

TOWN AND COUNTRY PLANNING ACT 1990
APPEAL
by
Gladman Developments Ltd
AGAINST THE REFUSAL OF PLANNING PERMISSION

RULE 6(6) STATEMENT OF CASE
of
CAMPAIGN AGAINST GLADMAN in EYE & DUNSDEN (“CAGE”)

APPEAL: APP/Q3115/W/17/3185997

APPELLANT: Gladman Developments Ltd.

SITE LOCATION: Land off Peppard Road Emmer Green

APPLICATION NO: P16/S3630/O

DEVELOPMENT: Residential development of up to 245 residential dwellings (including up to 40% affordable housing), structural planning and landscaping, informal public open space and children's play areas, vehicular access from Peppard Road and Kiln Road and associated ancillary works. All matters reserved with the exception of the main vehicular access.

DATE: March 2018

**TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION BY INSPECTORS)
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

CAGE STATEMENT OF CASE

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1. INTRODUCTION

- 1.1 This Statement of Case (SOC) has been prepared by CAGE in respect of an appeal lodged against the refusal of an outline planning application by South Oxfordshire District Council ("SODC") (application reference P16/S3630/O). The full description of the Appeal Proposal is as follows:

Residential development of up to 245 residential dwellings (including up to 40% affordable housing), structural planning and landscaping, informal public open space and children's play areas, vehicular access from Peppard Road and Kiln Road and associated ancillary works. All matters reserved with the exception of the main vehicular access.

- 1.2 The application was refused on 14 September 2017 for the following reasons:

Reason 1

The application site lies in open countryside, outside any defined settlement boundary in the South Oxfordshire Core Strategy and the proposed development would represent a significant encroachment into the open countryside. As a result the proposal would detract from the undeveloped rural character and appearance of the site and its surroundings and the attractive landscape setting of the settlements in the district and would not comprise sustainable development as defined by local and national legislation. As such the proposal is contrary to policies CSS1, CSR1 and CSEN1 of the South Oxfordshire Core Strategy, policies C4, G2 and G4 of the South Oxfordshire Local Plan 2011 and Government Guidance within the National Planning Policy Framework.

Reason 2

In the absence of a completed S106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the district. As such, the development

would be contrary to the National Planning Policy Framework and Policy CSH3 of the South Oxfordshire Core Strategy.

Reason 3.

In the absence of a completed S106 legal agreement, the proposal fails to secure on and off site infrastructure necessary to meet the needs of the development. As such, the development would be contrary to the National Planning Policy Framework, Policy CSI1 of the South Oxfordshire Core Strategy and Policies T1, R2 and R6 of the South Oxfordshire Local Plan 2011.

Reason 4.

In the absence of a completed S106 legal agreement, the proposal fails to secure funding to mitigate the potential adverse effects of the proposed development to local wildlife sites in conflict with Section 11 (Conserving and enhancing the natural environment) of the NPPF.

1.3 The main issues arising from these refusal reasons can be summarised as follows:

- Unsustainable Development;
- Landscape and visual harm;
- Absence of planning obligation or other mechanism to mitigate impact on development on local infrastructure.

1.4 CAGE will explain why it supports the refusal of this application by SODC's case at the forthcoming inquiry and will comment on the Council's reasons for refusal and the objections submitted by Reading Borough Council (RBC) and its reasons for refusal and will also provide additional evidence to support its rejection on the following:-

- Spatial strategy and coherent development;
- Social Cohesion and cross-boundary incoherence;
- Housing need and the appropriateness of this site to fulfill it

- Transport;
- Landscape and visual harm.

2. APPEAL SITE

- 2.1 The Appeal Site is outlined in red on the Location Plan. CAGE will seek to agree a description of the appeal site with the appellant in the SoCG. Any further description necessary will be provided in evidence.

3. APPEAL PROPOSAL

- 3.1 The description of development is set out in Section 1 of this SOC. CAGE will seek to agree a description of the appeal proposal with the appellant in the SoCG. Any further description necessary will be provided in evidence.

4. CAGE'S SUPPORT FOR THE OBJECTIONS OF SODC AND RBC AND CAGE'S OWN OBJECTIONS TO THIS APPLICATION ON SPATIAL, HOUSING, SOCIAL COHESION AND CROSS - BOUNDARY PLANNING POLICY ISSUES

- 4.1 CAGE supports SODC's reason of refusal 1 in respect of the application's conflict with Core Strategy Policy - CSS1 and CSR1. These policies underpin the development plan and spatial strategy for South Oxfordshire. There are small gaps between Reading and rural settlements within SODC, thus sprawl (which is contrary to coherent plan-led approaches) would risk a trend towards unplanned conurbation undermining both Local Planning Authorities (LPAs) and their sphere of authority.
- 4.2 CAGE also considers that a further objection stems from the site's location and function as an urban extension to the built-up area of Reading. CAGE supports Reading Borough Council's objections to the development on locational grounds and in terms of its conflict with the existing and emerging planning strategy for Reading, given the existence of a 5-year housing supply in Reading and given that Reading has not asked SODC to meet

Reading's future housing needs in this location because of the inadequacy of infrastructure to support local development. Both LPAs, SODC and RBC, fulfilled their duty-to-cooperate in jointly agreeing that their respective spatial strategy should avoid housing development in the area of this site and that any unmet housing needs should not overspill into this area.

