in the plan and most omission sites propose building on the edge of towns and villages and all to one degree or another will have an impact on the character of this rural District and the setting of the settlement they would adjoin. Some argue that development elsewhere would be less harmful and point to sites in Eynsham and Chipping Norton (*400, 530*,

and 565 amongst others). I comment elsewhere on omission sites but find most to be unacceptable for one reason or another.

5.239 In this case it is the scale of development which concerns me. On the housing front the Council are largely driven by the need to provide affordable housing but I say above why I am not persuaded that Woodstock needs the number of affordable units the Council seeks and why I consider it would be better to spread provision around the District. One objector argues that the Council introduced the non residential uses in order to fill the field subject to the allocation. (514) I have some sympathy with this view given the paucity of evidence to support the employment allocation, the need for community facilities or the amount of public open space proposed.

5.240 Notwithstanding the existing and proposed landscaping, the Proposal would constitute a significant incursion into the open countryside to the east of the town. I also consider that the size of the proposed development is excessive when measured against the scale of this small, attractive market town.

RECOMMENDATION

5.241 R5.36 Delete Housing Proposal 3, Woodstock East

In view of this recommendation the objections pursued by the landowners (509) and perspective developers (162) on details of the application of the Proposal also “fall”. However, as I have given consideration to these objections, I feel that it would be helpful to report my conclusions on a “without prejudice” basis. I also present an alternative recommendation which will apply only should the Council have compelling reasons not to accept the recommendation above.

Objections 162/260-1, 3574; 509/3591

Issues

- h) Whether the proposal is overly prescriptive in specifying the area to be set aside for a woodland to the north of the A44.
- i) Whether the site meet the requirements to be identified as ‘strategic’.
- j) The requirement in the proposal for 50% affordable housing.

Conclusions

5.242 Issue h. I state above that I do not consider that an area of woodland planting as proposed in the plan would be out of character with the area. Nevertheless, the issue raised by Persimmon Homes (*objector 162*) and the Trustees of the Bleinheim Estate (*objector 509*) is whether the plan would need to specify that the woodland should cover 5.5 ha. out of 6.5 ha. for structural landscaping. The Council sought to convince me that the woodland area as shown on the proposals map is an allocation in its own right and that it is not so different to the requirements in other development areas. I disagree. Although I accept that there would be some logic in using the whole of the southern field as woodland with the existing hedgerow (*H6 on plan CAS2*) forming a boundary, there is no clear planning reason why that would need to be the case.

5.243 It is stated in the plan text, paragraph 3.16, that the purpose is to reflect the character of the area and provide a buffer to the WHS. Nothing that I heard at the Inquiry served to convince me that the whole 5.5 ha. area would need to be used in this way to achieve what is not denied to be a necessary objective. I accept that in order to enhance the area and to absorb the access road in such a way as to avoid opening up the housing or employment area to view from the A44 the planting of a substantial area would be required, significantly more than a frontage belt of trees. Nevertheless, until such time as detailed development proposals might be prepared to show the precise location and scale of any buildings, no-one (including me) could reasonably judge the precise extent or nature of the tree planting needed to provide the desired buffer and to provide a local amenity which would be valued in both visual and practical terms. Nor could the required long-term management arrangements be secured.

5.244 I would normally expect such matters to be dealt with in a positive way either in supplementary guidance (a development brief) produced by the Council or through detailed pre-application discussions with the developer. As it is, the plan is prescriptive as to the area to be covered without sufficient justification. I agree with the objectors that this is contrary to the advice in PPG12 as to the level of detail which should be included in a development plan policy. Consequently, I take the view that if the proposal were to remain in the plan it should not state the area for woodland planting, although this might be stated in the text, as a guideline.

5.245 I recognise that the proposal prescribes areas for various uses on the site and that this approach is common to other plan proposals. Nevertheless, the plan contains no justification or explanation for the areas stated for these uses. The deletion of one specified area would also pose difficulties for the balance within the site, particularly for housing development (to be precise the C2 and C3 uses). The objectors suggested substituting 180 dwellings for the 6 ha. but, as I comment below, a higher density would accord with Government policy in PPG3 for development in a sustainable location.

5.246 After due deliberation I have decided that any retained proposal should state the criteria or objectives for the planting and that the area for C2 and C3 uses should state a ‘minimum’ of 6 ha. I would not have any basis in a duly-made objection to recommend the deletion or amendment of other specified areas but, no doubt, the Council would consider my comment about lack of justification.

5.247 Issue i. Although the objectors recognised that this site is not on the same scale as the North Curbridge allocation (Witney Proposal 6) they argue that because the Council acknowledge the importance of this site in meeting the wider housing needs of the area outside Witney, as well as the need for affordable housing, it is an essential part of the plan strategy and should not be subject to the phasing policy in policy H1 which would hold back the site until after April 2006.

5.248 It seems to me that there is a certain inconsistency in the Council’s arguments that, on the one hand, the development of this site would be important in meeting the wider need for housing in the rural part of the district and, on the other, that in strategic terms it is not appropriate to “ring fence” the residual structure plan figure for that part of the district outside of Witney. In considering the strategy (see paragraphs 5.1- 5.9 above) I have agreed that the district should be considered as a

whole, with the main priority accorded to development in Witney. I have also agreed in principle with the approach the Council have taken in placing a higher priority on the allocation of brownfield land in or on the edge of the larger rural settlements in preference to greenfield sites such as this. Under the PMM approach, and the guidance in PPG3, priority should always be given to the development of previously developed land. In the local context this means that the availability of such land should be monitored on a district-wide basis. This is reflected in my recommendation for the re-wording of policy H1.

5.249 The various factors identified by the objectors, including the provision of employment, social and community infrastructure along with public transport support and landscape improvements, are benefits of a kind which might be brought about by any sizeable mixed use development in a sustainable location. When considering whether such factors mean that the allocation is such an essential part of the plan strategy that the site should be identified as strategic it is necessary to consider the nature of the site and the guidance given on the matter in “Planning to deliver”.

5.250 This site is not strategic in the sense that it is of such a scale that it is mentioned in the structure plan, unlike the identified need for the expansion of Witney. Neither do I consider it to be a “building block” of the plan strategy. To my mind it would only be the contribution to affordable housing provision in Woodstock which might justify bringing forward this site for development ahead of its phasing under the PMM approach, bearing in mind it is a greenfield site. This is not a reason in itself to warrant ‘strategic’ status.

5.251 Policy H1 already provides a mechanism for sites to be brought forward to meet identified affordable housing needs. It remains in the recommended modified policy although in a somewhat different form related to local needs not district-wide needs. Such need would act as a “trigger” in bringing forward the site, although it might be possible to develop a large site such as this in more than one phase. I consider that this would be a more appropriate policy mechanism in the circumstances than to identify the site as a strategic one, apart from which I do not consider it meets the requirements of ‘Planning to deliver’.

5.252 Issue j. In paragraph 5.227 above I comment upon the fact that the wording of the proposal, that the development ‘shall’ provide 50% affordable housing is inconsistent with the wording of policy H11 by which the Council will ‘seek’ affordable housing provision. It is the latter wording which accords with the advice in PPG3 and Circular 6/98. Not only does the evidence presented for Woodstock suggest that there is an identified need for only about 30 affordable houses to cater for local needs but the national advice makes it clear that it is unrealistic to require specific levels of provision in advance of a detailed consideration of the viability of individual sites. This is a complex calculation and must take account of other costs imposed on a developer. In this case, the requirement to provide for community uses and the large area for landscaping, which would have to be managed, would impose costs which would have to be borne by the open-market housing element. For these reasons the plan cannot be prescriptive as to the precise proportion of affordable units to be provided. The objectors sought to introduce flexibility by the insertion of the words ‘up to’ before ‘50%’ and I agree that the policy would then be compatible with policy H11. I would recommend that wording. The Council will, no doubt, note that

the other housing proposals in the plan would also need to be amended for consistency.

ALTERNATIVE RECOMMENDATION (Without prejudice)

5.253 ***R5.36 Modify Housing Proposal 3 (Woodstock East) as follows:***

in a) insert ‘minimum’ before ‘6 ha.’ and ‘up to’ before ‘50%’;

delete the wording for e) and replace by ‘a new woodland area north of the A44 should be large enough to reflect the character of the area and provide a buffer to the World Heritage Site’;

add f) Structural landscaping along the eastern boundary to screen the development in views from the east.

OMISSIONS – EAST OF MARLBOROUGH SCHOOL

Objection 514/805

Issues

- a) Whether the site is a sustainable location for housing.
- b) The impact of the development of the omission site on the setting of the town.
- c) Whether the infrastructure in Woodstock is capable of accommodating the proposed development.

Conclusions

5.254 ***Issue a.*** In ‘Fringe Sites, Carterton, Chipping Norton, Eynsham and Woodstock’ (CDI/43) the Council say that this area ‘*has well used pedestrian and cycle links to the town centre*’. The site is next door to Marlborough School and the swimming pool and is within easy walking distance of the town centre. Although the footpath is narrow, I do not consider that the last stretch of Hensington Road would put people off walking. The Highway Authority question the objector’s assertion that this part of the route could be improved but did not rule it out, conceding at the Inquiry that it would need a detailed assessment.

5.255 Shipton Road is busy at the beginning and end of the school day but I have seen nothing to suggest that the additional traffic generated by 60 houses would have a material impact. In addition, drivers heading north or south would be able to avoid the centre of town.

5.256 Shipton Road is not on a bus route and the nearest bus stop on the A44 is about 1km away. In this regard it is not as well placed as the proposed allocation but I do not consider this to be a fatal flaw. The site lies on the edge of a key service centre and is within walking distance of all of its main services and facilities. It is therefore, a sustainable location for new housing.

5.257 Issue b. From its junction with Hensington Road to Marlborough School, Shipton Road is lined on both sides by housing. Development continues on the northern side of the road in the form of the school buildings, the swimming pool and a bungalow before reaching the site. Although one cannot see beyond the school buildings there is a sense that there is development in depth to the north. The site would be divorced from the established housing area on Shipton Road by the school. However, the school buildings and the pool read as part of a continuous built up frontage and I do not consider that development on the site would appear isolated and divorced from the town.

5.258 The eastern boundary of the site abuts Samsons Lane, a green way lined by thick, tall hedges which would almost completely screen 2 storey buildings. To the north is an area of open space beyond which one can see the disused railway line and the houses on Banbury Road. Seen in this context I consider that, although on the edge, development would read as part of the town.

5.259 The creation of an access and visibility splays would result in the loss of about 30m of leylandii hedge. This would open the site to view but I do not share the Council’s concern that it would not be possible to incorporate a meaningful landscape scheme within any housing layout. I am satisfied, therefore, that a well designed scheme would not have an adverse impact on the setting of the town.

5.260 Issue c. The objector accepts that development here should make provision for affordable housing. It was agreed at the Inquiry that there are no constraints to the development of this site and, in light of my conclusions regarding Housing Proposal 3, I see no reason why the town’s infrastructure could not cope with this development.

5.261 In my conclusions on Housing Proposal 3 I have recognised the need for about 30 affordable houses to serve the needs of Woodstock. This site, with a capacity of at least 60 dwellings subject to design and layout considerations, would amply fulfil that requirement with a 50% contribution in accordance with policy H11. There are not the objections to this site on the basis of scale that there are to Woodstock East.

5.262 In terms of phasing under policy H1 I do not see any pressing need to bring forward the development of this site, which is green field and thus has lower priority in the sequential approach of PPG 3. I consider that the site should be allocated in this plan partly to replace the deleted Woodstock East but also to provide some scope in this key service centre. The site should be listed in the second phase under policy H1.

RECOMMENDATIONS

5.263 **R5.37 Modify the plan by the allocation of land for housing at land to the east of Marlborough School, Woodstock.**

5.264 **R5.38 Modify Figure 5.1 and Inset Map 7 to reflect recommendation 5.36 above.**

5.265 **R5.39** Insert the following:

Housing Proposal X, Land to the east of Marlborough School, Woodstock

Land to the east of Marlborough School, Woodstock as shown on the Woodstock Inset Map is allocated for housing which shall include up to 50% affordable housing, taking into account the level of local housing need.

5.266 **R5.40** Insert the following paragraph after the Housing Proposal:

The site should accommodate at least 60 dwellings. Development will not be permitted before a planning brief has been approved by the Local Planning Authority but is also subject to the phasing policy H1. The brief shall include measures for improving pedestrian and cycle links between the site and the town centre and the retention and protection of the trees and hedges lining the western side of Samsons Lane.

OMISSION - BANBURY ROAD

Objection 405/636-639

Issue

The impact of the development of land to the north of Banbury Road on the setting of the town.

Conclusion

5.267 This site, together with those set out below at Spencer Court and Shipton Road are put forward by the objector as an alternative to Housing Proposal 3. There is a large field to the north of Banbury Road but the objector does not indicate whether it is just this field or if other land should be included. If it is to be a like for like replacement for Housing Proposal 3 it may need to include more than the field and extend further into the open countryside.

5.268 Development here would not have an impact on the WHS but it would result in an unacceptable incursion into the open wolds landscape to the north of the town. In addition, unlike Housing Proposal 3, most of the traffic generated would pass through the town to the detriment of the free flow of traffic and the character of the Conservation Area.

RECOMMENDATION

5.269 **R5.41** Make no modification to the plan with respect to the allocation of land at Banbury Road, Woodstock.

FORMER RAILWAY EMBANKMENT, SHIPTON ROAD

Objection 405/637

Conclusions

5.270 This objection has been superseded as I am told by the Council that two blocks of flats have been built on this land.

RECOMMENDATION

5.271 **R5.42 Make no modification to the plan with respect to the allocation of land at the former railway embankment, Shipton Road, Woodstock.**

SPENCER COURT

Objection 405/638

Issue

Whether the release of this site would add to the stock of affordable housing in the town.

Conclusions

5.272 Spencer Court is a residential care home run by the County Council. I have no doubt that there would be an element of affordable housing in any redevelopment for housing but I understand that the County Council have submitted plans to demolish and re build the care home. Presumably Spencer Court provides affordable care for the elderly residents of the town and no doubt its replacement will continue to do so.

RECOMMENDATION

5.273 **R5.43 Make no modification to the plan with respect to the allocation of land at Spencer Court, Woodstock.**

EYNHAM

Issues

5.274 The promoters of the omission sites in Eynsham express similar arguments with regard to its suitability to accommodate additional housing. I shall address these objections collectively under the first two issues before examining site specific considerations.

- (a) Is Eynsham a suitable location for development in light of the proximity and influence of Oxford?

- (b) Whether Eynsham is a sustainable location for new development and whether allocating land for residential development in the village would comply with the Local Plan strategy.
- (c) The weight to be given to the ability of the omission sites to deliver affordable housing.
- (d) Whether the omission sites are suitable locations for residential development.

Conclusions

5.275 Issue a. The fear that, if unchecked, the rapid expansion of Eynsham that took place after the Second World War would destroy the character of the village and turn it into a suburb of Oxford led to an embargo on housing allocations in the 1988 Rural Areas Review Local Plan and the adopted Local Plan (*CDI/119*). The village is separated from Oxford by the Green Belt and so could not become a suburb in the accepted sense and I consider the concerns that further growth would turn the village into a dormitory are overplayed.

5.276 The influence of Oxford stretches far beyond Eynsham, residents from all over the county are drawn to the city to work and shop and to take advantage its cultural and leisure facilities. According to the results of surveys of new housing developments in Eynsham set out in ‘Reducing the need to travel’ (*CDI/37*) 41% of full time workers in the village are employed in the city. This figure is the second highest in the District but, in light of their difference in size, it compares reasonably well with Witney where 27% of full time workers find employment in Oxford. In addition, a significant number of those employed full time, 23% live and work in the Parish compared to 17% in Witney. Although not in the same numbers as residents of new developments in Carterton and Chipping Norton, 16% of residents do their main food shop in Eynsham. This is particularly significant, in my view, given the wider choice available in Witney and Oxford.

