

Garsington Neighbourhood Development Plan 2022-2035

**A report to South Oxfordshire District Council on
the Garsington Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by South Oxfordshire District Council in July 2023 to carry out the independent examination of the Garsington Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 31 July 2023.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on three specific matters. The first is the identification of a settlement boundary. The second is the proposed identification of a series of Key Views. The third is a policy which seeks to retain the character and setting of the village.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
28 May 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Garsington Neighbourhood Development Plan 2022-2035 ('the Plan').
- 1.2 The Plan was submitted to South Oxfordshire District Council (SODC) by Garsington Parish Council (GPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and identity.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SODC, with the consent of GPC, to conduct the examination of the Plan and to prepare this report. I am independent of both SODC and GPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
 - the modified Plan (January 2024).
 - appendices A-H
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the SEA/HRA screening report (January 2023).
 - the representations made to the Plan.
 - GPC's responses to the clarification note.
 - the representation received on the modified version of the Plan.
 - the adopted South Oxfordshire Local Plan (2011-2035).
 - the National Planning Policy Framework (December 2023).
 - Planning Practice Guidance.
 - relevant Ministerial Statements.
- 3.2 I visited the neighbourhood area on 31 July 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.
- 3.4 In response to the issues raised in the clarification note, GPC carried out further work. As an outcome of that work, it proposed modifications to the Plan. They include a modification of the proposed Settlement Boundary and the replacement of the Local Gaps policy (GARS4) with a Settlement Identity policy. GPC and SODC have helpfully published the modified version of the Plan on its website. For clarity, this report comments on the modified version of the Plan.
- 3.5 The significance of the Parish Council's proposed modifications to the Plan triggered the need for a further round of consultation. The responses to that additional consultation process are addressed in the following section of this report.
- 3.6 The NPPF was updated in September and December 2023 after the Plan had been submitted for examination. For clarity, I have examined the Plan against the contents of the December 2023 version of the NPPF.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), GPC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a good example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices.
- 4.3 Section 2.1 of the Statement records the comprehensive schedule of activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (April to May 2022).
- 4.4 Appendix 1 provides the details of the ways in which the Plan was refined because of the consultation process undertaken on the pre-submission Plan.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. SODC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by SODC. It ended in June 2023. This exercise generated representations from the following organisations:
- South Oxfordshire District Council
 - SSE
 - The Coal Authority
 - Historic England
 - National Grid
 - National Gas
 - National Highways
 - Natural England
 - Thames Water
 - Oxfordshire County Council
 - L&Q Estates and Brasenose College, Oxford

- 4.7 A representation was also received from a parishioner.
- 4.8 SODC also consulted on GPC's modifications to the Plan during the examination process. That exercise ended on 27 March 2024. It generated representations from the following organisations:
- South Oxfordshire District Council
 - Historic England
 - Natural England
 - Oxfordshire County Council
 - L&Q Estates and Brasenose College, Oxford
- 4.9 A representation was also received from a parishioner.
- 4.10 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Garsington. It is located approximately four and a half kilometres south-east of Oxford on the eastern boundaries of Littlemore and Sandford and consists of about 900 hectares. Except in the north, the land at the circumference of the parish lies at about 60 metres above sea level. However, it rises steeply to the ridge that sweeps north from Garsington village to City Farm and round to Hill Farm, once South End Farm, at the south end and just over the Chiselhampton border. At its highest point, the ridge reaches 131 metres. Its population in 2011 was 1689 persons living in 765 households. It was designated as a neighbourhood area on 27 February 2017.
- 5.2 As the Plan describes, the village and the parish are within the Oxford Green Belt. In addition, they enjoy extensive views of the surrounding countryside. Virtually the whole of the ridge of the Chiltern Hills is visible, from Luton/Dunstable in the northeast to Henley/Reading in the southwest, forming the horizon for a large part of the outlook. To the west are the Baldons and to the northwest are views of Wytham Woods and the City of Oxford.
- 5.3 The historic core of Garsington is a designated conservation area. As the Plan describes, the village consists of four roads (Wheatley Road, Oxford Road, Southend and Pettiwell), plus the three estates off the Oxford Road, leading to the centre of the village at the top of the hill. The principal roads lead off in all directions into the farmland and as such virtually every house in the village is close to the countryside. In addition, the availability of footpaths and bridle paths gives everyone easy access to the open countryside and its wildlife.