- 4.3 CAGE further believes that the development will not meet South Oxfordshire's housing needs being geographically remote from settlements in South Oxfordshire and functioning as an extension to the built up area of Reading. CAGE believes that the development will not promote social cohesion in Emmer Green as facilities to serve the development will be scattered between Reading and South Oxfordshire. This site is particularly remote from those settlements in South Oxfordshire where there is particular housing pressure – such as Oxford.
- 4.4 Given that the Council's evidence will include an up to date position of the five year housing land supply CAGE reserves the right to comment on any statements that the Council or the appellant may provide on housing land supply. The applicant seeks to rely on fragments of infrastructure from different locations, with consequent lack of coherence, complex and less sustainable family travel arrangements as well as disparate representation and control. Use of scarce infrastructure and service resources to support this site – which is contrary to spatial strategy – will have the effect of undermining development which IS compliant with the spatial strategy. Primary school education is a good illustration of this. Furthermore cross-boundary complications will cause ongoing representative, administrative and financial implications. CAGE would argue that, if developed, the affordable housing on this site would properly only (or at least predominantly) relate to RBC social needs housing waiting-list– thus underlining the evident relationship of the site to the Reading settlement, Berkshire SHMA and RBC's 5-Year Housing Land Supply. There has been no strategic decision by MHCLG to extend the administrative boundary of RBC into the current one of both SODC and Oxfordshire County Council.

- 4.5 Given that the Council's evidence will include an up to date position of the five year housing land supply CAGE reserves the right to comment on any statements that the Council or the appellant may provide on housing land supply.
- 4.6 CAGE will provide evidence on local housing and the applicant's claims that there is a dire need for housing provision on this particular site. CAGE believes that any consideration of development on this site must primarily relate to the only settlement to which it would attach – Reading – and thus to the (W.) Berkshire Strategic Housing Market and the assessments and supplies relating to it. CAGE will note the spatial strategy of both adjacent LPAs. CAGE will note SODC's policy as expressed through policies CSS1 and CSR1, noting the Supreme Court's decision of May 2017 regarding the interpretation (in respect of NPPF paragraph 49 [and associated paras 14 and 109]) of policies for the supply of housing being "out-of-date" where a 5-Year Housing Land Supply is found not to exist, and its clarification that policies that seek to restrict (the location of) housing remain fully in force. CAGE will note the supply of housing (and Neighbourhood Plans) in SODC settlements which do form part of its spatial strategy.

5. CAGE'S OBJECTION TO THE PROPOSAL ON TRANSPORT GROUNDS

- 5.1 CAGE will demonstrate that the Development is contrary to policies CSM1 and CSM2 of the Core Strategy 2012 and T1 of the SODC Local Plan 2011.
- 5.2 CAGE will show how a clear understanding of local transport issues has brought South Oxfordshire District Council and Reading Borough to reach the same conclusion that: an extension of the town of Reading into the Oxfordshire countryside is undesirable from a transport perspective. CAGE will show that the development of the historic county of Oxfordshire on the north bank of the River Thames was caused by the success of Reading as an economic centre and has generated a high demand for road transport. CAGE will show how successive, poorly planned, piecemeal developments, beyond the original Reading Borough Boundary in agricultural land and devoid of suitable transport

infrastructure, were gradually absorbed by Reading. CAGE will show that the problems on the saturated and congested highway network would be intensified by a repetition of past development errors.

- 5.2 CAGE will show that the Appellants, within their Transport Assessment, are fully aware that the majority of generated traffic would have destinations south of the River Thames, and that the development would eventually become part of Greater Reading and owing no allegiance to South Oxfordshire or Oxford. CAGE will also show that existing and emerging local plans for both sides of the Borough/District Council boundary are, unambiguously, opposed to further expansion of Reading into Oxfordshire, for sound transport planning reasons.
- 5.3 CAGE will show that the Appellant's Transport Assessment is a generic document that does not fully address the uniqueness of the site's location. CAGE will test the green travel assertions within the TA and show that walking and cycling would not be viable modes for most day-to-day activities such as access to shops, health care, Reading Station, employment and leisure facilities. The public transport options (ie Reading Buses Route 25) for travel into Caversham centre and Reading would have a detrimental effect on existing users. Most trips would, therefore, be made using private cars towards the congested Reading and Caversham Bridges and would produce and an unwelcome increase in demand at Sonning Bridge and, perhaps, Henley Bridge.
- 5.4 CAGE will show that these four bridges are of historical importance and should be protected against increased travel demand and in transport terms, the development would be unsustainable and would lead to increased demand for new transport infrastructure.

