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# Appeal Decision

Inquiry Opened on 26 June 2018

**by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 December 2018**

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## **Appeal C: APP/Q3115/W/17/3188694**

### **Land at Crowell Road, Chinnor, Oxfordshire OX39 4HP**

- Appeal C is made under section 78 of the *Town and Country Planning Act 1990* against a failure to give notice within the prescribed period of a decision on an application for full planning permission.
  - Appeal C is made by CALA Management Limited against South Oxfordshire District Council.
  - The application, Ref P17/S1867/FUL, is dated 19 May 2017.
  - The proposal is for residential redevelopment comprising 54 no dwellings, new vehicular and pedestrian access, internal roads and footpaths, car parking, public open space, landscaping, drainage and other associated infrastructure.
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### **Preliminary Matters**

1. The Inquiry sat for 14 days between 6 June and 26 October 2018. An unaccompanied site visit to the area around the sites was undertaken on 25 June 2018. Accompanied site visits were made on 26 June, and on 12 July 2018 to look at heritage and landscape matters respectively. Transport matters were observed during both accompanied visits.
2. In July 2018 the *National Planning Policy Framework* (NPPF) was replaced by NPPF2. Additionally, a consultation document was issued on 26 October 2018 outlining possible changes to NPPF2. All the parties were given the opportunity to comment on these changes and the consultation document, which is at an early stage and so carries little weight, and comments have been considered in this decision.
3. To avoid repetition, and to make efficient use of Inquiry time, the matter of housing land supply (HLS) in South Oxfordshire was heard in conjunction with other appeals (Appeals A and B: APP/Q3115/17/3187058 and 3187059 respectively) where similar arguments were made by both developers, reference is made in the following text to 'appellant's'. The sites of Appeals A and B are located relatively close to the Appeal C site.

### **Decision**

4. The appeal is dismissed.

### **The Site and Its Surroundings<sup>1</sup>**

5. Chinnor lies approximately 6.4 kilometres to the south east of Thame and 8 kilometres to the south west of Princes Risborough. SODC identifies Chinnor as

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<sup>1</sup> CD7.5A

one of the "Larger Villages in the settlement hierarchy which offers a range of shops and facilities within walking distance of the site. There are bus services to and from other large villages nearby that provide an hourly service Monday to Saturday with no services in the late evening or Sundays.

6. The appeal site, which is rectangular and extends to around 1.74 hectares, is on the edge of the village close to where the B4009 Crowell Road enters the built-up area. The site comprises greenfield land outside of, but adjacent to, the built up area. The site is level and open with pockets of vegetation towards its north western parts. Properties in Oakley Road provide a mix of 2 storey detached, semi-detached and terraced properties backing onto the north east site boundary. To the south east the site is bounded by a hedge, beyond which is the B4009. Further hedges define the south western and north western boundaries.
7. The north east boundary immediately adjoins the Oakley Conservation Area (OCA) which is one of two Conservation Areas focussed on properties in Oakley Road. There are two Grade II listed buildings in the OCA, Lower Farm and 1&2 The Poplars. The site is not in the Green Belt or the Chilterns AONB which lies some 0.8 kilometres to the south east and includes a prominent escarpment that rises above the surrounding landscape. There is some inter-visibility between the site and the AONB and there is existing and committed development in this area.
8. The site does not include land which is subject to any other landscape or ecological designations. The EA's flood zone mapping indicates that the site is within Flood Zone 1, which has the lowest probability of flooding.

### **Policy Context**

9. The development plan comprises the South Oxfordshire Core Strategy (CS), 2012, the saved policies of the South Oxfordshire Local Plan (LP), 2006, and the Chinnor Neighbourhood Plan (NP), made 2017. The policies relevant in this case are agreed in a Statement of Common Ground. It is necessary to consider the adopted housing requirement and the spatial strategy for delivering it. However, the parties disagree on the interpretation of the development plan, particularly in relation to the housing strategy.<sup>2</sup>
10. The strategy is informed by recent housing provision. The Parish of Chinnor had 2389 dwellings in 2011. Subsequently, permission has been granted for a further 782 dwellings including 296 affordable units. Of the 782, 310 have been completed and 264 are under construction representing an increase of 33% since 2011.<sup>3</sup>
11. The emerging LP covers the same period, 2011-2033, as the CNP. The housing numbers in the emerging LP are based on the 2014 Oxfordshire SHMA and make provision for addressing the unmet need of 3750 new homes from Oxford City with monitoring from 2021-22. The emerging LP anticipates proportionate growth of some 15% in the plan period for LVs, including Chinnor. The existing permissions in Chinnor are already double the planned-for proportionate growth as stated in Table 5f of the emerging LP. It therefore indicates that

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<sup>2</sup> SODC7 Para 18, CD1.1, CD1.2, CD1.4, CALA7 Para 6.1, CD7.5

<sup>3</sup> SODC7 Para 19, SODC6 Sect A Para 2.6, SODC6C

additional residential development is not 'required' in Chinnor but could be allocated if residents wish.<sup>4</sup>

12. It is agreed that the adopted CS housing requirement is out of date as it was based on the now revoked South East Plan. However, apart from the Council's figure in this case, all other studies use a higher requirement. The 2014 SHMA, described by the Council as "robust and up to date" indicates 725-825dpa, the emerging LP was proceeding on the basis of 945dpa, and the Oxford Housing Growth Deal (OHGD) assumes delivery of 1,023dpa towards the 100,000 by 2031. It is agreed that the emerging LP should only be afforded limited weight given the stage it has reached.
13. The overall strategy is set out in CS Policy CSS1. Whilst it is claimed that the proposals would support Chinnor's role as a local service centre that could be said of many housing developments in or adjacent to Chinnor. Notwithstanding that, the aim in rural areas is to identify land for 1,154 new homes in Larger Villages to support local services and to support limited further housing in the villages.
14. Local planning authorities are required to plan to meet objectively assessed needs rather than unrestrained growth. Unrestrained growth around villages would not be consistent with the principles of sustainable development set out in the NPPF2 or the vision and objectives of the CS outlined in Sect 3.<sup>5</sup>
15. Irrespective of the housing requirement, development in Chinnor has been recognised as consistent with the strategic role of the LVs. Its sustainability has been demonstrated in the Council's Settlement Assessment Paper 2017 that ranks Chinnor as 7 out of 120 in the district and 3<sup>rd</sup> overall out of the 12 identified LVs.
16. Policy CSS1 should be informed by context. Whilst other Inspectors have concluded that development in Chinnor would accord with CSS1 that has been in the context of there being no recently adopted neighbourhood plan and no 5YHLS. In this case the Chinnor NP has come forward and housing sites are being delivered more quickly than envisaged by the CS. Policy clarifies that the development management process can deliver housing in villages but recognises that material circumstances might be sufficient to overcome conflict with the development plan.<sup>6</sup>
17. CS Policy CSH1 (Amount and distribution of housing) identifies a minimum target of 11,487 (547dpa) during 2006-27 with at least 1,154 dwellings to be in the Larger Villages, including Chinnor. It is agreed that 1,154 was never a cap and the Site Allocation DPD has been abandoned in favour of a revised LP. It is also argued that if CSH1 is out of date that infects the whole housing CS. This is inconsistent with the SOS's recent approach in an appeal at Watlington Road, Benson in July 2018 where he found that the tilted balance was not engaged as the Council could demonstrate a 5 year housing land supply.<sup>7</sup>
18. The most specific strategic policy against which to assess the proposals is CSR1. Policy CSR1 (Housing in villages) is out of date as it was intended to deliver the outdated housing requirement in Policy CSH1. However, it is a

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<sup>4</sup> SODC7 Para20-21, CD1.4 Para 4.3, CD1.5, CD1.7 Table 5f and Paras 5.25, 5.28, 5.17

<sup>5</sup> SODC7 Paras 24-25

<sup>6</sup> SODC7 Paras 26-29

<sup>7</sup> CALA7 Para 6.2, CD6.45 para 39, CD6.74 Para 22, SODC7 Paras 33-36

permissive policy. The Council has referred to *Canterbury and SoS v Gladman Developments Ltd* [2018] EWHC 1611 (Admin).. However, Dove J's judgement in that case was "based solely on the texts of Policy H1 and H9" and concluded they were part of a clear restrictive development strategy when the plan is read as a whole. The context is therefore better reflected in *Chichester DC v SoSHCLG and Beechcroft Ltd EWHC 2386 (Admin)*..

