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## Appeal Decisions

Inquiry held on 19, 20 and 21 August 2025

Site visit made on 21 August 2025

by **J P Longmuir BA (Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> September 2025

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### **Appeal A Ref: APP/C3105/W/25/3363572**

#### **OS Parcel 0069, Tadmarton Road, Bloxham, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Cherwell District Council.
  - The application Ref is 24/01908/OUT.
  - The development proposed is the erection of up to 55 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
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### **Appeal B Ref: APP/C3105/W/23/3329533**

#### **OS Parcel 0069, Tadmarton Road, Bloxham, Oxfordshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of Cherwell District Council.
  - The application Ref is 23/01265/OUT.
  - The development proposed is the erection of up to 55 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.
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## **Decision**

1. Both appeals A and B are allowed, and planning permission is granted for the erection of up to 55 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point, with all matters reserved except for the means of access, subject to the conditions in the conditions annexe and the three section106 agreements with the stipulations in the conclusion below.

## **Preliminary Matters**

2. The two proposals are essentially identical and supported by the same evidence for each appeal. I have considered them below as the same proposal.
3. Appeal B is re-determined following the quashing of that decision, 30 October 2024, by Order of the Court on 3 April 2025, on grounds of failing to determine the extent of Housing Land Supply which may have altered the planning balance. Both main parties have confirmed their positions on Housing Land Supply in a Statement of Common Ground, and I give this consideration latterly. I also have had regard to the quashed decision. Appeal A was submitted in response to an application refused on 14 October 2024.
4. Both appeal proposals were originally for up to 60 dwellings and were determined by the Council on that basis. The proposals were amended as in the above heading

prior to the submission of evidence for this Inquiry. As the potential extent of development and number of the dwellings are reductions, I conclude that no party would be prejudiced by the change and re-consultation was not needed. This was agreed by the Council at the Inquiry.

5. The Council reviewed their position, following the proposals being amended and the submission of updated information, which satisfied their concerns on flood risk. This together with a shortfall in Housing Land Supply, led to their conclusions in the evidence for both Appeals, to not now oppose the principle of the proposal.
6. Three section 106 agreements were submitted by the Appellant on 3 September 2025. Two, for different County Council and District Council responsibilities, provide potential contributions and measures towards education, public transport, highway works and road safety, employment skills training, affordable housing, recreation, waste management, open space, health and public art. The third makes provisions for the covering of a nearby slurry pit, if found to be necessary.
7. Due to several anomalies in the CIL Compliance Statement made apparent at the Inquiry, the Council was given the opportunity to amend and resubmit in writing. The Appellant then responded in writing to the revised document.

### **Main Issues**

8. The 2025 determined application (Appeal A) was refused on grounds of impact on the character and appearance of the area and accessibility of the intended residents to local services. These are main issues.
9. The potential for nuisance from odour emanating from an adjacent farm was identified as a main issue by the Inspector for the original (B) appeal and is similarly considered in these appeals.
10. The last Inspector dismissed the original appeal on grounds of noise disturbance to the intended residents. This is therefore also a main issue.
11. The first determined application included a reason for refusal on loss of the Best and Most Versatile Agricultural land (BMV). The site was subsequently shown to be Grade 4 agricultural land and as this was accepted by the Council, this ceases to be a main issue.
12. The main issues therefore are:
  - the effect of the proposal on the character and appearance of the area;
  - whether the intended residents would have satisfactory living conditions in terms of noise;
  - whether the intended residents would have satisfactory living conditions in terms of odour; and
  - the risks from surface water flooding for intended and existing residents.

## Reasons

### *The effect of the proposal on the character and appearance of the area*

13. Policy Villages 2 (PV2) of the Cherwell Local Plan 2011- 2031 Part 1 (2011 LP) allows for redevelopment which contributes to enhancing the built environment and whereby significant adverse landscape impacts could be avoided.
14. Policy ESD 13 of the 2011 LP, states opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations through restoration, management and enhancement of existing landscape, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. ESD 15 of the above provides wide ranging urban design criteria, including the importance of landscape setting, skylines and the incorporation of green infrastructure. It makes cross references to the National Planning Policy Framework (the Framework).
15. Saved Policy C28 of the Cherwell Local Plan 1996 (1996 LP) requires design is sympathetic to the character and context of the area. Saved Policy C30 of the above seeks to ensure that new housing is compatible with the appearance, character, layout, scale and density of the existing dwellings in the vicinity. Saved Policy C33 of the above seeks to retain any undeveloped gap of land which is important to preserving the character of a loosely knit settlement or preserving a view.
16. Policy BL11 of the Neighbourhood Plan (NP) encourages respect for the local character, including the form of the village. BL12 requires the protection of key views in/around the village.
17. The site is not within a protected landscape, or a valued landscape as defined by paragraph 187 in the Framework.
18. Whilst the proposal was submitted as an outline application, the Appellant confirmed at the Inquiry that the submitted Framework Plan should be the subject of a condition to require broad compliance in the reserved matters. I therefore have considered it on this basis, in particular showing the extent of development and open space. Both parties acknowledged the proposal being up to 55 houses would be likely to lead to a density of broadly 36 dwellings per hectare, which I have considered as a ballpark. The ridge height of the dwellings would also be limited to 8.5m.
19. A Landscape and Visual Appraisal was submitted, and the Council agreed the methodology and identified viewpoints.
20. The site is within the National Character Area 107 Cotswold. This makes reference to the local stone used in buildings and walls as well as the limestone dip slopes and arable farming.
21. The Cherwell 1995 study places the site within the Ironstone Hills and Valleys Landscape Character Area. This is noted for its complex topography and ironstone vernacular. It is sub-divided, and the site is in the Rolling Arable Landscape. This has dense hedges, hedgerow trees, small copses and arable fields.

