

Planning Policy Team
West Oxfordshire District Council
Council Offices
Woodgreen
New Yatt Road
Witney
OX28 1NB

Our Ref: 448 0421 JF

By Email: planning.policy@westoxon.gov.uk

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Dear Planning Policy Team,

Stonesfield Neighbourhood Plan

Regulation 16 Consultation

Representation made on behalf of Oxford Dioceses Board of Finance (ODBF)

Introduction

- 1.1 Bluestone Planning has been instructed to respond to the Stonesfield Neighbourhood Plan (SNP) Regulation 16 Consultation that has been published by West Oxfordshire District Council (CDC).
- 1.2 The ODBF are the owners/have control over most of the parcels of land which are currently identified as proposed Local Green Spaces (LGS). These are:
 - LGS 4 – The Glebe land between Brook Lae and the Scout Hut
 - LGS 5 – The Scout Hut land
 - LGS 6 – Churchfields allotments
 - LGS 7 – Paddocks to the right after the last house of Timber Yard Lane
- 1.3 We had made representations at the previous consultation stage, where we highlighted our concerns over the designation of the aforementioned land parcels as LGS. These can be read at Appendix VII on page 17.

1.4 It is unfortunate that the Stonesfield Neighbourhood Plan Steering Group (SNPSG) has decided to not take into account our comments and has proceed with the designation of these land parcels, and therefore we wish to reiterate some of our comments and explain to the Examiner why the proposed LGS designations are unnecessary, superfluous to requirements and mis-conceived. Consequently, this results in a NP that currently does not meet the Basic Conditions and in particular:

- a) fails to have regard to national policies (106 and 107) and advice contained in guidance (Paragraph: 007 Reference ID: 37-007-20140306, Paragraph: 011 Reference ID: 37-011-20140306 and Paragraph: 015 Reference ID: 37-015-20140306) issued by the Secretary of State to make the neighbourhood plan; and
- b) fails to contribute to the achievement of sustainable development by imposing additional restrictions that seek to prevent development as a whole instead of seeking to steer development in suitable locations.

1.5 A review of the LGS assessment (Appendix C) has been undertaken and we have provided our comments for each proposed to be designated LGS site in turn below under separate headings.

1.6 For the avoidance of doubt, the relevant paragraphs of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) mentioned above are also set out below with underlined sections in bold to highlight our emphasis:

*106. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. **Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.** Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*

107. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

How does Local Green Space designation relate to development?

*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. **In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.***

Paragraph: 007 Reference ID: 37-007-20140306

What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or conservation area?

*Different types of designations are intended to achieve different purposes. **If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.***

Paragraph: 011 Reference ID: 37-011-20140306

How big can a Local Green Space be?

*There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. **However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.***

Paragraph: 015 Reference ID: 37-015-20140306

LGS 4 – The Glebe land between Brook Lane and the Scout Hut & LGS 5 – The Scout Hut land

- 2.1 We acknowledge the response from the SNPSG in respect of the differences between LGS 4 and LGS 5; however, it is our opinion that solely the fact that both LGS land parcels are assessed in the same section, demonstrates that they are perceived as one by the SNPSG.

The SNPSG also acknowledges this, as they refer to both land parcels as the “*site*” in the LGS assessment that:

“Although the site would appear as one piece to a walker, it is owned by two separate organisations. The majority of the land is owned by...”