19. In that case the High Court rejected the Council's argument that simply because the appeal proposal was not an identified site and not within the settlement boundary it must conflict with the NP.
20. Policy CSR1 provides where housing will be acceptable in rural communities. Housing will be allowed in LVs through allocations, infill, a rural exception or potentially a redevelopment. If a proposal is outside the four corners of CSR1 it would be contrary to the strategy for new housing. The appellants both maintain that although the appeal proposals might not fall within the four categories in the policy it does not follow that they are in conflict or are otherwise incompatible with it. This argument was rejected by Dove J as a matter of principle.<sup>8</sup>
21. There is a contradiction between the approach of the appellants to CSR1 and the way it has been interpreted by the courts. If a housing development is not for one of the acceptable categories of development it will be contrary to CSR1. This means that there would be conflict with the development plan that would need to be considered in the overall balance. It is agreed that the CALA proposal is not for any of the locations where housing would be acceptable in rural communities. It would therefore be contrary to CS Policy CSR1.<sup>9</sup>
22. In *Canterbury City Council v SSCLG & Gladman Developments Ltd* [2018] EWHC 1611 (Admin) Dove J says that "what matters is that it is clear that the purpose of the policy is to identify those types of location where housing development is to be permitted and if an application is made outside one of those identified types of location then that is clearly not in accordance with the policy".
23. Contingency policy CSC1 has been used by the Council to deliver much needed housing. However the context has altered with a neighbourhood plan coming forward in Chinnor. Moreover, housing sites have come forward and are being delivered more quickly than envisaged. Consequently, the contingency measures in the policy are not engaged.<sup>10</sup>
24. Even if CSR1 was a restrictive policy it must give way to CSC1 when need demands and would preclude contingency sites being permitted in accordance with CSC1. It is agreed that the adopted requirement is out of date, was never a cap, that further development will be required in the LVs but that how much and where is not yet known. Previous Inspectors have considered CSR1, and the adopted plan as a whole, to be generally out of date and to carry less weight due to its outdated housing requirement and lack of housing supply. The former remains whilst the housing supply has improved.
25. Numerous appeal decisions, and the judgement in the High Court in *Cemex*, conclude that the development plan is silent with regard to the allocation of

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<sup>8</sup> SODC7 Paras 37-41

<sup>9</sup> SODC7& Paras 47-48

<sup>10</sup> SODC7 Paras 30-32

housing in the Larger Villages. This reflects the *Bloor Homes* [2014] EWHC 754 (Admin) judgment which the High Court referred to in *Cemex* when it found the development plan silent in Chinnor. However, in NPPF2 'silence' is replaced by 'no relevant development plan policies'. The appellants' argument proceeds on the basis of the 'silence' case. As the consideration of policies above demonstrates this is not a case where there are no relevant development plan policies. The premise of the appellants' case is therefore wrong.

26. Notwithstanding this, if the references to the Crowell Road and Greenwood Avenue decision letters are considered to be a valid approach they were determined in the context of the NP being at an early stage. Moreover, it was agreed that there was at that time a need for 160 dwellings in Chinnor. However, the grant of permission for those two sites alone totalled 200 dwellings. In the light of that Table 5f of the emerging LP notes that not only is there no need to allocate any further housing land in Chinnor but that there are 183 available sites in Chinnor. There is no legal requirement for the NP to allocate sites whilst Policy CSR1 permits rather than mandates allocations.
27. The SoS did not find the development plan silent in a recent case at Benson. However, at Benson a NP allocates sites and there is a policy which precludes housing on unallocated sites outside the built up area. Neither circumstance applies at Chinnor. A recent decision at Lower Icknield Way, APP/Q3115/W/17/3192374, had a similar main issue to this case and the Inspector concluded that CNP Policy CH H1 is silent with regard to development outside Chinnor but did not refer to any other policies including CSR1 or have the benefit of detailed legal submissions.
28. The CNP was made in October 2017 and recognises the need to boost the supply of housing land. The plan notes the significant amount of new residential development permitted since 2015 but does not indicate a need to deliver a higher level of housing beyond this. In this context it concluded that no further housing sites should be allocated.
29. Paragraph 11 of NPPF2 is not engaged as the CNP does not identify any sites, nor does it conflict with the CNP. Moreover, there is no policy cap on development in Chinnor. The level of development in the Larger Villages is not yet known but Chinnor has sustainability advantages over many of them.
30. Recent development has been considered on its merits in the context of the development plan and the desperate need for housing in South Oxfordshire. The scale of commitments in Chinnor has been noted by various Inspectors but does not affect the weight to be applied to the NP Policies with which the appeal scheme does not conflict. A negative approach does not reflect the extensive surveys that underpin the CNP Vision and Objectives. The principal concern is infrastructure but there is "support for housing development provided infrastructure (in general) is first improved". The emerging LP, which carries little weight, does not suggest any further development in Chinnor.
31. The decision not to allocate further housing sites in Chinnor is not leaving a silence or vacuum in policy. The CNP is the most up to date part of the development plan. NPPF2 paragraph 12 states that if a proposal conflicts with an up to date development plan, including any neighbourhood plan, planning permission should not usually be granted.<sup>11</sup>

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<sup>11</sup> SODC7 Paras 21-23, CD1.4 Para 4.3, CD1.9.

32. In this case the development plan, taken as a whole, provides a clear strategy for housing in Chinnor. The issue of whether to allocate in Chinnor has been addressed by the CNP and the proposed development is contrary to development plan strategy.
33. Reference is also made to *Crane* [2015] EWHC 425 and *Daventry* [2016] EWCA Civ 1146. *Crane* considered the approach to construing a neighbourhood plan. It was contended that whilst there were CNP Policies that were permissive of development, there were no specific policies restricting the development of the appeal site. The plan must be read as a whole with a focus on its relevant objectives and the policies that give rise to those objectives. The opposite interpretation would undo the balance between the aim of allocating sites for additional housing to satisfy the core strategy's requirement, and the aim of avoiding excessive expansion into the countryside.
34. The *Daventry* case concerned housing development on undeveloped land adjoining a Village. There were two relevant policies one relating to granting permission for residential developments in restricted infill villages and the other stating permission would not be granted for residential development in the open countryside. The Court of Appeal concluded that there was conflict with both policies.
35. In *Bloor Homes* [2014] EWHC 754 (Admin) the site was within an area covered by a Green Wedge policy. The appellant submitted that the plan was silent on development within the Green Wedge which did not fall within one of the stated categories of acceptable development. Lindblom J rejected the submission noting that where a policy lists proposals that will be acceptable the unmistakable and necessary inference is that those uses outside the list of acceptable uses will not be acceptable.<sup>12</sup>
36. The appellants rely on *Chichester DC v Beechcroft Ltd* [2018] EWHC 2386 (Admin) but this was heard before *Canterbury* was handed down. It also concerned a narrower question of whether there was conflict with the neighbourhood plan specifically. *Chichester* does not provide a basis to depart from *Canterbury*.
37. If the appellants' interpretation of policy is accepted the policy would expressly support infill in smaller villages of up to 0.2 hectare but would not preclude infill over that size limit. That would make the policy meaningless.<sup>13</sup>
38. Inspectors have repeatedly found that developments on unallocated greenfield sites which do not fall within the categories of acceptable development to be contrary to CSR1 rather than in an 'other development' category. These decisions are consistent with the view that CSR1 provides a closed list of acceptable development and that development outside those categories conflicts with the policy. Such conflict is consistent with the supporting text, which makes clear that it applies not just to sites in the built up area but also to those "adjacent to villages where housing would not normally be permitted".<sup>14</sup>
39. In this case the development plan, taken as a whole, provides a clear strategy for housing in Chinnor. The issue of whether to allocate in Chinnor has been

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<sup>12</sup> CD6.11, CD6.15

<sup>13</sup> SODC7 Para 50

<sup>14</sup> SODC7 Paras 51-53,



addressed by the CNP and the proposed development is contrary to development plan strategy. It is accepted that the CALA scheme does not fall within any category of acceptable development in CSR1. It conflicts with the policy and the housing strategy for rural communities. This is a fundamental conflict with the development plan and its housing strategy.

### **Housing Land Supply**

40. NPPF2, like the NPPF, seeks to significantly increase the delivery of housing and paragraph 11 footnote 7 identifies that, for housing, the most important development plan policies are deemed to be out of date where a 5 year supply of deliverable housing sites, in accordance with paragraph 73 of the NPPF2, cannot be demonstrated. A WMS dated 12 September 2018 has introduced a temporary change for Oxfordshire authorities, the Oxford Housing Growth Deal (OHGD). This sets out that, for decision making, footnote 7 only applies where a three year supply of housing sites cannot be delivered.<sup>15</sup>
41. The housing requirement set out in the adopted strategic policies in SODC is more than 5 years old. Consequently, in accordance with paragraph 73, the three year supply of housing sites should be tested against 'local housing need' (LHN). This is defined in the glossary to NPPF2 as "the number of homes identified as being needed through the application of the standard method set out in national planning guidance, or a justified alternative approach". The default position is the standard method and any alternative needs to be justified.<sup>16</sup>
42. It is accepted that the Council can demonstrate well in excess of a 3YHLS on the basis of the Standard Method (SM). It is also accepted that the Council can demonstrate a three year land supply if figures from the SHMA are used as a justified alternative.
43. The Government has realised that the SM would produce anomalous results. The SM formula identifies the minimum number of houses expected to be planned for and produces an annual requirement of 556hpa, significantly below current levels of delivery and even further below the emerging Local Plan requirement of 945hpa which in turn is below the 1023 requirement to deliver the Council's commitment to the OHGD. Previously delivery has exceeded the SM annual requirement but the recent SHMA suggests a much higher level of need. Although at this stage little weight can be attributed to the consultation document on housing land supply, higher need figures would be justified to achieve the policy aim of significantly increasing the amount of housing.<sup>17</sup>
44. The WMS supports the delivery in Oxfordshire of 100,000 homes by 2031, a figure recognised as above housing need. It accepts that in the short term there would be fewer permissions and states that a plan-led approach will deliver more housing in the longer term. In contrast, the appellants advocate the approval of a significant number of residential planning applications now. This does not factor in interventions a plan might provide for or how a stepped trajectory could be implemented such as that in West Oxfordshire. However, it is not for this inquiry to predict what the housing land position might be when the LP comes to be examined.