22. The Cherwell 2024 study follows the above, 1995 study. It places the site within the Ironstone Hills and Valleys Character Area. It notes strong nucleated villages with historic buildings, long open views and a well-defined pattern of mixed agriculture. The Cherwell Design Guide SPD (July 2018) explains the significance of the shape and form of the settlements in this area.
23. The village historically had a nucleated form, however both parties accepted that it has changed considerably, with development in all directions. This is demonstrated by looking at a map of the village. Moreover, it is readily perceptible within the village; Bloxham today does not appear constrained or shaped by the landscape or any historic influences. Whilst the proposed development would extend the built up edge of the village, it would follow the line of the connecting roads as has other development.
24. The proposal includes an improved access on to Tadmarton Road which would involve the loss of 3 trees to form the visibility splay. Whilst these are pleasant, they are not notable. It was confirmed at the Inquiry that an existing hedge would be retained behind the visibility splay line.
25. The closest viewpoints of the appeal site are along Tadmarton Road. The houses would be set behind an open space, which would be landscaped informally with new planting and a play area. Mr Cooper, representing the Council, agreed that the 'layout works hard to try and minimise landscape and visual impacts by restricting [the] proposed development to the lower ground previously quarried and by retaining and enhancing the screening vegetation'<sup>1</sup>.
26. On Tadmarton Road, the appeal site is between a newly occupied development (Miller Homes) and Park Farm, which has an array of farm buildings. Mr Cooper suggested at the Inquiry that the current isolation of the farm highlights its identity. Whilst I agree, I do not find that the farm makes a significant contribution to the landscape or setting of the village as the farm buildings are utilitarian and large scale and also a twentieth century house and garden towards the road frontage is a domestic element.
27. Both parties identify viewpoint VP6 on Hobb Hill as important, which is also noted in the NP. It is on a well-used footpath, judging by the worn surface, and is part of a circular walk around Bloxham. It was agreed by both parties that the site is visible between the 135m and 150m contours, which is a horizontal distance of approximately 65m. The view is in one direction only (southwards) whereby Bloxham village is experienced from an elevated position, with the church spire as the main focus being directly opposite, tall and a vertical feature. The appeal site lies to the edge of this view, obliquely and is a very small component.
28. The open space to the frontage would face the Hobb Hill view, with the opportunity for new tree planting and hedgerow reinforcement. Due to their height and siting behind the open space, I find that the proposed houses, subject to appropriate design, including potentially muted materials, would not attract attention due to the distances involved. New tree planting is indicated on the east and west boundaries as well as the open space which would fragment the extent of the 55 houses and access. This would emulate the current Hobb Hill view whereby the presence of trees breaks up the extent of buildings, thereby asserting an impression of a treed village and helping the development assimilate into the landscape.

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<sup>1</sup> Paragraph 3.6 Proof of Evidence

29. Both parties agreed that the effect would be moderate adverse after 15 years<sup>2</sup>, as planting matures. I concur.
30. Other viewpoints are identified in the LVA. However, the site is very indistinct due to the surrounding topography and woodland. I find that the proposed houses, subject to the detailed design including materials, would not be expected to stand out due to their modest height and density and landscaping. The proposal provides the basis for a sympathetic reserved matters scheme.
31. As I noted earlier the proposal would provide a new landscaped frontage to the site which would also enhance the adjacent Miller Homes site and empathise with its frontage hedge and trees. They would also be seen together and integrate, thereby respecting the criteria in PV2 on built environment.
32. The Statement of Common Ground (SOCG<sup>3</sup>) notes the landscape impacts of the proposals would be localised. I find that the proposal would be sympathetic to the national Cotswold Character Area and locally defined Ironstone Hills and Valleys Character Area.
33. The SOCG<sup>4</sup> concludes that 'a suitably designed development of suitable scale could be accommodated on the site without significant landscape harm (subject to reserved matters and detailed conditions regarding the landscape scheme)'. I note that the last Inspector found no significant harm on this aspect: 'there would not be conflict with Policy PV2 of the CLP on this main issue given its specific reference to significant adverse landscape impacts'. I concur that overall, the scheme would not result in significant harm, and I too find that the proposal would comply with PV2.
34. The last Inspector found conflict with policies in terms of the undeveloped gap offered by the appeal site, and the views forming the countryside setting to the village. Due to the harm to the VP6 I concur. However, this harm needs to be considered in overall terms, and I have found that it would not be significant. I note that the Framework Plan is not now indicative rather is suggested to be conditioned for broad compliance in the reserved matters. Therefore, the extent of open space is known and plotted which would allow sufficient landscaping to blend the development into the surroundings. The dwelling numbers are also reduced to no more than 55. Consequently, the adverse effects would not be significant, and although less than significant harm would result, the proposal would as such conflict with Policies C28, C30, C33, ESD 13 and ESD 15 of both Local Plans as well as NP BL11 and BL12.

