

Planning and Development

David Peckford, Assistant Director – Planning and Development



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Mr John Slater
Independent Examiner – Weston-on-
the-Green Neighbourhood Plan

By email

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Our Ref: **Weston-on-the-Green NP**

21 April 2020

Dear Mr Slater,

RE: Weston-on-the-Green Neighbourhood Plan:

**Initial Comments of the Independent Examiner dated 23 March 2020
Response to Questions for Cherwell District Council**

Further to your Initial Comments dated 23 March 2020 please find below a response to your questions addressed to Cherwell District Council.

9) Is the District Council currently able to demonstrate a five - year housing land supply?

As set out in CDC's latest Annual Monitoring Report (December 2019) [Annual monitoring reports | Monitoring reports | Cherwell District Council](#) the Council currently has a 4.4 year housing land supply (2020 – 2025). The calculations include a 5% buffer to both the base housing requirement and the shortfall, and the making up of a delivery shortfall within five years.

I would however, draw your attention to the following Written Ministerial Statement (HCWS955): *On 12 September 2018, the Secretary of State for Ministry of Housing, Communities and Local Government issued a written statement containing a "temporary change to housing land supply policies as they apply in Oxfordshire". Ministerial Statement HCWS955 is a Government commitment as part of the Oxfordshire Housing Growth Deal providing a temporary planning flexibility pending the adoption of the Oxfordshire Plan 2050. For the purpose of decision-taking under paragraph 11(d), footnote 7 of the Framework will apply where the authorities in Oxfordshire cannot demonstrate a three-year supply of deliverable housing sites with the appropriate buffer. This statement is a material consideration in planning decisions.*

Having regard to the above, although the Council presently cannot demonstrate a five-year supply, its position exceeds the current three-year housing land supply requirement as set out in the Written Ministerial Statement.

10) Does the District Council have a view as to whether the Fir Tree Farm (HELAA 229) could be allocated as a residential site, despite its inclusion in the Green Belt, under the provisions of

paragraph 145g) of the NPPF? Is the allocation of the site as an employment site under saved Policy EMP1, an overriding consideration? Are the buildings on the site authorised for employment uses or are they used for agricultural purposes? Perhaps you could check the planning history and advise.

The Weston-on-the-Green Neighbourhood Plan was formally submitted to CDC in October 2018. The Plan therefore falls under the transitional arrangements set out in NPPF 2 paragraph 214 namely 'the policies of the previous Framework published in March 2012 will apply for the purposes of examining plans, where those plans were submitted on or before 24 January 2019'.

NPPF 1 (paragraph 83) states that LPAs with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.

The allocation of the Fir Tree Farm site would, in the Council's opinion, require the removal of the site from the Green Belt. This would not be in conformity with the strategic policies in the adopted Cherwell Local Plan. Moreover, such an allocation would be beyond the scope of a neighbourhood plan, particularly one being examined under NPPF 1.

The Council is therefore of the view that in terms of plan making paragraph 145g is not applicable in this instance.

Saved Policy EMP 1 refers specifically to sites allocated in the 1996 Cherwell Local Plan. The Fir Tree Farm site was not one of the sites allocated by this policy, therefore this policy is not a material consideration in this instance.

Land at Fir Tree Farm and North of The Knowle, Weston on the Green (HELAA 229) was assessed in the Council's 2018 HELAA [PR79 Housing and Economic Land Availability Assessment Final - February 2018 | Cherwell District Council](#) .

It concluded:

Part greenfield, part brownfield site outside the built-up limits. Weston on the Green is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small-scale employment) at Category A villages. The site falls within the Oxford Green Belt and therefore contravenes existing planning policy. There would need to be exceptional circumstances for the release of this site from the Green Belt. The site's southern and eastern parcels lie within the Conservation Area and in the proximity of listed buildings along Knowle Lane. The northern part of the site is currently in employment use. The northern parcels of the site could be potentially suitable for development if a review of the Green Belt is carried out and subject to consideration of the Conservation Area/setting of listed buildings and the loss of an employment site in the rural area. The site could accommodate 15 dwellings based on 15 dph on 1 ha which takes into account the character of this area of the village. With regard to assisting Oxford with its unmet housing need, Weston on the Green lies outside Areas of Search A and B.