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<sup>15</sup> SODC7 Para 94

<sup>16</sup> SODC7 Para 95

<sup>17</sup> SODC7 Para 96

45. A Memorandum of Co-operation (MOC) sets out the assumption that Oxford City will have an unmet need of 15,000 homes that will be delivered by other authorities. Paragraph 3.5 assumes that the apportioned unmet need will not apply until 2021 due to the "complexity of the issues being considered and.....to factor in reasonable lead in times to enable options to come forward and to be fully considered through the Local Plan process. This long term approach is also a feature of an Outline Agreement<sup>18</sup>
46. PPG identifies that where, as here, there is a SHMA then any lower LHN will have to be justified. In this case, post NPPF2, the SHMA has been found to be sound by an Inspector in West Oxfordshire District Council. The SHMA takes account of economic growth and other factors, including affordable housing, and identifies an overall need for 100,000 dwellings or 5,000pa. Originally the Council identified the 775dpa in the 2014 SHMA as a realistic figure for housing need despite not addressing Oxford City's unmet need, which it is agreed is 15,000, or the OHGD commitment.
47. For decision making, paragraph 73 requires housing land supply to be tested only against local housing need. NPPF2 paragraph 60 identifies that 'unmet needs' are in addition to local housing need. Alternatives should not include any needs that cannot be met within neighbouring areas. CALA's HLS witness accepted in a recent Statement of Common Ground relating to an inquiry at Emmer Green in August 2018 that "It is agreed that the only potential local housing need figures which exclude unmet needs are the figures which arise from the standard method and the SHMA"<sup>19</sup>
48. This view is no longer held due to a perceived change in the interpretation of NPPF and guidance. Paragraphs 2a-010 and 2a-014 are relied on to justify the change in position but these relate to plan making not decision making. The courts confirm that national policy and guidance draw a distinction between plan-making and decision making, as in *Gladman v Daventry* [2016] EWCA Civ 1146 paragraphs 47-49. NPPF2 and PPG maintain the distinction. How the standard method is calculated is set out in 2a-004 but how it applies in decision making is addressed in separate guidance (Paragraph 3a-030). This paragraph sets out the expectation that the standard method will be used, although it is only guidance and can be departed from.<sup>20</sup>
49. The appellants also refer to two appeal decisions where a justified alternative was used to determine local housing need but both predate revisions to the PPG and concern areas not subject to a specific WMS and so turn on their own facts.<sup>21</sup>
50. The Council would still have to demonstrate a 5YRHLS with a base date of April 2019 for plan-making. Based on a trajectory to restore a 5YHLS the Council would need to deliver between 2,259 and 4,653 homes in the single year 2023-4 compared to 785, the highest number of completions ever achieved in a single year. On the basis of the Council's average lead in times it would need between 57-78 additional applications of less than 100 dwellings by 1 April 2019. There is a need for housing now, which would justify an alternative approach. The Council would only need to demonstrate a 3YHLS but that

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<sup>18</sup> CD5.4 Para 11, CD5.15 Para 1.2.3, CD5.17 SODC7 Para 111

<sup>19</sup> CD5.26 Para 2.11 SODC7 Paras 96-98

<sup>20</sup> SODC7 Paras 99-102, CD1.20, CALA5 Paras 6.22 & 6.28

<sup>21</sup> CALA5C App 2 and 3



should be against the justified alternative housing requirement arising from the SHMA.

51. Rather than use the standard method or the SHMA figures to calculate local housing need the appellants use a figure that includes a substantial amount of 'unmet need' from Oxford City Council. This is contrary to the wording of NPPF2.<sup>22</sup>
52. The Report on the Examination of the West Oxfordshire Local Plan 2031, relied on by the appellants, exemplifies the point made by SODC that unmet need should be addressed through plan-making. South Oxfordshire is expected to have its local plan examination in 2019.
53. On any approach to determining local housing need which accords with NPPF2, the Council can demonstrate in excess of a three year land supply. If it is accepted that unmet need is a part of local housing need the Council contends that it should be phased as set out in the Memorandum of Co-operation and the expectations of the Delivery Plan which recognises that housing delivery is "likely to be skewed towards the later years of the deal.
54. NPPF2 paragraph 73 requires the supply of sites to include a buffer. A 5% buffer is applied as a minimum in all cases but a 20% buffer should be applied "where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply. Paragraph 3a-037 of the PPG explains that "the buffer for authorities where delivery of housing over the previous 3 years, has fallen below 85% of the housing requirement, is 20%.
55. The issue of an appropriate buffer only arises if local housing need is based on figures in the MOC. That is phased from 2021 and if a 5% buffer is added there is no dispute that a three year supply can be demonstrated. However, if a 20% buffer should be applied then the matter of supply will become determinative of whether a three year supply could be achieved.
56. The Council's housing delivery has not fallen below 85% of the figures in the MOC delivery is phased. 99% of the phased local housing need has been met over the previous three years and therefore a 5% buffer should be used.

### **Landscape, Character and Appearance**

57. It is accepted that, due to some inter-visibility, the site lies within the undefined setting of the AONB the boundary of which is around 800 metres away. The site lies within National Character Area (NCA) 108 Upper Thames Clay Vales. This high level assessment indicates a settled and farmed landscape. This would not change as a result of the proposed development but in any event the Council accepts it will not be able to meet its housing requirements without releasing land beyond the built up areas.
58. Putative RFR2 raises a number of concerns including: whether there would be an adverse impact on the character and appearance of the area and whether the proposal would harm the setting of the AONB. It does not mention valued landscape although it is accepted that a range of factors that can help in the identification of valued landscapes are set out in GLIVIA3. The effect on the setting of the OCA is considered in the Heritage section below.

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<sup>22</sup> SODC7 Para108

59. The site has some permanent pasture but the hedgerows on Crowell Road do not lift the area out of the ordinary. Moreover, there are no TPOs, Grade A trees, or any ecological designations on the site. There is nothing of topographical interest and it is not particularly tranquil. Notwithstanding the views of the forestry, urban design and planning officers, it is an undesignated field with nothing extraordinary to make it a 'valued' landscape, despite the presence of pasture. It makes little contribution to the intrinsic character and beauty of the countryside.
60. Pasture fields extend about 400m to the north of the site whilst to the south are open arable fields. Rather than being a surviving example of small pasture fields, the boundaries and uses have changed significantly over the years. Indeed, the Council's Landscape Capacity Assessment 2005 (LCA) characterises the site as being of medium landscape quality and sensitivity and in need of repair. In the LCA landscape character overview the site (CHI 2) is within the 'semi-enclosed rolling downs' LCT. The key characteristics of the area where the site lies include the large-scale field pattern.
61. The LCA draws a line along Crowell Road and contrasts with the Bellway scheme opposite the site. The Bellway scheme was considered to be visually prominent in views to, and from, the AONB whilst the appeal site is noted as only having potential views from the escarpment. This is consistent with the views of the Chilterns Conservation Board which does not object to the proposal subject to delivery of proposed mitigation.
62. The patchwork of trees and hedgerows means that the proposal would be barely visible from the surrounding areas. Views of the site in the context of the AONB would be very limited and be seen in a similar relationship to the Bellway scheme. There would be no material impact on the character of the wider landscape.
63. The landscape witnesses for the Council and CALA differ in their views on design and the delivery of proposed green infrastructure. Some buildings would be higher (around 11 metres) but these would be set within the site creating a transition in height across it. Although 1.8 metre close boarded fencing is proposed on the boundary of the OCA and some 245 metres in total of hedgerow would be removed, predominately around the access, additional planting would be provided. There is little reason why mitigation could not be provided and this could be ensured by condition. Mitigation would also provide additional trees and hedgerows with little in the way of adverse impacts on biodiversity and habitats, a concern of local residents.
64. Reference has been made to appeal APP/Q3115/W/14/3001839 relating to a site on land east of Crowell Road, Chinnor. In that case the scheme was found to "reflect the historic landscape pattern of small enclosed fields close to Chinnor and larger fields beyond. This would be the case even though views to the smaller enclosed fields from Chinnor Hill would be diminished in some views. However, due to the intervening planting, those views are very limited and therefore such diminishment would be small". A similar view could be argued in this case with the exception of the loss of pasture although this is relatively recent rather than historic.
65. The development east of Crowell Road, like the scheme subject of this decision, was considered not to materially undermine the existing separation between development and the escarpment and to retain views from Chinnor and Oakley

to it. Due to these matters it would not materially affect the setting of the AONB. I consider that this would be the same for this appeal scheme.