5.277 Eynsham has a population of around 5000 and the Council accepted at the Inquiry that a development of around 100 dwellings would have little impact (*523*). The largest of the omission sites could accommodate around 280 houses and if developed could result in a significant increase in the population of the village. With no land allocated for additional employment it is likely that a large proportion of new residents will work elsewhere. However, there is no evidence that an influx of people on this scale would have a harmful effect on the community.

5.278 The contention that there should be no substantial development in the village until a solution has been found to congestion on the A40 is not supported by the Highway Authority. The Highway Authority raise no objection to any of the omission sites with regard to the free flow of traffic or the capacity of the A40.

5.279 The Council describe the village as one of the largest and liveliest in the District, hardly the description of a dormitory (*CDI/119*). In my view the influence of the city should not be a bar to additional housing, provided it is of a scale that can be integrated socially and physically into the village.

5.280 Issue b. In ‘The Influence of Oxford’ (*CDI/36*) the Council acknowledge that the disparity in the level of services offered in the city compared to the District is

likely to continue and that as a result further housing growth is likely to significantly increase trips to Oxford. I agree with the report’s conclusion that, as a result, new houses in areas most affected by the influence of the city should be located to take best advantage of public transport.

5.281 The Council argue that congestion on the A40 would put villagers off using public transport and point to evidence which shows that 82% of residents drive to work (CDI/37). However, Eynsham is beaten only by Witney which at 80% has the lowest percentage of residents using their cars to get to work. In my view, Eynsham performs well in this regard, particularly as Witney has a much larger employment base and one would expect more residents to travel by means other than the private car.

5.282 The Council conceded at the Inquiry that Eynsham is well related to the best public transport system in the District. One cannot force people to use public transport but it must be right to build new houses in areas which have the best potential for a modal shift. Eynsham is one of the four key service centres in the rural area, the Council accept that it is a sustainable location for new growth and to allocate land for housing here would accord with the housing strategy. I do not consider that the embargo placed on development by the last two plans can stand in face of the drive to place development in sustainable locations. With respect to the whether one omission sites is more sustainable than another, they are all close to the centre of the village and I consider there is little to choose between them

5.283 Issue c. The Council expressed concern that an allocation in Eynsham would result in a reduction in the provision at Woodstock. I do not consider that there need be a direct causal link between the two because of the potential for phasing under policy H1. My decision to recommend the deletion of the Woodstock East allocation is not a result of the position at Eynsham. The result would be a better distribution of affordable homes. At the time of the Inquiry the Council were pursuing the provision of an exception site to the south of Chil Bridge Road. No details were available and there appear to be reservations regarding access and the impact of such a development on the setting of the village. No firm commitment had been made and given the lack of any certainty regarding the deliverability of such an option, I give it little weight.

5.284 I heard different views on how many affordable homes are needed in Eynsham but no one doubts that a need exists. All omission sites could provide affordable housing. The difference between them is their size and, therefore, subject to need, the amount that could be delivered. My conclusions regarding thresholds and related matters are can be found in paragraphs 5.455 - 5.491.

5.285 Bartholomew School and the land to the west of the village could provide most and, in light of the overall need in the District, this is an important consideration. However, the need for affordable housing is only one of a number of factors which need to be taken into account. I turn now to other matters including the impact of development on the setting of this historic village.

Issue d

EYNHAM WEST

Objections 530/889, 531/896

5.286 The site is made up of playing fields used by Bartholomew Secondary School and a large field. The site runs to around 10ha overall and is bordered by houses to the east and north, by Chilbridge Road to the south and the countryside to the west.

5.287 The playing field extends to about 3.5ha and is a feature common to most suburban areas. Nevertheless, it is open and, although different in appearance to the adjoining fields, it contributes to the open, rural character of the western fringes of the village. The field to the south is bordered to the west by a substantial belt of trees and to Chilbridge Road by a tall hedge. These features would form strong, defensible boundaries and to some extent would soften the impact of any development. However, the development of the omission site would constitute a substantial incursion into the open countryside to the west of the village to the detriment of its setting and the attractive, open and rural character of the area. I am not satisfied that the existing screening or proposed landscaping shown on the objector’s concept plan would be sufficient to mitigate this harm.

5.288 By the time it passes the site, Chilbridge Road has changed from an adopted highway serving houses on both sides to a private lane and bridleway running between open fields. It would not be suitable to provide access to the omission site without major works and I am concerned that to bring the lane up to an acceptable standard would harm its rural character. In any event, such works may be unnecessary as the Highway Authority accepted at the Inquiry that the 280 houses proposed could be accommodated by a single access off Old Witney Road.

5.289 Prospective residents would be able to access the A40 via Witney Road but both sides agree that it is extremely difficult to turn right onto the A40 at peak times. The objector does not dispute that drivers heading towards Oxford would be tempted to avoid this junction and ‘rat run’ along Spare Acre Lane or through the centre of the village. However, the Highway Authority do not dispute the objector’s claim that on Spare Acre Lane this would only result in 1 additional vehicle every 2 two minutes in the morning peak and 1 in every 4 minutes in the evening. The development of the omission site would increase vehicle movements on Acre End Street over a 12 hour period by 50% but the Highway Authority accepted at the Inquiry that in terms of actual numbers the increase would not be that great.

5.290 In light of the above, I do not consider that the additional traffic would have an unacceptable impact on the living conditions of villagers living along these routes. Nevertheless, I agree with the Council that, in order to preserve the character of the Conservation Area, it would be better to avoid increasing traffic levels along the narrow medieval streets which run through the centre of the village. Traffic calming has taken place and the objector argues that more could be done but drivers will bear the inconvenience if driving through the centre of the village is quicker than the alternatives.

5.291 The south west corner of the site lies in a flood plan but the majority is unaffected and the Council accept that issues relating to water supply and the capacity of the sewage treatment works could be resolved. The field is graded 3b and so is not the best and most versatile agricultural land. The LEA state that 1ha of the playing

field is surplus to requirements. Despite reservations, particularly regarding the ability of schools in Eynsham to accommodate new development, the Council accepted at the Inquiry that the LEA is best qualified to make such a judgement.

5.292 Nevertheless, I consider the harm I identify above provides compelling reasons not to include this site as an allocation in the Local Plan.

RECOMMENDATION

5.293 **R5.44 Make no modification to the plan with respect to the allocation of land to the west of Eynsham.**

BARTHOLOMEW SCHOOL AND EYNSHAM PRIMARY SCHOOL

Objection 531/895 & 897, 532/904-7

5.294 These objections propose redeveloping the schools for housing and building new schools on the land to the west of the village discussed above. I heard at the Inquiry that Oxfordshire County Council who is both landowner and LEA, do not support the redevelopment of the schools or their relocation. Circumstances change but the County Council’s position casts doubt on whether, if allocated, these sites would ever come forward.

5.295 I heard at the Inquiry that neither school has the capacity to accommodate the demand for places that would be generated by the development of a site the size of the secondary school. The existing secondary school comprises a substantial complex of buildings and a new school would probably need to be even larger to accommodate the increase in pupils. Similarly, it is likely that a new primary school would also need to be larger than the existing. In my view, the relocation of the secondary school alone or both schools together on land to the west of the village would have a similarly harmful impact as that described above. In addition, the development of the secondary school would result in the loss of a valuable green space within a relatively compact built environment.

RECOMMENDATION

5.296 **R5.45 Make no modification to the plan with respect to the allocation of land at Bartholomew School or Eynsham Primary School.**

LAND WEST OF STATION ROAD

Objection 565/1094, 1096

5.297 This site is the close to the village centre and the employment area to the south but then all the omission sites are within walking distance of Eynsham’s facilities. I looked at this site in 1990 when I dismissed an outline proposal for residential development (T/APP/D3125/A/89/143497/P5). The developments at Merton Close and Blankstone Close have matured and their impact on the adjoining countryside softened but, otherwise, all agreed that little has changed in the past 13 years.

5.298 Looking south from the open space on Merton Close, one gets the impression that the site is enclosed by the houses fronting Station Road and the industrial

buildings further south. However, from Station Road or looking west from the Conservation Area the feeling is very different.

5.299 I agree with the Council that the omission site and the field on the opposite side of Station Road provide an attractive approach to the village. These open fields enclosed as they are by stone walls set the scene for the traditional Cotswolds buildings which line Station Road and which lead you to the historic core of the village.

5.300 So, whilst the omission site lies outside the Conservation Area, it makes a positive contribution to its setting. Back in 1990 a large part of the stone wall would have been lost to gain access to the site. This would no longer be the case and most could be retained. However, even if development was set back from the road one could not hide the fact that the space beyond was filled by houses.

5.301 National and local planning policy has changed significantly since 1990 and the need to provide sites in sustainable locations is a material consideration. However, I do not consider it necessary to recommend acceptance of a site the development of which is likely to have an adverse impact on the setting of the village and the Conservation Area.

5.302 Part of the site lies within the flood plain to the Chil Brook but I have seen no technical evidence to show that the majority could not be developed. As with the other sites in Eynsham, nothing has been submitted to show that there are any insurmountable technical constraints to the development of the site. Nevertheless, I consider the harm I identify above provides compelling reasons not to include this site as an allocation in the Local Plan.

RECOMMENDATION

5.303 **R5.46 Make no modification to the plan with respect to the allocation of land to the west of Station Road, Eynsham.**

EYNSHAM EAST

Objections 523/847, 570/1116

5.304 David Wilson Estates seek the allocation of a site comprising land to the south of Cassington Road and a field to the rear of Nos. 6 to 8 Cassington Road (570). Ravendrive Ltd seek the allocation of the field to the rear of Nos. 6 to 8 Cassington Road and the adjoining field to the south (523).

5.305 The land fronting Newland Street/Cassington Road comprises a large tree lined paddock fronted by a stone wall. Levels are such that the paddock sits on an embankment above the street. In his report on the objections to the Eynsham Local Plan in 1981, my predecessor describes the paddock and the street as ‘*a substantial undeveloped frontage in a fine street of great character*’. He goes on to say ‘*I do not consider that housing development here would be likely to preserve or enhance the character or appearance on the Conservation Area*’. The site was considered again at the Inquiry into the adopted Local Plan. My colleague took the view that an access

could be created to Newland Street without damaging the character of the Conservation Area but concluded that developing the land enclosed by the by pass would not preserve its character or appearance (CD1/2).

5.306 Little has changed in the 20 years since my colleague so aptly described Newland Street/Cassington Road. Like him, I am not persuaded that the works to create an access, cutting away part of the embankment and breaking through the wall, would not have a detrimental impact on the street scene. I also agree with his findings regarding the likely impact of development on the Conservation Area.

5.307 In contrast, the setting and character of the remainder of the site has changed significantly in the last 20 years. The by pass had not been built in 1981 and whilst it was there in 1996, the Council do not dispute that the trees planted alongside have grown between one third and one half in height since then.

5.308 In 1996 my colleague placed considerable weight on the views across the site to the village from the by pass. I viewed the site in September when the trees were in leaf and again in December and, apart from a short section to the rear of No. 8 Cassington Road, the open views appreciated by my colleague no longer exist. The site is hemmed in to the north and west by housing, the by pass to the east and playing fields to the south. The by pass is a strong, urban feature and I do not consider that filling the gap between the by pass and the village would detract from the rural setting of this part of Eynsham.

5.309 Nor, due to the limited views available, do I consider that the development of the site would result in the loss of important views into or out of the Conservation Area. Provided it is done with care, I am satisfied that the site could be developed, to the densities envisaged in PPG3, in a way which would preserve the character and appearance of the Conservation Area.

5.310 The Highway Authority have no objection to the provision of an access from the by pass. Drivers would be able to access the A40 and the B4044 to Oxford without passing through the village. It is likely than any new junction would be lit but this is best left to detailed design and I see no reason why it should have any greater impact than the lighting to the existing junctions. It was agreed at the Inquiry that there are no other technical matters stand in the way of the development of the site.

5.311 The two fields are classed Grade 2 (Agricultural Land Classification) and PPS7 advises that the presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations. I acknowledge that it would be better to avoid the development of such land. However, I consider that, as a key service centre Eynsham is a suitable location for growth and that this is the only site before me the development of which would not harm the setting of the village or the Conservation Area. This, in my view, outweighs the loss of 3.7ha of the best and most versatile agricultural land.

RECOMMENDATIONS

5.312 **R5.47 Modify the plan by the allocation of land to the west of the Eynsham by pass (the field to the rear of Nos. 6 to 8 Cassington Road and the adjoining field to the south promoted by Ravendrive Ltd).**

5.313 **R5.48 Produce an Inset Map showing the land allocated as described in Recommendation 5.47 above.**

5.314 **R5.49 Insert the following:**

Housing Proposal X , Eynsham East

Land to the west of the B4449 Eynsham eastern by pass as shown on the Eynsham Inset Map is allocated for housing. Within this area the following provision will be made:

- a) Housing (2.8ha) which shall include up to 50% affordable housing, taking into account the level of local housing need.**
- b) Structural landscaping and amenity open space (0.9ha)**

5.315 **R5.50 Insert the following paragraph after the Housing Proposal:**

The site should accommodate around 100 houses together with open space and structural landscaping on the boundary with the by pass. The site lies within the Eynsham Conservation Area and any application should be of sufficient detail to enable the Local Planning Authority to assess the impact of the proposed development. Development will not be permitted before a planning brief has been approved by the Local Planning Authority. The brief shall include measures for improving pedestrian and cycle links between the site and the centre of the village.

PRIORITY C – REMAINDER OF GROUP C (AND ELSEWHERE IN THE RURAL AREAS)

GROUP C

BAMPTON

HOUSING PROPOSAL 5 NEW ROAD, BAMPTON

First deposit objection 573/1143

Revised deposit objections *Listed in appendix B*

Objections to PIC5.1 317/4084, 544/4072, 571/4089, 589/4115, 623/4069, 669/4079, 686/4076, 706/4081, 711/4074, 774/4091, 796/4080, 811/4078, 826/4077, 846/4082, 848/4083, 854/4075, 874/4087, 877/4088, 893/4073

Inspector’s explanatory note

5.316 An objection made to the omission of a site for housing (50% affordable), employment and open space to the north and north-east of New Road in Bampton (1143) was partly accepted by the Council and included in the revised plan as Housing Proposal 5. The site allocated is not as large as that sought in the duly-made objection and does not include an employment element.

5.317 Housing Proposal 5 resulted in a large number of objections to the revised deposit plan. The Council considered these and decided to withdraw the proposal (PIC5.1) but with a rider that they would wish to include an allocation for 25-30

affordable houses, should Government policy guidance (PPG3) be amended, as suggested in a consultation document, to permit such an approach before the modifications stage to the plan. Otherwise they would continue to pursue an ‘exception site’ under annex B to PPG3 and plan policy H12.

5.318 The HBF were right to object to this (4089) but, as it happens, a Ministerial statement in January this year has amended annex B (paragraph 3) to permit the allocation of sites solely for affordable housing. Although the Council’s somewhat unconventional approach may have caused some confusion I am satisfied from the representations made (4075-7, 4084, 4091) that the local community have had ample opportunity to make their views known about this proposal through the Inquiry process.

5.319 I should explain that although the Council have resolved that they would wish to change the plan as indicated by PIC5.1 the plan before me, upon which I am appointed to make recommendations, is the revised deposit including Housing Proposal 5.

Issues

- (a) Whether Housing Proposal 5 should remain either in its original form, or in an amended form to include an employment element;
- (b) Alternatively, should the proposal be deleted in accordance with PIC5.1, the need to identify sites for affordable housing in Bampton is such that an allocation for affordable housing only should be made on this site.

