

**IN THE MATTER OF THE TOWN AND COUNTRY PLANNING ACT 1990**  
**AND LAND AT THE ALLOTMENTS SITE, NORTH OF ABINGDON ROAD**  
**AND LAND SOUTH OF ABINGDON ROAD, CLIFTON HAMPDEN**

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**OPINION #2**

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**Introduction**

1. I am instructed by Thomas Homes, through their instructed planning consultants, Oxford & Country, in respect of a proposed Community Right to Build Order (“CRBO”) under section 61E and Schedules 4B and 4C of the Town and Country Planning Act 1990 (“TCPA 1990”).
2. Burcot and Clifton Hampden Parish Council’s (“the Parish Council”) Neighbourhood Development Order Steering Group (“the Steering Group”) intend to submit the CRBO as a Neighbourhood Development Order proposal (“NDO”) to South Oxfordshire District Council (“the District Council”) on completion of all consultation and preparation requirements. Thomas Homes have been identified by the Steering Group as the development partner.
3. The intended CRBO would grant permission (pursuant to section 61E(2)(a) TCPA 1990) for a total of 20 dwellings and a new doctor’s surgery across two separate sites located within the Green Belt:
  - (a) The Allotments Site North of Abingdon Road (“the Allotments Site”) (16 dwellings and a new surgery): and
  - (b) Land South of Abingdon Road (“the Abingdon Road Site” also termed “the Paddock Site”) (4 dwellings).

4. I am asked to advise specifically whether a proposed CRBO development, as illustrated using Revised General Layout Plans (19112.03 and 19112.04) would meet the test of Very Special Circumstances (“VSC”), under NPPF 143-144 for the purposes of paragraphs 8(2)(a), (d) and (e) of Schedule 4B of the Town and Country Planning Act 1990 (i.e. the “basic conditions”).
5. On 11 July 2019, the Council Development Management Team Leader (Applications) provided pre-application advice in respect of a similar proposal (albeit with a larger quantum of dwellings). The Council’s Officer identified that this was likely to be the case for two reasons: *“There are no options outside the Green Belt that can be considered, and you may be able to demonstrate an identified need for the development proposed.”*
6. In summary, I agree with the Council’s preliminary view as expressed in the 2019 pre-application response. I set this out in an Opinion (dated 20 October 2020) which was shared with the Parish Council. I consider that there have been no material changes of circumstance to reach a different view. For ease of reference, I have updated the Opinion in full by reference to the updated plans, so that this can be shared with the Council as part of further pre-application discussions.
7. An Examiner appointed by the Council to conduct an independent examination under Schedule 4B TCPA 1990 is likely to find that the Very Special Circumstances test is met for at least five reasons:
  - (1) The CRBO proposal will provide new housing within the Parish to meet its housing needs, given the extent of Green Belt coverage;
  - (2) The CRBO proposal will deliver a much-needed new doctor’s surgery, which will result in significant improvements in healthcare provision

locally, and address modern and future expectations for healthcare provision following the significant changes brought by 2020-21;

(3) There are no alternative sites available to deliver these benefits;

(4) The CRBO and Community Land Trust nature of the proposal ensures that the scheme is community-led and will deliver significant social and economic benefits, in line with the Localism Act 2011 and national planning policy.

(5) The proposal continues to have strong community support, as demonstrated by the consultation work undertaken to date.

8. In summary, the proposal remains an exemplar of what the Government intended for CRBOs and NDOs through the Localism Act 2011 (and consequent amendments to the TCPA 1990). It reflects the extensive work undertaken by the Parish Council's Steering Group and the helpful support offered by the District Council pursuant to their statutory duty under paragraph 3 of Schedule 4B TCPA 1990, and NPPF paragraph 52.

9. In summary, there would be very special circumstances for the CRBO development - the potential harm to the Green Belt by reason of inappropriateness (and all other harm resulting from the CRBO) are clearly outweighed by other considerations.

10. As set out above, I understand that this Opinion will be provided to both the Parish Council and the District Council, as part of the discussions on the submission of the CRBO.

## Factual Background

### Briefing Notes and Correspondence

11. The factual background to this matter has been set out in my initial instructions and attachments, and a further briefing note from the Parish Council.
  