66. Notwithstanding inaccuracies in some of the evidence, annotated versions were provided to enable the impact of the visualisations to be assessed. Despite these corrections my conclusions on overall visual impact remain unaltered as the resulting differences are confined to a relatively small part of the site and surrounding area. In terms of visual impact, the differences between the experts arose mainly from the differences in judgment as to the potential screening benefits by year 10.
67. Although the Council provided a phase 2 level assessment on landscape capacity, concluding that none of the site should be considered for housing on landscape and visual grounds, I note that this is another area of disagreement arising at least in part from differences in professional judgement.
68. The development would cause little landscape harm and would not conflict with Policies C4, G2 and G4 of the South Oxfordshire Local Plan 2011 and CS Policies CSEN1, and CSQ3. Both appellants allege that G2 and G4 are inconsistent with NPPF2 and out-of-date. Saved policies G2 and G4 seek to balance the protection of the countryside for its own sake and the need for development and generally accord with policies in NPPF2. This is a matter of planning judgment and various Inspectors have reached different conclusions. In my view, both the substance and the form should be considered. They are consistent with the environmental and rural housing policies in the NPPF2 and can be given full weight

### **Heritage Matters**

69. The main parties agree that the proposal would cause 'less than substantial' harm to the heritage significance of the listed Lower Farm, and 1 and 2 The Poplars, through impact on their settings and those of the Oakley Conservation Area. However, the Council contends that the proposal would be "at the top of the category 'less than substantial' harm.
70. The *Nuon* case clarifies that for harm to be substantial the impact on significance is required to be so serious that most, if not all, of the significance would be vitiated altogether or very much indeed. The PPG indicates that substantial harm is such a high test that it may not arise in many cases. NPPF2 paragraph 193 states that great weight should be given to the conservation of an asset irrespective of the level of the harm identified in a given case. Paragraph 196 requires that "the harm should be weighed against the public benefits of the proposal".
71. Advice on assessing the contribution that a setting makes to the value of a heritage asset is provided in Historic England's Good Practice Advice Note "The setting of Heritage Assets".
72. Turning to the OCA, Oakley was altered in the 20<sup>th</sup> century and modern housing characterises its existing suburban setting. A historic connection between the appeal site and the heritage assets is alleged but there have been significant changes to field boundaries. The site is now one field not two and was 2 and a half until around 1960. These changes have led to the removal of tree and hedgerow cover over the years such that the LVIA considers the site to be in need of repair. The Council refers to Oakley as having been 'disguised' and it

has always been subsidiary to Chinnor, despite the extensive development in the village. Rather than sever the historic connection between the buildings and their agricultural past, the proposal would have little impact on the identity of the hamlet and the existing setting of the Conservation Area.

73. Historic maps of Chinnor show little change until the last 50 years or so. Indeed, the small fields that are referred to by the Council are the product of around the last 40 years. There would still be a separation between Oakley/Chinnor and Crowell and in any event the buildings in the OCA have modern additions on the Crowell side. There is no OCA appraisal and no discussion of what the setting contributes to the overall significance of the asset. The fact that it was a hamlet dependent on agriculture could be said of many places. The significance of the OCA is how the buildings have been erected to reflect development along the spring line. The proposal would have little material impact on the setting of the Conservation Area.
74. There are no clear views out of the OCA to the appeal site and limited inter-visibility due to built form on the western boundary. The contribution of the appeal site to the significance of the OCA would be minimal and views from the OCA to the ridge of the escarpment would be little altered.
75. The Grade II listed Lower Farm is aligned so that its principal elevation does not face the appeal site. It has a 1950s extension and views into or out of the site would have been obscured by outbuildings, now removed. Any linkage between the house and farming no longer exists with the demolition of the farmyard in 1968 and 1978 and the erection of new houses. Furthermore, the landowning did not incorporate all the site until 1844. The current setting includes hardstanding, garden plot, modern developments and extensions, the Wheatsheaf pub and some agricultural land. The contribution of Lower Farm to the setting of the OCA is limited. The appeal scheme would change views west and south-west from Lower Farm but existing vegetation would remain and proposed planting would provide additional screening.
76. The Poplars, which is also Grade II listed, is now two houses both of which have 20<sup>th</sup> century extensions. The significance of the two houses derives from their example of a mid 19C house that has subsequently been divided. As with Lower Farm, the Council does not acknowledge the orientation of the building or how it is experienced in terms of later additions. This is despite the fact that the 1950s extension is closest to and most visible from the appeal site. The contribution of the appeal site to the significance of the Poplars is small. The proposal would lead to the construction of modern built form behind it. Harm to the settings of the OCA and the listed buildings would be moderate and would comprise less than substantial harm coming nowhere near meeting the *Nuon* test.

### **Highway Safety**

77. Chinnor has a good range of sustainable transport infrastructure to serve the size and scale of proposed development. Whilst the capacity of the local highway network and pollution are not issues between the two main parties, they are serious concerns of many local residents. However, despite having considered the wealth of data provided by residents the highways experts maintain their views. An Air Quality Report was submitted and does not identify significant pollution.

78. In terms of the local network, the expert witnesses accept that the capacity of a single straight carriageway such as the Crowell Road is generally taken to be about 1500 vph. The maximum peak hour traffic on Crowell Road has been recorded as 918 vehicles in the AM peak and 851 in the PM peak averaging 14 vehicles per minute. The agreed extra traffic associated with the scheme would be an additional 32 and 34 two-way vehicle movements in the AM and PM hours respectively equating to one additional trip on the highway network every two minutes. The network would continue to operate safely well within capacity.
79. Using the survey data gathered by local residents in the peak periods (05:00-09:00 and 17:00-21:00) the overall traffic difference between AM and PM peak periods is only around 10 vehicles in a 4 hour period. The B4009 is operating at around 45-50% of its capacity. The traffic counts broadly support those submitted in the Transport Assessment and Oxfordshire County Council's conclusions and the residual cumulative impact cannot be considered 'severe' which is the key NPPF2 policy test.
80. The highway authority criticises the appellant for not using the Design Manual for Roads and Bridges (DMRB) which applies to motorways and trunk roads. However, DMRB is explicitly not appropriate for priority junctions on non-trunk roads. In my view, the MfS is the most appropriate guidance for the design of the junction to serve the appeal scheme.
81. An independent Stage 1 RSA has been carried out. Speeds in the vicinity of the proposed access are not excessive. A 30 mph limit starts to the west of the proposed access and would be extended. MfS is based on drivers modifying their behaviour to suit the surroundings. Signage and the urban context at the entrance to Chinnor would represent traffic calming features and would be reinforced by a proposed pedestrian refuge. Actual right turn manoeuvres would equate to 1 every 15 mins in the AM peak and one every 5 minutes in the PM peak hour. That would not have a 'severe' impact which is what would be required under paragraph 109 of NPPF2.
82. The highway authority has concerns about pedestrian links. It is agreed that the principal desire lines would run from the site north to Chinnor and it was suggested that perhaps 3 people a day might wish to make such a crossing on a road that is already crossed by the footpath network. Speeds are not excessive, even during peak hours, traffic flows well and the highway authority has not recorded any accidents. This puts the objection into perspective. CALA has offered to provide a further pedestrian crossing but I do not consider this necessary where the access for both vehicles and pedestrians would be safe in accordance with the aims of local and national planning policy.

### **Other Matters**

83. Over 100 representations from local residents were made at application stage whilst a significant number were also made at appeal stage. In the order of 50 submissions were made to the Inquiry.
84. A variety of topics were raised with the most common being the effect on the character and appearance of the surroundings, access and traffic congestion and the effect on the OCA and the listed buildings within it.



## **Planning Balance**

85. A range of social, economic and environmental benefits would be delivered. Open Market Housing would be provided as would Affordable Housing in excess of that required by policy. These factors together with investment in the area and expenditure on construction should attract significant weight. Moderate weight should be given to the creation of construction jobs, and providing homes for economically active people whilst no weight should be given to financial contributions towards off-site infrastructure and public open space as this would only mitigate harm. Limited/moderate weight should be afforded to new native planting.
86. The proposal would also generate residual adverse impacts. The proposal would conflict with the housing strategy as set out in the development plan. In addition, there would be moderate impact on the settings of designated Heritage Assets and limited impacts due to loss of countryside, the landscape and visual impact of the development and on archaeology. These matters could be ensured by conditions and Section 106 obligations.
87. The development plan provides a clear strategy for housing in Chinnor. Unrestrained growth around villages, such as that proposed in this case, is not consistent with the principles of sustainable development set out in the NPPF2 or the vision and objectives of the CS outlined in Sect 3. No further allocations are needed in Chinnor to meet housing need.
88. The Council can demonstrate a three year housing land supply and affordable housing in excess of that required by policy would be an important benefit. However, the total benefits would be outweighed by the harm to the housing strategy bolstered by residual harm albeit small to the surrounding landscape and nearby heritage assets. In transportation terms the network would continue to operate well within capacity. Overall the proposal would be contrary to the development plan as a whole.