Conclusions

5.320 Issue a. Although Bampton is listed in the plan as a category ‘C’ settlement it is clearly a good deal smaller with a more limited range of facilities than the key service centres of Carterton, Chipping Norton and Woodstock together with Witney. My recommendation R5.18 is that the key service centres including Eynsham, should be identified as a new group D with the larger villages, such as Bampton, remaining as group C. As emphasised by the Council in their response (CP003) referring to CD1/101 Bampton is relatively remote, there is no secondary school and employment opportunities are limited. Although bus services have improved the hourly services to Witney and Oxford are unlikely to encourage travel to work other than by the private car. I recognise that objection 1143 seeks an employment allocation but I do not consider that, in itself, to be an over-riding factor. The site originally suggested, to the north-east on Mount Owen Road would have appeared as a somewhat isolated development well away from the main part of the village.

5.321 There are those who support the principle of further development in Bampton, essentially to provide support for the primary school and other local facilities (4075, 4080-3, 4087-8) but, as I discuss in chapter 2 on the plan strategy, it is in accordance with Government policy and the County Structure Plan that the plan seeks to locate new development in the more sustainable settlements where there is a wider range of facilities helping to reduce the need to travel for work, shopping and leisure activities.

5.322 I discuss the need for affordable housing below but seeking to provide this on the basis of a 50% contribution, enabling a “cross-subsidy” from the profits of open-market housing, with 100 houses in all, would result in a sizeable addition (10%) to this relatively small community. I consider that the Council’s decision to allocate a site of such a size was contrary to the strategy already established in the first deposit

plan. Bampton is clearly not a ‘key service centre’ in the same league as those in the new group C. It cannot be compared to Woodstock, for example, where a sizeable addition was made in the draft plan, partly to provide affordable housing (although I recommend its deletion). The issues of scale in relation to the settlement and the appropriateness of the open market housing element are even more acute in Bampton. Consequently, I consider that Housing Proposal 5 is contrary to national policies on the location of new housing and should not be pursued as a matter of principle.

5.323 I acknowledge that the existing development on the north side of New Road presents a somewhat hard and artificial boundary on its eastern side. The proposal site itself is an open arable field, generally flat but rising very slowly towards the north-west. Development in the south-west corner would be the most appropriate with structural planting to the north and east. There is little to choose between the plan proposal and that put forward at the Inquiry in support of objection 1143. Both would represent a significant extension of development into the countryside which would only be justified by the most pressing needs. As I indicate above there are more suitable locations for general market housing in the district and, as I conclude at the start of this chapter, the identified housing land supply is more than adequate to meet structure plan requirements to 2011.

5.324 Issue b. It was generally recognised at the Inquiry that there is a need to provide affordable housing in Bampton. Indeed, as everyone is well aware, this is a national problem in areas of high house prices. West Oxfordshire in general is no different to many other areas in the South of England in this regard. The difficulty which arises, as identified above, is in providing affordable housing in villages and areas where planning policies would not otherwise permit new housing. This is precisely the situation envisaged in Annex B of PPG3 through the identification of “exception sites”. By their nature such sites are “off plan”, in other words they are on land which would not otherwise be granted permission for housing development, perhaps for policy reasons, but which would otherwise be acceptable in terms of their location and environmental or other impact.

5.325 In this respect I see very little difference in practice between the way that an exception site might be identified and the idea, now promulgated by the revised Annex B to PPG3, that a site might be allocated solely for affordable housing. Unless it is intended that allocation might strengthen the Council’s hand in any compulsory purchase proceedings it seems to me that the willingness of the landowner to sell the land at a reasonably low price would be vital. In this case, the landowner (Mr Hook) attended the Inquiry and it is clear that he shares the concerns of the community to provide affordable housing.

5.326 Nevertheless, I am concerned that the limited development suggested by the Council extending eastwards along the New Road frontage would be little more than a small estate of affordable houses at the very edge of the village which would clearly be an intrusion into the countryside. It would happen to be adjacent to an ex-Council estate where there is still a high proportion of socially rented property and it is difficult to see how this would achieve the kind of mixed community sought by government policy. I also have my doubts about the viability of the scheme, not only as a product of land value, but because there are evidently some problems with water supply and if there was to be screening to soften the impact on the countryside it would add to costs. Access is less than ideal. For all of these reasons, I am not convinced that this is a suitable location for a development of this kind.

5.327 The evidence before me on the need for affordable housing was convincing. The Housing Authority had identified a need by 47 households with local affiliations and the Parish Council had carried out its own survey with similar results. However, the Parish Council argued strongly for an alternative approach of identifying smaller sites for up to 10 dwellings and, at my request, supplied me with details of 4 sites investigated. (R/544/3325). I also understand that permission for 8 affordable units has been granted on land off New Road. Of the 4 sites put forward by the Parish Council it appears that the Mercury Close playground may yield 4 flats. Otherwise, there must be doubts about the likelihood of affordable units on the Bush Club site, despite the County Council interest, because the site is within the village and would otherwise be suitable for general housing. Both the Weald Street and Buckland Road are outside the village confines but, in both cases, it seems to me warrant further consideration by the Council because there is other development beyond them which would reduce their impact on the countryside.

5.328 My conclusion is that despite the undisputed need for affordable housing in Bampton the New Road site is not suitable for an affordable housing allocation, at least not in the form envisaged, because of the potential intrusion in a very open part of the countryside. It appears that there may be alternative sites which should be explored more fully before development on this site would be justified.

RECOMMENDATION

5.329 **R5.51 Delete Housing Proposal 5, New Road Bampton, introduced by amendment no. 114 and the supporting text paragraphs 3.26&7 added by amendment no. 115. Also delete other references to Bampton in chapters 2 and 5 introduced by amendment no. 114. (PIC 5.1)**

OMISSION – LAND AT ASTON ROAD/BUCKLAND ROAD

Objection 247/378

Issue

(a) Whether either or both of the two sites should be allocated.

Conclusions

5.330 In principle I would not disagree with the conclusions of my colleague Inspector in 1997 that any housing development should be small-scale and in keeping with the character of the village. However, the strategic context has changed since then and, indeed, national planning policy in PPGs and 13 places a great deal of emphasis on focussing new development in the more sustainable locations in order to reduce the need to travel.

5.331 Both of these sites are on the edge of Bampton. Although the northern side of Aston Road is fully developed as far as Mount Owen Road the southern side has but low density housing further west towards the village centre and at the junction with Buckland Road. Development here would be seen as an eastward extension into the countryside.

5.332 Generally the landscape to the south of Bampton is flat and low lying forming part of the Thames river valley. A tributary stream crosses Buckland Road and the

second omission site lies just to the north of it. This is quite a large field and although well contained within hedgerows it would, again, represent an encroachment into the countryside.

5.333 In my discussion on housing land supply I have not accepted the submissions of those, such as the proponents of these sites, who argue that there is likely to be an under-supply of housing land in the district in general or in the rural area in particular. However, even if there was, I do not consider that Bampton would be an appropriate location for further open-market housing, even with a 50% affordable contribution, on the scale proposed.

RECOMMENDATION

5.334 R5.52 Make no modifications to the plan in respect of land at either Aston Road or Buckland Road, Bampton.

OMISSION – LAND WEST OF STATION ROAD

Objection 316/522

Issues

- (a) Whether Bampton is a suitable location for further development, especially to provide affordable housing;
- (b) The effect of the development of the omission site on the northern approach to the village conservation area.

Conclusions

5.335 Issue a. I have discussed above the sustainability of Bampton in comparison with other ‘group C’ settlements. In addition, I agree with the Council that there is no direct relationship between building new houses and support to village facilities, especially when considering smaller developments of this kind.

5.336 The objectors sought to use the Council’s willingness to include a large new allocation (Housing Proposal 5) at New Road as an indication that the principle of development on such a scale should be accommodated in Bampton. I have not accepted that and consider it to be contrary to the plan’s strategy for the location of new development outside the larger (key) service centres.

5.337 There is an established need for affordable housing in Bampton. The parish Council and others have put forward sites for investigation which might be identified as ‘exception’ sites. This is not one of them. I do not rule out the possibility of some peripheral expansion of the village to meet such needs but the development must be compatible with other objectives, including the setting of the conservation area.

5.338 Issue b. This omission site is located in a sensitive position on the northern approach to the village on the A4095. The WOLA appraisal (*CDI/30*) emphasises the need to maintain the quality of the rural edge to the town and it is striking that there has been virtually no modern development on this side so that one arrives directly into the historic core. This is an important part of the character of the village. Not only

that but the paddock is enclosed by mature hedgerows. It would be impossible to develop the site without the almost complete removal of the hedgerow fronting the road due to the requirements for safe access. The hedgerow is seen when looking northwards from within the conservation area and, again, helps to create a strong sense of the rural setting.

5.339 A sketch layout illustrated how housing might be designed to complement the conservation area and I do not doubt that could be achieved but it could not overcome the fundamental policy objection to the encroachment of development into the countryside to the north.

RECOMMENDATION

5.340 R5.53 Make no modification to the plan in respect of land west of Station Road, Bampton.

BURFORD

OMISSIONS – 4 SITES IN BURFORD AND ENVIRONS

Objections 638/1457-60

Issue

The need for more ‘sustainable growth’ in Burford through residential development to support the balance of the town and support services.

Conclusions

5.341 This general objection by Burford Town Council highlights the difficulty in providing new housing to meet local needs in areas which experience considerable externally generated pressure for development leading to high house prices. The objection identifies four separate areas for allocation, three off Tanners Lane and a fourth on the south side of the A40 opposite the garden centre.

5.342 The first point to make is that although Burford is included in the plan as a ‘category C’ settlement and has a wide range of facilities, it is not as sustainable a location as the key service centres of Witney, Carterton, Eynsham, Woodstock and Chipping Norton. As I indicate in paragraphs 5.5 - 5.6 above the Council have rightly chosen to focus the majority of new development, in the terms of allocations to meet district-wide housing requirements in these key centres. Small-scale development is otherwise permissible under policies H5-7.

5.343 I understand that an allocation made in the Rural Areas Local Plan resulted in high price ‘executive’ housing. That need not be the case should sites be identified to be developed at high density, but that may not be compatible with the character of an area. The sites suggested by the Town Council are somewhat peripheral to the town and I would not have thought it at all desirable to look to any development requiring a crossing of the A40. Two of the sites are in recreational use and PPG17 considerations would apply.

5.344 I agree with the Council that the most appropriate way forward would be to identify sites specifically for affordable housing as is now permitted under revised PPG3 guidance. This is most likely to work where there is no ‘hope value’ on land for alternative uses, including open market housing. A tight policy is an advantage in that regard. It is not immediately apparent that any of the suggested sites would be suitable although the one at the northern edge of the recreation ground on Tanners Lane (1457) is obviously the closest to the town centre. I must leave the matter for further discussion, possibly through the preparation of a DPD in due course.

RECOMMENDATION

5.345 R5.54 Make no modification to the plan in respect of the four sites suggested by the town Council in and around Burford.

LAND OFF TANNERS LANE

Objections 578/1229, 1249

Issues

- a) The need for sheltered housing for the elderly and the benefits of making specific provision, particularly in Burford and on this site to meet such need;
- b) The relationship of the site to Burford and the effect of development on the setting of the town, which lies within the Cotswold AONB.

Conclusions

5.346 Issue a. The objectors provided detailed information on the nature of the provision for the elderly made by the Association. I refer to this and to their general case for site allocation, in connection with another site in Chipping Norton (*see paragraphs 5.183-7 above*). I understand that Burford is regarded as a very suitable location for this kind of development because it has an above-average population in older age groups. The objectors have responded to expressions of interest they have received with a list of 50 households within a 5 mile radius and 150 within 10 miles of this locality.

5.347 The Council responded to the general objection by strengthening the text (paragraph 5.17) under policy H3 and I deal with that in paragraph 5.439 below. I do not doubt that Burford, as a small market town on the edge of the Cotswolds, would be a highly attractive location to people seeking the kind of accommodation the objectors propose here. I found the details of the scheme to be highly imaginative but for the purposes of a local plan allocation I must consider the objection as if it were seeking a general allocation. I support the approach the Council have taken in seeking to prioritise the allocations made by focussing on the larger more sustainable ‘key’ service centres. Burford, despite being in category C, does not have such a wide range of services and facilities as the key centres, despite its strong tourism base. I also agree with the Council’s analysis (CDI/32) which shows that the loss of services is not directly correlated with population growth.

5.348 I do not doubt the level of demand for this particular kind of development in Burford, as opposed to Witney, but it is the essence of planning policy to steer development to the more sustainable locations, not to cater for demand. Furthermore, even should all 21 units proposed be taken up by people re-locating from under-occupied family homes in the immediate area there is no guarantee that those houses would not be purchased by others of a similar age. The objectors’ own evidence indicates that only 23% of those moving to sheltered housing sell their homes to families; also the 5-10 mile radius from Burford includes both Witney and Carterton. Consequently, I do not consider there to be any guarantee that this development would result in a more balanced age structure in the town. The offer to fund an affordable housing site and a car park on land on Sheep Street does not form part of the duly-made objection; nor can it be given weight in local plan deliberations.

5.349 Issue b. The objection site is located at the top of Tanners Lane which climbs up steadily from Sheep Street. There are large detached houses to the north and a recreation ground opposite. Pedestrian access to the town is less than ideal, there being no footway on Tanners Lane. Again, the offer of a new footpath link to the public footpath west of the site is not a matter to which I can give weight, especially as there might be objections to it from other householders.

5.350 I do not consider that the covered reservoir to the south detracts to any significant extent from the sense of rurality on this very fringe of Burford. The elevated site, if developed, would clearly extend development of the town in a ribbon fashion to the south even if it were to be primarily low level. In my opinion, this would be harmful of the setting of the town within the AONB.

5.351 In conclusion, I do not find that there are any compelling reasons in favour of making an allocation for housing on this site sufficient to outweigh the harm to the setting of the town.

RECOMMENDATION

5.352 **R5.55 Make no modification to the plan in respect of land to the west of Tanners Lane, Burford.**

LONG HANBOROUGH

OMISSIONS – TUCKWELL PIT, CHURCH ROAD & MYRTLE FARM

Objections 527/871, 561/1080

Issues

- a) Whether Long Hanborough is a sustainable location for new development and whether allocating land for residential development in the village would comply with the Local Plan strategy;
- b) Whether the omission sites are suitable locations for residential development.

Conclusions

5.353 Issue a. The promoters of the two sites in Long Hanborough put forward similar arguments regarding the sustainable credentials of the village. The Council conceded at the Inquiry that Long Hanborough is a sustainable location capable of accommodating additional development. The village has a range of shops, services and employment opportunities and enjoys good public transport links to Oxford, Woodstock and Witney. However, in terms of the range, number and type of services offered it is not on a par with Woodstock, which in addition to most facilities in Long Hanborough, offers a secondary school, library and built sport facilities (CD1/101) (871, 1080).

5.354 However, Long Hanborough is not one of the key service centres in the District and the allocation of greenfield sites on the edge of the village would conflict with the housing strategy. In light of my findings regarding housing land supply there is no need to allocate either site. Both offer the opportunity to provide affordable housing for which the Council accept there is a demand. However, the allocated sites on the edges of the key service centres will deliver affordable housing in more sustainable locations.

Tuckwell Pit (871)

5.355 This former quarry has now regenerated and the only clues to its past use are the cliff faces on its north west and north eastern boundaries. The cliff faces are designated as a Site of Special Scientific Interest (SSSI) in recognition of their geological importance. English Nature have no objection to the development of the site subject to the cliff faces being protected. Development could provide funding to improve the management of the SSSI but I have seen nothing to suggest that the site is not being managed properly or that it would come to any harm if the site is not developed. If in future the SSSI did deteriorate, English Nature has the power to step in and ensure sites are managed properly.

5.356 I see no reason to doubt the assertion that English Nature see benefits in exposing a part of the cliff face that is currently buried and opening the cliff faces to public view. However, whilst desirable I have seen nothing to suggest that these works are necessary or that they could not be funded by other means

5.357 The quarry lies at the southern edge of the village and forms part of an attractive valley which divides Long Hanborough from Freeland. Looking towards Long Hanborough from the footpath that links the village to Freeland, the houses on Isis Close and Church Road sit on top of the cliffs and together clearly mark the boundary between the built environment and the adjoining open countryside. Any new buildings would sit below the adjoining housing and I have no doubt that the site would be extensively landscaped. Nevertheless, I am not satisfied that development could take place without harm either to the setting of the village or the character of the surrounding countryside.

