Planning Inspectorate

Appeal Decision

Inquiry held on 24 - 25 June 2026 and (online) on 30 June 2026

Site visits made on 24 and 25 June 2026

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2026

Appeal Ref: 6005809
Land to the North of Spring Hill, Kingston Bagpuize with Southmoor

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Nicholas King New Homes Limited against the decision of Vale of White Horse District Council (VoWHDC).
- The application Ref is P24/V2357/O.
- The development proposed is outline planning application for the erection of up to 249 dwellings, including means of access into the site (not internal roads) from Spring Hill, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 249 dwellings, including means of access into the site (not internal roads) from Spring Hill, with all other matters (relating to appearance, landscaping, scale and layout) reserved on Land to the North of Spring Hill, Kingston Bagpuize with Southmoor, in accordance with the terms of the application, Ref P24/V2357/O, subject to the conditions in the attached schedule.

Preliminary Matters

2. A case management conference was held on the 5 May 2026 with representatives of the main parties to discuss arrangements for the Inquiry to allow for it to run efficiently. The merits of the appeal case were not discussed.

3. The appeal application was made in outline form with all matters reserved save for the main access points from Spring Hill. As such, the submitted plans depicting details of layout, scale, appearance and landscaping have been taken as largely indicative in nature.

4. The fifth and sixth reasons for refusal related to the potential effects of the proposal on protected species and lack of measures to secure Biodiversity Net Gain (BNG). The Council confirmed in its Statement[1] that these matters were capable of being addressed by planning conditions. I find no reason to reach an alternative view.

5. On the 8 June 2026, the Council wrote to advise that the second, third and fourth reasons for refusal had also fallen away through evidence submitted with the appeal. These reasons respectively related to sustainable travel, highways access suitability and impact on the Frillford junction. Whilst I have had regard to the views of interested parties, I find no reason to reach alternative conclusions in these regards.

[1] April 2026

6. The seventh, eighth and ninth reasons for refusal related to the absence of a legal obligation under S106 of the Town and Country Planning Act 1990 (S106). The terms of the S106 were the subject of discussion in the lead up to the Inquiry and a final agreed draft was submitted during the Inquiry. The final engrossed S106, dated 9 July 2026 was received the day following the close of the Inquiry.

7. A revised *National Planning Policy Framework* (the 2026 Framework) was issued on 17 August 2026 and forms a material consideration for decision making purposes from the date of its publication. The main parties have commented on the relevance of the new Framework policies to the appeal scheme to avoid any prejudice and I have taken the comments into account in reaching my decision.

8. The parties provided an updated Statement of Common Ground (SoCG) ahead of the Inquiry. Amongst other things, the SoCG sets out the agreement that the emerging *Joint Local Plan (JLP)* of the Council and South Oxfordshire District Council is at examination stage and, as such, can only attract very limited weight at the present time. As the emerging JLP will not plan for enough housing relative to the standard method outlined in the Framework, work on a new plan will need to commence immediately on its adoption (JLP2). The Council has indicated that resources are already in place for this situation.

Main Issues

9. In light of the above and the other matters outlined in the SOGC, the main issue in the appeal is whether, by virtue of its scale, nature and location, the appeal scheme would comply with the development plan in terms of access to facilities, services and higher order settlements.

10. In terms of the planning balance, other key issues are whether the Council can demonstrate an adequate five year supply of housing land and the implications of the 2026 Framework.

Reasons

Location, nature and scale

11. The appeal site extends to approximately 11.3 hectares of arable farmland and is located on the western edge of the settlement of Kingston Bagpuize with Southmoor (KBS). The appeal scheme would take access from Spring Hill to the south. The A420 lies to the north of the site.

12. The *Vale of White Horse Local Plan Part 1* (LPP1) (adopted 2016) outlines a spatial strategy which includes prioritisation of growth within the 'Science Vale Area' (not applicable to the appeal site); the reinforcement of the service centre roles of the main settlements across the district; and, promoting thriving villages and rural communities whilst safeguarding the countryside and village character.