*Whether the intended residents would have satisfactory living conditions in terms of noise*

35. Policies C30 and ESD 15 also require development to provide acceptable amenity standards.
36. From the evidence submitted to the last appeal, that Inspector had concerns that the intended residents would potentially be subject to noise disturbance. That appeal proposal included a Noise Screening Report which was a desk-top exercise not involving any on site monitoring or a visit.

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<sup>2</sup> SOCG Table 1

<sup>3</sup> Paragraph 4.13

<sup>4</sup> Paragraph 4.24

37. This appeal proposal has been supported by a new noise assessment undertaken over 7 days in January 2025, to methodology agreed by the Council. The Council's specialist officer and Committee had no concerns in this regard.
38. Traffic on Tadmarton Road is one such noise source. However, this has a 20 mph limit close to the appeal site frontage which is suggested for potentially being extended. Moreover, the houses would be set back and the findings of the assessment show that any disturbance would be negligible.
39. The adjoining Park Farm is another potential source of noise, and the submitted plan<sup>5</sup> shows the various activities around the particular parts of the farm. The vehicle access would be away from the houses. Consequently, the noise from the lorry deliveries of cattle feed and milk collections would be distanced and additionally these are during daytime hours and of short duration.
40. A chiller for the storage of milk is also in this vicinity which emits a low but continuous noise. However, this would also be distanced and so would not be expected to be a nuisance.
41. The cattle 'lowing' is another source of noise which is unpredictable and varied. The assessment shows the emanating noise would not amount to a nuisance.
42. A proposed pumping station can be suitably specified to avoid noise disturbance to existing and new residents.
43. The last Inspector referred to a metal clanging noise. At the Inquiry it was suggested that this probably originated from cattle knocking metal barriers to access spilled food, and from my observations on site I find this is likely. The noise assessment does show all sources of noise including such clanging, which are demonstrated not to be significant.
44. The noise assessment shows that even with the windows open the intended residents would be within acceptable noise levels. I therefore find that in terms of noise the intended residents would have satisfactory living conditions. Accordingly, the proposal would comply with Policies C30 and ES 15.

*Whether the intended residents would have satisfactory living conditions in terms of odour*

45. As in the above issue, Policies C30 and ES 15 require development to provide acceptable amenity standards.
46. Park Farm has a dairy herd and there is an open slurry pit within the farm complex. The Council have no records of any complaint in terms of odour from any residential properties, however these proposed houses would be nearer the slurry pit.
47. An odour assessment has been undertaken to a methodology agreed by the Council. This was a multifaceted investigation, including sniff tests in August 2024 as well as the modelling of air borne dispersal. The Council accepted that odour would not be a problem in the current circumstances but sought the covering of the slurry pit to safeguard against any potential future problems. Whilst the Appellant

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<sup>5</sup> ID7 which updated Figure 1.1 Mr Sproston Proof of Evidence

disputed the need to cover the slurry pit, a planning obligation has been drafted for its covering if this is deemed necessary.

48. There are no legally defined smell limits, although the Environment Agency provide guidance benchmarks. The submitted plan in the assessment shows the theoretical nuisance would be around the western edge of the appeal site, which the Framework Plan identifies for landscaping and open space, rather than houses.
49. This methodology is the worst case scenario and does not encompass the existing and proposed vegetation which would hinder the passage of odour carried by the wind. Indeed, there is a wide belt of dense woodland on the intervening boundary. Moreover, since this assessment a wall and building have been built which would also help contain the movement of odour.
50. The methodology is also on the assumption of an intensive operation whereas Park Farm is low intensity. The evidence before the Inquiry is that there is no intention to intensify. In any event the slurry is pumped from the bottom of the pit and the top surface forms a hard crust which protects against the smells emanating and the surface area would not be increased: effectively the slurry pit would become deeper rather than having a bigger surface area for smells to emerge.
51. The last Inspector concluded that the odour would not be harmful to residents. His decision letter positively acknowledged all obligations including the coverage but did not offer any elaboration why this would be necessary, however this Inquiry has had more evidence to consider the necessity.
52. Accordingly, I find that odour would not be a significant nuisance to the living conditions of the intended residents, and I find that the coverage of the slurry pit would not be necessary. The proposal would therefore comply with Policies C30 and ES 15.