NOTE: This HELAA precedes the publication of NPPF 2

NPPF 2, para 145g is, however, a material consideration when considering any future planning application on this site.

Relevant Planning History

The brownfield element of the site has permission for a mix of agricultural and business (B1) uses. Relevant planning history is set out below.

Application Ref	Proposal	Decision
10/00932/CLUE	Certificate of Lawful Use Existing - Container area for agricultural storage	Application Permitted
10/01585/F	Extension to barn	Application Permitted
13/00539/F	Addition of walls to open barns to create 4 no. units for light industrial use	Application Permitted
16/02013/F	Erection of agricultural building	Application Permitted
18/00101/F	Change of Use of part of an agricultural building to light industrial use (Use class B1)	Application Permitted

11) Can Cherwell District Council provide me with an update on its likely programme for reviewing its adopted Local Plan. I have seen the draft submission document - Partial Review – Oxford’s Unmet Housing Need and its major and minor modifications. Can you let me know what the likely date of adoption is? Furthermore, for the remainder of the district, beyond the areas adjacent to the City of Oxford, has any work been carried out on reviewing the overall Cherwell’s overall housing figures, in the light of the Standard Methodology? Will that require the reviewing of Green Belt boundaries and village envelopes? Is there a timetable for the review/ partial review of the adopted local plan, as a whole?

The Council approved an updated LDS on 4 March 2020 [Local Development Schemes | Cherwell District Council](#)

In summary the main areas of Development Plan work are as follows:

Partial Review of the Cherwell Local Plan – prepared to meet a commitment in the 2015 adopted Local Plan to help Oxford with its unmet housing need.

Schedule 9.1	Partial Review of the Cherwell Local Plan 2011-2031 (Part 1): Oxford’s Unmet Housing Needs
Strategic or Local Policies	Strategic Policies
Subject Matter	Partial Review of Part 1 of the adopted Cherwell Local Plan 2011-2031 to help meet the identified unmet housing needs from elsewhere in the Oxfordshire Housing Market Area and arising infrastructure requirements. Builds upon countywide joint working and follows the ‘Post SHMA Strategic Work Programme’ agreed by the [then Shadow] Oxfordshire Growth Board on 20 November 2014. On 26 September

	2016, the Oxfordshire Growth Board approved an apportionment of Oxford's unmet housing need (approximately 15,000 homes) to the Oxfordshire District Councils. Cherwell was asked to accommodate an additional 4,400 homes (2011-2031).	
Geographical Area	Cherwell District	
Status	Development Plan Document (DPD)	
Timetable	Agreed Countywide Post-SHMA work programme	20 November 2014
	Formal Commencement (adoption of Local Plan Part 1)	20 July 2015
	District Wide Issues Consultation (Regulation 18)	29 January 2016 – 11 March 2016
	Countywide working on identifying the unmet need and apportionment	Completed 26 September 2016
	District Wide Options Consultation (Regulation 18)	14 November 2016 – 9 January 2017
	Preparation of Proposed Submission DPD	January 2017 to July 2017
	Consultation on Proposed Submission DPD	17 July – 10 October 2017
	Submission (Regulation 22)	5 March 2018
	Examination (Regulation 24)	March 2018 onwards
	Examination Hearings (Regulation 24)	28 September 2018; 5 - 13 February 2019.
	Submission of Main Modifications	25 February 2020 (TBC)
	Receipt and Publication of the Inspector's Report (Regulation 25)	April 2020 (estimate)
	Adoption (Regulation 26)	May 2020 (estimate)
Notes: Programme following hearings subject to confirmation from the Planning Inspectorate.		

