

Cotswolds Conservation Board
Fosse Way
Northleach
Gloucestershire
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13th September 2018

Kerr Brown
Planning Inspectorate

By email to Kerr.Brown@pins.gsi.gov.uk

Dear Mr Brown

Planning Inspectorate Appeal Reference Number: APP/D3125/W/18/3207122
Address of the appeal site: Land East of Burford

I am writing to inform you that the Cotswolds Conservation Board ('the Board') is against the appeal proposals for the proposed development at 'Land East of Burford'.

The Board strongly objected to this development in the representations that we made in 2017. We also objected to the inclusion of this site in the West Oxfordshire Local Plan, in our response to the consultation on proposed changes to the draft Local Plan, in 2016. The objections that we raised in those representations still stand.

We understand that West Oxfordshire District Council will have provided you with those representations and that they do not need to be repeated here. As such, this current representation addresses new evidence that has arisen since August 2017, in particular, the Planning Inspector's report relating to the examination of the West Oxfordshire Local Plan and the associated modifications that have been made to the Local Plan.

Our representation is detailed in Annex 1, below. In essence, the Local Plan Inspector has made it explicitly clear, in his 'Report on the Examination of the West Oxfordshire Local Plan', that there is no need, or justification, to allocate this site for housing. It follows that there is no need, or justification, for the proposed development. This reinforces the argument made in our previous representations that the proposed development does not pass the major development tests required under (what is now) paragraph 172 of the National Planning Policy Framework and, as such, should not be permitted.

We trust that this representation will be considered by the Planning Inspector during the appeal process.

Yours sincerely,

John Mills MRTPI
Planning and Landscape Officer

Conserving, enhancing, understanding and enjoying the Cotswolds Area of Outstanding Natural Beauty

ANNEX 1. Representation from the Cotswolds Conservation Board regarding planning appeal APP/D3125/W/18/3207122 at Land East of Burford

1.0 Introduction

1.1 In its previous representations relating to the proposed development (and the proposed allocation of this site in the West Oxfordshire Local Plan)¹, the Cotswolds Conservation Board ('the Board') argued, inter alia, that the development does not pass the tests for major development that are required under (what is now) paragraph 172 of the National Planning Policy Framework (NPPF). Since that time, further information and evidence has come into play, which justifies the Board making a further representation at this stage. In particular:

- West Oxfordshire District Council has published Further Main Modifications to the West Oxfordshire Local Plan (February 2018) to address the recommendations made by the Local Plan inspector, Malcolm Rivett²;
- Mr Rivett has published his '*Report on the Examination of the West Oxfordshire Local Plan*' ('the report')³.

1.2 In addition, the draft Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 is scheduled to be adopted by the Board on 20th September 2018. The AONB Management Plan should be a material consideration in this appeal.

1.3 It is also worth noting the new sentence in paragraph 172 of the NPPF, which states that '*the scale and extent of development within these designated areas [i.e. protected landscapes, including AONBs] should be limited*'.

1.4 All of these factors strongly reinforce the Board's previous representations, as outlined below.

2.0 West Oxfordshire Local Plan and the Inspector's Report

2.1 In his report, Mr Rivett stated that '*there is little case for the plan to provide for more [dwellings] than the already completed / committed 774 dwellings in the Burford–Charlbury sub-area (either the site allocations or a reliance on future windfalls) simply to ensure that the district-wide housing needs are met. Moreover, in the absence of a specific housing need figure for the sub-area, it is not possible to identify that new dwellings, over and above existing completions and commitments, are as a matter of principle, necessary specifically in the context of the AONB or the Burford–Charlbury sub-area*⁴.

2.2 Mr Rivett added that '*the allocation in the plan of housing sites, and the reliance on additional windfall housing development, in the Burford – Charlbury area, over and above existing completions and commitments, would not be sound*⁵. On this basis, he recommended that the site allocations in the Burford-Charlbury sub-area, including the appeal site, should be removed from the Local Plan in order for it to be

¹ The Board made representations on the original application for this development (Planning Application Reference: 17/00642/OUT) on 28th April 2017 and 15th August 2017. We also made representations on the West Oxfordshire Local Plan, including the proposed allocation of this site, in December 2016.