*The risks from surface water flooding for intended and existing residents*

53. Policy ESD 6 2011 LP requires development to respect sustainable flood risk management and ESD 7 of the same Plan requires provision of SUDS.
54. Paragraph 175 of the Framework requires a sequential assessment where built development or escape routes are at risk of flooding.
55. In December 2024 the Environment Agency flood risk maps were revised, which now show that much of the appeal site is within Flood Zone 1, except for the Tadmarton Road frontage and a small triangular piece of land on the eastern side. The revised Development Framework Plan for these appeal proposals excludes a low lying triangular area from development and instead shows it as open space. Consequently, all the houses would now be within Flood Zone 1, whereby they would not be at risk from surface water flooding.
56. The site access would be across higher ground. Whilst it would have to cross a culverted stream, this has been modelled, and the access has been demonstrated to be free from flooding<sup>6</sup>.
57. Consequently, a sequential assessment under paragraph 175 of the Framework is not required.

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<sup>6</sup> FRA 5.5.7 and Fig 5.4

58. The proposal includes a drainage strategy whereby surface water would be channelled into a holding pond before being released into a watercourse away from the site. This would be designed to meet the greenfield runoff rate with an allowance for climate change.
59. Local residents mention flooding in November 2024 when surface water along the Tadmarton Road ditch was high and over-flowing, which sadly did affect some properties. This was partly due to a trash screen blocking<sup>7</sup>, and the Flood Authority were fully aware of this event when they responded without objection at the application stage.
60. I therefore find that the proposal would not exacerbate flood risk in the area and the intended residents would not be at risk. I therefore find that the proposal would not conflict with Policies ESD 6 and ESD 7.

*Whether the intended residents would have access to services and facilities without dependency upon private vehicles*

61. Policy ESD 1 of the 2011 LP requires development in sustainable locations to reduce climate change pressures. ESD15 supports the efficient use of land and infrastructure and promotes pedestrian movement. BL3 of the NP similarly promotes low carbon connectivity. Policies C28 and C30 of the LP and PV2 require sites to be well located to services and facilities.
62. Whilst accessibility was the subject of a reason for refusal, it was subsequently not pursued at the Inquiry. Additionally, the previous Inspector was also favourable in this regard.
63. The village has a range of shops including a post office, pharmacy, Co-op, two pubs, village hall, doctors and dentist. The Council confirmed that in principle Bloxham is a sustainable village and is the second largest within the category A list.
64. Reference was made to the recent Ells Road appeal decision<sup>8</sup> where that Inspector concluded that Bloxham has an excellent range of services and facilities to meet day to day needs as well as close links to Banbury and its employment opportunities.
65. The proposal would provide a new 2.0m wide pedestrian pavement from the site access to join that by the adjacent Miller Homes development. This would then allow walking to the village's facilities, typically just over 1km away. The village has a 20mph speed limit which encourages walking.
66. The village primary school is within 310m of the appeal site, and whilst it is on the opposite side of Tadmarton Road, a new zebra crossing is proposed. The village has a secondary school within 1,940m.
67. The Council made reference to an 800 metre distance to facilities in the refusal reason however it was accepted at the Inquiry that this is not an upper limit. The Chartered Institution of Highways and Transportation<sup>9</sup> suggests an acceptable distance of 1km and a preferred maximum of 2km.

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<sup>7</sup> ID 1

<sup>8</sup> Paragraph 9 APP/C3105/W/23/3327581

<sup>9</sup> Providing for Journeys on Foot

68. There are bus stops within convenient and conducive walking, on roadside pavements to access services 488 and 489 to Banbury and Chipping Norton, which provide more facilities and Banbury provides mainline railway connections. Cycling to Banbury is also feasible, being approximately 4 miles away on favourable topography.
69. The Parish Council suggested a second road crossing was needed at the other side of the school. However, this is away from the appeal site and these new residents would be likely to have crossed the road before this point. At the Inquiry the County Council stated they supported that request, but they had not stipulated so in their recent formal response to the application and its supporting highway assessment. Whilst a second crossing may be desirable for the wider village, it would not be necessary for these new residents.
70. I therefore find that the site would be in an accessible location where the intended residents would be able to access everyday local services and facilities without reliance upon private cars.
71. I therefore find that the proposal would not conflict with Policies ESD 1, ESD 15, PV2, C28 and C30 and NP BL3.