12. I have been provided with various documents:
  - (a) A Preliminary Report authored by the planning and design consultants O'Neill Homer (dated February 2019).
  
  - (b) The Pre-Application Response Letter from the District Council's Development Management Team Leader (Applications), Sharon Crawford to the Parish Council Steering Group Chair, Giles Baxter (dated 11 July 2019);
  
  - (c) Plans provided by Woodfield Brady Architects (June 2020) (General Layout: 19112.03 and 19112.04; Figure Ground Plan: 19112.05, Perspective Plans)
  
  - (d) Further Plans (General Layout 19112.03 and 19112.04) (dated 13 July 2021) (replacing those in (c) above).
  
13. I am instructed that there has been a long-running cooperative and productive discussion between the Parish Council and the District Council Officers since 2012.
  
14. In that context, the District Council's Letter referred directly to the Preliminary Report and demonstrates that Officers are already well aware of

the location of the Sites and the general nature of the proposed CRBO development. The intended layouts in the Preliminary Report were illustrative and these have now been updated. The General Layout Plans show the intended location of the houses, the surgery, plus various more open areas on site (allotments, an indicative burial garden) and landscaping.

15. I shall therefore not rehearse the factual background at length, but instead concentrate on certain key aspects of the history of the CRBO proposal and recent developments in respect of the emerging Local Plan.

#### Preparation and Consultation Work

16. Burcot and Clifton Hampden Parish Council's population in the 2011 census was 662 residents, in 230 houses. Both villages are classified as "small villages" in the South Oxfordshire Local Plan 2034.
17. The Localism Act 2011 and the National Planning Policy Framework 2012 introduced neighbourhood plans and neighbourhood development orders to the planning system and encouraged extensive community involvement in the location of shaping of development to meet local community's needs.
18. From 2012, the Parish Council commenced work on a Village Plan at the encouragement of the District Council. By 2014, the Village Plan Survey had identified a need for a new doctor's surgery and a limited increase in housing stock.
19. On 26 August 2014, the Parish Council was designated as a neighbourhood plan area (under section 61G TCPA 1990). Work on the Neighbourhood Plan was thereafter coordinated by a Neighbourhood Plan Steering Committee ("NPSG").

20. On 24 May 2017, the NPSG launched their Neighbourhood Plan. Consultation identified a need for “25-30” new houses and a new doctor’s surgery.
21. Between July and November 2017, the Parish and District Councils met and discussed proposals for delivering this development, culminating in the suggestion of a Neighbourhood Development Order (“NDO”) in light of the NPPF 2012 making no provision for Neighbourhood Plans to alter Green Belt boundaries.
22. On 24 November 2018, a Community Land Trust (“CLT”) was registered, to be the recipient of any assets transferred into village ownership as a result of the NDO.
23. On 16 January 2019, a workshop was held to consider spatial options for the delivery of the development – identifying nine separate options across both Clifton Hampden and Burcot.
24. Through this process, it was identified that the Abingdon Road and the Allotments Sites were the only appropriate sites for the delivery of housing within the Parish. All other seven sites were not considered to be acceptable on the basis that they would have a far greater impact on openness in the Green Belt. This was considered sufficient to justify their exclusion at this gateway stage. However, a further consideration would have been the proximity of those sites to the current centre of Clifton Hampden, enabling linked trips. Both chosen Sites have a particular advantage in being within walking distance of the village centre and are therefore highly sustainable.
25. On 6 February 2019, the Preliminary Report was drawn up by O’Neill Homer. This document was labelled “preliminary” to show how development could

be located on the Sites, but the designs were expressly illustrative only and intended to be replaced by more detailed plans in due course.

26. On 19 February 2019, the NPSG sought pre-application advice, using the Preliminary Report.
27. On 11 July 2019, the Council's Officer provided the Pre-Application Response. The Report considers a range of matters in addition to Green Belt, including Heritage, Ecology, Trees, Transport, Archaeology, Minerals, Drainage, Design, Education, Waste Management, Garden Size, Housing Mix and Affordable Housing. It identified no basis for refusal of the scheme, subject to submission of appropriate technical reports and further work with statutory consultees, notably the County Council as Highways Authority.
28. On 15 November 2019, the Parish Council set up the Neighbourhood Development Order Steering Group. The Parish Council received Government funding to promote the NDO.
29. During 2020 and 2021, further consultation was undertaken with the local community in respect of the NDO.
30. Work on the CRBO has been delayed by the Covid-19 pandemic, the Steering Group remain keen to submit the CRBO following completion of consultation and preparation processes and to proceed to independent examination.