Development Plan Context

- 5.4 The South Oxfordshire Local Plan was adopted in December 2020. It sets out the basis for future development in the District up to 2035.
- 5.5 Garsington is identified as ‘smaller village’ in the adopted Local Plan (Appendix 7). Policy H8 of the Plan addresses development in such villages. Paragraph 4.37 of that Plan comments that smaller villages ‘have no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development) to meet the overall housing requirement of South Oxfordshire. There is a sufficient supply of housing from strategic allocations and from existing planning permissions, which means that the less sustainable settlements will not be required to offset the housing requirement. However, some parishes may still wish to proceed with preparing a Neighbourhood Development Plan for example to achieve the protection afforded by allocating housing to fund projects they want to deliver or they would like to identify a specific type of housing bespoke to their village’s needs. The Council’s strategy therefore allows them to do so, provided that the levels of growth are commensurate to the size of the village’

5.6 The neighbourhood area includes the strategic housing site to the immediate east of Oxford and west of Garsington (Land at Northfield Policy STRAT12 - approximately 1800 homes). The adopted Local Plan provides significant detail on the way in which the site will be developed.

5.7 The following other policies are particularly relevant to the submitted Plan:

Policy STRAT 1	The Overall Strategy
Policy EMP10	Development in Rural Areas
Policy ENV1	Landscape and Countryside
Policy ENV3	Biodiversity
Policy ENV4	Watercourses
Policy ENV6	Historic Environment
Policy ENV7	Listed Buildings
Policy DES1	Delivering High Quality Development

5.8 The submitted Plan has been prepared within its up-to-date development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Visit to the neighbourhood area

5.9 I visited the neighbourhood area on 31 July 2023. I approached it from Wheatley. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.

5.10 I looked initially at the proposed Settlement Boundary in the northern part of the village along the Wheatley Road. I saw the way in which it related to the various residential and agricultural buildings.

5.11 I then looked at the village centre. I saw the importance of the Village Green, The Manor Bar and Restaurant and the Village Hall. I also appreciated the range of attractive vernacular buildings.

5.12 I then walked along Southend to St Mary's Church. I appreciated the tranquillity of its location and the extensive views to the south and west. It remains exactly as Pevsner described in 1974 in *The Buildings of England (Oxfordshire)*.

5.13 Throughout the visit I looked carefully at the proposed Local Green Spaces.

5.14 I drove along Oxford Road to the west to look at the proposed Settlement Boundary in this part of the village I saw the way in which it related to the various residential buildings.

- 5.15 I also took the opportunity in this part of the visit to understand the scale and nature of the strategic site in the Local Plan (Land at Northfield).
- 5.16 I left the neighbourhood area on the B480 and then the Oxford Ring Road. This helped me to understand the relationship between the neighbourhood area and Oxford City.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework December 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Garsington Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the South Oxfordshire Local Plan;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on a range of development and environmental matters. It has a focus on safeguarding the character and the setting of the village and safeguarding important views. It also identifies a settlement boundary.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for new residential development (Policy GARS6). In the social dimension, it includes policies on community assets (Policy GARS1), footpaths (Policy GARS2) and on the range of house sizes in new developments (Policy GARS5). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on important views (GARS3) and on design (Policy GARS7). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in South Oxfordshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject

to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, SODC undertook a screening exercise in January 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

Habitats Regulations Assessment

- 6.15 SODC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the potential impact of the Plan's policies on the following protected sites:
- Aston Rowant SAC;
 - Chiltern Beechwoods SAC;
 - Little Wittenham SAC;
 - Oxford Meadow SAC; and
 - Cothill Fen SAC.
- 6.16 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.
- 6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns regarding either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan obligations.

