

JPPC ref: [REDACTED]/6191

Charlbury Neighbourhood Plan Steering  
Committee  
Charlbury Town Council

29<sup>th</sup> October 2019

Dear Sir,

### **Charlbury Neighbourhood Plan – Pre-Submission Consultation**

We write on behalf of the HDH Wills 1965 Charitable Trust, 'the Trust', with reference to the Charlbury Neighbourhood Plan 2031 Consultation Draft and welcome the opportunity to submit comments on the document (dated 15/9/19). Please treat this as our formal representations.

The Trust has a large land holding to the north east of Charlbury locally known as The Ditchley Estate so is pleased to comment on the latest version of the Neighbourhood Plan. The level of work involved in preparing a Neighbourhood Plan is acknowledged and the importance of local communities being able to plan positively for development and identify and address the issue that are important to them.

Paragraph 13 of the NPPF confirms that, 'Neighbourhood Plans should support the delivery of strategic polices contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'

#### *Policy CH1: Meeting the needs of the parish of Charlbury*

Policy CH1 seeks to restrict the development of small sites for open market housing other than schemes for a single dwelling only. Policy OS2 of the adopted Local Plan states that, '*Burford and Charlbury are relatively constrained by their AONB location and Bampton and Long Hanborough have a more restricted range of services and facilities. Consequently, these rural service centres are suitable for a modest level of development to help reinforce their existing roles.*' This indicates that a modest level of development will be supported which could include schemes of more than a single dwelling.

Charlbury is categorised as a 'Rural Service Centre' in the adopted Local Plan. Local Plan policy H2 sets out the circumstances in which new dwellings will be permitted in Rural Service Centres including Charlbury. This includes on previously developed or undeveloped land within or

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adjoining the built-up area subject to meeting criteria set out in other policies in the Local Plan. Policy CH1 therefore appears to conflict with policy H2 of the adopted Local Plan.

*Policy CH2: Affordable Homes*

Policy H3 of the Council's adopted Local Plan sets out the threshold for affordable housing throughout West Oxfordshire including Charlbury. This policy does not seek affordable housing contributions for schemes of 5 units or less within Charlbury. Whilst policy CH2 has an honest aim, it does not seem to accord with local plan policy nor the NPPF. It is at risk of impacting upon sensible delivery of housing within Charlbury.

*Policy CH6: Size and Type of Homes*

The adopted Local Plan provides a 'general guide' on housing mix stating that, '*the main focus should be 2 and 3-bed properties and to a lesser extent 4 bed and larger. We will consider this evidence as a starting point in relation to negotiations over housing mix taking into account the need to provide an appropriate balance of dwelling types and for development to be of a character that is appropriate for its location, in the interests of creating sustainable communities.*' The mix set out in Neighbourhood Plan policy CH6 does not provide the flexibility provided within the Local Plan and thus should be changed to better reflect the spirit of the Local Plan. Additionally, Neighbourhood Plan policy CH6 seeks to impose dwelling types without any reference to constraints of the site or the character of an area.

*Policy ECT2: Protecting retail, employment and services*

Policy EC2 seeks to control residential uses in situations where employment uses have been demonstrated to not be viable and a change of use to residential is proposed by securing the provision of 'lower-cost accommodation likely to be affordable to households on the average local wage.' The Plan does not outline the mechanism that will be used to secure this type of accommodation and in any event the Local Plan already provides policies for affordable housing in order to meet the need within the district.

*Policy ECT7: Parking*

In some circumstances a net reduction in car parking spaces might be acceptable on sustainability grounds as Oxfordshire County Council's residential parking standards are based on 'optimum' number of spaces rather than a maximum or minimum.

*Policy NE6: Green Infrastructure*

Land that is not publicly accessible should not be included within a defined green corridor as it cannot offer public health and recreational benefits. Existing legislation already provides protection for biodiversity features.

*Policy NE7: Local Green Space*

Paragraph 100 of the NPPF deals with the designation of Local Green Spaces. It states that:

'The Local Green Space designation should only be used where the green space is (all of):

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.'

LGS13 identifies land at 'Clarke's Bottom' as Local Green Space; this is owned by the Trust. In relation to the criteria in the NPPF, it is accepted that the land is in reasonably close proximity to Charlbury however a number of other sites that have not been identified are geographically better related to the built-up part of Charlbury. Clarke's Bottom comprises grassland which is a common feature around the outskirts of Charlbury and whilst views across the land are available from the adjacent public footpath, its proximity to this footpath and the narrowness of the strip of land means that it is potentially less tranquil than areas where footfall would be lower.

There is no evidence that the space 'serves' the community it is just land adjoining the town but that does not make it serve the town. 'Serve' is defined as rendering a service to. We do not agree that the land is special because it serves the community. Additionally, we are not aware of anything that would 'demonstrably' demonstrate that it is special to the community such that it stands out from other areas of land within and around the town. The land is not publicly accessible and whilst it appears that it is used, without permission, for sledging this can only be on a very occasional basis possibly a few times a year.

Regarding the area of the proposed site, Clarke's Bottom is second largest at 11.54 hectares and in comparison, to the other proposed designated sites must be considered as an 'extensive tract of land' as the majority of proposed Local Green Spaces are 5 hectares or less. By our calculations the built-up area of Charlbury extends to approximately 90 hectares and thus designating an area of land approximately 13% of the size of the built-up area seems excessive and to not relate well to the town. Whilst there is no size threshold provided for the identification of Local Green Spaces, the spirit of neighbourhood planning is for local green space to be protected not to provide a blanket designation for extensive tracts of land on the edge of settlements.

Planning Practice Guidance Paragraph 37-011-20140306 confirms that if land is already protected by designation then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. The site falls within the Cotswolds AONB and part of the site is also within the Charlbury Conservation Area. The site is thus already protected by national and local planning policy relating to these special designations and thus no additional local benefit would be gained by designation as a Local Green Space.

Clarke's Bottom fails to meet all 3 of the NPPF criteria regarding local green spaces and thus the Consultation Draft Neighbourhood Plan fails to meet all of the legal requirements and basic conditions for such a plan.



You are requested to take the above representations into consideration in advance of submitting the draft Charlbury Neighbourhood Plan 2031 to West Oxfordshire District Council.

Yours faithfully

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Senior Planner

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