- 2.2 We refer the Examiner to paragraphs 107 of the NPPF and 15 of the PPG, which clearly set out the criteria for designating land as LGS and land ownership is not a material consideration. It is therefore an undisputed fact that both land parcels are perceived as a single entity. Whilst it is appreciated that there is no definition of what constitutes an extensive tract of land, we consider that in this instance this definition is met. We will let this matter to the Examiner’s judgement, but we consider that it is evident that LGS 4 and LGS 5 reflect the example described in paragraph 15 of the PPG which the Government makes clear that should be avoided.
- 2.3 We wish to highlight once more that these land parcels are covered by several existing designation. As noted in our earlier representations, these are situations immediately adjacent to the Stonesfield Common, Bottoms & Banks SSSI, and within the nearest SSSI Impact Zone; they also contain Deciduous Woodland Priority Habitat and are also within the Cotswolds National Landscape, Upper Thames Tributaries ESA and the Northern Evenlode Conservation Target Area.
- 2.4 We respect the local resident’s support for the designation of these land parcels as LGS; however, we consider that there was not adequate information provided to respondents of surveys to explain what these designations would mean in planning terms and in real life. In addition, we dispute the comments made by the SNPSG noting that there are no paragraphs in the NPPF stating that a LGS designation should not proceed because the land parcel is the subject of other designation. This statement is factually incorrect and shows that the SNPSG did not take into account the relevant paragraphs of the PPG when informing these LGS designations. Paragraph 11 makes clear that there should be clear local benefit gained from the proposed LGS designation when a site is already protected by other designations. Following a careful review of the LGS assessment, it is evident that the SNPSG has failed to demonstrate how this requirement has been achieved. This should have been considered early on at the selection stage to ensure that an informed and reasonable assessment was made for the sake of clarity and fairness.
- 2.5 Turning to the evidence used to inform the designation of both LGS 4 and LGS 5, it is significant to highlight to the Examiner that the specific same assessment was used to

evaluate both land parcels. The respondents in the Village Survey who supported these LGS designations also voted for these land parcel as one. Therefore, we fail to understand how a reader or a decision-maker could consider these as two separate land parcels. This is considered to have a significant negative impact on how planning decisions will be made, as it promotes vague blanket planning restrictions to prevent development any type of development. This is not considered to contribute towards the achievement of sustainable development. If these land parcels have demonstrable features that can define and separate them from each other, as the SNPSG has suggested, why was a single assessment carried out for both of them? No explanation has been provided which further casts doubt on the argument put forward by the SNPSG.

- 2.6 Drawing from the above, it is considered that the assessment carried out by the SNPSG is not robust and lacks the necessary clarity and proportionality required to be considered reasonable and fair. Therefore, LGS 4 and LGS 5 should be deleted.

LGS 7 – Paddocks to the right after the last house of Timber Yard Lane

- 3.1 The same material considerations discussed above are considered to apply to this land parcel that is proposed for LGS designation. For the sake of avoiding unnecessary duplication and aiding the Examiner in their examination, we will not reiterate these here and instead recommend they refer to our previous response in Appendix VII.
- 3.2 Notwithstanding this, we wish to highlight to the Examiner that the SNPSG has copied almost the same points that were used to justify the designation of LGS 4 and LGS 5 in this case too. We consider this also clearly demonstrates that this land parcel shares the same exact features and characteristics as the aforementioned land parcels, and therefore it is bound to be perceived as one together with LGS 4 and LGS 5. It is evident that this designation, in conjunction with LGS 4 and LGA 5, seeks to serve as a blanket restriction across the whole south western land bordering the settlement to prevent any type of development in the future and is disguised as three separate LGS designations by the SNPSG to ensure it passes the test of not being an extensive tract of land. This results in a draft NP policy which does not positively plan for the future of the NP Area for the whole plan period and does not also promote the achievement of sustainable development.
- 3.3 Further, the LGS assessment states that the land has significant recreational value which is derived from views taken from public vantage points (Public Rights of Way); however, the land is private, and therefore has no recreational value as the public cannot access it. If views

towards this land parcel were considered valuable by local residents, this would most likely be due to its beauty and not its recreational value. This confusion casts further doubt on the soundness of the assessment of this land parcel against the LGS criteria set out in paragraph 107 of the NPPF. It appears that the SNPSG are unsure themselves as to the reasons behind this designation with the primary aim being to ensure that no development at all comes forward in the future from this location. This illustrates the negative mindset behind the draft of this draft policy and designation, which also contradicts national policy that seeks to encourage a proportionate, positive plan making system that encourages sustainable development.

- 3.4 We consider that the matters raised above in conjunction with the numerous designations affecting this land parcel and the lack of evidence put forward by the SNPSG to demonstrate that clear public benefit will be gained from this LGS designation, shows that this designation is not underpinned by a robust assessment and therefore should be deleted.