Myrtle Farm (1080)

5.358 The site comprises a large field to the rear of Myrtle Farm. Standing on Main Road looking north across the graveyard to Christ Church one looks over the site to

the countryside to the north of the village. This long view and the sense that the countryside is close at hand is important to the rural character and setting of the village. This view is not glimpsed as argued by the objector but is enjoyed for the whole length of the graveyard to the west of the church and can be appreciated when passing Myrtle Farm and between houses on Main Road.

5.359 The site lies in a prominent location on the ridgeline above a valley and is about 100m from the boundary of the Cotswolds AONB. The West Oxfordshire Landscape Assessment (*CD1/30*) describes the valley sides as visually sensitive. Despite the hedges on the boundary the development of the omission site would extend built development into a prominent location to the detriment of the landscape of the river valley. In my view the development of this site is likely to exacerbate the intrusive nature of the built development along the valley edges identified by West Oxfordshire Landscape Assessment.

5.360 The southern and western boundaries of the site abut the Millwood End Conservation Area. Were this site to be developed a significant part of the Conservation Area would be enclosed by built development. In my view, this is likely to be detrimental to its setting and so would conflict with the advice in PPG15.

RECOMMENDATION

5.361 R5.56 Make no modification to the plan in respect of the allocation of land at Church Road or Myrtle Farm, Long Hanborough.

ASTON

OMISSION – LAND OFF BAMPTON ROAD

Objection 537/922

Issue

The non-allocation of land at Westfield House.

Conclusions

5.362 The site is flat and is used for horse grazing. It lies within a conservation area which extends to cover most of Aston. It is located close to the village centre and is bounded on its eastern side by low density, post war, detached properties and their gardens. The site is open to the south and affords views of the open countryside beyond. To the west of the site is a country house in its own grounds which has been converted in to a nursery. The development of the site would lead to an intensification of the village settlement pattern, which would be detrimental to the conservation area and in particular, its open rural character. Aston contains limited services and an allocation in this settlement would be unsustainable and contrary to the Plan’s housing strategy.

RECOMMENDATION

5.363 R5.57 Make no modification to the plan in response to the omission of the land off Bampton Road, Aston from the plan’s allocated housing sites.

CURBRIDGE

OMISSION – LAND BETWEEN WELL LANE AND MAIN ROAD

Objection 285/438

Issue

The non-allocation of land between Well Lane and Main Road, Curbridge for approximately 150 dwellings.

Conclusions

5.364 The village of Curbridge lies to the south west of Witney and has a linear form which extends along Well Lane and Main Road which are at right angles to each other. The site lies between these two roads and is bounded by the rear gardens of the existing village properties to the north and west. Bampton Road runs along the south eastern boundary of the site which is well screened from the Road by mature hedgerows and trees. The site is flat and split into two distinct parts separated by a ditch and hedgerow (Elm Bank ditch). The larger part of the site to the west of the ditch is pasture; to the east of the ditch is rough grassland. I note the comments made by the inspector in the previous local plan report (April 1996), however, these comments were made prior to PPG1 (1997) and extant PPG3 which set out a more robust context in which to consider issues of sustainability. I do not agree that a housing development of the size proposed can be justified on this site, either sequentially or physically. The village is characterised by an open, linear pattern which would be totally destroyed by the development of 150 dwellings on this site. I acknowledge that it is a more sustainable location for housing than other more remote category B settlements in the District, however, a housing allocation in Curbridge would be contrary to the plan’s housing strategy.

RECOMMENDATION

5.365 **R5.58 Make no modification to the plan in response to the omission of the land between Well Lane and Main Road, Curbridge from the plan’s allocated housing sites.**

OMISSION – LAND NORTH OF MAIN ROAD

Objection 516/808

Issue

The non-allocation of land to the north of Curbridge village.

Conclusions

5.366 The site is flat and is separated from the built up edge of Witney by a series of enclosed fields which run along Bampton Road. The A40 dual carriageway runs along the northern boundary of the site and the rear of the properties which line Main Road form the southern boundary of the site. The proposal to accommodate approximately 200 dwellings on this site would utterly destroy the character of the

village and overwhelm the existing settlement. While the proposal would not lead to the actual coalescence of the village with Witney, a development of the size proposed would significantly degrade the gap between the two settlements and contribute towards the suburbanisation of Curbridge. Furthermore, and as mentioned above, a housing allocation in Curbridge would be contrary to the plan’s housing strategy.

RECOMMENDATION

5.367 R5.59 Make no modification to the plan in response to the omission of the land to the north of Curbridge from the plan’s allocated housing sites.

ENSTONE

OMISSIONS – LAND SOUTH AND ADJACENT TO A44

Objection 14/17

Issue

(a) The non-allocation of land at Cox’s Lane for residential development.

Conclusions

5.368 This L-shaped site lies to the south of Enstone with its eastern boundary abutting the A44. The northern boundary of the site abuts the rear gardens of Spinney’s Lane, which is a modern housing estate comprising of detached and semi detached properties. The site itself is a large pasture field surrounded by mature/semi mature hedgerows. The site opens out on to open countryside to the west, beyond Cox’s Lane. A development on this site would represent a significant extension of the village boundary to the south and would compound the rather unsympathetic modern estate development at Spinney’s Lane which detracts from the character of the village. While the village does contain some shops and services that would sustain the basic needs of residents, any significant residential development would inevitably lead to increased levels of commuting to Oxford along the A44 to gain access to employment and other higher order services, which would be unsustainable and contrary to the plan strategy.

RECOMMENDATION

5.369 R5.60 Make no modification to the plan in response to the omission of the land south and adjacent to the A44 at Enstone from the plan’s allocated housing sites.

FINSTOCK

OMISSION – LAND SOUTH OF HIGH STREET

Objection 506/768

Issue

The omission of land for 4 dwellings on land at High Street, Finstock.

Conclusions

5.370 Finstock has a sprawling, disjointed settlement pattern. The site itself lies to the rear of properties fronting High Street. Access is gained from a thin strip of disused land which runs between two bungalows. The site is currently disused and slopes gently from west to east. Finstock is a conservation area and part of the village lies within the Cotswold AONB. The village contains reasonably good services including a primary school, railway station and a daily bus service to Oxford and Witney. It is nonetheless still remote and a less sustainable location in sequential terms for a housing allocation than the current housing strategy will permit.

RECOMMENDATION

5.371 **R5.61 Make no modification to the plan in response to the omission of the land off High Street, Finstock from the plan’s allocated housing sites.**

FREELAND

OMISSION – EAST OF WROSLYN ROAD

Objection 553/989

Issue

The omission of land to the east of Wroslyn Road, Freeland for approximately 60 dwellings, to include affordable housing, open space and landscaping.

Conclusions

5.372 With the exception of a primary school, Freeland has very limited range of services for its size. It lies in close proximity to the villages of Long Hanborough and Church Hanborough, which are separated by open, rolling countryside. The site is substantial and is bounded by open countryside on its northern and eastern boundaries and, on its south-eastern boundary by an area of woodland. The south-western edge of site abuts the rear gardens of existing dwellings at Woodlands. I agree with the Council’s view (*CP046*) that the site would not constitute a “rounding off of the village”. Access to the site would be gained off Wroslyn Road, which is the main road that runs through the village. Any development on this site would represent a significant incursion into the open countryside which would erode the gap between Freeland and Long Hanborough. (*see also my comments relating to Church Road, Long Hanborough at paragraph 5.357*) The plan’s settlement strategy does not support a greenfield allocation of the size proposed in a category B settlement such as Freeland.

RECOMMENDATION

5.373 **R5.62 Make no modification to the plan in response to the omission of the land off Wroslyn Road, Freeland from the plan’s allocated housing sites.**

KINGHAM

OMISSIONS – LAND TO THE NORTH AND TO THE SOUTH OF CHURCH STREET

Objection 41/51, 537/926

Issue

The omission of land at Kingham for housing.

Conclusions

5.374 Kingham is relatively isolated, with the closest large settlement being Chipping Norton which is approximately 7km from the village along a narrow country road and the B4450. The village is served by a rural bus service and a railway station is located outside of the village, about 1 km from the site. The older part of the village is designated as a conservation area. Kingham lies within the designated Cotswold AONB.

Land to the South of Church Street (537/926)

5.375 The site is enclosed and is set within the more established part of the village, within a designated conservation area. Development of the site would constitute infilling and if designed sensitively would not detract from the character and setting of the Kingham conservation area. However, an allocation in a village the size of Kingham would be contrary to the plan’s housing strategy.

Land to the north of Church Street, Kingham

5.376 This site fronts Church Street and lies within the designated conservation area. The series of fields and the open nature of the landscape setting lend much to the character of this part of the Kingham conservation area. Development of this site would detract from the character and setting of the conservation area and would represent an unnecessary and inappropriate incursion in to the AONB.

RECOMMENDATION

5.377 R5.63 Make no modification to the plan in response to the omission of the land to the north and south of Church Street, Kingham from the plan’s allocated housing sites.

MINSTER LOVELL

Issues

- (a) Whether Minster Lovell is a sustainable location for new development and whether allocating land for residential development in the village would comply with the Local Plan strategy.
- (b) The weight to be given to the ability of the omission sites to deliver affordable housing.
- (c) The impact of the omission sites on the landscape and other matters.

Conclusions

5.378 Issue a. One objector (295) contends that Minster Lovell should accommodate new housing and those promoting sites in the village express similar arguments with regard to its sustainable credentials and the ability of the omission sites to provide affordable housing. I see no reason to doubt the claim of one objector that residents of the surrounding villages use the shops in Minster Lovell (259, 1255). There are employment opportunities in the village, the employment sites to the west of Witney are not far away and villagers have access to a good bus service (259). A number of objectors argue that Minster Lovell should be categorised as a Group C settlement. I am aware that my predecessor recommended that it be upgraded but I set out in paragraphs 5.84 to 5.89 why I do not consider it to be worthy of Group C status (259, 1119).

5.379 ‘Reducing the Need to Travel’ (CDI/37) places Minster Lovell in the top 13 settlements in the District but, even if it were upgraded, the shops and services on offer fall far short of those found in the District’s key service centres. The allocation of greenfield sites in Minster Lovell would conflict with the housing strategy and so would not represent the most sustainable choice at this time (259, 295).

5.380 One of the omission sites comprises previously developed land. As such it falls into Priority 1 of the sequential search for housing sites but I set out below why it I do not consider that it should be allocated for housing.

5.381 The results of surveys set out in ‘Housing and Services in West Oxfordshire’ (CDI/32) show that new housing does little, if anything, to support local services. I have seen no evidence to indicate that the existing shops and services are under threat or that new housing in Minster Lovell would buck the trend identified in CDI/32 (570).

5.382 Issue b. I have seen nothing to persuade me that the need for affordable housing in Minster Lovell is greater than anywhere else in the District (259). One objector accepted at the Inquiry that it is right to concentrate provision on larger settlements (259). This approach accords with the housing strategy and the Plan provides the opportunities to meet local need through Policies H11 and H12.

5.383 One cannot ignore the need for affordable housing. Nevertheless, it is only one of a number of factors which need to be taken into account and, with regard to allocating housing land, must be secondary to the housing strategy.

Issue c

LAND TO THE WEST OF BRIZE NORTON ROAD

Objections

Land to the rear of 80 Brize Norton Road (161/259)
Land west of Brize Norton Road (570/1119)
Land adjacent to 92 Brize Norton Road (157/252)
Land at 120 Brize Norton Road (580/1255)

5.384 Three of the above sites comprise adjoining parcels of land to the rear of Nos. 78 to 106 Brize Norton Road. The site at 120 Brize Norton Road is divorced from the

rest by a wide field. The most northerly parcel (land to the rear of 80 Brize Norton Road) was promoted at the last Inquiry but my predecessor did not recommend that it be developed in isolation, suggesting instead that the Council investigate a comprehensive approach to the development of the land to the west of the road.

5.385 The land to the rear of No. 80 adjoins Ripley Avenue but I do not agree that development here would form a natural extension to the development to the north (259). Rather, I consider that it would appear as another incremental addition compounding the unsatisfactory piecemeal approach rightly criticised by my predecessor.

5.386 The development of any of the other sites in isolation would be even more unsatisfactory in that they would appear as blocks of built development poorly related to the properties fronting the road and the fields on either side. Peppering Brize Norton Road with accesses to serve each plot would add to the disjointed feel and do nothing for the street scene (252, 1119).

5.387 Having said this, the land to the west is not readily visible from any public vantage point and development need not have an unacceptable impact on the setting of the village. I agree with my predecessor that to achieve this requires a comprehensive approach but my findings in this regard do not outweigh the conflict with the housing strategy identified above.

5.388 Contrary to the objector’s claim that the land at 120 Brize Norton Road is underused, the Council state that all the units are occupied. This indicates that the site is capable of realising its full potential. B1 uses can, by definition, operate satisfactorily in residential areas and nothing is submitted to show that there are problems with the existing use. Policy E6 of the plan resists the loss of employment sites unless they are unsuitable or substantial benefits would accrue from redevelopment. Replacing the industrial buildings with houses would improve the character and appearance of the area and it is a Priority 1 site. However, these factors must be balanced against the loss of an employment site which could provide limited but realistic opportunities for villagers to find work locally (1255). The same can be said for that part of the land promoted by David Wilson Homes which has been used for many years as a builder’s yard (1119).

5.389 It is argued that development could contribute to the provision of community facilities but the promise of an enhanced village hall or new youth facilities is not sufficient to outweigh my conclusions on the issues set out above. (259).

RECOMMENDATION

5.390 **R5.64 Make no modification to the plan with the respect to the allocation of the following;**

Land to the rear of 80 Brize Norton Road

Land west of Brize Norton Road

Land adjacent to 92 Brize Norton Road

Land at 120 Brize Norton Road

OMISSION - LAND NORTH OF 15 BRIZE NORTON ROAD

Objections 75/91, 534/909

Issue

Whether the site might be regarded as ‘rounding off’ existing development on the east side of Brize Norton Road and hence be allocated for housing.

Conclusions

5.391 In paragraphs 5.88 - 5.89 I consider the appropriateness of the inclusion of that part of Minister Lovell south of the B4047 (formerly the A40) in category ‘B’ and thus subject to policy H6. I have concluded that it is appropriately categorised.

5.392 As such, the sequential approach that the Council have followed in this plan to the identification of sites to meet the district’s housing needs means that no sites need to be specifically allocated in the category B villages. This is because they do not have as wide a range of services as the larger and more sustainable locations, particularly the ‘key’ service centres. There are a number of objections on sites in Minster Lovell and I have concluded that no allocations should be made.

5.393 I accept that this is a smaller site (0.6 ha.) than some of the others suggested. It forms part an undeveloped gap on the east side of the road between No. 15 Brize Norton Road and the White Hart Public House and a small row of houses to the east of it. I am inclined to agree with the Inspector in 1991 who regarded that as important to the character of the area but, be that as it may, it would be contrary to the plan strategy to make a specific allocation here.

5.394 It is for the Council to interpret plan policy H6 as to whether this site is ‘rounding off’ although they clearly do not consider that it does come within the terms of the draft plan policy. Furthermore, in paragraph 5.101 I have come to the conclusion that the policy is actually too loosely phrased because even the suggested 0.2 ha. threshold leaves too much potential for development in relatively unsustainable locations. There is certainly no case to make an exception here.

RECOMMENDATION

5.395 **R5.65 Make no modification to the plan in respect of the allocation of land to the north of No. 15, Brize Norton Road, Minster Lovell.**

OMISSION – MINSTER LOVELL POLICY STATEMENT

Objections 85/126, 86/128, 217/333, 227/348, 243/367, 244/369, 245/371, 279/435, 588/1293, 590/1331, 608/1393, 609/1395, 610/1398, 611/1401

Issue

Whether the plan should include the policy statement as an appendix.