*Ken Barton*

INSPECTOR

## Appendix A

### Appearances

(Replicated in App/Q3115/17/3187058 and 3187059 as only one Inquiry was held but two decisions have been produced)

#### FOR SOUTH OXFORDSHIRE DISTRICT COUNCIL:

Thomas Cosgrove QC and Ben Du Feu of Counsel	Instructed by Margaret Reed, Head of Legal, South Oxfordshire District Council
They called	
Bettina Kirkham DipTP BLD CMLI	(Landscape) Kirkham Landscape Planning
Dr Valerie Scott MA PhD (English architectural history)	(Heritage) Head of Conservation, Built Environment Advisory and Management, (BEAMS), The Castle, Hertford SG1 1HR
John Patey BSc CEng MICE	(Transport) Transport Development Control, Environment and Economy, Oxfordshire County Council, County Hall, New Road, Oxford OX1 1ND
Thomas Rice BSc MSc MRTPI	(HLS) Senior Planning Officer, Development Management, South Oxfordshire District Council
Philippa Jarvis BSc(Hons) DipTP MRTPI	(Planning) Principal PJPC Limited

#### FOR CALA MANAGEMENT LIMITED:

Paul Cairnes QC	Instructed by Pegasus Planning Group, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire GL7 1RT
He called	
Andrew Cook BA(Hons) MLD CMLI MIEMA CEnv MID	Director, Pegasus Planning Group
Gail Stoten BA(Hons) MCifA FSA	Heritage Director, Pegasus Planning Group
David Frisby BEng(Hons) CEng FCIHT	mode transport planning, Lombard House, 145 Great Charles Street, Birmingham B3 3LP
Neil Tiley BSc(Hons) Assoc RTPI	Associate Pegasus Planning Group
David Hutchison BSc(Hons)Dip TP MRTPI	Director Pegasus Planning Group

**FOR PERSIMMON HOMES:**

Charles Banner of Counsel	Instructed by Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucester GL50 1DZ
He called	
Tom Robinson BPhil CMLI	Director, Robinson Landscape Gesign Limited, The Studio, Hedgelay, North Bank, Haydon Bridge, Hexham NE47 6LY
Guy Wakefield MRTPI BA(Hons)	Director, Hunter Page Planning

**INTERESTED PERSONS**

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IP1 IP1A	Danny Woodward	Chinnor and Princes Risborough Railway Association Limited
IP2	Statement by John Howell MP	Read by Lee King
IP3	Residents of Glynnswood Chinnor	Represented by Lee King
IP4	Holly Cringle David Layton	
IP5	Martin Wright	Chinnor Parish Council
IP6	Susan Ashdown	Chinnor Parish Council
IP7 IP7A	Paul Martin	
IP8	Maxine Pickard	
IP9	Roger Pickard Ian White	District Councillor
IP10	Mrs Crockett Lynn Davern	
IP11	Sophie Lacey 'Stand up for Chinnor' Petitions Coordinator	2220 signature petition and e-petition with 413 signatures and 200+ comments at time of submission. Updated 4 July.
IP12	Lee King	
IP13	Diane Eyre	

IP14	Jo Gaulsworthy	
IP15	Brian Fagan	
IP16	Jeremy Peters	
IP17	Daryl Ridgley	
IP18	David Layton	
IP19	Bernard Braun	
IP20	Mrs Pickard	
IP21	Diane Carver	
IP22	Keith Webley	
IP23	Mr Radnege	
IP24	Susan Ashdown	Chinnor Parish Council
	Jo Wills	
IP25	Mr Dodds	Represented by Lee King
IP26	Darayus Motivala	
IP27	Roger Pickard	
IP28	Bev Cort, Jackie Pritchard, Jennie Dunse	
IP29	Roger Payne	
IP30	Mrs Twomey	
	Janet Erskine	
IP31	Barbara Bestwick	
IP32	Robert Dobbs	
IP33	Lee King	
IP34	Bev Cort, Robert Dobbs	Traffic Survey
IP35	Mrs Lee King	Concluding argument from Stand Up For Chinnor

## **Appendix B**

### **Documents**

(Replicated in App/Q3115/17/3187058 and 3187059 as only one Inquiry was held but two decisions have been produced)

#### **South Oxfordshire District Council Documents**

- SODC1 South Oxfordshire District Council Opening
- SODC2 Ms Kirkham's Proof of Evidence (Landscape)
- SODC2A Appendices to Ms Kirkham's Proof of Evidence
- SODC2B Ms Kirkham's Rebuttal Proof of Evidence and Appendices
- SODC3 Dr Scott's Proof of Evidence (Heritage) and Appendices
- SODC4 Mr Patey's Proof of Evidence (Highways)
- SODC4A Mr Patey's Rebuttal Proof of Evidence and Appendix
- SODC5 Mr Rice's Proof of Evidence (Housing Land Supply)
- SODC5A Appendices to Mr Rice's Proof of Evidence
- SODC5B Mr Rice's Rebuttal Proof of Evidence (Housing Land Supply)
- SODC5C Appendices to Mr Rice's Rebuttal Proof of Evidence
- SODC5D Mr Rice's Supplementary Proof of Evidence (Housing Land Supply)
- SODC6 Ms Jarvis's Proof of Evidence (Planning)
- SODC6A Appendices to Ms Jarvis's Proof of Evidence
- SODC6B Ms Jarvis's Rebuttal Proof of Evidence
- SODC6C Ms Jarvis's Supplementary Proof of Evidence (Planning)
- SODC7 Closing Submissions on Behalf of SODC
- SODC8 Note by SODC on Consultation on Housing Land Supply
- SODC9 SODC Response to Appelants' Note on Consultation on Housing Land Supply

#### **CALA Documents**

- CALA1 CALA Opening
- CALA2 Mr Cook's Proof of Evidence (Landscape)
- CALA2A Appendices to Mr Cook's Proof of Evidence(A3)
- CALA2B Mr Cook's Summary Proof of Evidence and Appendices
- CALA2C
- CALA3 Ms Stoten's Proof of Evidence (Heritage) and Appendices
- CALA3A Ms Stoten's Summary Proof of Evidence
- CALA4 Mr Frisby's Proof of Evidence (Highways)
- CALA4A Appendices to Mr Frisby's Proof of Evidence



- CALA4B Mr Frisby's Rebuttal Proof of Evidence
- CALA5 Mr Tiley's Proof of Evidence (Housing Land Supply) also witness for Persimmon Homes
- CALA5A Appendices to Mr Tiley's Proof of Evidence
- CALA5B Mr Tiley's Rebuttal Proof of Evidence
- CALA5C Mr Tiley's Addendum Proof of Evidence (Housing Land Supply)
- CALA5D Appendices to Mr Tiley's Addendum Proof of Evidence (Housing Land Supply)
- CALA6 Mr Hutchison's Proof of Evidence (Planning)
- CALA6A Appendices to Mr Hutchison's Proof of Evidence
- CALA6B Mr Hutchison's Summary Proof of Evidence
- CALA6C Mr Hutchison's Addendum Proof of Evidence (Planning NPPF2)
- CALA7 Closing Submissions on behalf of CALA
- CALA8 Joint Statement on the NPPF Consultation Paper Oct 2018
- CALA9 Joint Statement on the NPPF Consultation Paper – Response to LPA Note

### **Persimmon Homes Documents**

- PH1 Persimmon Homes Opening
- PH2 Mr Robinson's Proof of Evidence (Landscape)
- PH2A Appendices to Mr Robinson's Proof of Evidence
- PH2B Mr Robinson's Rebuttal Proof of Evidence
- PH3 Mr Wakefield's Proof of Evidence (Planning)
- PH3A Mr Wakefield's Proof of Evidence
- PH3B Mr Wakefield's Addendum Proof of Evidence
- PH3C Chinnor Constraints Note and Plan
- PH3D Site Location Plan`
- PH3E Wider Development Context
- PH3F Chinnor Basic Conditions Statement
- PH3G Committee Report September 2011 Lower Icknield Way Chinnor
- PH4 Experience of Mark Hewett
- PH4A Order - Canterbury City Council v SoS for Housing Communities and Local Government
- PH4B Gladman Development v Canterbury City Council v SoS for Housing Communities and Local Government Skeleton Argument on behalf of the Appellant/Second Defendant

PH5	Rebuttal Statement Relating to Noise Matters
PH6	Supplementary Proof - Highways and Transport
PH7	Persimmon Homes' Costs Application
PH8	Persimmon Homes' Closing Submissions
PH9	See CALA8
PH10	See CALA9

### **South Oxfordshire District Council Documents**

SODC1	South Oxfordshire District Council Opening
SODC2	Ms Kirkham's Proof of Evidence (Landscape)
SODC2A	Appendices to Ms Kirkham's Proof of Evidence
SODC2B	Ms Kirkham's Rebuttal Proof of Evidence and Appendices
SODC3	Dr Scott's Proof of Evidence (Heritage) and Appendices
SODC4	Mr Patey's Proof of Evidence (Highways)
SODC4A	Mr Patey's Rebuttal Proof of Evidence and Appendix
SODC5	Mr Rice's Proof of Evidence (Housing Land Supply)
SODC5A	Appendices to Mr Rice's Proof of Evidence
SODC5B	Mr Rice's Rebuttal Proof of Evidence (Housing Land Supply)
SODC5C	Appendices to Mr Rice's Rebuttal Proof of Evidence
SODC5D	Mr Rice's Supplementary Proof of Evidence (Housing Land Supply)
SODC6	Ms Jarvis's Proof of Evidence (Planning)
SODC6A	Appendices to Ms Jarvis's Proof of Evidence
SODC6B	Ms Jarvis's Rebuttal Proof of Evidence
SODC6C	Ms Jarvis's Supplementary Proof of Evidence (Planning)
SODC7	Closing Submissions on behalf of SODC
SODC8	Note By SODC on MHCLG Consultation on Housing Land Supply