LGS 6 – Churchfields allotments

- 4.1 As explained in our previous representations, we consider that this site is directly linked to the LGS 4, LGS 5 and LGS 7, and therefore is perceived as forming part of an extensive tract of land. Therefore, it should not be designated as a LGS.
- 4.2 We respect the local resident's support for the designation of this land parcel; however, we maintain our objection and would like to highlight, once again, that this is a site that is currently protected by a significant number of different designations – Stonesfield Conservation Area, Cotswolds National Landscape, and the southern part is situated within the Northern Evenlode Conservation Target Area. Additional planning restrictions will only make it more difficult for local residents to put up structures or make others changes to facilitate and improve the existing local community space. We sincerely doubt that the local community would support this designation and be willing to take this risk, if they had been aware of these unintended consequences.
- 4.3 Further, the status of this land parcel as an open space means that it also benefits from protection under paragraph 104 of the NPPF which makes clear that the loss of community spaces will only be considered acceptable under certain circumstances. The designation of this site as LGS will have a significant negative impact on planning decision-making, as proposals which meet the tests of paragraph 104 could conflict with Green Belt requirements and vice versa. This practice does not encourage a plan-led system that seeks to promote

sustainable development by taking opportunities to improve existing facilities and making them more accessible for users.

- 4.4 Similarly to the others LGS designations mentioned above, no evidence has been provided by the SNPSG to demonstrate the local benefit that will be gained from this designation which is contrary to paragraph 15 of the PPG. Therefore, there is no justification for the proposed additional protection measures in this location.
- 4.5 Consequently, we consider that this LGS designation should be deleted.

Conclusion

- 5.1 These representations seek to highlight our concerns over the preparation of this NP and in particular the evidence underpinning draft policy **Policy SEL4 – Protecting Stonesfield’s Local Green Spaces**.
- 5.2 We consider that that the proposed LGS designations with reference LGS 4, LGS 5, LGS 6 and LGS 7 are not under underpinned by a robust assessment that would justify their designation given they share similar features and serve the same functions in the local area. In addition, no evidence has been submitted in support of these designations which demonstrates the local benefit that will be gained by imposing additional planning restrictions.
- 5.3 We consider the aim of all of these designations is to provide a blanket restriction across the whole south western edge of the settlement NP to prevent any future type of development. On the contrary, LGS designations should protect land that is genuinely valuable to the local community, as per the tests of paragraph 107 of the NPPF. This is not achieved in this NP.
- 5.4 These designations result in a draft NP that lacks the appropriate clarity and proportionality to enable the achievement of sustainable development in the NP Area for the whole plan period and also fails to be in general conformity with national policy and guidance. Accordingly, the NP is considered that it currently fails to meet the Basic Conditions.
- 5.5 Consequently, the Examiner is kindly requested to consider making the following modifications to ensure that this NP meets the Basic Conditions and can be recommended to proceed to referendum:

Delete 4. The glebe land from Brook Lane to the Scout hut, 5. The Scout hut land, 6. Churchfield allotments and 7. Paddocks to the right on the path down to the Scout hut and Figure 9.4 from policy text.

“Development will not be permitted on Local Green Spaces except in very exceptional circumstances.

The Neighbourhood Plan designates the following as Local Green Spaces, shown in Fig 9.4:

- 1. Land south-east of William Buckland Way*
- 2. Paddock between Manor House and Combe Road*
- 3. Field to the east at the top of Brook Lane*
- 4. The glebe land from Brook Lane to the Scout hut***
- 5. The Scout hut land***
- 6. Churchfield allotments***
- 7. Paddocks to the right on the path down to the Scout hut***
- 8. Paddock to the south-east of Witney Lane*
- 9. Paddock to the south-east of Witney Lane*
- 10. The Dene*
- 11. Field behind the garage west of the Ridings*
- 12. Corner of Pond Hill and Longore, and the green in front of the White Horse*
- 13. Primary School playing field*
- 14. The village playing field*
- 15. Field north of Woodstock Road*
- 16. Woodstock Road allotments”*

- 5.6 We trust that the information provided in these representations is helpful to the Examiner and we look forward to receiving their clarification note on their initial thoughts of this NP in due course.

Yours faithfully,



Panos Konidaris

Principal Planner

panos@bluestoneplanning.co.uk

01235 766825