### **Planning Obligations**

72. The CIL Regulations and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. The Planning Practice guidance<sup>10</sup> provides an overview of the above.
73. The Council's adopted Developer Contributions SPD 2018 provides guidance following the above criteria. Policy INF1 of the 2011 LP expects development to be served by provision of transport, education, health, social and community facilities. Policy PR12 on unallocated sites requires sufficient infrastructure to be provided including transport measures. Policy BL9 of the NP requires sufficient primary school places to be available to new residents. The Infrastructure Delivery Plan June 2025 (IDP) for the Emerging Local Plan provides an overview of the needs of the District.
74. Both the District and County Councils have provided CIL Compliance Statements providing the rationale for obligations here in relation to their particular responsibilities. Many of the financial contributions are on the basis of a formula as the precise number of dwellings is not known at this outline stage. A couple of the provisions are not agreed and are the subject of 'blue pencil'<sup>11</sup> clauses.
75. The £3000 for monitoring costs by the District Council are accepted by the Appellant but the timing of the payment is disputed. The Council seek £500 just after the potential granting of any permission whereas the Appellant asserts no obligation would require monitoring until the commencement of development. The agreement is drafted with two options and clause 3.2.2 makes provision for such a

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<sup>10</sup> Planning obligations September 2019

<sup>11</sup> This enables an Inspector to determine which obligations are appropriate and to confirm that any obligation in the Section 106 Agreement that are not compliant with Regulation 122 of the Community Infrastructure Regulations 2010 (as amended) or Paragraph 58 of the National Planning Policy Framework

decision. I concur with the Appellant on the grounds of the necessary criterion, in the above tests, and having regard to the CIL Statement and the SPD. Accordingly, clause 7.4.1 Option A is appropriate. Provision is also made for the monitoring of the County Council responsibilities, and that timing of the fee is agreed. In any event I find the monitoring fees are necessary to ensure that the intentions of the required obligations are properly implemented.

76. An obligation is drafted for a public art contribution. The Council in their Revised CIL Compliance Statement<sup>12</sup> suggests that this is supported by ES 15 which promotes good design and make reference to the IDP. The Appellant questions whether this contribution is necessary.
77. There is no specific project mentioned in the IDP here rather a District wide aspiration is quoted. Whilst ES 15 does promote good design in general, there is no clear evidence before the Inquiry, to show where, when and how such a contribution would be spent or why it would be directly related to the development. In the absence of any such details I cannot conclude that the obligation is 'necessary to make the development acceptable in planning terms' as stipulated by the above tests. Clause 3.2 (c) states that any obligation that does not constitute a reason for granting Planning Permission in accordance with Regulation 122 of the CIL Regulations shall not be enforceable pursuant to this Deed and shall cease to have effect. I therefore conclude in accordance with clause 3.29 (c).
78. A community hall facilities contribution, £68,602.48 would go to works to improve the capacity at Bloxham village hall which would alleviate the demand from new residents. The sports pitches and maintenance contribution would go towards new sports pitches and a pavilion in Bloxham, which would help meet the needs of the new residents. Similarly, provision for indoor sport would be at the Woodgreen Leisure Centre in Banbury.
79. The health care contribution of £51,840 would go towards alterations and/or capital projects at the jointly managed Bloxham/Hook Norton surgeries.
80. The Management Company Default Deposit and Management Company Maintenances Deposit are necessary for the maintenance of open space on site. Similarly, the LEMP monitoring sum would be necessary to ensure the appearance of the landscaping. The play area commuted sum and play area signage commuted sum would ensure the basic provision for the recreational needs of the new children.
81. The recycling /refuse bins contribution is necessary so that this basic amenity is provided for the health and well-being of the new community. Similarly, a waste management contribution to the County Council is needed for the household waste recycling centre in Banbury which is operating at capacity.
82. The affordable housing provision is a benefit of the proposal and is necessary to ensure that the new homes meet the diverse needs of the local population.
83. The Employment Skills and Training Plan requirement would ensure that the social and economic benefits of the construction are maximised for the good of the wider community.

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<sup>12</sup> The reference to Planning Practice Guidance was established to be outdated as confirmed by e-mail 29 August.

84. Provision is made for contributions to primary and special education needs which are necessary to ensure that there would be sufficient capacity for the new residents.
85. A public transport contribution would help support the bus services to promote low carbon travel. A £3652 Traffic Regulation Order contribution would be needed to support the potential enlargement of the 20mph limit to approximately 90m beyond the access, which would ensure safety for all road users.
86. A separate unilateral undertaking makes provision for the potential covering of the existing slurry pit (the mitigation works), if it is found necessary. As I found above, based on the evidence before the Inquiry and my observations on site, such 'mitigation works' are not necessary. Accordingly, I conclude in accordance with clause 3.2.1.2 which states if 'can be given no weight in determining the Appeal... then it shall not be enforceable pursuant to this deed and shall cease to have effect within this Deed save as set out in the Decision Letter'.