### **CALA Documents**

CALA1	CALA Opening
CALA2	Mr Cook's Proof of Evidence (Landscape)
CALA2A	Appendices to Mr Cook's Proof of Evidence(A3)
CALA2B	Mr Cook's Summary Proof of Evidence and Appendices
CALA2C	Detailed Methodology for the Production of Photomontages
CALA3	Ms Stoten's Proof of Evidence (Heritage) and Appendices
CALA3A	Ms Stoten's Summary Proof of Evidence

CALA4	Mr Frisby's Proof of Evidence (Highways)
CALA4A	Appendices to Mr Frisby's Proof of Evidence
CALA4B	Mr Frisby's Rebuttal Proof of Evidence
CALA4C	Mode Transport Planning Technical Note
CALA5	Mr Tiley's Proof of Evidence (Housing Land Supply) also witness for Persimmon Homes
CALA5A	Appendices to Mr Tiley's Proof of Evidence
CALA5B	Mr Tiley's Rebuttal Proof of Evidence
CALA5C	Mr Tiley's Addendum Proof of Evidence (Housing Land Supply)
CALA5D	Appendices to Mr Tiley's Addendum Proof of Evidence (Housing Land Supply)
CALA6	Mr Hutchison's Proof of Evidence (Planning)
CALA6A	Appendices to Mr Hutchison's Proof of Evidence
CALA6B	Mr Hutchison's Summary Proof of Evidence
CALA6C	Mr Hutchison's Addendum Proof of Evidence (Planning NPPF2)
CALA7	Closing Statement on behalf of CALA Management Limited
CALA8	Joint Statement on NPPF Consultation Paper October 2018

### **Persimmon Homes Documents**

PH1	Persimmon Homes Opening
PH2	Mr Robinson's Proof of Evidence (Landscape)
PH2A	Appendices to Mr Robinson's Proof of Evidence
PH2B	Mr Robinson's Rebuttal Proof of Evidence
PH2C	Figures to Mr Robinson's Proof of Evidence
PH2D	Illustrative Layout
PH3	Mr Wakefield's Proof of Evidence (Planning)
PH3A	Mr Wakefield's Rebuttal Proof of Evidence
PH3B	Mr Wakefield's Addendum Proof of Evidence
PH3C	Plan and Note on Chinnor Constraints Plan
PH3D	Site Location Plan
PH3E	Wider Development Context Plan
PH3F	Chinnor Basic Conditions Statement
PH3G	SODC Report 6 Planning Committee 14 Sept 2011
PH4	Mark Hewitt CV
PH4A	Court of Appeal Order Canterbury CC v SoS for Housing, Communities and Local Government

- PH4B Gladman Skeleton Argument Gladman v Canterbury CC and SoS for Housing, Communities, and Local Government
- PH5 Rebuttal Statement relating to Noise Matters by Rosie James BSc PIEMA
- PH6 Supplementary Proof of Simon Prescott, Associate Transport Engineer at M-EC Consulting Engineers on Highways and Transportq
- PH7 Costs Application on behalf of Persimmon Homes
- PH8 Closing Submissions on behalf of Persimmon Homes

## **Core Documents**

### **CD1 Planning Documents**

- 1.1 South Oxfordshire Core Strategy (adopted 2012)
- 1.2 South Oxfordshire Local Plan (adopted 2006)
- 1.3 South Oxfordshire Core Strategy Inspector's Report
- 1.4 Chinnor Neighbourhood Plan (referendum version), 2017
- 1.5 Oxfordshire SHMA 2014
- 1.6 National Planning Policy Framework
- 1.7 South Oxfordshire Local Plan 2033, Publication version October 2017
- 1.8 South Oxfordshire Settlement Assessment Background Paper Updated 2017
- 1.9 The Housing White Paper – Fixing our Broken Housing Market – 2017
- 1.10 Chinnor Neighbourhood Plan Examiner's Report
- 1.11 CIL Charging Schedule and Reg. 123 List 2016
- 1.12 Planning Obligations SPD 2016
- 1.13 Affordable Housing SPG 2004
- 1.14 Joint Henley and Harpsden Neighbourhood Plan Final Submission 2012-27
- 1.15 Written Ministerial Statement on Neighbourhood Plans, December 2016
- 1.16 South Oxfordshire Settlement Assessment Background Paper 2011
- 1.17 Draft NPPF2
- 1.18 Draft NPPG
- 1.19 NPPF2
- 1.20 NPPG – Housing Needs Assessment
- 1.21 NPPG - Housing and Economic Land Availability Assessment
- 1.22 "Housing Land Supply in Oxfordshire: Written Statement" – Written Ministerial Statement, 12 September 2018 Not Provided

## **CD2 Landscape Documents**

- 2.1 Oxfordshire Landscape Character Assessment Not Provided (see 2.1 and 2.2)
- 2.2 South Oxfordshire District Council Landscape Character Assessment, 1998, Adopted July 2003
- 2.3 South Oxfordshire District Council Landscape Character Assessment, 2017
- 2.4 National Character Area 108: Upper Thames Clay Vales
- 2.5 South Oxfordshire Design Guide 2008
- 2.5A South Oxfordshire Design Guide 2016
- 2.6 Chilterns AONB Management Plan 2014-19, (2014)
- 2.7 Position Statement – Development Affecting the Setting of the Chilterns AONB (2011)
- 2.8 Not used
- 2.9 South Oxfordshire Landscape Capacity Assessment for the Larger Villages, 2015 (Introduction and Chinnor site CH21 extracts only)

## **CD3 Heritage**

- 3.1 The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition), December 2017.
- 3.2 Managing Significance in Decision taking in the Historic Environment Good Practice in Planning Note 2, July 2015
- 3.3 Extracts from the PPG
- 3.4 Listed Building Descriptions
- 3.5 Conservation Principles, Policies and Guidance, Historic England, April 2008
- 3.6 Scheduling Guidance Funerary

## **CD4 Highways Documents**

- 4.1 Oxfordshire County Council Local Transport Plan 2015 – 31 Vol 1
- 4.2 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 2 part 1
- 4.3 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 2



part 2

- 4.4 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 3
- 4.5 Oxfordshire County Council Local Transport Plan 2015 –31 Vol 4
- 4.6 DMRB Vol 6 section 2 part 3 TD16/07 Geometric design of roundabouts
- 4.7 Residential Roads Design Guide, 2015
- 4.8 DMRB Vol 6 section 2 part 6 TD42/95 Geometric design of major/minor priority junctions
- 4.9 Manual for Streets (Foreword and introduction).
- 4.10 OCC Highways consultation response dated 28/09/17
- 4.11 OCC Highways consultation response dated 15/11/17

### **CD5 Housing Land Supply Documents**

- 5.1 Extracts of the PPG
- 5.2 South Oxfordshire Housing Land Supply Statement 20185.3 Memorandum of Co-operation
- 5.4 Oxfordshire Growth Deal Outline Agreement
- 5.5 South Oxfordshire Local Plan to 2033, Housing Topic Paper, October 2017
- 5.6 Nathaniel Lichfield & Partners Report "*Start to Finish: How quickly do large-scale housing sites deliver?*" (November 2016)
- 5.7 Trading Statements of Volume Housebuilders
- 5.8 Gloucester, Cheltenham and Tewkesbury Housing Implementation Strategy
- 5.9 Stroud Housing Land Supply Statement
- 5.10 Wiltshire Housing Land Supply Statement
- 5.11 Not used
- 5.12 South Oxfordshire Annual Monitoring Report 2016/17
- 5.13 South Oxfordshire DC Assessment of Housing Land Supply May 2017
- 5.14 Not used – see CD5.6
- 5.15 Oxfordshire Growth Deal Delivery Plan
- 5.16 Objectively Assessed Needs and Housing Targets Technical Advice Note (PAS)

- 5.17 Memorandum of Co-operation (signed version)
- 5.18 Extract from Thame Neighbourhood Plan March 2013 Not Provided
- 5.19 Email from Nick Ireland (GL Hearn) dated 22.6.2018
- 5.20 Extract of the report to and minutes of meeting of the OGB 26th September 2016
- 5.21 Oxfordshire Growth Board Joint Statutory Committee Terms of Reference (revised April 2018)
- 5.22 Objections from OGB Members
- 5.23 NIC – Partnering for Prosperity: A new deal for the Cambridge-Milton Keynes - Oxford Arc
- 5.24 Extracts from the Autumn Budget 2017
- 5.25 Oxfordshire Housing and Growth Deal Planning Freedoms and Flexibilities 3 Year Housing Land Supply Consultation
- 5.26 Housing Land Supply Statement of Common Ground – Emmer Green Inquiry (Planning Inspectorate Reference: APP/Q3115/W/17/3185997 and LPA reference: P16/S3630/O.
- 5.27 “How is the minimum annual local housing need figure calculated using the standard method” – MHCLG – July 2018
- 5.28 Draft Updated Advice Note on Oxford’s Development Capacity – Fortismere Associates for the Oxfordshire Growth Board – <https://www.oxfordshiregrowthboard.org/wp-content/uploads/2018/04/UpdatedadvicenoteOxfordHousingCapacity.pdf>
- 5.29 “A Countywide Approach to Meeting the Unmet Housing Need of Oxford” – Oxfordshire Growth Board (September 2016) <https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/communityandliving/partnerships/GrowthBoard/PostSHEMAstrategicWorkProgramme.pdf>
- 5.30 Housing Delivery Test Measurement Rule Book – MHCLG - (July 2018)
- 5.31 South Oxfordshire Local Development Scheme
- 5.32 Report to Cabinet Meeting of 2 August 2018
- 5.33 Minutes of Cabinet Meeting of 2 August 2018