Human Rights

- 6.18 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.19 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and GPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 5)

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and their supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies. The Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Map 1). Whilst the Plan period is set out in the Basic Conditions Statement, I recommend that the Plan period is included on the front cover of the Plan and in the Introduction. This will ensure that the Plan complies with the prescribed conditions (as described in Section 2 of this report).

On the front cover of the Plan insert '2022 to 2035'

At the end of the Introduction add 'The Plan period is 2022 to 2035'

- 7.10 Section 2 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues and, in several cases, they feed directly into the resulting policies. The Vision neatly summarises the approach taken as follows:

'Garsington is an attractive village in a prime location that is much loved by its residents. The foundation of what makes Garsington so desirable and what it is are two-fold. These are the semi-rural environment and the good demographic, social & cultural mix of its residents. The primary aim of this Neighbourhood Plan is to set out support for limited development within the village that will meet the identified need for affordable housing, sensitively delivered such that it protects the environment and ensures the residential mix is maintained over the next 20 years.'

- 7.11 Section 3 comments about national and local planning policies which influenced the work on the Plan.
- 7.12 Section 4 comments about the way in which GPC engaged the community and key organisations as part of the preparation of the Plan. It overlaps with the Consultation Statement. It also identifies the composition of the Working Party.
- 7.13 Section 5 provides information about the neighbourhood area. It provides interesting and comprehensive details which set the scene for the eventual policies.
- 7.14 A key element of the Plan is the way in which its policies are directly underpinned by detailed appendices. This enhances the legibility of the Plan.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report

Policy GARS1 Community Assets

- 7.16 This policy identifies two types of community assets (facilities and spaces) that support the social and community groups in the village and the more general well-being of its community. It advises that these facilities are an essential part of the character and culture of the village. The Plan seeks to protect and promote these facilities and spaces, and considers them all to be essential assets of the village and as such would consider all of them to be protected in accordance with the Local Plan policies CF1, CF2 and CF4. Finally, it comments that some of the facilities have been, and remain, under threat and any significant development within the village that would support or could enhance these assets would be welcomed.
- 7.17 Part A of the policy identifies community facilities in the parish. I am satisfied that the facilities identified are appropriate.
- 7.18 Part A of the policy also comments about proposals which would involve the loss of an identified community facility. It takes an appropriate approach which has regard to Section 8 of the NPPF. Nevertheless, I recommend that it is recast so that it is clear on the information required to demonstrate that the facility concerned is no longer needed.
- 7.19 Finally, part A comments about proposals to improve existing community facilities. I am satisfied that the approach taken on this matter meets the basic conditions.
- 7.20 Part B of the policy identifies community spaces in the parish. I am satisfied that the spaces identified are appropriate.

- 7.21 Part B of the policy also comments about proposals which would involve the loss of an identified community space. It takes an appropriate approach which has regard to Section 8 of the NPPF. Nevertheless, I recommend that it is recast so that it incorporates clarity on proposals which directly affect an identified space and those which are adjacent to such spaces. As submitted, the policy makes no distinction between these matters. SODC comments that the inclusion of grid references in part B of this policy detracts from its clarity and as the location of the community facilities is already shown on Map 5 the removal of these references would help to improve the readability of the policy. I agree with SODC that the grid references are unnecessary. However, their removal is not needed to ensure that the Plan meets the basic conditions.
- 7.22 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the second element of part A with:

‘Development proposals that would result in the loss of a community facility listed in part A of this policy through a change of use or redevelopment will only be supported if:

- **it would lead to the significant improvement of an existing facility or the replacement of an existing facility equally convenient to the local community it serves and with an equivalent or improved facility; or**
- **information is available to identify that the facility is no longer needed, or in the case of commercial services, it is not economically viable.’**

Replace the final element of part B of the policy with:

‘Development proposals on a Community Space that would undermine its essential social value will not be supported.

