

To the residents of Burford re proposed development of Sheep Street for 70 homes:

Please find below a number of important points of clarification relating to some demonstrably unclear or misleading statements and comments that were made by BTC and WODC Councillors at the public meeting on Thursday 20th November.

It is incredibly important that Burford residents are aware of the precise facts, as this consultation is in reality the one and only opportunity to stop the Sheep Street site being allocated for major housing development in the emerging local plan. If the site is allocated, it's highly likely that development will follow.

Please read our comments and explanatory notes below. There appears to be a fair amount of misinformation in circulation about process - and the reality of what is at stake. Although the information below is lengthy and detailed, it's worth 'bearing with' and via your Save Burford committee, we are happy to further clarify any points that remain unclear.

1. A statement was made at the meeting that the Sheep Street site is already allocated in the WODC Local Plan 2031. This is wrong. It is not even mentioned in the 2031 Local Plan. The site is a new proposed allocation in the emerging 2043 Local Plan and is subject to consultation. It is seemingly supported for development by the Mayor and our District Counsellor, but for erroneous reasons as explained below.

2. A statement was made that comments and concerns about the development of the Sheep Street site should be left until a planning application is submitted in due course. It was also suggested that comments on planning applications should be left to the Town Council suggesting that the comments and concerns of individuals would be irrelevant and carry no weight. Both of these statements are misleading. The comments and concerns of residents and other members of the public are part of the democratic planning process. It is right and proper that anyone who has concerns about a proposed allocation or a specific planning application should write to WODC Planning to express them. They will be reviewed and they will be posted on the WODC public portal. It is correct that the Town Council is a statutory consultee for the purposes of planning applications and has influence - as does the District Councillor- in requesting that a complex or controversial planning application is called into the WODC Uplands Planning Committee for a decision (rather than being left to a planning officer to decide under delegated powers), but the Town Council should take into account the interests and wishes of the town's residents in such matters, as should the District Councillor. Everyone's personal views, based on valid planning considerations, should be taken into account and

everyone should be encouraged to put their opinions to WODC on the proposed allocation of the Sheep Street site through the consultation process.

3. It was said that it is better to have the Sheep Street site allocated in the Local Plan than not to, because then it can be given planning permission with a requirement to have a new town car park and possible coach park. Irrespective of the concerns around Sheep Street being the location for a new town car park, the benefit of allocation alluded to by the District Councillor was wrong and misleading. Sites allocated for housing in the Local Plan cannot have such conditions tagged onto them in the Local Plan. It would be unlawful for WODC to try to do this. There has never been a condition like that imposed on an allocated housing site for that reason. Housing site allocation are made with suggested requirements that pertain to the housing needs of the district or settlement, or which seek to mitigate the harm or impact from the development, but conditions and requirements cannot be pre-imposed on developers and must relate directly to the proposed development and, in any event, must meet the six legal tests for planning conditions in the National Planning Policy Framework (NPPF) 2024. There is no mechanism to guarantee that the landowner or developer will be forced to construct a new public car park within a housing development in Sheep Street. Even if the landowner or developer were to say that they would, any such 'promise' would be legally unenforceable at this stage and developers will often promise benefits which are subsequently withdrawn on grounds that they would render the housing scheme unviable and undeliverable. For these reasons any future discussions about the provision of new public car or coach parking facilities for the town should be separated from the debate about building 70 plus houses on the Sheep Street site. It is dangerous and disingenuous to continue to connect these issues.

4. The importance of the protection of the Cotswold National Landscape (formerly Cotswold AONB) was mentioned at the meeting. This is very important. Policy 190 of the NPPF 2024 states that National Landscape deserve special protection and goes on to say that where major developments are proposed in the National Landscape (and the proposed 70 plus homes in Sheep Street would qualify as 'major' development) they should only be permitted in 'exceptional' circumstances AND where the proposed development is in the 'public interest'. This is a very high bar and numerous planning appeal decisions by Planning Inspectors have refused major developments in National Landscapes, including in the WODC part of the Cotswolds National Landscape, for these reasons. Planning Appeal Inspectors (who are the true experts and arbiters of planning law and policy) have made it clear that the failure of a planning authority, such as WODC, to meet its 5 year housing requirements is NOT an exceptional reason to build in the National Landscape and that the offer of a high proportion of affordable housing by a developer to meet local needs is NOT a sufficient public interest to justify development in the National Landscape. Appeal decisions in the WODC area have backed this up. A new town

car park would certainly not be an exceptional reason or something sufficiently in the public interest to justify a major housing development in the National Landscape, particularly where it is located immediately adjoining the Burford Town Conversation Area, close to the rich history and heritage of Burford town and opposite an ancient woodland that forms part of the curtilage of a Grade 1 Listed Priory House. Therefore, based on national planning policy 190 and its interpretation by numerous Planning Inspectors, it is very surprising that the Sheep Street site is still being considered for allocation by the WODC planners and politicians.

5. It has been suggested that a major development should be allowed on the Sheep Street site, even though it is within the National Landscape, because it is on lower ground than the A40 and therefore the new houses would not be visible. That is an erroneous argument. Planning Inspectors have made it clear in past appeal decisions that the whole of the National Landscape warrants special protection, not only the parts that can be seen from A or B roads. The National Landscape must be protected in its entirety as it is a broad landscape whose boundaries have been set and which must be preserved and protected. If major housing and other types of development could be built all over the National Landscape where they might not easily be seen from main roads, the whole landscape value would eventually be lost. Every part of the Cotswolds National Landscape is as important as every other part.

6. A question was raised at the meeting as to whether Burford is obliged to take a certain number of houses under the Local Plan. The answer is 'no'. There is no fixed quota that Burford has to take in allocated sites or through 'windfall' or speculative planning applications. Burford is considered to be a 'service centre' which can therefore accommodate some new housing but its location within the Cotswold National Landscape is recognised, as is its Conservation Area, and a number of other constraints, and so it is only required to take limited development for those reasons. The Cotswold Gate housing scheme was a significant new housing development for Burford, but that was north of the A40 and outside of the Cotswold National Landscape. It is worth noting that Witney, Carterton, Bampton, Eynsham and Woodstock are all outside of the Cotswold National Landscape, as are the eastern and south-eastern sectors of Chipping Norton.

7. Calls have been made upon WODC in the current consultation process to mirror in the 2043 Local Plan the wording of NPPF Policy 190 relating to the protection of the Cotswold National Landscape. This is to be encouraged to avoid confusion and inconsistency, and to ensure that every part of the National Landscape is given special protection.

C3 Planning

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