

South Oxfordshire Local Plan 2034

Page 3: Part A - contact details

Q1. Are you responding as an:

Individual

Page 4: Individual contact details

Q2. Due to the plan-making process including an independent examination, a name and means of contact is required for your comments to be considered:

Title	Mrs
Full name	Gillian Bindoff
Business / Organisation name (if relevant)	-
Job title (if relevant)	-
Address line 1	██████████
Address line 2	-
Address line 3	-
Postal town	██████████
Postcode	██████████
Telephone number	-
Email address	████████████████████

Page 7: Part B - your comments

Q5. For comments on the Local Plan, please provide the paragraph or policy to which your comments relates. You can view a list of policies here. If you wish to comment on one of the evidence documents or the policies maps, please state the document title as well as the paragraph or policy reference.

Document / Policy / Paragraph:	Policy STRAT 1, Policy H1 (3ii) and Appendix 7, Settlement Assessment Background Paper.
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Q6. Do you consider the Local Plan and supporting documents:

	Yes	No	Don't know	Not answered (OPTION HIDDEN FROM LIVE SURVEY)
are legally compliant?		X		
are sound?		X		
comply with the Duty to Co-operate?			X	

Q7. Please provide further information in relation to the previous question. e.g. why you do or do not consider the Local Plan to be legally compliant or sound.

STRAT 1 bullet points 8 and 9, Policy H1 (3ii) and the Settlement Assessment Background Paper (SABP) 2018 all refer to 'smaller' and 'other' villages which are specific designations used in the SPAB and exclude small settlements which are described in the Paper as follows: paragraph 4.13: 'The scale of a settlement has been considered, isolated groups of housing with no facilities that are not within walking distance (along a safe road) of a town or larger village do not feature in the hierarchy as these are not appropriate places for new development.'

This is contrary to national planning policy NPPF 79 (55 in the 2012 NPPF). The meaning of 'isolated homes in the countryside' has been interpreted by the High Court (November 2017 Braintree DC v Secretary of State etc) and Court of Appeal (March 2018 Braintree DC v Secretary of State etc). The interpretation of planning policy is a matter for the court. The judgement of the courts is not limited to the particular case before them but has clarified the meaning of the NPPF which is national policy. The SODC policies above and the SABP misinterpret NPPF policy 79 as ruled by the courts and are, therefore, not legally compliant. They are also not sound as they do not comply with either the NPPF or the guidance in NPPG Rural Housing.

The full judgements of the Courts are attached for information. They should be read in full but key sections have been highlighted.

The Planning Inspectorate has issued guidance to Planning Inspectors to ensure that they interpret NPPF 79 correctly in line with the judgements of the Courts.

The Local Plan should not persist in misinterpreting NPPF but should change the settlement hierarchy to include all settlements in the category 'other villages' which are not included in the categories for towns, larger villages and smaller villages.

Q8. Please set out any modifications you consider necessary to make the Local Plan legally compliant or sound, having regard to your comments above. (NB - any non-compliance with the duty to co-operate is incapable of modification at examination). It will be helpful if you could put forward your suggested wording of any policy or text as precisely as possible.

Policy STRAT 1: the policy is only legally compliant and sound if the supporting text makes clear that the category 'other villages' includes all other settlements however small. Paragraph 4.13 - the first sentence should delete the words 'although some are just isolated groups of houses with no community facilities.'

Policy H1: section 3 (ii): the policy is only legally compliant and sound if the SABP settlement hierarchy in Appendix 7 is corrected to show that, apart from towns, larger villages and smaller villages, all other settlements are comprised within the category of 'other' villages.

Settlement Assessment Background Paper 2018: this Paper needs to be corrected so that all settlements which are not in the categories of Towns, Larger Villages and Smaller Villages are comprised within the category of 'Other Villages'. This will then be legally compliant and sound.

Q9. Please upload any supporting documents below:

- File: Court of Appeal Lord Justice Lindblom March 2018.docx - [Download](#)
- File: High Court Mrs Justice Lang November 2017.docx - [Download](#)

Q10. Would you like to participate at the oral part of the examination, which takes place as part of the examination process?

Yes

Q11. Would you like to comment on another policy or paragraph?

No

Page 106: Future contact preferences

Q354. As explained in our data protection statement, in line with statutory regulations you will be contacted by the programme officer (and where necessary the council) with relevant updates on the Local Plan. South Oxfordshire and Vale of White Horse District Councils have a shared planning policy database. If you would like to be added to our database to receive updates on other planning policy consultations, please tick the relevant district box(es) below:

I would like to be added to the database to receive planning policy updates for South Oxfordshire