Development proposals adjacent to a Community Space should respond positively to the community space concerned and be designed to complement its essential social value. Development proposals adjacent to a Community Space which would undermine the essential social value of the space will not be supported.’

Policy GARS2 Footpaths, Bridleways and Cycleways

- 7.23 This policy seeks to ensure that safe pedestrian/cycle access to the village centre is an intrinsic consideration in any new residential development. It advises that footpaths are an essential aspect of the rural nature of the village and as such their routing and environment should be protected. Furthermore, it advises that the consideration of new foot, cycle, and bridle paths to enhance connectivity throughout the village would be a welcome feature in any new development plans.
- 7.24 In general terms, the policy takes a positive approach to this matter. I saw the range and importance of the footpath network during the visit. In this wider context I recommend specific modifications to the wording used in parts A and C of the policy. I also

recommend a modification to part B of the policy so that it can be applied by SODC in a proportionate way and where it is practicable to do so. Plainly individual proposals will present their own opportunities to provide access to the existing network (or no such opportunities).

- 7.25 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In A and C replace ‘Developments’ with ‘Development proposals’

Replace B with:

‘As appropriate to their scale, nature, and location, and where it is practicable to do so, development proposals should provide safe and accessible pedestrian and cycle connections with existing or proposed footpaths and cycle routes.’

Policy GARS3 Important Views

- 7.26 This policy identifies views which GPC considers are essential to framing the distinct rural character of the parish. It advises that although all the parish lies in the Green Belt there may be proposals for appropriate development, the location, scale, massing, or height of which may undermine the character of a view. The policy requires that proposals demonstrate that they have acknowledged, understood, and responded positively to the character of a view, insofar as is relevant to their location and nature.
- 7.27 L&Q Estates comment:

‘it appears that Land at Northfield falls within View 4 (‘view from the bridleway between Oxford Road and the Wheatley Road looking north-west to the City of Oxford’). Furthermore, View 6 (shown on Map 5 as views 6a and 6b) lies within the Northfield Site (‘views coming into the village along the Oxford Road (also from Watlington Road)’).

Policy GARS3 requires developments to ‘preserve or enhance the local character of the landscape and not have a significant adverse impact on the following important views as shown on Map 5’. The wording of this Policy is potentially prejudicial to the development of Land at Northfield. Given the development at the site will feature in these views, as shown on Map 5, the development is likely to have a degree of impact upon them, albeit L&Q Estates considers that the overall extent of this impact will be limited. It nevertheless remains that some impact is likely simply by virtue of its presence, which would be in conflict with the wording of the supporting text. The wording of this Policy therefore has the potential to jeopardise the delivery of the Land at Northfield. This is in direct conflict with Basic Condition E.

In addition, the development of the Site will inevitably result in fundamental change in the landscape of the Site from undeveloped land; to part of the urban area of Oxford. Even though this change takes place in the context of existing urbanising influences to the north-west and south-west of the Site which reduces the likely adverse effects on landscape character, there will inevitably be some adverse change to existing character, although this will be mitigated as much as possible by a sensitive design

approach; and there is potential for some beneficial change in respect of the significant expansion and enrichment of the structural landscape associated with the Northfield Brook corridor.

As such, Policy GARS3 is not in general conformity with the strategic policies of the South Oxfordshire Local Plan 2035. Specifically, it is not in general conformity with Policy STRAT12, which requires Land at Northfield to come forward for development. As currently worded, Policy GARS3 casts doubt over the delivery of the development and should be deleted accordingly.'