### **Other Matters**

87. Several local residents comment on the scarcity of parking in the village. However, this would be a matter for the detailed design to address and would be a material planning consideration at the reserved matters stage.
88. Several residents comment about the sewage problems in the area which I consider latterly in the conditions. Concern is raised about the general infrastructure to support the new houses, however provisions are identified in the planning obligations above to support the everyday needs of these new households.
89. Whilst the proposal would lead to the loss of an agricultural field, it has been clearly demonstrated that it is low grade, and its loss would be minimal to food security and the agricultural economy. There was no evidence before the Inquiry that its loss would jeopardise the continued operation of Park Farm.

### **Planning Balance and Development Plan**

90. PV2 is one of the most important policies for consideration. It allows for development outside settlement boundaries subject to certain criteria. The policy wording does not require compliance with all the criteria rather requires particular regard [to each criterion].
91. As I have found above the proposal would not lead to significant adverse landscape impacts and Policy PV2 supports development where significant adverse landscape and impacts could be avoided.
92. I found earlier the proposal would conflict with Policies C28, C30, C33, ESD 13, and ESD 15 as well as NP BL11 and BL12. However, I give these conflicts little weight as overall a suitably designed development of suitable scale could be accommodated on the site without significant landscape harm. In respect of landscape, I give VP2 more weight rather than these policies, since it is worded as a balanced criterion and is an overarching policy which provides the overall development consideration for Category A villages.
93. Additionally, Policy BSC1 allows for windfalls outside Bicester and Banbury and Policy PV2 allows for growth in Category A villages, which includes Bloxham. The

- village itself contains a suitable level of services and facilities to meet the day to day needs of residents. The close proximity to Banbury and the bus connections also add to its suitability for new growth. The proposal would also comply with ESD 1 which seeks new housing has sustainable access to facilities.
94. Policy PV2 foresees that 750 dwellings will be delivered at Category A villages but both parties at the Inquiry acknowledged<sup>13</sup> this is not a cap or ceiling to development.
95. Bloxham has had considerable development. However, that does not in itself preclude the principle of this proposal, as the wording in Policy PV2 does not require any particular distribution of development around the Category A villages. Indeed, much will depend upon the level of services and facilities within a particular village as well as its surrounding landscape and heritage constraints (as explained in Policy Villages 1). NP Policy BL2 only identifies one site for new development and BL3 identifies infilling and minor development. The proposal would conflict, however that needs to be considered in the context of a Housing Land Supply shortfall, outlined below, and so I give this very little weight.
96. Other criteria in PV2 include the protection of heritage, ecology, safe access and sustainability and the retention of the best and most versatile agricultural land. The Council in this Inquiry had no concern against these other criteria in Policy PV2 and I similarly concur.
97. Given the above, I find that the proposal would not conflict with Policies PV2 and BSC1.
98. The Emerging Plan Core Policy 35 is drafted to allow for the potential of development in large villages but on allocated sites only. The Neighbourhood Plan is also being reviewed and development outside settlement boundaries will not be supported. However, the Emerging Plan has objections and is at an early stage and there is need to find substantial new housing to address both the current shortfall and future growth. I therefore give these very limited weight.
99. I therefore conclude that the proposal would accord with the Development Plan when taken as a whole.
100. I note the significance of the Housing Land Supply in relation to the last appeal. In the submitted SOCG for this Inquiry the Council suggested the supply is 2.32 years and the Appellant 1.69. As I have found compliance with the Development Plan, it is not necessary for me to make a consideration under paragraph 11(d) of the Framework. I also note Policy PSD 1 mirrors the Framework in this respect.
101. In any event, the provision of up to 55 new houses would be a substantial benefit, in view of the very considerable shortfall. This situation has at least partly arisen by the Council needing to make a contribution to Oxford's unmet need, which is now incorporated into their overall single target following the Heythrop Park appeal decision<sup>14</sup>. Given the size of this shortfall, I find that the prospects for resolving the land supply are challenging.
102. The proposal makes provision for 35% of the dwellings to be affordable. This would also be a significant benefit given the housing register is increasing, showing

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<sup>13</sup> Statement of Common Ground

<sup>14</sup> APP/C3105/W/23/3326761

1,944 households in 2024 and the high affordability index<sup>15</sup>. In a submitted recent appeal decision in Banbury<sup>16</sup> that Inspector found 'staggering levels of unaffordability is the weightiest consideration in the planning balance'.

103. The new residents would also be expected to support local services, which would be a benefit. The contributions to bus services, recreation facilities and the zebra crossing would also benefit existing residents.

104. The above benefits are substantial and support the merits of the proposal.

### **Conditions**

105. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.

106. A condition is needed to specify the submission of the particular reserved matters in the interests of clarity. Similarly, a condition on approved plans is warranted.

107. A condition to require broad compliance with the Framework Plan is necessary to confirm the extents of development and open space, so that the reserved matters scheme is in keeping with the area.

108. A condition to limit the height of the dwellings to 8.5m ridge reflects the assessment in the LVA and is necessary to ensure a satisfactory appearance.