### **The Proposals**

31. The Allotments Site measures 3.1ha. The General Layout Plan demonstrates that the site could provide for 16 dwellings, comprised of 1, 2 and 3 bed dwellings including apartments and bungalows. The Surgery is located at the south-eastern edge, near the existing village hall. All buildings and the proposed new car park will be bordered by extensive new planting.

32. The Preliminary Report identified that the Site already has strong visual screening, such that is not visible in wider viewpoints. The General Layout demonstrates how extensive hard and soft landscaping is provided at the wider boundaries of the Site. Under the revised Plans, the Site continues to have an extensive allotments area and indicative burial garden area both of which preserve openness.
33. The Abingdon Road Site is the smaller site, measuring 1.5ha in area. This is considered to have a capacity for 4 larger houses, set in an open area comprising the stables and paddocks and retained large trees. Again there is strong visual screening of the Site, plus capacity for further soft landscaping, which would integrate with the wider parkland landscape to the south.

### **Legislative Framework**

34. The preparation and making of a Community Right to Build Order is governed by section 61E and Schedules 4B and 4C of the Town and Country Planning Act 1990 ("TCPA 1990").
35. Schedule 4C's paragraph 1 state that a CRBO is a "particular type of neighbourhood development order" and that the provisions of the TCPA 1990 apply to CRBOs, i.e. Schedule 4B. This is echoed by paragraph 7.
36. The pivotal provision in any independent examination is therefore Schedule 4B, paragraph 8 which provides (so far as relevant):

*(1) The examiner must consider the following –*

*(a) whether the draft neighbourhood development order meets the basic conditions (see sub-paragraph (2)),*

...



(2) *A draft order meets the basic conditions if –*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*

*(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*

*(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*

*(d) the making of the order contributes to the achievement of sustainable development,*

*(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

*(f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and*

*(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.*

*(3) Sub-paragraph (2)(b) applies in relation to a listed building only in so far as the order grants planning permission for development that affects the building or its setting.*

*(4) Sub-paragraph (2)(c) applies in relation to a conservation area only in so far as the order grants planning permission for development in relation to buildings or other land in the area.*

37. In this advice, I shall proceed on the basis that the heritage requirements under 8(2)(b) and (c) and the EIA/Habitats duty under 8(2)(f) are both capable of being addressed through technical reports instructed by the Steering Group. Although there are listed buildings and a conservation area in the locality, it is clear that the CRBO proposal can be located sensitively and taking on board all necessary design recommendations.

38. At this point, I also note that local planning authorities are subject to the overarching, teleological duty through Schedule 4B's paragraph 3:

*(1) A local planning authority must give such advice or assistance to qualifying bodies as, in all the circumstances, they consider appropriate for the purpose of, or in connection with, facilitating the making of proposals for neighbourhood development orders in relation to neighbourhood areas within their area.*

39. This is subject only to the clarification that it does not require the provision of financial support under paragraph 3(2). In all other respects, an NDO and CRBO is, by design, a product of collaborative work between a Parish Council and a District Council. It therefore occupies a unique statutory position in the planning process, delivering on the aims of the Localism Act 2011 and the consequent amendments to the Planning Acts.

40. Under Schedule 4C, paragraphs 2-3, a CRBO is to be promoted by a community organisation which must be "*(a) ...established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area*".