7.28 SODC comment that:

'View 6 in the policy, shown as Views 6a and 6b on Map 5, are positioned directly across the strategic allocation land at Northfield (Policy STRAT12 in the Local Plan). Paragraph 13 of the NPPF is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans. Policy STRAT12 in the Local Plan sets out the expectation for development across this site. This includes delivering a scheme in accordance with an agreed comprehensive masterplan taking into consideration the indicative concept plan. The views look across the strategic allocation with areas shown on the indicative concept plan as high-density development, medium density development, lower density development and green infrastructure. There will be significant changes to the landscape of the area related to the strategic allocation. The policy including these proposed views will conflict with paragraph 13 of the NPPF, with policy GARS3 stating that developments should preserve or enhance the local character of landscape and not have a significant adverse impact.'

7.29 In its response to the clarification note GPC commented:

'We agree with the points made by SODC concerning this policy with one exception. They argue for the removal of view 6b arguing that it will be surrounded by development. This is debateable for two reasons. The view is from the road, not from within the development, and the view is upward to the surrounding hill. The view 6b will get better as one proceeds along the road towards Garsington, but nonetheless it should still be possible to enjoy a sight of the Garsington ridge before reaching the green infrastructure. Thus, we argue that view 6b should stay, although we do accept that it might be a narrow view and it could be moved closer to the edge of the site at Northfield Farm.'

7.30 I have considered these issues very carefully. On the one hand, the parish landscape offers several very interesting views and other neighbourhood plans have successfully included similar policies. On the other hand, one of the basic conditions is that a neighbourhood plan should be in general conformity with the strategic policies in the development plan. In this context I have concluded that proposed Views 4, 6a and 6b could detract from the the development of the land at Northfield as anticipated in Policy STRAT12 of the Local Plan. This point is reinforced by both SODC and the intended developer of the strategic allocation. Such an approach would not meet the basic conditions and I recommend that the Views concerned are deleted from the policy.

- 7.31 In general terms, the policy takes a positive and non-prescriptive approach to this matter. However, I recommend that its opening element is recast so that it has the clarity required by the NPPF and will be able to be applied consistently by SODC through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening part of the policy with:

‘The scale, massing and height of development proposals should be designed to preserve or, where practicable, to enhance the local character of the landscape and respond positively to following important views (as shown on Map 5 - Policies Map):’

Delete Views 4, 6a and 6b from the policy

Delete Views 4, 6a and 6b from Map 5

Policy GARS4 Settlement Identity

- 7.32 This policy seeks to maintain the separate identity of Garsington. It was substantially revised by GPC during the examination.

- 7.33 The revised Plan advises that:

‘The purpose of this policy is to ensure that the character of Garsington as a physically and visually separate settlement is maintained. This policy does not seek to prevent development that may otherwise be appropriate to these identified locations. The separation between Garsington and Oxford is especially sensitive to change in light of the Local Plan strategic allocation at Northfield, which the policy acknowledges, and which will result in the separation between Garsington and Oxford being narrower than it is currently.’

- 7.34 The Plan advises that development at and around the Riding Stables is considered to constitute the area on B480 Watlington Road between the junction with Southend Garsington and the bottom of Chiselhampton Hill.

- 7.35 The revised policy advises that development proposals, including the re-use of rural buildings, within the neighbourhood area should preserve the character of Garsington as a unique settlement. It also comments that new development within the neighbourhood area should not unacceptably detract, either individually or cumulatively, from the separation between Garsington and:

- Oxford City, taking account of the strategic allocation at Northfield (SODC Local Plan 2035 – Policy STRAT12);
- development at and around Kings Copse Park; and
- development at and around the Riding Stables.

- 7.36 The revisions to the policy bring the clarity required by the NPPF and properly acknowledge that the parish includes the strategic allocation at Northfield.

- 7.37 L&Q Estates generally support the revisions made to the policy (and its references to the strategic site). However, it comments about the wording used in the policy about the uniqueness of Garsington. I recommend a modification to the wording in the policy so that it more fully describes the character and setting of the village and how those issues apply to the policy.
- 7.38 The policy makes two references to ‘development in the neighbourhood area’. I recommend their deletion given that any neighbourhood plan policy applies only within the designated neighbourhood area.
- 7.39 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘the character of Garsington as a unique settlement.’ with ‘the character, setting and location of Garsington.’

