

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 | Mr |
| Full name | Tom 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 and the Settlement Assessment background Paper |
|---------------------------------------|--|

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.

The Local Plan adopts a settlement hierarchy for the development of new homes which excludes at least 37 small settlements from the hierarchy on the basis that they are not sustainable locations for development. The Settlement Assessment Background Paper says as follows: 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.' The term 'isolated' is used in NPPF 79 and has been ruled by the High Court and the Court of Appeal to have its usual meaning of 'far away from people and places'. Therefore it does not apply to small settlements in the countryside. The NPPF gives no minimum number of dwellings which are required to qualify as a 'settlement'. The NPPF also gives no indication that some services or facilities are required to qualify as a settlement. To exclude small settlements from the category 'other villages' in the Settlement Assessment Background Paper is, therefore, in breach of the ruling of the courts and is not legally compliant. It is also unsound because it does not comply with the NPPF or the NPPG on rural housing. The NPPG states that 'all settlements can play a role in delivering sustainable development in rural areas'.

The judgement of the High Court was made in November 2017 and the Court of Appeal in March 2018. SODC is aware of these judgements and has had plenty of time to comply with them but has taken no action to change their housing policy in the rural areas of the district.

The Planning Inspectorate has recognised the significance of the court judgements and has taken action to ensure that inspectors interpret 'isolated' in the usual way and do not apply it to small hamlets or settlements.

The references for the court judgements are as follows:

High Court: Braintree DC v the Secretary of State (etc) 15th November 2017 before Mrs Justice Lang

Court of Appeal: Braintree DC v Secretary of State (etc) 28th March 2018 before Lord Justice Lindblom and Lord Justice McCombe

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 and H1 should make clear that no settlements, however small, are excluded from some development on the grounds of sustainability. The text for Policy H1 should be amended at paragraph 5.41 to include all settlements not included in the other categories of towns, larger villages and smaller villages. The Settlement Assessment Background Paper should also be changed accordingly. The supporting text for Policy H1 at paragraph 5.41 is very appropriate for all settlements considered smaller than 'smaller villages'. It says: '.....it is possible that some development proposals may come forward over the Plan period in these villages, such as single dwellings, infilling and conversions from other uses.' This text relates to the 'other villages' category. All settlements smaller than 'smaller villages' should be included in this category.

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

No

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