Conclusions

5.396 The adopted local plan contains a policy statement for Minster Lovell as an appendix. However, that plan contains a significant amount of detail in relation to individual settlements including chapters on each of the main villages as well as Witney and Carterton.

5.397 It seems to me that the exclusion of such detail from this draft plan is entirely in line with the advice in PPG12 that plans be made as concise as possible. The general policies in the plan are sufficient to enable decisions to be made on proposals which may affect the special character of Minster Lovell as a chartist settlement. It is a matter for the Council should they choose to bring forward the policy statement as Supplementary Planning Guidance.

RECOMMENDATION

5.398 **R5.66 Make no modification to the plan in respect of the non-inclusion of a policy statement for Minster Lovell.**

SHIPTON-UNDER-WYCHWOOD

OMISSION – LAND OFF ASCOTT ROAD

Objector 537/923

Issue

The non-allocation for housing, or mixed development, of land off Ascott Road.

Conclusions

5.399 The site is enclosed by mature hedgerow and trees and is relatively well screened from Ascott Road. A narrow rough track bounds the site to the east and leads to an old vicarage. The village is a designated conservation area and lies within the Cotswold AONB. I agree with the Council that this site makes a valuable contribution to the character and setting of the wider conservation area. The openness of the site helps to reduce the impact of the modern housing estate development opposite by creating a soft buffer and retaining the rural character and openness of this part of the village. As I have concluded elsewhere an allocation on this site would be contrary to the plan strategy which seeks to allocate housing sites in the District’s key service centres.

RECOMMENDATION

5.400 **R5.67 Make no modification to the plan in response to the omission of the land off Ascott Road, Shipton-under-Wychwood from the plan’s allocated housing sites.**

STANDLAKE & BRIGHTHAMPTON

OMISSIONS – LAND AT LANCOTT LANE AND MALHOUSE FARM,

Objection 513/800-01

Issue

Whether these sites should be allocated for housing.

Conclusions

5.401 The plan treats the villages of Standlake and Brighthampton as a single category B settlement. The linear form of the villages is contiguous and has a combined population of 1247. There are a reasonable range of shops and services in the settlement, which are concentrated in Standlake. These include a village school, pub and post office.

Malthouse Farm (513/800)

5.402 The land at Malthouse Farm comprises a range of redundant modern farm buildings within the farmyard of Malthouse Farm and is accessed via a farm track off Aston Road. The north western boundary site abuts the rear gardens of modern (post war) detached bungalows and what appeared to be the main farmhouse. The northern boundary is partly enclosed by mature evergreen trees. The remaining aspects of the site open on to flat arable fields. Although there might be visual benefit in the redevelopment of the site it otherwise would appear as an inappropriate incursion into the open countryside on this edge of settlement location. Any development of this site would be contrary to the plan’s housing strategy.

Lancott Lane (513/801)

5.403 The site appears as though its main use is as a paddock or pastureland, however, on the day I visited it was being used on a temporary basis to house construction equipment in association with works by Thames Water that were on going. The site was open to the south and overlooked by the existing period cottages on Lancott Lane to the west. The site makes a valuable contribution to this part of the village, by providing and an open setting for the attractive period properties along Lancott Lane. The allocation of this site would be contrary to the plan’s strategy and would detract from the rural character of the village.

RECOMMENDATION

5.404 **R5.68 Make no modification to the plan in response to the omission of the land at Malthouse Farm and the land at Lancott Lane, Brighthampton from the plan’s allocated housing sites.**

OMISSION – LAND ADJACENT TO CHURCH, DOWNS ROAD

Objection 537/927

Issue

The omission of land for housing at Standlake.

Conclusions

5.405 The site is currently a large, relatively open and flat field which is currently under cultivation. To the south-east of the site is an attractive church and grounds. The proposal involves providing church related facilities on the front part of the site. However, I consider that a housing allocation in this location, of the size proposed would be contrary to the plans housing strategy and would result in a significant incursion into the open countryside. The proposal would have a detrimental impact on the setting of the church and would seriously degrade the rural setting in this part of the village, resulting in an unwelcome departure from the current linear development pattern which adds much to the character of Standlake.

RECOMMENDATION

5.406 **R5.69 Make no modification to the plan in response to the omission of the land adjacent to the church at Down’s Road, Standlake from the plan’s allocated housing sites.**

OMISSION – LINCOLN FARM PARK

Objector 560/1075

Issue

The non-allocation of land for housing at Lincoln Farm, Standlake.

Conclusions

5.407 As the Council states in their response CP055, Standlake is linear in form and contains a range of shops and services including a post office/store and pub, appropriate for a medium sized (category B) village. The site lies to the south of High Street and is served by an existing vehicular access which also serves a mobile home park and associated leisure facilities. The site is enclosed by mature hedgerows and is well screened from the caravan park. Mature trees are dotted throughout the site and it was in use as a paddock at the time of my visit. The development of this site would effectively join the existing caravan park to the main built up area of the village. At present there is a clear gap between the caravan park and the village which serves to protect the rural character of Standlake from the caravan park. A greenfield housing allocation of the size proposed in this category B settlement would be contrary to the plan’s housing allocation strategy.

RECOMMENDATION

5.408 **R5.70 Make no modification to the plan in response to the omission of the land at Lincoln Farm, Standlake from the plan’s allocated housing sites.**

STANTON HARCOURT

OMISSION – LAND AT BLACKDITCH

Objector 564/1090

Issue

Whether an allocation should be made on 0.47 ha. of land at Blackditch in view of the proximity of the site to the Stanton Harcourt Industrial Estate and the potential to improve pedestrian links.

Conclusions

5.409 An objection (1088) to the inclusion of Stanton Harcourt in category B under figure 5.2, rather than category C, was withdrawn at the Inquiry. However, I wish to draw attention to my conclusions on policies H5-7 and figure 5.2 in paragraphs 5.82 to 5.111 above; in particular that the reference to ‘rounding off’ is recommended to be deleted and the changes to the hierarchy of settlements. Stanton Harcourt falls below the threshold population of 1000 for group B, although only marginally so. The proximity to employment sites is only one factor in any sustainability analysis and I do not agree that it should be given greater weight. Furthermore, Stanton Harcourt is not well served by public transport and has limited facilities, with no secondary school. I agree with the Council that there is no simple relationship between places of work or residence and that, all in all, Stanton Harcourt does not rank as a local service centre.

5.410 The objectors brought evidence that the development would provide 50% affordable housing and they have had discussions with the Oxfordshire Community Land Trust to this end. They also indicated that they own land to the south which might be used for recreational purposes and provide access across the Blackditch stream to a new footpath link to the Industrial Estate thus enabling direct access. I agree that this would be an advantage and should residents be employed locally would encourage walking.

5.411 Nevertheless, the site is a relatively large one, about double the size of the ‘rounding off’ threshold (0.2 ha.) for medium sized villages in the deposit plan. There is no evidence that development on this scale is required in Stanton Harcourt. I have also concluded that there is more than adequate land generally to meet the structure plan requirement to 2011. I do not consider that the claimed advantages to the local community potential are such as to warrant an allocation here which would run counter to the plan strategy of concentration in the larger settlements, despite the proximity of an employment site.

5.412 Furthermore, I agree with the Council that the site fulfils an important function as part of an area of generally open land which separates the modern development in Black Ditch from the core of the village to the east, all within a conservation area. The open site complements the well wooded area around “Greensleaves” to the east and it is noticeable that, apart from the village hall, development on the opposite side of the road at Bury Mead is set well back from the road so that the green foreground complements the low density character of the area around the B4449 junction.

5.413 For these reasons, I do not consider it appropriate that an allocation be made in this location.

RECOMMENDATION

5.414 **R5.71 Make no modification to the plan in respect of land at Black Ditch, Stanton Harcourt.**

STONESFIELD

OMISSION – ALLOTMENTS OFF CHURCHFIELDS

Objector 537/925

Issue

The omission of allocation for housing of land at Stonesfield.

Conclusions

5.415 Stonesfield is relatively isolated and the roads in the vicinity of the site are narrow country lanes. Access to the site would therefore be restricted. Most of the village, including this site, is designated as a conservation area. The village has relatively few shops and services. The site is currently in use as allotments and slopes downhill in a south westerly direction, away from the village. It is rectangular in shape and bounded on both sides by existing dwellings with views out on to the open countryside beyond the south western boundary. Development in this location would be unsustainable and would result in the loss of an attractive local amenity which adds much to the character of this part of the Stonesfield conservation area. As the Council stated in paragraph 3.24 of CP056 the objector has not indicated whether the suggested alternative allotment site is suitable or not. Any development on this site would have a detrimental impact on views of the surrounding landscape which is designated as an AONB.

RECOMMENDATION

5.416 **R5.72 Make no modification to the plan in response to the omission of the allotment site of Churchfields, Stonesfield from the plan’s allocated housing sites.**

TACKLEY

OMISSION – BALLIOL FARM

Objection 550/951

Issue

Omission of land at Balliol Farm for residential and/or mixed use development.

Conclusions

5.417 Tackley is situated on the main railway line to Banbury, Oxford and London with a primarily commuter service, infrequent during the day. The village contains a reasonable number of amenities such as a post office, shop, pub and primary school, however, the Council has indicated in their proof CP058 that the village has lost services in recent years, despite the relatively high level of house building that the objector refers to. The site rises away from the village on a relatively steep north-easterly gradient, towards the railway line. It includes the farm buildings and part of the field adjoining the railway line but not the farm house. Access is proposed at the junction of Rousham Road and Medcroft Road. The proposed development area is bounded on its south, west and north sides by existing residential development. The eastern boundary runs up to the railway line and it is proposed that this part of the site will be used for an open/landscaped area. Whilst I acknowledge the concerns raised by the objector that some new housing is needed in villages such as Tackley, I am satisfied that the plan’s housing strategy allows for infilling and rounding off development at an appropriate scale. The development of this site would represent a significant incursion in to the open countryside and I agree with the Council that it would have a detrimental impact on the character of the village.

RECOMMENDATION

5.418 **R5.73 Make no modification to the plan in response to the omission of the land at Balliol Farm, Tackley from the plan’s allocated housing sites.**

MIDDLE BARTON

OMISSION – LAND OFF HOLLIERS CRESCENT

Objection 541/935

Issues

- (a) The designation of Middle Barton as a Group B medium-sized village.
- (b) The non-allocation of land adjoining Holliers Crescent for residential development.

Conclusions

5.419 Middle Barton has a reasonable level of amenities including a school, shop, post office, church and pub, however it is distinct from the larger group C settlements due to its restricted employment base. Middle Barton relies on neighbouring larger centres for higher order shops and services and employment opportunities. I am satisfied that Middle Barton is appropriately considered as a Group B village, subject to my recommendation R5.18 on the re-classification of the villages.

5.420 The site lies to the north of Middle Barton off a modern estate of houses known as Holliers Crescent. Access to the site would be gained off of Holliers Crescent. The site is open except for an outbuilding/barn which suggests it is still in

agricultural use. The land itself can be characterised as rough grazing. The site would represent an arc of development just below the ridge line of the slope which extends up in a northerly direction from the Holliers Crescent. Any such development would be an incongruous feature in the wider landscape and would result in a further extension of the already unsympathetic development that has taken place at Holliers Crescent, which has had little regard to the character and setting of the village or the traditional settlement pattern. An allocation in Middle Barton would be contrary to the plan’s housing strategy which seeks to allocate site only in the District’s key service centres.

RECOMMENDATION

5.421 R5.74 Make no modification to the plan in response to the omission of the land at Holliers Crescent, Middle Barton from the plan’s allocated housing sites.

GROUP A

WESTCOT/ MIDDLE BARTON

OMISSION – LAND OFF ENSTONE ROAD

Objection 537/928

Issue

The non-allocation of land at Westcot/Middle Barton for housing.

Conclusions

5.422 Westcot has coalesced with and now forms a linear extension of Middle Barton. The site is constituted of three fields between the Fox Public house and a church and it lies within a designated conservation area. The church rectory sits in its own grounds in the middle, but not included in the proposed site. The site is bounded by Enstone Road to the north and slopes down towards the River Dorn to the south. The site is tree lined along Enstone Road, but is otherwise open. There is evidence of recent infill development on land adjacent to the site in the vicinity of the Fox pub. Any development of the site would destroy the relationship of the church with the rectory and seriously compromise the character and setting of the conservation area. I refer also to my conclusions in paragraph 5.420 with regard to the plan’s housing strategy.

RECOMMENDATION

5.423 R5.75 Make no modification to the plan in response to the omission of the land at Westcot/ Middle Barton from the plan’s allocated housing sites.

This concludes my consideration of the housing strategy and individual housing sites under policies H1 and H5-7. I now consider the remaining policies in chapter 5, that is policies H2, H3 and H8-14 plus an objection to the omission of a policy.

POLICY H2 – GENERAL RESIDENTIAL DEVELOPMENT STANDARDS

Objections 104/180, 316/518, 503/750, 571/1130-33

Issues

- (a) Is the policy necessary in light of Policies BE2 and BE3?
- (b) Whether it is inappropriate to indicate that regard will be had to precedent within the policy.
- (b) Does the policy places too much emphasis on environmental issues at the expense of the social needs of communities?
- (c) Whether paragraphs 5.5 and 5.8 contain criteria that should properly be included in the policy.

Conclusions

5.424 The HBF are right to point out that the policy relates to matters already largely covered by Policies BE2 and BE3 but I accept the Council’s view (CD1/27) that it is useful to have a policy dealing specifically with housing. (1131) This plan must concentrate on matters relating to the development of land and so it would not be appropriate to introduce social considerations. (750) However, the LDF which will follow will not be so bound.

5.425 Precedent may be a material consideration in some cases and the Council argue that Policy H2(f) is necessary to ‘*resist the invidious adverse accumulative impact of development that can occur in certain sensitive locations*’ (CD1/27). However, each proposal must be judged on its own merits but if a proposal accords with the development plan, there should be no harm and it should be permitted. If a proposal does not comply then it should be refused unless it is permitted as an exception to the plan. In such cases, the exceptional circumstances should show why the approval would not establish a precedent.

5.426 I see no reason to doubt the Council’s claim that it has applied this sort of policy for over 20 years with no legal challenge and with support from my colleagues. Nevertheless, I agree with the objectors who argue that it is inappropriate. (518, 1130) It is also unnecessary in light of criteria (a) to (e) of this policy and others in the plan designed to prevent harm to the character or appearance of an area.

5.427 If a proposed conversion would not respect the character of the existing building then it is likely to have an adverse impact on the character and appearance of an area and so fall foul of Policy H2(a). I do not consider that the contents of paragraph 5.5 should be elevated to policy but, in light of Policy H10 and others, most of this paragraph is unnecessary. (1132) In my view, only the first and last sentences are necessary. Reference to Policy H9 should be deleted from the last sentence to reflect my recommendations relating to that policy (amendment no. 119).

5.428 Amendment nos. 118 and 120 address the HBF’s objections to paragraph 5.8 but the wording of the addition to the policy is ambiguous and should be modified. (1133) In addition, it may not always be necessary or appropriate to impose a condition limiting occupancy. There may well be proposals to create new dwellings by extending existing ones within settlements which could be classed as infilling. Amendment no. 118 addresses the concerns of English Nature.

RECOMMENDATIONS

5.429 **R5.76 Delete Policy H2(f) and paragraph 5.4.**

5.430 **R5.77 Replace ‘which are self contained will’ in the last paragraph of Policy H2 with ‘to create a self contained unit of accommodation may’.**

5.431 **R5.78 Delete all bar the first and last sentences of paragraph 5.5. Delete reference to Policy H9 in the last sentence of paragraph 5.5.**

POLICY H3 – RANGE AND TYPE OF RESIDENTIAL ACCOMMODATION

Objections 84/116, 247/379, 316/517, 504/760, 512/797, 552/971, 557/1044, 570/1113, 571/1134, 576/1150, 578/1223&44, 589/1303, 594/1338, 643/3550

Issues

(a) Should the policy be relegated to lower case and indicate that it does not apply to housing for older people?