Delete the two references to ‘within the neighbourhood area’

Policy GARS5 Housing Mix

- 7.40 This policy has been designed to encourage proposals that recognise the need for smaller dwellings and comprise single houses, terraced cottages, or groups of small detached or semi-detached dwellings, with a maximum of 3 bedrooms. It advises that proposals may also provide an element of affordable housing for people with a local connection but should be subject to conditions that will lead to a reasonable prospect of ensuring similar provision remains in perpetuity. The approach taken is underpinned by the Garsington Housing Needs Assessment (HNA) (Appendix H)
- 7.41 The policy offers support to proposals where the mix of homes is appropriate to the site in terms of character and size of dwelling, addresses the shortage of smaller and affordable houses and considers the needs of current and future households in Garsington by meeting the needs of younger people, young families, and those of an ageing population in respect of accessibility and downsizing.
- 7.42 In general terms, the policy takes a positive approach to these matters and has regard to Section 5 of the NPPF. Nevertheless, I recommend a specific modification to tighten the relationship between the policy and the HNA. I also recommend a modification to the wording of the supporting text so that it more accurately reflects the findings of the HNA.
- 7.43 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the second bullet point with: ‘address the shortage of smaller and affordable houses, as identified in the Garsington Housing Needs Assessment, and’

In paragraph 6.6 replace ‘The Garsington Housing Needs Assessment (HNA) demonstrated a clear requirement for affordable homes within the current boundaries of the built parish’ with ‘The Garsington Housing Needs Assessment (HNA) demonstrated a clear requirement for affordable homes within the parish; 86% of

respondents to the housing needs questionnaire produced to support the HNA expressed the view that affordable housing should ideally be provided in small sites scattered throughout the parish.'

Policy GARS6 New Housing

- 7.44 This policy responds to Local Plan Policy H16 by setting a context for a limited amount of new housing through infilling in the village in line with national Green Belt policy. To bring clarity and certainty in decision making, Map 5 - Policies Map shows the proposed Garsington Settlement Boundary. It will define the area to which the proposed policy will apply.
- 7.45 As submitted, the Settlement Boundary was very extensive and sought to include residential properties and agricultural buildings to the north of the village within the defined boundary. GPC revised the proposed boundary during the examination. As the modified Plan now comments:
- 'The boundary has been defined tightly around the built form of the settlement and, where possible, follows defined features such as walls, fences, hedgerows, and roads. The settlement boundary excludes open spaces, sports, and recreational facilities on the edge of the settlement, uses associated with the countryside, and sections of large curtilages of buildings (including gardens, such as those on Oxford Road) which relate more to the character of the countryside than the built form of Garsington. The cluster of buildings to the north along Wheatley Road have not been included within the built-up area boundary as they are historically associated with countryside uses.'*
- 7.46 The other key element of the modifications proposed to the Settlement Boundary is its tightening to the rear (south west) of the gardens of the houses at the western end of Oxford Road.
- 7.47 Comments were received from the relevant landowner that Stable View and the full garden area to Field House (off Pettiwell) should be included in the settlement boundary. The area concerned was within the Settlement Boundary in the submitted Plan but was proposed to be excluded in the modifications. No objections were made to their inclusion within the Settlement Boundary when consultation took place at that time. I looked at the parcels of land carefully on an electronic map. They are a logical part of the built form of the village. As such, I recommend that they are reinstated into the Settlement Boundary.
- 7.48 In the round, the policy takes a very positive approach to the distribution of development in the parish. It will focus any new development within the village with appropriate access to community and commercial services. Within this broader context I recommend two modifications to bring the clarity required by the NPPF. The first deletes the unnecessary reference to 'limited development' in part A of the policy. The scale and nature of infill development will properly be controlled by the criteria in the policy. The second replaces the first bullet point in part B of the policy. As submitted, it relates to the character of the village when that part of the policy comments to development outside the Settlement Boundary.