## National Planning Policy

### Alteration of Green Belt Boundaries: Exceptional Circumstances

41. In the text below, I shall use the NPPF 2021 numbering which will be in force at the point of any examination. There has been no relevant change since 2019.
42. Under NPPF 139-140, Green Belt boundaries can only be altered in exceptional circumstances and through strategic policies, i.e. in emerging Local Plans.
43. The NPPF provides strong support for neighbourhood planning (for example at NPPF 13-14, 21, 28-30). However, there is no provision for neighbourhood plans to alter such boundaries without direct prior support through new strategic policies. As NPPF 140 makes clear: *“Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”*
44. Local Plans can however often be focussed on strategic Green Belt releases, to the exclusion of more local concerns. It is therefore possible that a smaller settlement may not be identified for Green Belt release although there may be a local need for the construction of new development on Green Belt land. Whilst a list of exceptions to “inappropriate development” are provided under NPPF 149 and 150, there are limitations: notably under NPPF 150f, the requirement that development under a NDO or CRBO should *“preserve the openness”* of the Green Belt.
45. In summary, the NPPF envisages that there may be occasions and locations where a CRBO can be promoted which will not in itself preserve the openness

of the Green Belt, however it can be assessed favourably under the Very Special Circumstances test.

### Neighbourhood Development Orders

46. NPPF 52 provides strong support for the NDOs and CRBOs, reflecting the Schedule 4B, paragraph 3 duty:

*52. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.*

### Very Special Circumstances

47. NPPF 147-148 do not themselves define very special circumstances. It is very well-established that the test ultimately is a question of planning judgement, and not one of law.

48. In *Pertemps v SSHCLG* [2015] EWHC 2308 (Admin), the High Court held:

*25. The meaning and proper application of national policy for development in the Green Belt has been considered by the courts on a number of occasions...I need not explore that case law here. It is not controversial. As the parties in this case accept, the court has consistently recognized both the decision-maker's primary task of ascertaining whether or not the proposal in hand is "inappropriate" development in the Green Belt and the rigour required in considering whether the applicant for planning permission has demonstrated "very special circumstances" to justify the approval of development that is inappropriate.*

49. In *Wycharon District Council v Secretary of State for Communities and Local Government* [2008] EWCA Civ 692, [21], the Court of Appeal found that the term "very special" did not connote "the converse of "commonplace"":

*“The word “special” in PPG2 connotes not a quantitative test, but a qualitative judgment as to the weight to be given to the particular factor for planning purposes.”*

50. In *R (Basildon DC) v First Secretary of State and Temple* [2004] EWHC 2759 (Admin), the High Court observed that the VSC would often consist of a number of factors, including in combination:

*“9. Mr Perera submits the very special circumstances are not merely factors that weigh in favour of granting planning permission. Each factor relied upon must be a factor which is of a quality that can reasonably be called ‘very special’. On this approach, it follows that if particular individual factors cannot each reasonably be described as very special, then they cannot cumulatively be described as very special circumstances. He submitted that, considered individually, none of the factors listed by the Inspector in para.58 of the decision letter could reasonably be described as very special. For example, the first factor, Government Policy, is common to all cases concerning gypsy caravan site provision. Expressed in numerical terms, the inspector listed seven factors in para.58, and seven times nought still equals nought.*

*10. It is unnecessary to rehearse the detail since the defendants do not submit that, looked at individually, any one of the factors listed by the inspector is very special in character. They submit that the claimant's approach is fallacious since a number of factors, none of them ‘very special’, when considered in isolation may, when combined together, amount to very special circumstances. I agree. The claimant's approach does not accord with either logic or common sense. **There is no reason why a number of factors ordinary in themselves cannot combine to create something very special.** The claimant's approach flies in the face of the approach normally adopted to the determination of planning issues: to consider all relevant factors in the round. The weight to be given to any particular factor will be very much a matter of degree and planning judgment. To adopt the numerical approach above, whilst some factors may score nought, planning judgments are rarely so clear-cut or absolute, and seven times one seventh equals one.”*

51. In *Compton PC v Guildford BC* [2019] EWHC 3242 (Admin), [70], the High Court observed that the test for “exceptional circumstances” for release through the Local Plan was a “less demanding” test than “very special circumstances”, but continued by observing that that test could also be met by a range of factors, including ordinary housing need:

71. *There is however a danger of the simple question of whether there are "exceptional circumstances" being judicially over-analysed. This phrase does not require at least more than one individual "exceptional circumstance". The "exceptional circumstances" can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary.*

72. *General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgment that "exceptional circumstances" exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of need....*

52. Whilst this case is not concerned with the "exceptional circumstances" test, there is a clear parallel. The VSC test should be applied consistent with national planning policy as a whole, which places emphasis on provision for housing under NPPF 60 and housing to support rural settlements at NPPF 78-79.