109. A condition to limit the development to a maximum of 55 dwellings confirms the changed description of development and is necessary to ensure that the dwellings would be in Flood Zone 1.

110. Rather than the usual three years for the application of the reserved matters, 18 months is suggested to encourage the early provision of the new housing. I find that is necessary to boost Housing Land Supply and would be a reasonable duration to undertake the various procedural arrangements.

111. Conditions are needed to address possible land contamination in the interest of the health and well-being of the new residents.

112. A condition requiring a Construction Environment and Traffic Management Plan would ensure highway safety during construction. Details of the new access and footways are also needed to protect all road users. A condition is needed on parking details to ensure provision in the interests of safety. Similarly, as I found earlier a condition for a new zebra crossing is needed as well as an uncontrolled crossing point and bus stop improvements at the Kings Road stop.

113. A condition requiring submission and approval of a Travel Plan would promote the low carbon accessing of services and facilities.

114. A suggested condition (19) involves the disposal of foul water, which the Council consider is necessary due to problems in the area. Indeed BL 9 of the NP notes the

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<sup>15</sup> Tables 3 and 4 pages 77 and 78 proof of Evidence Stuart Carvel

<sup>16</sup> Paragraph 81 APP/C3105/W/24/3338211

need for waste water to be managed. The Appellant felt this was unreasonable and unduly restrictive, highlighting its Grampian approach, and emphasise that there is a right of connection. I have also had regard to paragraph 201 of the Framework which is cautionary against the duplication of control regimes.

115. The suggested wording requires a phasing and infrastructure plan to be agreed and requires all foul network upgrades to be completed prior to occupation. The requirements of any such condition should be reasonable and relevant to the scale of the appeal proposal. Consequently, a simplified wording is imposed whereby the details are submitted and approved by the Local Planning Authority before occupation, rather than the presumptive wording requiring all foul network upgrades. This should ensure that the details are properly submitted but are also fairly considered and are proportionate.
116. Conditions are needed on surface water management to ensure that the development does not exacerbate the existing potential run off and promotes water quality. A condition on ground levels is also needed to avoid impact on flood storage.
117. A condition is necessary to ensure that the detailed development provides biodiversity net gain and is managed appropriately. Similarly, a Construction Environment Management Plan (CEMP: Biodiversity) would ensure that the existing ecological interest is managed during construction. The submissions of a Landscape and Ecology Management Plan and hydrological assessment would ensure that the site is managed with sensitivity to its ecological potential. A badger mitigation strategy is needed to respect the particular needs of this protected species. An arboricultural assessment is needed to ensure that the contribution of the existing trees is properly utilised. A condition on external lighting is necessary to avoid disturbance to wildlife.

## **Conclusion**

118. I therefore conclude that the Appeal A and Appeal B should be allowed subject to the conditions in the conditions annexe below and the section 106 agreements but with the following stipulations: no 'mitigation works' (covering of the Park Farm slurry pit) are necessary and unilateral undertaking clause 3.2.1.2 applies, Monitoring Fees shall be payable to the District Council wholly on commencement of development in accordance with clauses 3.2.2 and 7.4.1 Option A and exempting the public art contribution with reference to clause 3.2.1 (c).

*John Longmuir*

INSPECTOR

## **Appearances**

### For the Council

Gary Grant, Counsel

Joel Turner BBlEnv(UrbRegPlan), Msc Interim Planning Officer in North Area Major Projects Team

Mark Cooper BA(Hons) - DipLD CMLI Landscape Architect and MD of MCA Chartered Landscape Architects Ltd.

Rebecca Wise LLB(Hons) Paralegal

Richard Oliver Lead Infrastructure Funding Negotiator Oxfordshire CC

Joy White MIHE, PG Cert Transport Development Management (North) Team Leader

### For the Appellant

Christian Hawley, Counsel

Stuart Carvel MPlan (Hons) MRTPI, Planning Director, Gladman Developments Limited

Louise Fitzgerald MSCi PG Dip CMLI, Associate Landscape Planner, The Environment Partnership

Colin Whittingham BSc (Hons) MSc MCIWEM C.WEM PIEMA, Director, RSK Land and Development Engineering Limited

David Sproston BSc (Hons) MIOH, Associate Director, Noise Consultants Limited

Paul Threlfall BSc (Hons) MSc MEnvSc MIAQM, Associate Director and Principal Environmental Scientist, Wardell Armstong LLP (part of SLR Consulting Limited)

Rachel Goddard, Solicitor, Gladman Developments Limited

### Interested parties

David Bunn, chairperson Bloxham Parsh Council

James Algie, local resident

## **Documents submitted during the Inquiry**

ID1 OCC Section 19 Report on November 2024 flooding (from Mr Bunn)