**CD6 Relevant Appeal Decisions and Court Cases**

- 6.1 Land south of Crowell Road, Chinnor  
(APP/Q3115/W/14/3001839)
- 6.2 Land adjoining Greenwood Avenue, Chinnor  
(APP/Q3115/A/14/2229389)
- 6.3 Stroud DC v SSCLG and another [2015] EWHC 488 (Admin)
- 6.4 Thames Farm, Reading Road, Shiplake, Henley-on-Thames, RG9  
3PH (APP/Q3115/W/16/223161733)
- 6.5 South Oxfordshire District Council v Secretary of State for  
Communities and Local Government & Anor, Court of Appeal  
[2016] EWHC 1173 (Admin)
- 6.6 Suffolk Coastal District Council and Cheshire East District Council  
in Suffolk Coastal District Council v Hopkins Homes Ltd &  
Richborough Estates Partnership LLP v Cheshire East Borough  
Council [2017] UKSC 37
- 6.7 The Barn House, 46 Lower Icknield Way, Chinnor  
(APP/Q3115/W/17/3179647)
- 6.8 R (on the application of Cherkley Campaign Ltd) v Mole Valley DC  
[2014] EWCA Civ 567
- 6.9 Bloor Homes East Midlands Limited v Secretary of State for  
Communities and Local Government, Hinckley and Bosworth  
Borough Council [2014] EWHC 754 (Admin)
- 6.10 R (Forge Field Society) v Sevenoaks District Council [2014]  
EWHC 1895 (Admin)
- 6.11 Crane v Secretary of State for Communities and Local  
Government [2015] EWHC 425 (Admin)
- 6.12 Woodcock Holdings Ltd v Secretary of State for Communities and  
Local Government [2015] EWHC 1173 (Admin)
- 6.13 Not Used – see CD6.38
- 6.14 Forest of Dean DC v Secretary of State for Communities and  
Local Government [2016] EWHC 2429 (Admin)
- 6.15 Gladman Developments Ltd v Daventry District Council [2016]  
EWCA Civ 1146
- 6.16 Keith Langmead Limited v Secretary of State for Communities  
and Local Government, Arun District Council [2017] EWHC 788  
(Admin)

- 6.17 R (on the application of Leckhampton Green Land Action Group Limited) v Tewkesbury Borough Council v Redrow Homes Limited, Martin Dawn (Leckhampton) Limited [2017] EWHC 198 (Admin)
- 6.18 Not Used – see CD6.6
- 6.19 Barwood Strategic Land II LLP v East Staffordshire BC [2017] EWCA Civ 893
- 6.20 St Modwen Developments Ltd v Secretary of State for Communities and Local Government [2017] EWCA Civ 1643
- 6.21 Jelson Ltd v Secretary of State for Communities and Local Government, Hinckley and Bosworth Borough Council [2018] EWCA Civ 24
- 6.22 Preston New Road Action Group v Secretary of State for Communities and Local Government [2018] EWCA Civ 9
- 6.23 Richborough Estates Ltd v Secretary of State for Housing, Communities and Local Government [2018] EWHC 33 (Admin)
- 6.24 Not Used – see CD6.4
- 6.25 Wainhomes v Secretary of State for Housing, Communities and Local Government [2013] EWHC 597 (Admin)
- 6.26 Court of Appeal Judgment - City and District Council of St Albans v R (on the application of) Hunston Properties Limited et al [2013] EWCA Civ 1610
- 6.27 Appeal decision - Land between Iron Acton Way and North Road, Engine Common APP/0119/A/12/2186546
- 6.28 Appeal decision - Land south of Filands, Malmesbury APP/Y3920/A/12/2183526
- 6.29 Appeal decision – Land at Mansfield Road, Farnsfield (APP/B3030/W/17/3169436)
- 6.30 Appeal decision – Land at Horsepond Road, Gallowstree Common (APP/Q3115/W/17/3166856)
- 6.31 Appeal decision – Mulberry House, Old Bix Road, Bix (APP/Q3115/W/17/3169079)
- 6.32 Appeal decision – Land off St Helen’s Avenue, Benson (APP/Q3115/W/16/3163844)
- 6.33 Appeal decision – CABI International, Nosworthy Way,

- Mongewell, Wallingford (APP/Q3115/W/16/3165351)
- 6.34 Appeal decision – Newington Nurseries, Newington Road, Stadhampton (APP/Q3115/W/15/3035899)
- 6.35 Appeal decision – Land east of Chalgrove, Chalgrove (APP/Q3115/W/17/3177448)
- 6.36 Appeal decision – Land off Fieldside Track, Long Wittenham (APP/Q3115/W/17/3169755)
- 6.37 Appeal decision – East End Farm, South East of Wallingford Road, Cholsey (APP/Q3115/W/17/3179191)
- 6.38 Court of Appeal Judgement, Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors [2014] EWCA Civ 137
- 6.39 Mordue v Secretary of State for Communities and Local Government [2015] EWCA Civ 1243
- 6.40 Appeal Decision – Gallows Hill, Heathcote (APP/T3725/A/14/2229398)
- 6.41 Steer v Secretary of State for Communities and Local Government [2017] EWHC 1456 (Admin)
- 6.42 Bedford BC v Secretary Of State For Communities And Local Government [2013] EWHC 2847 (Admin)
- 6.43 South Lakeland v Secretary of State for the Environment [1992] 2 W.L.R. 204
- 6.44 Palmer v Herefordshire Council and ANR [2016] EWCA Civ 1061
- 6.45 Appeal Decision – Land North of Lower Icknield Way, Chinnor (APP/Q3115/W/15/3097666)
- 6.46 Appeal Decision – Land North of Littleworth Road, Benson (APP/Q3115/A/14/2222595)
- 6.47 Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
- 6.48 Not Used
- 6.49 Not used – see CD6.29
- 6.50 Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government [2016] EWCA Civ 1040 (October 2016)
- 6.51 Appeal decision (SoS) - Land west of Castlemilk, Moreton Road, Buckingham (APP/J0405/V/16/3151297)

- 6.52 Dr Anna Hoare v Vale of White Horse DC v Oxfordshire County Council, Faringdon DC [2017] EWHC 1711 (Admin)
- 6.53 Appeal decision – Mount Hill Farm, Tetsworth (APP/Q3115/W/15/3136319)
- 6.54 Appeal decision – land east of Newington Road, Stadhampton (APP/Q3115/W/15/3035899)
- 6.55 Appeal decision (SoS) – Land south of Verney Road, Winslow (APP/J0405/W/15/3137920)
- 6.56 Appeal decision – land south of the Strand, Quainton (APP/J0405/W/16/3157098)
- 6.57 Appeal Decision – Spencers Wood (APP/X0360/A/13/2209286)
- 6.58 Appeal Decision - Land South of Oxford Road (APP/D3125/W/17/3182718)
- 6.59 Appeal Decision - Land South of Love Lane (APP/F1610/16/W/3151754)
- 6.60 Appeal Decision - Land and Buildings off Watery Lane (APP/K3415/A/14/2224354)
- 6.61 Appeal Decision - Land east of Marlborough Road (APP/U3935/W/16/3147902)
- 6.62 Appeal Decision - Burgess Farm (APP/U4230/A/11/2157433)
- 6.63 Appeal Decision - Land adj Gretton Road (APP/G1630/A/12/2183317)
- 6.64 Anita Colman v Secretary of State for Communities and Local Government, North Devon District Council and RWE Npower Renewables Limited [2013] EWHC 5 (Admin)
- 6.65 Borough of Telford And Wrekin v Secretary of State for Communities and Local Government and Gladman Developments Limited [2016] EWHC 3073 (Admin)
- 6.66 Appeal Decision – Mitchelswood Farm (APP/P1425/W/15/3119171)
- 6.67 Appeal decision – Steeple Claydon (APP/J0405/W/16/3154432)
- 6.68 Appeal Decision – Soulbury (APP/J0405/W/16/3146817)
- 6.69 St Modwyn Developments Ltd v Secretary of State and East Riding of Yorkshire Council [2016] EWHC 968 (Admin)
- 6.70 Appeal Decision – Crowmarsh Gifford

(APP/Q3115/W/17/3186858)

- 6.71 High Court – R on application of Simon Shimbles v City of Bradford Metropolitan District Council [2018] EWHC 195 (Admin)
- 6.72 Canterbury and Secretary of State v Gladman Developments Ltd [2018] EWHC 1611 (Admin)
- 6.73 Appeal Decision – Land East of Park Road, Didcot (APP/Q3115/W/17/3188474)
- 6.74 Appeal Decision – Land south of Watlington Road, Benson (APP/Q3115/W/17/3180400)
- 6.75 Appeal Decision – Land at Kennylands Road, Sonning Common (APP/Q3115/W/17/3183391)
- 6.76 Chichester DC v SoS for Housing Communities and Local Government and Beechcroft Ltd [2018] EWHC 2386 (Admin)
- 6.77 Appeal Decision – Land Rear of 59-63 Lower Icknield Way, Chinnor (APP/Q3115/W/17/3192374)
- 6.78 City of Edinburgh Council, SoS for Scotland, Revival Properties