6. CAGE's VIEW OF THE APPLICATION'S IMPACT ON THE IMMEDIATE AREA OF SOUTH OXFORDSHIRE

- 6.1 CAGE will show that the defining characteristics of the rural parish of Eye & Dunsden are inconsistent with the development. It consists of few houses, many of them widely

spaced, with a significant number of listed building within half a kilometre of the site. The closest settlement of Dunsden provides the shortest route to the river crossing at Sonning. The roads in Dunsden are often single-track and without pavements and already present a significant hazard.

6.2 CAGE will demonstrate the inability of the application to support a socially cohesive settlement.

6.3 CAGE will present issues around the provision of primary school places

7. CAGE'S CONCLUSION IN RESPECT OF ITS PLANNING AND TRANSPORT OBJECTIONS TO THE PROPOSAL

7.1 CAGE believes that the adverse consequences identified in section 4 and 5 above when assessed against the policies in the NPPF as a whole, outweigh the nominal benefits of the proposed housing development in providing a numerical increase in SODC's overall housing supply and a physically remote increase in South Oxfordshire's affordable housing provision. The development therefore fails the test of sustainable development as set out in the NPPF and the presumption in favour of sustainable development set out in Paragraph 14 is not engaged. Furthermore, CAGE believes that to allow this appeal would be to so weaken the underlying and fundamental spatial strategies in the existing and emerging development plans of both SODC and RBC that it would no longer be tenable to use those policies to manage development in either administrative area. The consequence of this would also be to undermine the fundamental purpose of the development plan led system as set out in the NPPF and in primary legislation.

8. CAGE'S OBJECTION TO THIS PROPOSAL ON LANDSCAPE AND VISUAL IMPACT GROUNDS (REFUSAL REASON 1)

8.1 CAGE also supports the case underpinning SODC'S first reason for refusal insofar as it relates to the adverse landscape and visual impacts of the proposed development on

the site and the open countryside, the adverse effect on the undeveloped rural character and appearance of the site and its surroundings and on the setting of the settlements within South Oxfordshire, however, CAGE objects to the principle of the Development and will demonstrate that a smaller scheme would not be acceptable. CAGE will provide evidence to show that the proposed development will result in significant and demonstrable landscape and visual harm to:

- (a) The landscape character and value of the site and its role as part of a valued landscape;
- (b) Local visual amenity and perception and enjoyment of the landscape and its assets;
- (c) The environmental assets which contribute to the landscape value of the site, and in particular the local hedgerows with reference to the Hedgerow Regulations 1997 to the landscape value of the site;
- (d) The open landscape which maintains the separate identity of Emmer Green and Sonning Common;
- (e) The value of the contribution of the existing site to the setting of the Chilterns AONB.

8.3 CAGE will also provide evidence on to illustrate that the value of the site as part of the open countryside to the local community:

- (a) The way local people value the appeal site and its surroundings, and the manner in which the area is currently used and enjoyed;

8.4 CAGE confirms that the above evidence will be used to support their case that the site and its setting is a valued landscape. CAGE will not be giving evidence on ecology and heritage matters in their own right.

8.5 CAGE will give evidence that the Appellant has undervalued the physical and visual attributes of the site and its landscape setting and therefore under-estimated the harmful impacts that will be caused by the Proposal.

8.6 As a consequence, CAGE will demonstrate the proposed development is contrary to the National Planning Policy Framework, Policies CSR1 and CSEN1 of the South Oxfordshire Core Strategy 2012 and Policies C4, C9, G2 and G4 of the South Oxfordshire Local Plan.

9. ABSENCE OF PLANNING OBLIGATIONS

9.1 The second, third and fourth reasons for refusal relate to the lack of a planning obligation, and therefore the failure of the scheme to mitigate the impact on local infrastructure. The first is in relation to affordable housing, the second relates to infrastructure and the third to wildlife.

9.2 CAGE will argue that it would not be possible to adequately mitigate for infrastructure – including cross-Thames capacity and narrow and winding local roads and CAGE reserves the right to make representations in respect of any unilateral undertaking proposed by Gladman Developments Limited.

10 OVERALL CONCLUSION

10.1 SODC acknowledges in its Statement of Case that it cannot demonstrate a five year supply of housing sites against the most recent assessment of housing need.