ID2 Council opening

ID3 Appellant opening

ID4 E-mails from the LLFA

ID 5 OCC consultation response on application

ID6 Site visit route

ID7 Updated Park Farm layout showing uses

ID8 Council closing

ID9 Appellant closing

### **Conditions annexe**

1. No development shall commence until full details of the layout (including the layout of the internal access roads, footpaths and closure of existing access to Park Farm, scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. The development shall be carried out in accordance with the approved plans: Site Location Plan: D9731.001E and Site Access Drawing: P22164-0301 Rev P04.
5. All the reserved matters details shall be in broad compliance with the submitted Development Framework Plan: Drawing D9731002F.
6. The total number of dwellings in the reserved matters shall not exceed 55.
7. The maximum ridge height for all the buildings in the reserved matters shall not exceed 8.5m.
8. Prior to the submission of any reserved matters, a comprehensive intrusive investigation shall be carried out in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
10. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

11. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development [or relevant phase of development] is resumed or continued.

12. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CETMP) has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and the following:

- the CETMP must be appropriately titled, include the site and planning permission number;
- routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site;
- details of and approval of any traffic management needed during construction.
- details of wheel cleaning/wash facilities for all vehicles leaving the site – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- measures to control the emission of dust and dirt during construction;
- delivery and construction working hours;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding if required;
- a regime to inspect and maintain all signage and barriers;
- contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided; and
- the use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading.

The approved CETMP shall be implemented and operated in accordance with the approved details.

13. No development shall commence unless and until full details of the means of access have been provided including position, layout, construction, drainage, vision splays and footways have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details prior to the first occupation of the development and shall be retained and maintained as such thereafter. The agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times thereafter.

14. Prior to the commencement of the development hereby approved including any works of site clearance and as part of any reserved matters submission for layout and landscaping, a method statement and biodiversity gain plan demonstrating how an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

The biodiversity gain plan shall be accompanied by a detailed Habitat Management and Monitoring Plan (HMMP) detailing the following:

- how the significant on-site enhancements will be managed;
- when and how habitats will be monitored;
- when and how monitoring results will be reported;
- when and how management proposals will be reviewed; and
- and how habitat management will be amended to achieve the habitats or wider outcome.

15. No development shall commence unless and until a Construction Environment Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- risk assessment of potentially damaging construction activities;
- identification of 'Biodiversity Protection Zones';
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- the need for update surveys/pre-works checks for protected species;
- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person if required; and
- use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

16. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP) that provides for the detail of standards and frequency of maintenance of all open space, including any balancing ponds or other elements of SuDS within the open space, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only not be carried out other than in full accordance with the approved LEMP. If, within a period of five years from being planted, any tree that is planted as part of any agreed landscaping scheme forming part of the approved LEMP dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the current/next planting season in accordance with the approved details.

17. No development shall commence including any works of site clearance, unless and until a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

18. Full details of the fire hydrants to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development,

the fire hydrants shall be provided in accordance with the approved details and retained as such thereafter.

19. Prior to the commencement of development, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

20. No development shall commence, including any works of site clearance until a hydrological assessment and mitigation and monitoring plan, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

21. Prior to first occupation of the development a Residential Travel Plan and Residential Travel Information Pack shall be submitted to the Local Planning Authority for approval. Each dwelling shall be provided with a copy of the approved Travel Information Pack within 1 month of the first occupation.

22. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details before occupation off the last dwelling the development is completed. The scheme shall include:

- a compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- a Flood Exceedance Conveyance Plan;
- comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
- details of how water quality will be managed during construction and post development in perpetuity;
- confirmation of any outfall details; and
- consent for any connections into third party drainage systems.

23. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

24. Prior to the first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- as built plans in both .pdf and .shp file format;
- photographs to document each key stage of the drainage system when installed on site;

- photographs to document the completed installation of the drainage structures on site; and
- the name and contact details of any appointed management company information.

25. No dwelling shall be occupied until the vehicular accesses, driveways, car, and cycle parking spaces, turning areas (for cars and refuse vehicles of not less than 11.6m in length), that serve the dwelling has been constructed, laid out, surfaced, lit, and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

26. Prior to the first occupation of the development, details of a proposed external lighting scheme shall be submitted to the Local Planning Authority for approval. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting and column lighting within development promotes a secure environment and does not cause a nuisance to local residents or wildlife. Thereafter, the approved scheme shall be carried out prior to occupation of the last dwelling and retained as such thereafter.

27. No development shall be occupied until a scheme detailing traffic calming measures and a pedestrian crossing point in the vicinity of the site access on Tadmarton Road have been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

28. No development shall commence until a scheme for an uncontrolled crossing point on South Newington Road and a bus stop improvement scheme for the 'Kings Road' stop has been submitted to and approved by the Local Planning Authority. The development shall not be occupied until the scheme has been implemented in accordance with the approved details.

29. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

30. The development hereby permitted shall not commence until such time as a scheme to ensure no raising ground levels within the 1% AEP plus CC extent and ensure there is no built development within the 1% AEP plus CC extent has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the schemes timing/phases arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

*End of conditions*