53. The courts have also made clear that the approach to alternatives in will ultimately entail a question of planning judgement (see *The Governing Body of Langley Park School for Girls v London Borough of Bromley* [2009] EWCA (Civ) 734, [52]-[53] cited in the post-NPPF case: *Stryjak v Hounslow LBC* [2016] EWHC 1897 (Admin), [15]).

54. It is well-established that the decision-maker must also have regard to harm to openness within the overall balance. In *Redhill Aerodrome Ltd. v Secretary of State for Communities and Local Government* [2014] EWCA Civ 1386, [2015] PTSR 274, the Court of Appeal observed of the former NPPF (2012) 88 wording:

*20. It is common ground that all "other considerations", which will by definition be non-Green Belt factors ... must be included in the weighing exercise. ... If all of the "other considerations" in favour of granting permission, which will, by definition, be non-Green Belt factors, must go into the weighing exercise, there is no sensible reason why "any other harm", whether it is Green Belt or non-Green Belt harm, should not also go into the weighing exercise.*

21. ... *There is no dispute that the underlying purpose of the policy was, and still is, to protect the essential characteristic of the Green Belt – its openness – but there is nothing illogical in requiring all non-Green Belt factors, and not simply those non-Green Belt factors in favour of granting permission, to be taken into account when deciding whether planning permission should be granted on what will be non-Green Belt grounds ("very special circumstances") for development that is, by definition, harmful to the Green Belt.*"

55. There has also been extensive case law on openness, but much of this has focussed on exceptions to inappropriate development (presently contained in NPPF 149-150, including the correct approach to openness (see *R(Samuel Smith Old Brewery (Tadcaster) and another) v North Yorkshire County Council*[2020] UKSC 3; [2020] PTSR 221, citing *R (Lee Valley Regional Park Authority) v Epping Forest District Council* [2016] Env LR 30). In the instant case, the impact on openness will be considered in the round, having regard to both the built form and the extent of openness that it is retained on site.

56. In summary, the VSC test is to be approached pragmatically, looking at all factors in the round.

57. *R(Cherkley Campaign) v Mole Valley BC* [2014] EWCA Civ 567 is an example of the courts' supportive approach to Officer's Reports raising VSC issues:

64. *The main thrust of the judge's criticisms of the majority's decision and reasons, however, concerned the applicability of the Green Belt policy to the buildings. As to that, it seems to me that the judge's criticisms are unfair to the majority. Their starting-point will have been the officers' reports which set out fully and clearly the approach to be followed pursuant to the Green Belt policies (referring originally to PPG2, but then to the NPPF following its publication). **The reports identified the extent to which the buildings would represent inappropriate development in the Green Belt and the extent to which the officers considered that there did not exist very special circumstances clearly outweighing the harm caused by reason of the inappropriateness and the level of activity generated by the proposed development.** The summary of reasons of the majority shows that in finding that the proposed development conformed with the Green Belt policies contained in the NPPF they had addressed themselves to the officers' reports and had considered the concerns expressed in them but they had concluded that those concerns were overcome by the matters referred to. Although the reasons do not use the*

language of the policies, it seems to me that the proper inference to be drawn is that the majority had concluded that, to the extent that there would be inappropriate development, there existed very special circumstances that clearly outweighed the harm. I do not think that the failure to use the language of the policy can justify the adverse finding made by the judge. There is nothing to show that the majority were applying a different test from that correctly set out in the officers' reports that they were considering. To deal specifically with a point made by Mr Edwards, the fact that the majority referred in the final paragraph of the summary to a general balancing exercise does not mean that when concluding that there was sufficient to "overcome" the officers' concerns in relation to the Green Belt policies they were applying a simple balancing test rather than asking themselves whether there were very special circumstances that clearly outweighed the harm.

65. If I am right so far, a further question is whether the majority fell into legal error in concluding that there existed very special circumstances that clearly outweighed the harm. That conclusion depended in part on their assessment that the design of the development would retain substantially the openness of the site (a matter that appears to me to be relevant primarily to the extent of harm) and in part on their assessment of the "other benefits" that would be achieved by the development. Other passages in the summary of reasons identify a number of benefits arising out of the proposed development, including economic benefits in the form of jobs for local people and accommodation and facilities for visitors to the district. It was open to the members to place weight on such benefits when deciding whether there existed very special circumstances sufficient to justify approval of the inappropriate development. To describe the reference to other benefits as at best a fig-leaf attempt to justify an overall planning decision is unfair. I can see no legal error in the majority's approach to these matters, and the conclusion they reached cannot in my judgment be said to have been irrational.