(b) Is the policy too inflexible?

(c) Whether the Plan should contain a policy encouraging high densities on all new sites.

(d) Should the policy include an assurance that areas of open space will be consolidated to form single spaces of reasonable size, so making maintenance easier?

(e) Does the policy address the needs of the elderly and the disabled?

Conclusions

5.432 I consider that it is appropriate for the plan to include a policy setting out at a local level the need to create mixed communities but I do not agree with GOSE that a policy encouraging higher densities is required. (760, 1223) The policy requires proposals for new housing to use land efficiently. This will, as set out in paragraph 5.12, inevitably lead to PPG3 and the government’s policy regarding density.

5.433 Should the Council try to equate “respect” with “mimic” with regard to the density of surrounding development they are likely to fall foul of national guidance and receive little sympathy from my colleagues. Nevertheless, I see no reason to modify or remove this word. (797)

5.434 However, there is an inference in the second paragraph that sites of 0.2ha may not be capable of satisfactorily accommodating at least 6 dwellings. PPG3 warns against the inefficient use of land and I see no grounds to relax national policy in West Oxfordshire. (1113)

5.435 With regard to the creation of mixed communities, Circular 6/98 relates to affordable housing and PPG3 sets no threshold regarding the size of site on which mixed development should be sought. (1134) The requirement to provide open space should not prevent the best use being made of land and amendment no. 121 addresses the concerns that policy was inflexible by enabling open space to be provided off site where appropriate. (379, 797, 1303) However, the policy requires the provision of open space in all developments of over 0.5ha and makes no provision for occasions where the existing provision is adequate and there is no need for additional public open space.

5.436 There may be occasions where it is not possible to provide a mix of dwelling sizes whilst at the same time respecting the character of an area. To my mind there is a tension between the two elements of the first paragraph of the policy and as the impact of development on the character and appearance of an area is dealt with in Policy H2 and elsewhere, I see no reason to repeat it here. (517) The policy sets out a blanket requirement for a mix of dwelling sizes and takes no account of need. I cannot see that it would be reasonable to require a developer to provide accommodation for which there is no identified need. Policy H11 bases its requirement for affordable housing on the needs of the area and I consider a similar approach should be taken here.

5.437 Units in sheltered housing schemes count towards the Structure Plan requirement as they are independent households. Care homes and nursing homes do not as the accommodation is shared and the residents classed as occupying an institution. Paragraph 5.7 talks about “granny annexes” in ancillary buildings. The last sentence is correct in so far as these are not separate households. However, I recommend changing the wording to make this clear. (1044)

5.438 I understand the practical and financial reasons for areas of open space being consolidated to provide single large spaces but people living on large estates or on sites remote from such areas could be disadvantaged by such an approach. The location of public open space should be guided by the principles set out in PPG17 rather than be driven by financial considerations. (116) Paragraph 5.15 recognises the importance of planning briefs and I see no reason for the plan to go further. (1150)

5.439 Although they probably do not go as far as some would wish amendment nos. 121 and 122 set out the importance of providing accommodation for the elderly although lifetime homes could be added to type of accommodation set out the first sentence of paragraph 5.17. (1223, 1244, 3550) Paragraph 2.27a deals generally with accessibility for all and I agree with the Council that it is not necessary to refer to the needs of the disabled in every policy (CD127). Nevertheless, this is the policy setting out the need to provide housing to meet the needs of the whole community and I agree with the Oxford and District Disabled Drivers Association and Witney Town Council that this policy should recognise the needs of the disabled. (871, 1338)

RECOMMENDATIONS

- 5.440 **R5.79** Replace the first two paragraphs of Policy H3 with the following, ‘Proposals for all new housing should use land efficiently. Based on the housing needs of the area, housing development of 6 or more dwellings or sites of 0.2ha or more shall provide a mix of dwelling sizes and types, including accommodation for the elderly and the disabled’.
- 5.441 **R5.80** Insert ‘where necessary’ after provide in criterion (b) and delete ‘consolidated in areas capable of reasonable maintenance’.
- 5.442 **R5.81** Replace the last sentence of paragraph 5.7 with ‘However, the dwellings provided are not counted towards the number of houses identified by the Structure Plan unless they involve the formation of a separate household’.
- 5.443 **R5.82** Refer to lifetime homes in the first sentence of paragraph 5.17

POLICY H8 – SUB-DIVISION OF EXISTING DWELLINGS

Objection 557/1047

Issue

- (a) Should the policy encourage rather than permit sub-division?

Conclusion

5.444 The use of the word ‘permit’ follows good practice and to replace it with encourage would add little if anything to the policy. (1047) In order to be consistent with recommended modifications to Policies H5 to H7 criterion (a) should state that it applies to the towns and villages in Figure 5.2.

5.445 The advice in PPS7 relating to the re use of buildings makes no distinction between residential and other types of property. Policy H8 assumes that it will be preferable to retain large houses in residential use but PPS7 tells us we should first look at employment uses. There may be good reasons why a large house should remain in residential use. However, the criteria in Policy H8 relating to large properties in small villages and in the open countryside are not as strict as those relating to the conversion of buildings in Policy H10 (as drafted and as recommended to be modified).

5.446 PPS7 advises that re-use should be supported where it meets sustainable development objectives. I see no reason why the conversion of a large house in a small village or in the open countryside should not be subject to the same tests as the conversion of non residential buildings. Re drafting section b) in line with my recommendations regarding Policy H10, the policy would not preclude the sub division of large houses but it would ensure that other, perhaps more sustainable options are considered first. There are no duly made objections in this regard so I make no formal recommendation. However, in order, to be consistent with the

strategy and my recommendations regarding Policies H5 to H7 and H10, I suggest Policy H8 be modified as set out above. The modified policy need not include the existing criteria i to iii as they deal with issues covered by other policies in the plan.

RECOMMENDATION

5.447 R5.83 Modify Policy H8(a) to indicate that it applies to the towns and village listed in Figure 5.2.

POLICY H9 – CONVERSION OF EXISTING BUILDINGS TO RESIDENTIAL USE WITHIN VILLAGES AND TOWNS

Objections 589/1304, 557/1047

POLICY H10 – CONVERSION OF EXISTING BUILDINGS TO RESIDENTIAL USE OUTSIDE VILLAGES AND TOWNS

Objections 104/186, 509/772, 589/1305, 990/3490

Issue

Whether Policies H9 and H10 reflect national guidance designed to protect the countryside and promote sustainable development.

Conclusions

5.448 I say in paragraph 5.98 above why I consider that the conversion of existing buildings in small villages should be subject to the same strict controls as exercised in the open countryside. The test in Policy H9b) is normally applied to buildings in the open countryside and to apply it in a settlement where new housing would be permitted under Policies H6 and H7 is overly restrictive. These policies, both as they are and the recommended modifications, allow for the conversion of buildings in settlements and matters such as design and amenity are covered by other policies.

5.449 I consider, therefore, that Policy H9 conflicts with national guidance as set out in PPS7, that it is unnecessary in light of other policies in the plan and that it should be deleted (1304).

5.450 Two objectors suggest amendments to policy H10 but these comments have been superseded by PPS7 and the policy and its reasoned justification should be reviewed particularly to take account of the advice in paragraph 17 of PPS7 (772, 1305). The PPS shifts the emphasis away from permitting conversions simply because buildings are worthy of retention to supporting re-use where this would meet sustainable development objectives.

5.451 In reviewing the reasoned justification it would be logical to deal with the principle first, as set out in paragraph 6.28, before addressing matters of detail. I agree with the point made by one objector that, in light of Policy H10b(ii) (and the replacement recommended below) that Amendment No. 127 is unnecessary. (3490)

5.452 The use of the word ‘permit’ follows good practice and to replace it with encourage would add little if anything to the policy. (1047) The concerns of English Nature are met by Amendment No. 126 (186).

RECOMMENDATIONS

5.453 **R5.84 Delete Policy H9 and Policy H10 and replace with the following:**

Policy HX

Conversion of existing buildings to residential use in the countryside and small villages

The conversion of an existing building to a dwelling outside the built up area of the settlements listed in Figure 5.2 will be permitted provided that:

- a) the building is not capable of re-use for employment purposes, including tourist and visitor facilities, recreational or community uses or tourist accommodation and it is demonstrated that its retention can only be secured through its conversion to residential use or,**
- b) there is an essential operational need for a dwelling in accordance with the provisions of Policy H4**

In addition the following criteria should be met:

- c) the building is of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement and,**
- d) the building makes a positive contribution to the character and appearance of the area**

5.454 **R5.85 Delete paragraphs 6.24, 6.26 and 6.27 and the wording added to paragraph 6.28 by Amendment No. 127. Place the amended paragraph 6.28 before paragraph 6.25.**

POLICY H11 – AFFORDABLE HOUSING ON ALLOCATED AND PREVIOUSLY UNIDENTIFIED SITES

Objections 162/262, 175/284, 183/296, 247/381, 276/1475, 280/1485, 285/440, 289/446, 316/521, 503/755, 504/765, 510/781, 511/786, 512/798, 514/804, 517/813, 518/815, 817, 519/821, 522/836, 523/848, 526/868, 530/885, 531/892, 532/900, 547/945, 550/1520, 553/988, 554/995, 996, 560/1074, 568/1104, 571/1135, 575/1147, 576/1151, 578/1238, 1240, 582/1259, 589/1306, 594/1340, 595/1368, 643/1488, 650/1512; 18/3221, 161/3364, 162/3575-6&78-83, 175/3492, 183/3222, 224/3366, 247/3526, 276/3405, 280/3419, 300/3381-4, 301/3560, 314/3562, 316/3415, 504/3533, 509/3592-3 &3595-3600, 510/3607, 3609, 511/3611, 3613, 522/3406, 523/3630, 526/3403, 530/3656, 531/3668, 532/3379, 550/3496-3504, 553/3642, 558/3586, 560/3507-15, 571/3636, 578/3624, 589/3445-7, 643/3548-9, 650/3391, 983/3399-3400, 988/3477-8, 992/3556, 996/3567-9; 162/4009-14, 300/4039-44, 509/4024-9, 571/4090.

Issues

- (a) Whether the HNS provides a robust justification for the policy.
- (b) Whether the thresholds should be set out in the policy.
- (c) Whether the thresholds comply with Circular 6/98.
- (d) Whether the proportion of affordable housing sought should be consistent throughout the district, rather than an urban/rural split.
- (e) Whether the percentage targets are reasonable.
- (f) Whether the policy takes enough account of economic viability.
- (g) Whether the policy appropriately addresses tenure.
- (h) Whether the definition of affordable housing is comprehensive enough and complies with Circular 6/98.
- (i) Whether the policy should make direct references to income levels.
- (j) Whether making provision for commuted sums for off-site provision is appropriate.
- (k) Whether the policy’s reference to housing mix is site specific or district wide.

Conclusions

5.455 Having identified the main issues from the objections above, I will deal with the substance of the issues in broad themes set out under sub headings. I consider this will assist me in drawing together the various strands of this complex topic in a more coherent way and assist the reader of the report by presenting a clearer format for my considerations. Some of the objections made to Policy H11 related to specific sites however my considerations will relate only to the policy wording and the principles and evidence the policy is founded on.

Housing Needs Survey

5.456 There was a general consensus among objectors and participants at the two Round Table Sessions (RTS) that there was a need for affordable housing in the District. The evidence base upon which the Revised Deposit Draft Plan, Policy H11, was partially based was a Housing Needs Survey (HNS) carried out by David Couttie Associates (DCA) for the Council in 2002. This survey has subsequently been

updated in 2004 to take account of the 2001 census data and recent trends in the housing market among other things. A number of objectors, most noticeably Fordham Research Ltd rejected the 2002 HNS and the 2004 Update. Fordham stated that the HNS and Update did not constitute a rigorous assessment as required by Circular 6/98 and did not provide a robust justification for Policy H11. In particular Fordham stated that the both surveys overestimated the level of housing need. Fordham presented the inquiry, in written representations and at the two affordable housing RTS, with a detailed critical analysis of the DCA survey methodology. In turn DCA responded by various rebuttal statements in defence of the 2002 HNS and 2004 Update.

5.457 The 2002 HNS revealed an annual need for approximately 800 affordable units. The 2004 HNS update revised this figure downward to approximately 600 dwellings per annum. Both exceed the total Structure Plan requirement for the District which amounts to 6750 dwellings over the period 1996 to 2011 (450 per annum). The Council acknowledged that it would be unrealistic to try to meet this level of need in the Plan and set a minimum target of 110 dpa, which is designed to contribute towards meeting the identified need. The Council made it clear at the RTS that the 110 figure was a political/corporately agreed figure based on a number of factors, one of which was the HNS.

5.458 It was stated by a number of objectors in submissions and at the RTSs that since the 2002 HNS access to the housing market has become more difficult with house price increases over the period far outstripping wage inflation. I agree with the broad findings of the 2004 Update and I accept the explanation by DCA that the contradiction between the higher level of need identified in the 2002 HNS and the lower level of need identified in 2004 was due to changes in methodology adopted over time and a recalibration in response to the 2001 census data.

5.459 HNS are not an exact science and the number of variables present means that they rarely, if ever, provide definitive answers to determining the level of housing need. However, I acknowledge the concerns raised by Fordham about aspects of the 2002 HNS and the 2004 Update methodology. In particular I note two of the criticisms that were levelled at the HNS.

5.460 Firstly, on the demand side of the equation, Fordham states that the level of need identified from future/newly forming households has been overestimated by DCA due to the flawed way they gathered data with regard to the income distribution of newly forming and concealed households. The DETR *Guide (CD8/15)* states that income data from future newly forming households should be gathered through in-person interviews with respondents. DCA used a postal survey to collect this data because they claimed it was a more effective and reliable method to gather information in a rural district like West Oxfordshire. However, the Guide is clear that this is not a reliable way to collect such information. DCA stated in their reply to my questions posed at the second RTS that they did not consider that collecting data about future household incomes posed the kind of problems that the DETR Guide (page 62) alluded to and that their survey produced a high number of replies, which added weight to their findings. While I accept that the results of the postal survey are based on a large sample and that DCA have a large body of experience in compiling data of this nature, I am uncomfortable with this departure from the DETR best practice guidance. I do not however consider that this discrepancy in itself has

skewed the results to such an extent that the robustness of the entire survey, or the basis upon which Policy H11 is founded, is compromised.

5.461 Secondly, on the supply side, Fordham stated that the DCA surveys have also not taken proper account of the extent to which the private rented sector can contribute towards meeting the needs of low income households. DCA responded saying that the number of privately rented properties in the District is very low due its rural character, amounting to only 2000 privately rented properties, many tied to employment, with a low turnover. I consider this to be a reasonable explanation.

5.462 As the Council pointed out, the hypothetical figure of those in need put forward by Fordham (and recommended by them as being more accurate than the DCA figure) of 127 dwellings per annum is still greater than the minimum figure put forward by the Council in the Plan (110). I still consider that the 2002 HNS and 2004 Update provide a robust justification for Policy H11 that is adequate for the purposes of this Plan.

5.463 I am satisfied that given this context, even if the methodological discrepancies that have been identified by Fordham were well founded they would have little bearing upon the actual Plan target of 110 affordable units per annum. The only recommendation I could make in those circumstances could be that the figure in the Plan should be reduced; however since Fordham acknowledged at the first RTS that the figure of 110 dwellings “was about right” I can see no reason to make such a recommendation. I consider that the HNS and Update provide a strong affirmation for the continued use of the Council’s minimum annual affordable housing target. Accordingly, I support the amendment put forward in PIC 5.16 which replaces paragraph 7.11 and adds a specific reference to the minimum target figure of 110.

