

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LAND SOUTH OF BURFORD ROAD, MINSTER LOVELL**

**APP/D3125/W/23/3331279**

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**POSITION STATEMENT  
AGREED BY THE COUNCIL  
AND THE APPELLANT**

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Having reflected on the evidence presented to the inquiry, the LPA agrees with the Appellant that the proposal is in accordance with the development plan as a whole, and that permission should be granted in this case, subject to the agreed conditions and section 106 obligation.

As to reason for refusal (1), it is agreed that on the specific circumstances of the case:

1. The LPA and Appellant agree that the site is located in a sustainable and accessible location, and that there is no conflict with policies T1 and T3 of the West Oxfordshire Local Plan.
2. The LPA confirms that it does not allege a conflict with policies EH9 and EH16 of the Local Plan, and that, applying NPPF paragraph 209, the LPA agrees that there is no unacceptable impact on the non-designated heritage asset of Minster Lovell.
3. As to the principle of development, for the purposes of policy H2 of the Plan, the LPA agrees that, irrespective of whether the LPA can demonstrate a five-year housing land supply, convincing evidence has been presented to demonstrate that the Appeal Scheme is necessary to meet identified housing needs and is consistent with the distribution of housing strategy set out in Policy H1.
4. Whilst the LPA has alleged that there is a conflict with policies EH2, OS4 and OS2 of the Plan that arises from the landscape and visual impacts of the scheme, it is agreed that such conflicts would be expected to arise from the development of “*undeveloped land adjoining the built up area*” of villages, which is permitted in principle by policy H2 in this case (see paragraph 3 above). Accordingly, the LPA agrees that the appeal proposal does not conflict with the policies of the development plan, when read as a whole. It is therefore also agreed that, applying policies H2 and OS2, the appeal scheme is acceptable in principle, and is also acceptable in respect of the landscape

and visual impacts in this particular case, noting the opportunities to achieve mitigation through a landscaping scheme that can be the subject of conditions.

5. The LPA does not identify any other conflict with the policies of the development plan.
6. It is agreed that the appeal proposal is in accordance with the development plan when read as a whole.
7. In accordance with Policy OS1, para. 11 of the NPPF and s.38(6) PCPA 2004, it is therefore agreed that permission should be granted subject to satisfactory conditions and a satisfactory s.106 agreement being executed.
8. It is agreed that the draft s.106 agreement, if executed, would resolve reason for refusal 2.
9. For the avoidance of doubt the parties continue to disagree as to whether the Council can demonstrate a 5 year supply of deliverable housing land. However, irrespective of whether the LPA can demonstrate a five – year land supply, it is agreed that permission should be granted in this case, applying the “straight” or “tilted” balance, subject to the agreed conditions and the execution of the s.106 obligation.

Signed 20/02/2024



Chris Wood, Senior Planner (Appeal) – West Oxfordshire District Council



Ed Barrett, Area Planning Director – Catesby Estates