58. In summary, an assessment of VSC requires "rigour" but the question will ultimately turn on the decision-maker's own planning judgement.

### **Development Plan Position**

59. The South Oxfordshire Local Plan 2011 currently designates both sites as Green Belt.

60. The District Council's Local Plan 2035 ("the Local Plan 2035") was adopted on 10 December 2020.



61. Policy H8 (Housing in the Smaller Villages) of the Local Plan 2035 states that where a Parish Council wishes to prepare a Neighbourhood Development Plan and make housing allocations within it to support further growth, the Council will support it. The expected increase in the number of dwellings in Smaller Villages (such as Clifton Hampden) which have NDPs is expected to be around 5-10% on the number of dwellings in the village in the 2011 census.

### **Very Special Circumstances: Summary**

62. In my view, this is a case where each of the factors which constitute very special circumstances are capable of being accorded very significant weight. In practice, they are inextricable, because the CRBO vehicle means that they will be examined together and delivered comprehensively as a whole.

63. Even if individual elements were considered individually, then as in the *Basildon* case, set out above each of the factors combine to create something which is plainly very special.

64. Put another way, this appears to be the only such example of a community-led scheme in South Oxfordshire, which is capable of providing both residential and medical services in a sustainable location – where there is simply no alternative but to release land from the Green Belt.

### **VSC1: Meeting Housing Need**

65. A CRBO will meet the housing needs of the Parish. Indeed it is the only way that these can be delivered: see also VSC 3 below. Clifton Hampden and Burcot are surrounded by Green Belt and cannot grow without development on Green Belt sites.

66. NPPF 78 and 79 both recognise the importance of ensuring that villages (of any size) can grow and thrive, to support local services. These sit within the broader national policy support for boosting the supply of housing under NPPF 60 and the support for small sites under NPPF 70.
67. 20 houses would represent an approximate 10% increase in current stock (230 homes), whilst providing for 40% affordable housing in line with development plan requirements.
68. The capacity of a development to meet housing needs is fully capable of amounting to a very special circumstance in its own right or as part of a collection of different factors: see the Secretary of State Decision Letter in the Oxford Brookes University Wheatley Campus case (APP/Q3115/W/19/3230827) (23 April 2020), DL35, DL39 and DL46, and the Inspector's Report 13.116 and 13.117.

### **VSC2: Doctor's Surgery**

69. The provision of primary medical services in close proximity to an existing community to support its healthcare needs is a very important social benefit: see NPPF 8b, 92 and 93.
70. I am instructed that the current medical practice has 3300 patients, and supports a number of villages. It has consistently been rated "Good" by the CQC and provides excellent, personalised medical care. However, the current building poses challenges in respect of accessibility, space and energy efficiency. The surgery will also need to expand to provide additional services as the range of services provided by the Primary Care Network grows, and to meet the needs of new patients from developments outside the village, including at Culham. The partners at the practice will provide a statement as part of the supporting material for the CRBO in due course.

71. In a 21<sup>st</sup> century context, there is a pressing need for a purpose-built building which meets these demands. It is important that is properly planned for and delivered early.

72. My instructing consultants have referred to an example of a doctor's surgery in Marston Green, Solihull MBC (PL/2018/02763/PPFL) which was considered by the Council to meet the requirement for VSC. That was geographically a rather different case with a number of sites considered given Marston Green's larger scale. However the principle is of broader application - having a well-located and well-designed doctor's surgery is of particular significance to any community, and essential in the instant case.

### **VSC3: Absence of Alternatives**

73. The Sites are the only locations within the village which are capable of delivering the benefits in VSC1 and VSC2. There are no other suitable alternatives outside or within the Green Belt. All other Sites would entail greater harm to openness or be unacceptable in locational sustainability terms. This Site assessment work will be recorded in the CRBO evidence.