#### **CD7 Parties Statements of Case and Statements of Common Ground**

- 7.1 Persimmon Homes’ Statement of Case
- 7.2 LPA Statement of Case on Persimmon Homes’ Appeal
- 7.3 Persimmon Homes/LPA Statement of Common Ground
- 7.4 CALA Homes’ Statement of Case
- 7.5 CALA Homes’ Planning Statement of Common Ground
- 7.6 CALA Homes Landscape Statement of Common Ground
- 7.7 CALA Homes’ Highways Statement of Common Ground
- 7.8 Housing Land Supply Statement of Common Ground
- 7.8A Updated Housing Land Supply Statement of Common Ground
- 7.9 Draft Conditions Persimmon Scheme
- 7.10 Persimmon comments on draft condition 3 not agreed
- 7.11 Section 106 signed Deed of Agreement – Persimmon scheme
- 7.12 Letter re mistake in Section 106 Obligation Admin and Monitoring sum in appeal 3187058 should be £500 not £3750.
- 7.13 Oxfordshire County Council’s Regulation 122 Compliance Statement – Persimmon Scheme
- 7.14 South Oxfordshire District Council’s Note on Compliance with CIL



- Regulations – Persimmon Scheme
- 7.15 Agreed List Of Draft Conditions CALA Scheme
- 7.16 Signed S106 Planning Obligation Appeal Ref 3188694 dated 2 July 2018 CALA Scheme
- 7.17 Signed S106 Deed of Unilateral Undertaking (Additional Affordable Housing) Appeal Ref 3188694 dated 4 July 2018 CALA Scheme
- 7.18 Signed S106 Deed of Agreement Appeal Ref 3188694 dated 4 July 2018 CALA Scheme
- 7.19 Signed S106 Deed of Variation Appeal Ref 3188694 dated 25 October 2018 CALA Scheme
- 7.20 Oxfordshire County Council’s Regulation 122 Compliance Statement – CALA Scheme
- 7.21 South Oxfordshire District Council’s Note on Compliance with CIL Regulations – CALA Scheme
- 7.22 Statement of Common Ground between Persimmon Homes and the Chinnor and Princes Risborough Railway Association

**CD8 Not Used See Parties’ Documents**

**CD9 Application Documents for both applications**

- 9.1 Application Form Site Ownership Certificate (part of application form)
- 9.2 Location Plan
- 9.3 Tree Survey
- 9.4 Design and Access Statement
- 9.5 Ecological Appraisal
- 9.6 Flood Risk Assessment and Surface Water Drainage Strategy
- 9.7 LVIA
- 9.8 Planning Statement
- 9.9 Statement of Community Involvement
- 9.10 Transport Assessment

**CD10 Documents sent to SODC Following Submission**

- 10.1 Letter from Boyer 20<sup>th</sup> December
- 10.2 Proposed Access Arrangements drwg no 21610\_03\_020\_01c

**CD11 Not Used**

## **CD12 Committee Report**

### 12.1 Full Committee Reports (2 applications)

- a. 1<sup>st</sup> March (outline)
- b. 24<sup>th</sup> May (outline)
- c. 1<sup>st</sup> March (full)

### 12.2 Minutes of Committee Meeting

- a. 24th May
- b. 1st March

## **CD13 Decision Notice**

### 13.1 Decision Notice outline

### 13.2 Decision Notice full

## **CD14 Consultation Responses**

### **Full Application (LPA ref: P16/S3285/FUL)**

#### 14.1 Chinnor Parish Council

#### 14.2 Conservation Officer

#### 14.3 Air Quality – December 2016

#### 14.4 Air Quality – October 2016

#### 14.5 Environmental Protection Team

#### 14.6 Oxfordshire CC Transport and Archaeology December 2016

#### 14.7 Oxfordshire CC Transport and Archaeology January 2017

### **Outline Application (LPA ref: P16/S3284/O)**

#### 14.8 Chinnor Parish Council

#### 14.9 Conservation Officer

#### 14.10 Countryside Officer

#### 14.11 Drainage Engineer

#### 14.12 Forestry Officer

#### 14.13 Air Quality November 2016

#### 14.14 Air Quality January 2017

#### 14.15 Contaminated Land

#### 14.16 Environmental Health

#### 14.17 Housing

#### 14.18 Leisure

#### 14.19 Oxfordshire CC Transport and Archaeology

#### 14.20 Thames Water November 2016

- 14.21 Thames Water February 2017
- 14.22 Urban Design November 2016
- 14.23 Urban Design January 2017
- 14.24 Waste Management

### **CD15 Not Used**

### **CD16 Application Documents**

#### **DOCUMENTS RELEVANT TO CALA APPLICATION** Application Form

- 16.2 Not used
- 16.3 Site Location Plan
- 16.4 Site Layout Plan
- 16.5 Site Layout Plan Colour
- 16.6 Site Layout with Storey Heights Plan
- 16.7 Site Layout with Wall Materials Plan
- 16.8 Site Layout with Roof Materials Plan
- 16.9 Site Layout with Tenure Plan
- 16.10 Site Layout with Building Heights Plan
- 16.11 Site Layout with Shed Locations Plan
- 16.12 Street Scenes
- 16.13 House Types (Various)
- 16.14 Landscape Strategy edp2770\_08g
- 16.15 Soft Landscape Design (Overview) EDP2770\_11e
- 16.16 Soft Landscape Design (Sheet 1 of 2) EDP2770\_11e
- 16.17 33 Soft Landscape Design (Sheet 2 of 2) EDP2770\_11e
- 16.18 Soft Landscape Design edp2770\_12c (Overview)
- 16.19 Soft Landscape Design edp2770\_12c (Sheet 1 of 2)
- 16.20 Soft Landscape Design edp2770\_12c (Sheet 2 of 2)
- 16.21 Planning Statement
- 16.22 Chinnor Design and Access Statement 19.07.17
- 16.23 Chinnor Design and Access Statement Addendum RFS
- 16.24 Aboricultural Impact Assessment
- 16.25 Addendum to Aboricultural Impact Assessment
- 16.26 Tree Survey and Report
- 16.27 Flood Risk Assessment
- 16.28 Flood Risk Assessment Appendices

- 16.29 Foul Water Drainage and Utilities Assessment
- 16.30 Foul Water Strategy
- 16.31 Not used
- 16.32 Transport Statement
- 16.33 Transport Statement Addendum
- 16.34 Transport Design Team Response
- 16.35 Travel Plan Statement
- 16.36 Environmental Noise Assessment
- 16.37 Air Quality Assessment
- 16.38 Ecological Appraisal
- 16.39 Transport Technical Note TN004 REV C
- 16.40 Transport Technical Note TN005 REV C
- 16.41 Ecological Appraisal Addendum
- 16.42 Statement of Community Involvement
- 16.43 Revised Landscape Visual Impact Assessment
- 16.44 Heritage Assessment
- 16.45 CIL Information Form
- 16.46 Archaeological Evaluation
- 16.47 Ground Investigation Report

**CD17 Not used**

**CD18 Officer Delegated Report**

- 18.1 Full Delegated Report

**CD19 Consultation Responses**

- 19.1 Air Quality
- 19.2 Archaeology
- 19.3 Chinnor Parish Council
- 19.4 Contaminated Land
- 19.5 Countryside (Biodiversity)
- 19.6 Crowell Parish Council
- 19.7 Chilterns Conservation Board
- 19.8 CPRE
- 19.9 CPRE (PROW)
- 19.10 Drainage
- 19.11 Education – See 19.15 for County Joint Response

19.12 Environmental Protection

19.13 Forestry

19.14 Housing Development

19.15 Highways (dated 28/9/17 and 15/11/17)

19.16 Landscape

19.17 Thames Water

19.18 Urban Design

19.19 Waste Management

19.20 Cotswold Conservation Board 29.5.2018

**CD20 Not Used**

**CD21 Not Used**

## Appendix C

### Glossary

(Replicated in App/Q3115/17/3187058 and 3187059 as only one Inquiry was held but two reports have been produced)

3YHLS	3 year housing land supply
5YHLS	5 year housing land supply
CCB	Chilterns Conservation Board
CIL	Community Infrastructure Levy
CS	Core Strategy
DMRB	Design Manual for Roads and Bridges
DPD	Development Plan Document
dpa	Dwellings per annum
EA	Environment Agency
HLS	Housing Land Supply
LCA	Landscape Character Area
LCT	Landscape Character Type
LP	Local Plan
MfS	Manual for Streets
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPF2	National Planning Policy Framework 2
OCA	Oakley Conservation Aea
OHGD	Oxford Housing Growth Deal
PH	Persimmon Homes
PPG	Planning Policy Guidance
RSA	Road Safety Audit
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment
SM	Standard Method
SoS	Secretary of State
SODC	South Oxfordshire District Council
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SuD	Sustainable urban drainage system
WMS	Written Ministerial Statement