Oxfordshire Plan 2050

This is a new countywide strategic plan being prepared jointly on behalf of the five district local planning authorities, with the support of Oxfordshire County Council under Section 28 of the Planning and Compulsory Purchase Act 2004. It builds upon the existing joint working and partnership arrangements through the Oxfordshire Housing and Growth Deal. It will provide the strategic framework for Oxfordshire to 2050. It will identify the number of market and affordable homes, the level of economic growth and related infrastructure that is needed across Oxfordshire. It will then seek to place the required growth in a cohesive and sustainable spatial planning framework that will set the scene for a future round of district Local Plans which will subsequently establish detailed planning policies and site allocations at a local level.

At the present time work is progressing on the evidence base for the Plan, including the overall housing requirement. This evidence will be published in due course.

The current published timescales for the preparation of this plan is as follows:

Schedule 9.2	Oxfordshire Plan 2050 (note: programme reflects the timeline endorsed by the Oxfordshire Growth Board at a meeting on 24 September 2019 available at: http://democratic.southoxon.gov.uk/ieListDocuments.aspx?CId=330&MId=2473&Ver=4 - Item 25)
Strategic or	Strategic Policies

Local Policies		
Subject Matter	Countywide spatial plan to manage development to 2050. Will provide strategic planning policies including for housing, employment, transport & infrastructure, biodiversity and responding to climate change.	
Geographical Area	Oxfordshire	
Status	Joint Development Plan Document (DPD)	
Timetable	Formal commencement	31 January 2018
	Initial Consultation (Regulation 18)	February/March 2019
	Consultation on Preferred Strategy (Regulation 18)	June/July 2020 (TBC)
	Consultation on Proposed Submission Draft Plan (Regulation 19)	November/December 2020 (TBC)
	Submission (Regulation 22)	March 2021 (TBC)
	Examination (Regulation 24)	June - September 2021 (estimated)
	Receipt and Publication of Inspector's Report	December 2021 (estimated)
	Adoption (Regulation 26)	March 2022 (subject to examination)
	Notes: Examination dates and subsequent programme subject to confirmation from the Planning Inspectorate and views of Inspector.	

Cherwell Local Plan Review

Work has very recently commenced on a major review of the adopted Cherwell Local Plan to ensure that key planning policies are kept up to date, to assist implementation of the Oxfordshire Plan and to replace the remaining saved policies of the 1996 Local Plan.

The Oxfordshire Plan will provide a suite of strategic policies, but not all that will be required at a local level. The Local Plan Review will therefore need to include both strategic and local policies. One of the many policy areas to be reviewed will be the village categorisation as currently set out in Policy Villages 1 of the 2015 adopted Local Plan.

Any further review of Green Belt boundaries will be considered in the context set by the Oxfordshire Plan.

The current timetable for the preparation of this Plan is as follows:

Schedule 9.3	Cherwell Local Plan Review	
Strategic or Local Policies	Strategic and Local Policies	
Subject Matter	Planning policies to manage development and meet local priorities, to review & keep up-to-date existing planning policies, and to support implementation of the Oxfordshire Plan 2050. Will include the identification and delivery of strategic and non-strategic development sites for housing, employment, open space and recreation, travelling communities and other land uses.	
Geographical Area	Cherwell District	
Status	Development Plan Document (DPD)	
Timetable	Commencement	April 2020
	District Wide Issues Consultation (Regulation 18)	July - August 2020

District Wide Options Consultation (Regulation 18)	February – March 2021
Consultation on draft Plan (Regulation 18)	October - November 2021
Consultation on Proposed Submission Plan (Regulation 19)	July– August 2022
Submission (Regulation 22)	November 2022
Examination (Regulation 24)	November 2022 – June 2023 (TBC)
Examination Hearings (Regulation 24)	February/March 2023 (TBC)
Receipt and Publication of the Inspector's Report (Regulation 25)	June 2023 (TBC)
Adoption (Regulation 26)	July 2023 (TBC)
Notes: Hearing dates and subsequent programme subject to confirmation from the Planning Inspectorate	

12) Is the LPA satisfied with the neighbourhood plan's Calculated Housing Need Assessment, as set out on page 45 of the plan document which establishes a requirement of 38 new homes for the period 2017 – 2031? Or has Cherwell DC given an indicative figure for the neighbourhood plan are, under the provisions of paragraph 65 of the NPPF?