10.2 If after consideration of the SODC's up to date position of the five year housing land supply, the Inspector were to conclude that supply cannot be demonstrated and the application is to be tested against the presumption in favour of sustainable development set out in paragraph 14 of the NPPF were to apply, the adverse impacts of the proposal, in terms of the conflict with existing and emerging planning policy (including cross-border policy), transport impacts, landscape and visual impacts, (if unresolved) the absence of adequate infrastructure mitigation, would significantly and demonstrably outweigh the benefits of additional housing on the appeal site.

11. CONDITIONS AND STATEMENT OF COMMON GROUND

11.1 CAGE reserve the right to make representations in respect of the conditions to be included in the SoCG. CAGE will seek to agree matters contained in the SoCG where possible.

12. EVIDENCE

12.1 CAGE intends to produce witness evidence in respect of the following:

- Spatial, Social Cohesion, Housing and Cross-boundary planning policy issues;
- Landscape, Visual Impacts and Hedgerows;
- Transport infrastructure.

13. DOCUMENTS

13.1 Relevant documents will include all planning application and appeal documents, relevant policy documents and appeal decisions (including those documents set out in the SoCG) and any referred to by SODC and Gladman Developments Limited;

- Application supporting documentation;
- Various Maps and Plans;
- The consultation responses of consultees and third parties;
- SODC Core Strategy 2012;
- SODC Local Plan 2011 (Saved Policies);
- South Oxfordshire Local Plan 2031, Issues and Scope, Stage One Of The Process, June 2014;
- South Oxfordshire Proposed Submission Core Strategy December 2010;
- October 2012 Planning Inspectorate review of SODC Core Strategy;
- South Oxfordshire Local Plan 2031, Refined Options, Stage Two Of The Process, February 2015;
- Draft SODC Local Plan 2017-2033;
- Statement of Community Involvement;
- Sustainability Appraisal;
- Evidence Studies;
- SODC LDS;
- Reading Borough Local Development Framework (2008-2015);
- Reading Borough Pre-submission Draft Local Plan 2016-2036;
- RBC Core Strategy (Adopted Jan 08/ Altered Jan15);
- RBC Sites Detailed Policies Doc (Adopted Oct12/ Altered Jan15)
- Oxfordshire Strategic Housing Market Assessment (SHMA) 2014;
- Planning Advisory Service - Objectively Assessed Need and Housing Targets – Technical advice note - 2nd Edition July 2015;
- Joint Henley and Harpsden Neighbourhood Development Plan 2012-27;

- Sonning Common Neighbourhood Development Plan 2012-2027;
- Woodcote Neighbourhood Plan 2013-2027;
- Berkshire Strategic Housing Market Assessment (SHMA) 2016;
- Traffic Management Act 2004 Part 2 Section 16 - Network Management Duty;
- The National Planning Policy Framework;
- The Planning Practice Guidance;
- Any relevant appeal decisions and Court Judgements;
- Any relevant correspondence with the Appellant and third parties.

13.2 CAGE will also rely on and may make reference to the following documents:

- Eye and Dunsden Parish Council's Statement of Case dated 8 December 2018;
- SODC Strategic Housing and Economic Land Availability Assessment - October 2017 and supporting materials;
- RBC Strategic Housing and Economic Land Availability Assessment - November 2017 – Volumes I and II - and supporting materials;
- RBC Duty to cooperate Strategy Dec 2015;
- Supreme Court decision May 2017 on the interpretation of para 49 of the NPPF;
- MHCLG - Comprehensive Registration Programme - Priority areas for land registration – Sept 2017;
- MHCLG - Planning for the right homes in the right places: consultation proposals – Sept 2017 – and supporting spreadsheet and materials;
- The Geographist – List of top 1,000 “cities” by population – extract of top 100 - @ April 2016 (Reading 30th, Oxford 52nd);
- New evidence on Primary School capacity and demands.
- National Character Area NCA 110: Chilterns;
- South Oxfordshire Landscape Character Assessment SPD Atlanta 2003;
- South Oxfordshire Landscape Character Assessment Lepus Consulting 2017;
- Oxfordshire Wildlife and Landscape Study;

- Chilterns AONB Management Plan 2014-2019;
- Chilterns AONB Position Statement on Setting of the AONB 2011;
- CAGE Hedgerow Appraisal Clive Leeke 2018;
- Hedgerow Assessment Windrush Ecology 2018;
- Chilterns AONB responses to the application and their submissions in connection to this appeal;
- The Hedgerows Regulations 1997;
- Hedges by E. Pollard, M.D. Hooper & N.W. Moore 1979;
- History of the Countryside by Oliver Rackham 1997;
- Hidden Histories by Mary-Ann Ochota 2016;
- Rural Areas Local Plan South Oxfordshire District Council Adopted July 1992;
- South Oxfordshire Local Plan Inquiry Inspector's Report April 1996;
- Appeal Case Ref: APP/N2345/A/12/2169598 - Land at Whittingham Road, Longridge, Preston, PR3 2AD.

13.3 CAGE reserves the right to introduce further documents as may be necessary.