² Letter from the Planning Inspector to West Oxfordshire District Council, dated 16th January

³ West Oxfordshire Local Plan 2031 Inspector's Report, dated 24th August 2018.

⁴ Paragraph 219.

⁵ Paragraph 223.

found sound. He specified the lack of evidence regarding housing need with the AONB as a key factor in reaching this conclusion⁶. The District Council has followed Mr Rivett's recommendations and removed these site allocations from the Local Plan, acknowledging that *'it is no longer possible to demonstrate that exceptional circumstances exist to justify the proposed allocation in accordance with paragraph 116 [now paragraph 172] of the NPPF⁷*.

- 2.3 Main Modification (MM) 67 of the Local Plan states that, for any housing development that is considered in the Burford-Charlbury sub-area, *'it will need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area'*. Given that the proposed development is not an allocated site in the Local Plan, it would need to be treated as a windfall site. MM9 of the Local Plan clearly states that *'within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site'*.
- 2.4 However, the Appellant's case does not suggest it will demonstrate specific local need and, instead, proposes only the principle of a housing requirement across the district as justification for the need for the development. This was also the only basis of the needs justification in the District Council's Officer report dated 6 December 2018.
- 2.5 The need for the development is further undermined by Mr Rivett's assertion, in his report, that *'there is significant opportunity for general development needs to be met outside the AONB⁸*.
- 2.6 All of these considerations clearly demonstrate that the proposed development is not needed, is not justified and would not comply with the Local Plan.

3.0 Cotswolds AONB Management Plan

- 3.1 As indicated in paragraph 1.2 above, the draft Cotswolds AONB Management Plan 2018-2023 is scheduled to be adopted by the Board on 20th September 2018, at which point it will replace the Cotswolds AONB Management Plan 2013-2018 and will be made available on the Board's website.
- 3.2 Policy CE12 (Development Priorities and Evidence of Need) of the draft AONB Management Plan specifies that:
1. Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB. Priority should be given to the provision of affordable housing, maintaining and enhancing local community amenities and services, and improving access to these amenities and services.
 2. The extent to which the Cotswolds AONB is required to accommodate objectively assessed housing needs arising from outside the AONB should be limited. Where, as a result of this constraint, objectively assessed needs

⁶ Paragraph 117.

⁷ West Oxfordshire District Council consultation response – December 2017.

⁸ Paragraph 224.

cannot be met wholly within a particular plan area, local planning authorities should work together to identify if these needs could be met elsewhere, outside of the AONB.

3. Local planning authorities should provide annual statistics on the rate of development in their sections of the Cotswolds AONB and its setting.
- 3.3 This policy, particularly paragraph 1, closely reflects the conclusions and recommendations by Mr Rivett in his report on the West Oxfordshire Local Plan.
- 3.4 Main Modification 26 of the Local Plan, relating to Policy EH1a (Cotswolds Area of Outstanding Natural Beauty), identifies that '*the Cotswolds Conservation Board's Management Plan and guidance documents are material considerations in decision making relevant to the AONB*'. As such, the AONB Management Plan 2018-2023, including Policy CE12, should be a consideration in this appeal process.

4.0 National Planning Policy Framework (NPPF)

- 4.1 Paragraph 172 of the NPPF includes the new statement that '*the scale and extent of development within these designated areas [i.e. protected landscapes, including AONBs] should be limited*'.
- 4.2 The Board recommends that 'limited', in this context, should mean that development in the AONB is based on robust evidence of local need arising from within the AONB and that development in the AONB is primarily focussed on meeting this need. This would closely reflect the recommendations of Mr Rivett's report, the relevant main modifications in the West Oxfordshire Local Plan and Policy CE12 of the Cotswolds AONB Management Plan 2018-2023.
- 4.3 The appeal could provide a useful test case for using this approach to deliver this new requirement of the NPPF.