### **VSC4: Community Land Trust**

74. I am instructed that the CRBO will be promoted through the Community Land Trust vehicle, ensuring that any profits are returned to the community. This ensures that there will be additional social and economic benefits from the proposal.

75. A settlement arrangement has been agreed between the Parish Council, the CLT, Thomas Homes, the surgery partners, and the landowner. The general financial details of that settlement are set out in supporting documentation.

76. In summary, the community will receive social and economic benefits through:

- (a) Retention of a surgery within the parish
- (b) Increased expenditure locally from residents of new housing;
- (b) Community assets, including a ownership of the shop/post office building, additional village car parking, allotments and a burial garden
- (c) Improvements to and expansion of the Village Hall, delivered directly by the developer.
- (d) The CLT or Parish Council will be able to fund additional community projects: school buildings, cricket pavilion, scout hut.

#### **VSC5: Community Support**

77. The CRBO nature of the proposal ensures that it has been subject to a high level of local consultation and discussion. The various events and promotional material will be recorded in a consultation statement to support the proposal.

78. I have been provided with a draft version of the Pre-Submission Neighbourhood Plan which identifies the following key stages:

- A Community Launch Event (2012)
- Village Plan Survey 2014/Village Plan 2015: 56% response rate
- Confirmatory Survey 2018: 49% response rate
- Drop-in Consultations 2018

79. The authors of the Neighbourhood Plan have identified that the total levels of support locally for new development are very high.

- *To enable the village to grow in size and sustain its amenities, e.g. the shop/post office, the school, the GP's surgery and pharmacy, church, pubs, clubs and organisations (77% of respondents).*
- *To enable for older residents to downsize within the parish (48%)*
- *To enable residents to upsize (27%)*
- *To enable older residents to step into sheltered accommodation (61%)*
- *To enable our children to live in the parish (50%)*
- *To provide an opportunity for new people to move into the village (43%)*
- *To provide Affordable Housing to buy/rent (37%)*

*Amenities (% of respondents who felt it was very important or important to retain):*

- *Shop/Post Office: 99%*
- *Surgery: 92%*
- *The School: 92%*
- *The Village Hall: 92%*
- *Other (church, pavilion/sports ground, sports bar, scout hut, tennis court, pubs): ranging from 73% to 90%.*

*Parking (% of respondents who when using experienced parking difficulties very often or often):*

- *Shop/Post Office: 75%*
- *School: 60%*
- *Surgery: 67%*
- *Village Hall: 34%*

80. From this information and my instructions, it is apparent that there is strong community support for new community facilities in the village.

81. The project appears to be unique in South Oxfordshire and is exceptional even on a national scale. It is a pioneering example of using the tools available under the Localism legislation.

### **Harm to Openness**

82. The detailed provisions of the CRBO will cover the harm to openness that will arise from the development. The 2021 Plans drawn up by Woodfield Brady show that there will be harm to openness from the construction of new buildings within the Green Belt. However, both Sites are designed to incorporate generous amounts of open space which will preserve the existing openness.

83. Whilst this is an important factor, it ultimately has to be weighed against the significance of the above VSC issues. Green Belt policy is not intended to operate as an immovable obstacle to community-led development, that aligns closely to the broader sustainable development goals of the NPPF.

### **Basic Conditions**

84. In short, the CRBO will meet each of three principal basic conditions, relevant to national policy on Green Belt.

85. First, in respect of basic condition 8(2)(a), it will be appropriate having regard to current national planning policy, to make the CRBO.

86. Second, in respect of basic condition 8(2)(d), the CRBO will contribute to the achievement of sustainable development.

87. Third, in respect of basic condition 8(2)(e), the CRBO will be in general conformity with the strategic policies in the adopted development plan.

### **Conclusion**

88. In conclusion, this is a unique opportunity for both the District Council and the Parish Council to deliver much-needed development within this village.

89. The proposals align exactly with current national policy and legislation. They can also be said to reflect Government's broader aims reflected in the Planning White Paper, Planning for the Future.

90. Whilst further evidence will need to be prepared, there are very strong grounds for an Examiner to conclude in due course that the VSC test is met and that the CRBO should be made.

91. I have addressed the questions in my instructions and am happy to advise further as required.

**James Corbet Burcher**

**No5 Chambers**

**22 July 2021**