The Council has no reason to dispute the neighbourhood plan's Calculated Housing Need Assessment, as set out on page 45 of the plan document.

As stated above the neighbourhood plan is being examined under NPPF1 therefore para 65 of NPPF 2 is not applicable in this instance. However, it is confirmed that CDC has not provided an indicative figure for the neighbourhood plan.

13) Having regard to Policy Villages 1, do you consider that the remainder of the stated village's requirement – 18 dwellings, is likely to be deliverable on sites within the built-up limits of the village? I am assuming the built-up limits is the same as the definition of village confines set out in the Glossary on page 5. If the sites, were to come forward as windfall rather than allocations, would that then not count toward the 750 homes total, set out in Policy Villages 2?

Policy Villages 1 seeks to manage small-scale development proposals (typically but not exclusively for less than 10 dwellings) which come forward within the built-up limits of villages. Policy Villages 2 provides a rural allocation for sites of 10 or more dwellings at the Category A villages. Only windfall sites of 10 or more dwellings at Category A villages would count towards the 750 Policy Villages 2 total.

Between 2011 – 2019 there were 17 completions in Weston on the Green. A further 24 dwellings have detailed planning permission but are not yet built (31/3 2019). The site identified as Site A in the Neighbourhood Plan accounts for all the 24 outstanding dwellings.

The history of this site is as follows:

Outline application 13/01796/OUT for residential development of up to 20 dwellings approved 7 April 2015. A Reserved Matters application (16/00574/REM) approved 20 December 2016. A variation of condition application (17/01458/OUT) to amend the details to layout, appearance, access and landscaping; including alterations to the Courtyard arrangement and alterations to the

layout & plots approved on 8 May 2018. An additional 4 dwellings were approved on 30 July 2019 (18/02066/F)

Based on the above figures the outstanding village requirement has now reduced to 14 dwellings. Given the past rate of delivery in the village there is, in the Council's opinion, no reason to suggest that these dwellings will not be delivered under Policy Villages 1.

14) Does the LPA have a view that a modified Policy C1 that *encourages* the preservation and management (of a large section) of Area B, "as a potential recreational open space commensurate with the lowland meadow" could be supported / delivered in conjunction with an 18-unit residential scheme?

Adopted Cherwell Local Plan Policy BSC 11 sets out the Council's requirements for outdoor recreation provision for new development proposals.

The standard for general green space (parks and gardens/natural semi-natural/amenity green space) is 2.74 ha per 1000 rural/urban edge dwellings.

For a development of 18 dwellings (assuming a population of 2.49 people per dwelling) the total population generated would be 45. This equates to a general green space requirement of 0.12 ha.

The area of the Schoolfield, excluding the potential area for development, is significantly larger than 0.12 ha. (the total site area is approximately 4 ha). The Council would therefore be unable, under the current CIL regulations, to compel the landowners/developers of an 18-unit residential scheme to provide or facilitate recreational open space commensurate with a lowland meadow as envisaged by the local community.

15) What is the current figure for the number of new dwellings completed in the Category A villages within the local plan period as opposed to those that have planning permission?

The 2019 AMR (December 2019) indicates that since 1 April 2014 a total of 920 dwellings have been identified as contributing to the Policy Villages 2 requirement of 750 dwellings. Of these a total of 271 dwellings were completed and 311 dwellings were under construction at 1 April 2019.

Full details of these figures are set out in Table 40 (page 69) of the AMR.

Please contact me if you require any further information and/or hard copies of the documents referred to in the responses above

Yours sincerely

Christina Cherry

Principal Planning Policy Officer (Acting)