5.464 In response to the objections relating to the income threshold in paragraph 7.7, whilst I acknowledge that the relationship between income and housing costs will change over the life time of the plan, I am satisfied that the reference to the data is clearly rooted within the context of the 2002 HNS and is not intended for any other purpose than to provide useful explanatory information.

Thresholds in Witney, Carterton and Chipping Norton

5.465 Policy H11 (b) in the Revised Deposit Plan seeks an element of affordable housing in Witney, Carterton and Chipping Norton on sites of 0.3 ha or more or where 10 or more dwellings are proposed. These site thresholds were set out explicitly in the revised Policy H11 in response to objections to the first deposit draft. Given the level of need identified in the HNS, the Council’s approach is to maximise the supply of affordable housing in the District. Nevertheless in areas such as West Oxfordshire, the size threshold under Circular 6/98 is 25 dwellings or more, or residential sites of 1 ha or more. The circular advises that thresholds may be reduced to those recommended for Inner London (0.5 ha or more, or sites of 15 dwellings or more) if local exceptional constraints can be demonstrated. The Council’s position is that not only do exceptional circumstances exist that justify a variance from the standard non-Inner London thresholds, the circumstances are so extreme that they justify a lower threshold than those set for Inner London. At the first Affordable Housing RTS the Council justified this lower threshold by describing the pressures put on the West Oxfordshire housing market due to its strategic location between London and

Birmingham and also its proximity to Oxford. The Council went on to state that, while house prices in the District are significantly higher than the national average and above the average for the south east region, incomes in West Oxfordshire are lower than average for the region. The 2004 HNS Update revealed that 94.3% of concealed households cannot access a 1-bed flat in Carterton (the least expensive of the main settlements). The Council claim that with a threshold of 0.3 ha/ 10 dwellings it allows them to generate a supply of affordable housing from medium sized sites.

5.466 Objectors argue that there are no local constraints in West Oxfordshire that would justify a lower threshold than that set down in Circular 6/98. In particular, GOSE object to the use of the Inner London threshold in the First Draft Plan, questioning whether the Council have provided adequate justification. The Council produced a table at the RTS which showed that in the three main towns in the period 1/4/96 to 31/3/04 the total number of planning consents for windfall sites of 25 or more dwellings was 60 houses, compared to 177 had the threshold been set at 15. I consider that the level of need identified in the HNS and update, coupled with the pressures referred to by the Council and the constraints to supply which arise out of the largely rural nature of the District, do demonstrate exceptional circumstances which justify the imposition of the Inner London threshold. The aforementioned table, while based on an assumption constructed from past trends, did provide a strong indication as to typical site sizes and the supply of sites in rural towns such as those in West Oxfordshire.

5.467 The Council indicated in its Affordable Housing RTS Statement, paragraph 5, that it is not their intention to apply thresholds below the Inner London threshold until such time as emerging guidance in a revised PPG3 and this local plan are adopted. Emerging guidance in PPG3 states that affordable housing should “not normally” be sought on sites of 0.5 ha or developments of less than 15 dwellings and as such an element of flexibility is suggested as a way forward. However, I can only give this draft guidance very limited weight and I share GOSE’s concerns that extant national guidance in Circular 6/98 does not support lower than Inner London thresholds in the three main towns of the District. While I accept the Council’s aim of maximising the number of affordable houses and I accept the points made as to the severity of constraints facing the Council in achieving this end, I do not accept that the constraints faced in West Oxfordshire exceed those of an Inner London Borough and I have concerns that a threshold lower than 0.5ha and 15 dwellings could create a strong disincentive to bring sites forward in the District’s main settlements. I recommend that the thresholds referred to in Policy H11(b) (i) should be revised upwards to sites of 0.5 ha or more and 15 dwellings or more, in accordance with Circular 6/98 paragraph 10 (b).

Thresholds in the smaller settlements

5.468 Policy H11 (b) (ii) states that in sites outside of the three main towns the Council will seek an element of affordable housing on sites where two or more dwellings are proposed. There were many objections to this part of the policy with many questioning that the threshold of two was either reasonable or practical.

5.469 In defence of the threshold the Council stated that the windfall sites that do come forward in the rural areas are usually small. They produced evidence in the form of a table at the first Affordable Housing RTS which showed that in the period 1/4/96

– 31/3/04 if the threshold for settlements with a population under 3000 was set at two, 332 affordable dwellings would have been generated. By comparison with the threshold set at five and ten, the number of affordable dwellings generated would have been 236 and 112 respectively. This table showed clearly, that all things being equal, the number of units that could potentially be generated by a threshold of two was significant. It is also worth noting that it is in the rural areas and the smaller settlements where the lack of affordable housing is particularly acute.

5.470 Circular 6/98 states that a threshold below the 0.5 and 15 dwellings (Inner London threshold) can be justified in settlements below 3000 population. In addition the Rural White Paper (CD8/43), paragraph 5.4.5 states that in small villages where there is evidence of need and subject to financial viability, there is no reason why authorities should not seek to match every new market house with an affordable dwelling.

5.471 There is clearly a positive policy context to the consideration of applying lower thresholds in rural areas. I have previously agreed with the Council’s position that exceptional circumstances do exist in the District, its major towns and particularly in the rural areas. The Council explained in their Topic Paper and at the first RTS that the low site threshold in the rural areas will only affect a small proportion of the overall housing supply. I agree with the Council’s conclusion that it is not necessarily the amount of affordable housing in the rural areas that is the crucial issue, rather it is the location that is often more important.

5.472 The objectors to the lower threshold considered that the application of it would stifle development in the rural areas and detrimentally impact upon meeting the housing needs of those living in the rural areas and the District target more generally. No compelling evidence was put forward by any of the objectors that the policy would have this effect. Indeed the premise of most of the objections was that the lower threshold would be applied without due consideration of all factors. The Policy clearly states that the level of housing need and any relevant site specific constraints will be taken into account in applying the site thresholds and percentages to smaller rural sites.

5.473 I am satisfied that the Council will apply the thresholds responsibly and I noted their commitment at the first RTS to closely monitor the affect of the policy on the number of sites coming forward. This commitment is further supported by PIC 5.19 which provides justification for the lower threshold and extends the qualification for the policy to include financial viability. The additional affordable houses that come forward in the rural areas will usefully supplement the supply from rural exception sites under Policy H12, which I will discuss in due course. I recommend that no change be made to Policy H11 (b) (ii) and that the supporting text in paragraph 7.15 is modified in accordance with PIC 5.19.

5.474 The Council included Eynsham within the definition of a smaller settlement and describes it as “an anomaly” in the Affordable Housing Topic Paper, paragraph 2.7. Kemp and Kemp stated at the first Affordable Housing RTS that the inclusion of Eynsham within the scope of the lower threshold for rural areas was wrong. In response the Council referred to Statutory Instrument 1997/620-5 which defines Eynsham as a rural settlement for the purposes of the “Right to Buy”. This SI is cited under footnote 8 in Circular 6/98. However, I do not accept that the inclusion of

Eynsham in this SI means that the settlement is automatically considered in the same way as small settlements for the purposes of affordable housing provision. I consider that Eynsham is a more sustainable location and is distinct from the other smaller centres which fall under H11 (b) (ii). Irrespective of the right to buy definition, Eynsham should be treated in the same way as the other key service settlements in the District, which have populations greater than 3000. In the 1991 census Eynsham had a population of 4769 and as such it should not be considered for thresholds below the Inner London threshold of 0.5 and 15 dwellings. I recommend that Eynsham should be referred to explicitly in H11 (b) (i).

Percentages

5.475 Both Circular 6/98 and PPG3 are silent on such targets, however in areas of high housing need it is not uncommon for targets of 40% to 50% to be adopted. Indeed Policy H4 in the draft review Structure Plan states that “at least 50%” of all housing in Oxfordshire should be affordable, although I attach limited weight to it. Indeed, I note that the EIP Panel have recommended in their report that reference to a 50% target in the Structure Plan should be deleted from Policy H4, although retained in the supporting text as an aspirational target. There is no question that in principle applying a percentage target for both allocated and windfall sites is an appropriate mechanism which has become standard practice.

5.476 Policy H11 seeks 30% affordable housing on allocated sites in Witney and Carterton and 50% on the allocated sites elsewhere. The Revised Draft SPG (*CD1/56*) explains in paragraph 5.15 that the difference in the percentages reflects that only a limited number of dwellings are proposed outside of the main two towns and the higher percentage therefore seeks to maximise the contributions from such sites. In addition the Council explained at the first RTS and in their Topic Paper that higher implementation costs due to the size of the allocations in Witney/Carterton and the requirements of the S.106 agreements mean that a lower percentage is justified. I consider this to be a reasonable position and recommend no change to the Witney and Carterton allocations in this respect. I do not accept that a percentage of lower than 30% can be justified on the major allocated sites, given the level of housing need demonstrated in the HNS, in particular the high demand for affordable housing in Witney and Carterton. I support the additional text advanced in PIC 5.18 in respect of paragraph 7.14, which acknowledges that the total supply of affordable housing from the allocated sites is unlikely to meet the Council’s minimum target figure. I recommend accordingly

5.477 Persimmon Homes was particularly critical of the higher percentage sought outside Witney and Carterton and stated that the treatment of these allocated sites should be consistent with the wording used in respect of the unallocated sites where “up to” 50% affordable housing is sought. They considered the wording in relation to these allocated sites was too inflexible and did not allow for site viability and funding to be taken into consideration and negotiated at the application stage.

5.478 The Council made it clear at the first RTS that they were not supportive of this suggested amendment and considered the term “up to” to be ambiguous. I do not agree with the Council’s view in this respect. I note that the policy wording states clearly that affordable housing on allocated sites will be sought not required. This means that the percentage targets are the starting point for negotiations and not an

end. Given this, I have no problem with the addition of the words “up to” in Policy H11 (a) in relation to 50%. This presents developers with a clear signal that a higher percentage will be sought outside Carterton and Witney, but that other factors will be taken into account. I consider that the addition of the words “up to” clarify the policy approach, rather than introduce ambiguity and I recommend accordingly.

5.479 It was suggested at the first affordable housing RTS that the Council should consider having a qualification in Policy H11 (a) similar to that in the penultimate paragraph on H11(b) which states that the percentages on allocated sites will be applied “subject to any site specific constraints”. The Council stated at the RTS that they had no objection to a qualification such as this. I agree that this will always be a relevant factor in consideration of the development economics of individual sites, whether they are allocated or not. It is part of the reason why particular percentages of affordable housing should not be prescribed. This has led me to examine the structure of policy H11 as worded in the draft. I recommend a modified policy which avoids duplication of wording and should be clearer of meaning. I also support the additional references to the percentage targets in the supporting text in paragraph 7.13 proposed by PIC 5.17.

Definition (tenure, keyworkers, income levels)

5.480 The Council introduced PIC 5.13 which inserted the Council’s definition of affordable housing after Policy H11. I support the Council’s intention to include the definition fully within the supporting text, rather than in the Glossary, and consider this satisfies this aspect of the objection by Levvel.

5.481 Circular 6/98 states in paragraph 9(a) that affordable housing should endure for the life of the plan and that any definition should include low cost market housing and subsidised housing. The definition used by the Council explicitly refers to low cost market housing that has been discounted in price by way of a private or public subsidy. This fully accords with the definition used in Circular 6/98. It is tenure neutral and broadly covers low cost market rented sectors. I accept the Council’s explanation in paragraph 21 of their RTS proof that the wording allows the definition to respond to changes in local house prices and incomes over the plan period.

5.482 Levvel considered that a proportion of small 1-bedroom flats in Carterton would be affordable however given the spectrum and scale of need identified in the HNS I agree with the Council’s view advanced at the RTS, that as an element of supply these flats in Carterton would be negligible. The availability of these units in Carterton would be of little benefit to those in housing need in other, more expensive parts of the District who want to remain within their own communities. In the context of West Oxfordshire market housing can only be made affordable in perpetuity by way of a public or private subsidy.

5.483 Many of the objections to the definition were to the various references in the supporting text to tenure, particularly to the supporting text in paragraphs 7.8(a) and 7.11 which refer to the main priority being for subsidised affordable houses “principally for rent”. I do not consider that identifying a particular tenure in the supporting text as being more in need than another is at odds with the requirement for the policy to be tenure neutral, as long as there is evidence to support the assertion and other tenures are not excluded. The supporting text states that the emphasis on

providing subsidised rented accommodation is as a result of findings in the HNS. Paragraph 7.8(a) also refers to discounted housing to buy and shared ownership. In addition paragraph 7.8(a) makes clear that each site will be assessed individually to take account of wider planning, economic priority and sustainability considerations. I am satisfied that the supporting text reflects the findings of the HNS, without compromising the need for the policy to allow sufficient flexibility towards tenure. CD1/56 provides more detailed information with regard to tenure, however it makes clear in paragraph 4.10 that the target figures referred to are only a general guide.

5.484 Turning to the issue of key workers, the objections in this respect were split between those who wanted the policy to set down a specific percentage target for the proportion of affordable homes to be given over to key workers and those who thought that key workers should be excluded from the definition. The Council clarified at the first Affordable Housing RTS and in their RTS proof, paragraph 22 that the definition includes key worker housing and that the HNS takes account of all those in the District in need of housing, including key workers. There is no basis in current or emerging guidance to define key workers as a separate entity either in policy terms or as a percentage target within the overall affordable housing minimum target figure sought by the Council.

5.485 Levvel, on behalf of the English Courtyard Association, stated that the needs of the elderly should be specifically identified and taken account of in providing affordable housing. PPG3 states that the needs of specific groups should be recognised in assessments of housing needs. Indeed the 2002 HNS and 2004 Update both recognise that the growth of the elderly population in the District will rise sharply and a detailed assessment of this population’s needs will have to be undertaken. I have no information before me to suggest this has been done however I consider that the provision of housing for the elderly is a matter of detail that is already dealt with through CD1/56 which recommends that 15% of affordable housing is provided for older people. I note the points raised by the objector that enabling elderly people to move into sheltered accommodation will assist in making better use of the existing housing stock by allowing under occupied houses to be freed up for use by families however this theoretical premise cannot be used as the basis for planning policy and there is currently no mechanism available to ensure this favourable outcome. Land is a limited and valuable resource and no compelling evidence has been presented to me which would lead me to conclude that the housing needs of the elderly, in towns or in the rural areas, should be put above the housing needs of others.

Housing Mix

5.486 The objector (554/996) was concerned that the housing mix targets set down in paragraph 7.11 were not applied on a site specific basis. Clarification was also sought on the application of housing mix targets on mixed use developments. Housing mix is a matter for the negotiation and development control process. I note that paragraph 7.11 which referred to a break down of percentage targets by type and size of accommodation has been deleted and replaced by PIC 5.16 which no longer refers to them. This information has been included in CD1/56 instead however it makes clear that the figures that are presented are only a guide and that the mix of housing types on site will depend on site characteristics and location. I am satisfied that

CD1/56 is the most appropriate place for this kind of detail and that it contains the flexibility required to satisfy the objector’s concerns.

5.487 In terms of mixed use developments, paragraph 2.21 states that residential development should provide a range of dwelling types and social mix. While this goes some way to addressing the issue, I agree with the objector that a more detailed paragraph about affordable housing in mixed use developments would help to add clarity in the affordable housing section of the Housing Chapter. The Council needs to make clear what considerations it will take into account when considering the types of houses, tenures and percentage contribution in mixed use developments. I recommend accordingly.

Commuted Sums

5.488 Paragraph 7.16 states that “in limited circumstances such as on very small sites” the Council and developer may agree a financial or other contribution towards the provision of affordable housing. PIC 5.20 modifies the text to make it clear that such housing will be provided elsewhere in the locality. The objectors to this section do not consider that it is appropriate to ask for off-site contributions when on-site provision is not appropriate. Another objector stated that more detail was required to provide the basis for determining the level of the financial or other contribution.