- 7.49 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In A delete 'limited'

In B replace the first bullet point with 'they retain the rural character of the parish'

Reinstate Stable View and the full garden area to Field House (off Pettiwell) within in the settlement boundary.

Policy GARS7 Design Guidance

- 7.50 This policy sets out to achieve high-quality standards of design that reflect the distinct character of the parish and Green Belt location. The Plan advises that there is already a rich variety of architectural styles in the village and new developments should contribute to this variety. At the same time, it comments that new developments should be sympathetic to the existing character of the area regarding density, scale, and bulk of new builds. The Plan comments that the policy requires developers to deliver innovative development of high-quality design that responds to its surroundings and is appropriate for the area rather than to restrict development from coming forward.
- 7.51 In the round I am satisfied that the policy takes a very positive approach to design. It is a good local response to Section 12 of the NPPF.
- 7.52 Within this supporting context, I recommend the following modifications to bring the clarity required by the NPPF:
- the deletion of part A of the policy. It brings no added value to the principal element (part B);
 - a recasting of the opening element of part B of the policy (including the deletion of the out of context reference to what will not be supported); and
 - a simplification of part C of the policy which has a repetitive format.
- 7.53 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete part A.

Replace the opening element of part B with:

'New development should demonstrate good quality design and respect the character and appearance of the surrounding area.

As appropriate to their scale, nature and location, development proposals should respond to, and integrate with, their local surroundings and comply with the following design principles:'

Replace part C with:

'New developments shall be similar in density, plot width, footprint, separation, scale, and bulk to the buildings in the surrounding area generally and of neighbouring properties, unless it can be demonstrated that the proposed

development would not harm local character or would compromise the efficient use of land.’

Policy GARS8 Biodiversity

- 7.54 This policy derives directly from the Plan’s Objectives and GPC’s legal responsibilities to conserve biodiversity under the Natural Environment and Rural Communities Act (2006). Government guidance on the Act includes recommendations to identify local sites of importance for biodiversity and to protect and enhance biodiversity within the management of local authority land holdings.
- 7.55 The policy has been designed to operate in a complementary way to the now-enacted biodiversity net gain elements of the Environment Act 2021 rather than repeating national legislation. This is best practice.
- 7.56 I recommend modifications to the wording of Part D (as submitted) so that they are more appropriate to a neighbourhood plan. I also correct an error in the lettering sequence in the policy.
- 7.57 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace ‘D and E’ with ‘A and B’

In D (as submitted) replace ‘will be resisted’ with ‘will not be supported’

Other Matters - General

- 7.58 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for SODC and GPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

NPPF December Update

- 7.59 I also recommend that any references in the Plan to the NPPF should be updated to reflect the December 2023 version (including its paragraph numbers).

Update any references in the Plan to the NPPF to reflect the December 2023 version (including its paragraph numbers).

Other Matters – Specific

- 7.60 SODC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.
- 7.61 I also recommend other modifications to the text of the Plan based on SODC's comments insofar as they are necessary to ensure that the Plan meets the basic conditions. In the main they relate to the more general parts of the Plan as follows:

Ensure that each of the paragraphs within the plan are numbered consistently and uniquely.

A consistent approach to numbering the clauses within policies should be taken throughout the plan and replace the varied use of numbers, letters, or bullet points.

Replace the final sentence of paragraph 2.1 with: 'If approved at referendum a neighbourhood plan comes into force as part of the statutory development plan. Therefore, planning applications must be determined in accordance with it as part of the development plan, unless material considerations indicate otherwise.'

At the end of the first paragraph of Section 3 add: 'In addition the Plan should have regard to national policies and advice contained in guidance issued by the Secretary of State.'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area and its heritage assets.
- 8.2 Following the independent examination of the Plan, I have concluded that the Garsington Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to South Oxfordshire District Council that subject to the incorporation of the modifications set out in this report that the Garsington Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 27 February 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

Andrew Ashcroft
Independent Examiner
28 May 2024