5.489 With regard to the principle of whether or not off-site contributions can be sought, Circular 6/98, paragraph 22 states that subject to the site thresholds and other criteria set down, it will be appropriate to negotiate a financial or other contribution off-site. In West Oxfordshire this means that any site in Witney, Carterton, Chipping Norton and Eynesham of 15 dwellings or 0.5 ha or more, or elsewhere on sites of 2 or more dwellings, where affordable housing can be more satisfactorily provided off-site then a financial contribution can be negotiated between the Council and the developer. Paragraphs 2.24 to 2.27 in CD1/56 provide more detail about the level and type of alternative contributions that the Council will seek. I am satisfied that the approach adopted by the Council does comply with national guidance in this respect and that the supporting text in paragraph 7.16, as modified by PIC 5.20 provides the right level of detail for the purposes of the Plan.

Other Matters

5.490 One objection (1368) seeks affordable housing to meet the needs of rural employment initiatives, such as farm diversification schemes. I consider that the lower site threshold I have recommended for settlements with populations below 3000 will maximise the supply of affordable housing in rural areas and this should benefit rural employers. I do not consider that a case exists to create affordable housing provision for the employment needs of farm diversification schemes on a general and district wide basis in the Plan beyond the provision already made for key workers. Where appropriate, provision can also be made under Policy H4 which allows housing to be built in the open countryside where it is for the sole use of an agricultural or other worker who genuinely needs to be located close to the farm or land for operational reasons. No modification is therefore required in response to the related objection.

5.491 Persimmon Homes objected to the reference made to the December 2003 Housing Corporation Circular in PIC 5.14. I agree that this is not a material planning

consideration and by its nature is information that is subject to regular changes. I recommend that reference to the circular is deleted in accordance with objection 162/4011. I note that CD1/56 refers to the Housing Corporation Circular in paragraph 2.20 and goes in to more detail with regard to the availability of grant funding, land values and viability. I am satisfied that this is a more appropriate document in which to consider these matters.

RECOMMENDATIONS

5.492 R5.86 Do not modify the Plan in accordance with PIC 5.12 but modify Policy H11 so that it reads:

“Taking into account the housing needs of the area and subject to any site specific constraints, an element of affordable housing will be sought as part of residential development schemes on the following basis:

(a) on land allocated in this plan for residential development or mixed uses including housing; 30% on sites in the towns of Witney and Carterton and up to 50% in the remainder of the District;

(b) on unallocated land, which comes forward in accordance with the locational policies of this plan, up to 50% affordable housing will be sought where:

(i) the site is in Witney, Carterton, Chipping Norton or Eynsham and has an area of 0.5 ha or greater or when 15 or more dwellings are proposed;

or

(ii) elsewhere, when a development of 2 or more dwellings is proposed.”

5.493 R5.87 Modify the Plan in accordance with PICs 5.13, 5.15, 5.16, 5.17, 5.18 and 5.19

5.494 R5.88 Do not modify the Plan in accordance with PIC 5.14 and delete the sentence in paragraph 7.2 which refers to the Housing Corporation (December 2003) Circular.

5.495 R5.89 Modify the supporting text to Policy H11 by adding a paragraph which sets down the Council’s approach towards affordable housing in mixed use developments.

5.496 R5.90 Modify the Plan in accordance with PIC 5.20.

POLICY H12 – AFFORDABLE HOUSES ON RURAL EXCEPTION SITES

Objections 115/197, 503/754, 756, 557/1037, 595/1369

Issues

- (a) The extent to which other policies in the Plan should be taken in to account when considering rural exception schemes.
- (b) Whether the supporting text should refer to the cascade approach.
- (c) Whether the Plan should allocate rural exception sites.
- (d) Whether the policies need to take into account housing for local employees such as farm diversification schemes.

Conclusions

5.497 With regard to issue (a) the main thrust of the related objection (197) is that rural exception housing should be subject to the same design standards and criteria that mainstream housing is. The nature of rural “exception sites” mean that they are brought forward as an exception to the normal locational planning policies in the Plan, which restrict development outside or on the edge of villages, in the open countryside. There is no suggestion either in the Policy or supporting text that housing exception schemes will not be subject to the same standards of design as mainstream housing. Policy H12 (ii) recognises that any housing built has to be small scale and must not adversely affect the character and quality of the local environment. Policies H2 and H3 are general policies which control the design and layout of new residential development. These policies will also apply to housing brought forward through Policy H12 and paragraph 7.22 reiterates this. The Council’s Guide to Affordable Housing Sites on Rural Exception Sites (July 2004), Section 6, also sets down the design and environmental/landscape considerations that should be taken into account. As the Council has stated in their response to the objection from the Countryside Agency, the policy must be worded in such a way that environmental considerations can be balanced against the need for affordable housing in the locality. I consider the policy is sufficiently flexible to allow this. No modification is required in response to the related objections.

5.498 Turning to issue (b), the cascade approach referred to in Circular 6/98, paragraph 19, is accurately reflected in paragraph 7.21. I consider that the eligibility criteria set down is satisfactory for the purposes of developers, RSLs and other users of the Plan. No modification is therefore required.

5.499 In respect of issue (c), the most up to date guidance on rural exception sites is found in the PPG3 Update (January 2005). It states in replacement Annex B, paragraph 3, that local authorities may now allocate in their development plans sites specifically for affordable housing which would not otherwise be released for housing. They should also set out the criteria against which windfall sites will be considered. Under the previous guidance in PPG3 and 6/98 it was not possible for local authorities to allocate sites for affordable housing in the way suggested by the objector. The latest guidance post-dates this Plan and as such the Council has not had the opportunity to put it into practice although they did favour this approach for a site in New Road, Bampton. (*see paragraphs 5.316 to 5.328*). I am unable to recommend

that a schedule of allocated sites should be included in this Plan in response to the objection (1307). This is clearly something that should be considered by the Council in the next round of development plan (LDF) preparations. No modification is therefore necessary in response to the related objection.

5.500 With regard to issue (d), I refer to my previous response in paragraph 5.490 (other matters 1st para) No modification is required.

RECOMMENDATION

5.501 R5.91 Make no modification to Policy H12.

POLICY H13 – GYPSIES

Objections 146/233, 577/1202, 645/1500

Issues

(a) Whether the policy should exclude gypsy sites from areas that would affect views into and out of Conservation Areas.

(b) Should the term ‘genuine needs of gypsies’ be defined in the supporting text.

Conclusions

5.502 The County Council ask for clarification in the reasoned justification of the term ‘genuine need’ but I see no need for it in the policy at all. I can find no reference genuine need in Circular 1/94 and consider that it should be deleted. (1202)

5.503 Criteria (b) and (c) along with Policies BE5 and NE2 would ensure that development would not take place that would harm the setting of Shilton Conservation Area. (223, 1500)

RECOMMENDATION

5.504 R5.92 Delete the word ‘genuine’ from the second line of Policy H13.

POLICY H14 – RESIDENTIAL MOBILE HOMES

Objections 146/234, 645/1501

Issue

(a) Should the criteria be amended to permit mobile homes only if the need for residential accommodation cannot be met through use of existing buildings in the district.

(b) Whether mobile homes should be precluded in Conservation Areas and/or sites which would affect their settings.

Conclusions

5.505 Many proposals for mobile homes seek to meet a site specific need and a requirement to prove that the need could not be met elsewhere in the district would be far too onerous. The second objection to this policy is similar to that to Policy H13 my response to which is set out in paragraph 5.503 above. (234, 1501)

RECOMMENDATION

5.506 **R5.93 Make no modification to Policy H14.**

OMISSION – TRAVELLING SHOWPEOPLE

Objector 239/362, 239/3002

Issues

- (a) Whether there should be a site allocated for use by travelling showpeople.
- (b) Whether there should be a criteria based policy relating to sites for travelling showpeople.

Conclusions

5.507 Circular 22/91 states that plans may make specific proposals for sites where there is a tradition of showpeople resorting to an area or where a need has been demonstrated. Paragraph 8.9 indicates that travelling showpeople do spend their winters in the District. The objector argues that the large number of showpeople occupying unauthorised sites in the south east demonstrates the need for sites but I have seen no evidence to support this claim.

5.508 Before land could be allocated there would need to be discussions regarding the size and location of a site to meet any identified need. This would take time and may result in significant objections. As I have stated above, it is in no ones interest to delay the adoption of this plan.

5.509 Amendment no. 140 sought to address the concerns of the Showmen’s Guild but it does not go as far as they would like and paragraph 8.10 reads as policy not reasoned justification. Travelling showpeople are not gypsies and national guidance relating to the two groups is different but it seems to me that the matters to be considered under Policy H13 are similar to those set out in paragraphs 7 and 8 of the Circular. The Circular says nothing about steering travelling showpeople towards landscapes or despoiled sites that would benefit from screening. The phrasing of the last sentence of paragraph 8.10 is unfortunate and gives the impression that travelling showpeople will be relegated to the poorer parts of the District. This is not inclusive and should be deleted.

5.510 I shall recommend that paragraph 8.10 be modified and an additional policy be included in the plan drafted on similar lines to Policy H13.

RECOMMENDATIONS

- 5.511 **R5.94** Introduce a new policy after paragraph 8.6 stating that proposals for sites to meet the needs of travelling showpeople will be permitted if criteria (a) to (f) of Policy H13 are met. (The new policy should not refer to Policy H13 but should repeat the criteria set out in that policy).
- 5.512 **R5.95** Delete the last two sentences of paragraph 8.10 (amendment no. 140).
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APPENDIX A

HOUSING PROPOSAL 3 – WOODSTOCK EAST

Objections 4/5, 12/15, 15/19, 18/23, 22/27, 23/28, 26/32, 27/33, 28/34, 38/45, 61/74, 62/76, 72/86, 76/94, 81/99, 99/141, 110/192, 111/193, 112/194, 114/196, 116/198, 120/202, 123/205, 124/206, 129/211, 130/212, 131/213, 133/215, 134/216, 137/219, 138/220, 140/222, 142/224, 151/243, 154/246-8, 162/261, 164/272, 167/275, 180/292-3, 186/301, 190/305, 193/308, 201/316, 202/317, 208/323, 209/324, 212/327, 213/328, 216/331, 223/340, 225/345, 231/353, 232/354, 235/357, 237/359, 246/373, 248/382, 251/385, 254/397, 255/398, 257/400, 262/407, 265/411, 269/415, 270/416, 291/452, 292/455, 302/487, 315/513, 326/537, 350/565, 377/599, 378/600, 379/601, 380/602, 381/603, 382/604, 383/605, 384/606, 385/607, 386/608, 387/609, 388/610, 389/611, 391/613, 392/614, 393/615, 94/616, 395/618, 396/619, 397/620, 398/622, 399/623, 400/624, 401/627, 402/628, 403/632, 404/634, 05/635, 406/640, 407/641, 408/642, 507/769, 510/780, 511/785, 514/802, 522/834, 523/843, 530/884, 888, 531/891, 894, 532/899, 902, 903, 561/1077, 562/1081, 564/1089, 565/1093, 566/1098, 570/1118, 575/1146, 577/1168, 584/1283, 589/1301, 606/1385, 614/1405, 615/1406, 625/1442, 388/3535, 991/3536

APPENDIX B

HOUSING PROPOSAL 5 – NEW ROAD, BAMPTON

Objections 162/3573, 175/3491, 247/3525, 316/3413, 317/3176, 509/3590, 523/3629, 530/3652, 3654, 531/3664, 3666, 532/3375, 3377, 537/3423, 544/3325, 550/3495 553/3464, 3465, 560/3506, 577/3641, 578/3623, 623/3401, 658/3001, 659/3003, 660/3004, 661/3005, 662/3006, 663/3007, 664/3008, 667/3011, 668/3012, 670/3014, 671/3015, 672/3016, 673/3017, 674/3018, 675/3019, 676/3020, 677/3021, 678/3022, 679/3023, 681/3025, 682/3026, 683/3027, 684/3028, 685/3029, 688/3032, 689/3033, 690/3034, 691/3035, 692/3036, 693/3037, 694/3038, 695/3039, 696/3040, 697/3041, 698/3042, 699/3043, 700/3044, 701/3045, 702/3046, 703/3047, 704/3048, 705/3049, 708/3053, 709/3052, 710/3054, 711/3055, 712/3056, 713/3057, 714/3058, 716/3060, 717/3061, 718/3062, 719/3063, 720/3064, 721/3065, 722/3066, 723/3067, 724/3068, 725/3069, 726/3070, 727/3071, 728/3072, 729/3073, 730/3074, 731/3075, 732/3076, 733/3077, 734/3078, 735/3079, 736/3080, 737/3081, 738/3082, 739/3083, 740/3084, 741/3085, 742/3086, 743/3087, 744/3088, 745/3089, 746/3090, 747/3091, 748/3092, 749/3093, 750/3094, 751/3095, 752/3096, 753/3097, 754/3098, 755/3099, 756/3100, 757/3101, 758/3102, 759/3103, 760/3104, 761/3105, 762/3106, 763/3107, 754/3108, 765/3109, 766/3110, 767/3111, 768/3112, 769/3113, 770/3114, 774/3120, 776/3122, 777/3123, 778/3124, 779/3125, 780/3143, 781/3144, 782/3145, 783/3146, 784/3147, 785/3148, 786/3149, 787/3150, 788/3151, 789/3152, 790/3153, 91/3154, 792/3155, 793/3156, 794/3157, 795/3158, 797/3160, 798/3161, 799/3162, 800/3163, 801/3164, 802/3165, 803/3166, 804/3167, 805/3168, 806/3169, 807/3170, 808/3171, 809/3172, 810/3173, 812/3175, 813/3177, 814/3178, 815/3179, 816/3180, 817/3181, 818/3182, 819/3183, 820/3184, 821/3185, 822/3186, 823/3187, 824/3188, 825/3189, 829/3193, 830/3194, 831/3195, 832/3196, 833/3197, 834/3198, 835/3199, 836/3200, 838/3201, 839/3202, 840/3203, 841/3204, 842/3205, 843/3206, 844/3207, 845/3208, 847/3210, 849/3212, 850/3213, 851/3214, 852/3215, 853/3216, 855/3218, 856/3223, 857/3224, 858/3225, 859/3226, 860/3227, 861/3228, 862/3242, 863/3243, 864/3244, 865/3245, 866/3246, 867/3247, 868/3248, 886/3266, 887/3267, 888/3268, 889/3269, 890/3270, 891/3271, 892/3272, 893/3273, 894/3274, 895/3275, 896/3276, 897/3277, 898/3278, 899/3279, 900/3280, 901/3281, 902/3282, 903/3283, 904/3284, 905/3285, 906/3286, 907/3287, 908/3288, 909/3289, 910/3290, 911/3291, 912/3292, 913/3293, 914/3294, 915/3295, 916/3296, 917/3297, 918/3298, 919/3299, 920/3300, 921/3301, 922/3302, 923/3303, 924/3304, 925/3305, 926/3306, 927/3307, 928/3308, 929/3309, 930/3310, 931/3311, 932/3312, 933/3313, 934/3314, 935/3315, 936/3316, 937/3317, 938/3318, 939/3319, 940/3320, 941/3321, 942/3322, 943/3323, 944/3324, 946/3326, 947/3327, 948/3328, 949/3329, 950/3330, 951/3331, 952/3332, 953/3333, 954/3334, 955/3335, 956/3336, 957/3337, 958/3338, 959/3339, 960/3340, 961/3341, 962/3342, 963/3343, 964/3344, 965/3345, 966/3346, 967/3347, 968/3348, 969/3349, 970/3350, 971/3351, 972/3352, 973/3353, 974/3354, 975/3355, 976/3356, 977/3357, 978/3358, 979/3359, 980/3360, 981/3361, 986/3430, 999/3670, 1000/3671, 1001/3672, 1002/3673, 1003/3674, 1004/3675, 1005/3676, 1006/3677, 1007/3678, 1008/3679, 1009/3680, 1010/3681.

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