13. LPP1 Policy CP3 lists 20 no. 'Larger Villages' which form the third tier of settlement in the hierarchy, below the 'Market Towns' (of Abingdon, Wantage, Faringdon) and 'Local Service Centres' (Botley, Grove), but above the 'Smaller Villages'. KBS is a 'Larger Village' and these are defined as settlements with a more limited range of employment, services and facilities. KBS lies within the 'Abingdon-on-Thames and Oxford Fringe Sub-Area' due to its strong linkages to the City of Oxford, some approximate 16km to the north-east of the appeal site. The 'Market Town' of Abingdon-on-Thames is approximately 8km in an easterly direction. Under Policy

CP3, unallocated development should be limited to providing for local needs and to support employment, services and facilities within local communities.

14. Policy CP4 sets the overall minimum housing target for the plan period and sets out the distribution across the strategic allocations, other allocations to be made in the Local Plan Part 2, neighbourhood plans or other development management processes. It goes on to state that there is a presumption in favour of sustainable development *within* the existing built area of Market Towns, Local Service Centres and Larger Villages. The policy supports development outside of the existing built area of these settlements where it is allocated or has been allocated within an adopted Neighbourhood Development Plan or future parts of the Local Plan.

15. Under LPP1 Policy CP4, the scale of permissible unallocated development suited to meet local needs would be expected to relate to the scale and function of the respective settlement. This would typically equate to larger developments for Market Towns than when compared to Larger Villages. As such, whilst not explicit, the consideration of scale is relevant to the type of settlement and the nature and extent of local need it is intended to meet.

16. LPP1 Policy CP8 reinforces the settlement hierarchy specific to the Abingdon-on-Thames and Oxford Fringe Sub-Area and the sets out the expected sources of housing supply, relative to the sub-area housing requirement. An allocation for 600 dwellings was included for a site to the eastern side of KBS in the *Vale of White Horse Local Plan Part 2* (LPP2) (adopted 2019), Policies CP4a and CP8a. This has since received both outline planning permission and reserved matters consent[2]. When built out, this allocation is to provide additional facilities to KBS including another primary school, local centre and sports pitches.

17. The appeal site is not allocated in either LPP1 or LPP2 and nor is it intended to be in the draft *Kingston Bagpuize with Southmoor Neighbourhood Development Plan* (draft KBS NDP). There is no defined settlement boundary for KBS either. However, given its scale and location, the appeal site lies adjacent to the existing built area, rather than within it. This view is supported by the draft *KBS NDP* which would exclude the appeal site and place it close to its eastern edge.

18. As an unallocated development of up to 249 dwellings, the appeal scheme would not be limited to providing for local needs to support employment, services and/or facilities specifically within the community.

19. The appeal site is outside of the built up area of the settlement, is unallocated and would serve a more strategic role than one specific to the local needs of KBS that is already expected to absorb a committed strategic growth allocation. Therefore, the scheme conflicts with LPP1 policies CP3, CP4 and CP8 and LPP2 policies CP4a and CP8a. The appeal site is not intended to be allocated in the emerging JLP either, despite that it is noted as both available and achievable under the Housing Economic Land Availability Assessments (HELAAs) of 2017 and 2024.

Housing Land Supply (HLS)

20. The *Housing Land Supply SoCG* and related *Housing Land Supply SoCG Addendum* (June 2026) confirm the total five year requirement of 4,982 dwellings

[2] Outline application ref: P22/V0248/O Hybrid scheme comprising outline for up 660 dwellings, extra care development of up to 70 units (use class C2), a local centre and a one form entry primary school, albeit undergoing variation under related s73 application. Related reserved matters consent ref: 25/V2746/RM for 605 dwellings, community building and open space

for the period 1 April 2025 (the base date) to 31 March 2030, including a 5% buffer (reflecting the latest Housing Delivery Test Results). On the basis of the areas of agreement and disagreement, the respective positions as at the opening of the Inquiry were a 5.34 year supply according to the Council, and a 4.24 year supply according to the appellant. As such, the best case of the Council is that it has a supply of 342 dwellings above the minimum five year requirement.

21. The main parties' disagreement about Category A sites, i.e. those with detailed planning permission or non-major development, as a source of supply had been overcome prior to the opening of the Inquiry. The outstanding areas of dispute left to address at the Inquiry were the windfall allowance and Category B sites which I deal with respectively below.

Windfall Allowance

22. The Council seeks to make an allowance for windfall in years 4 and 5 of the supply period, comprising 180 dwellings per annum (dpa) and, thus, a total of 360 dwellings. The appellant's case is that the windfall allowance should be 130 dwellings in total.

23. The Council's evidence demonstrates that since monitoring commenced in 2011/12, an annual average of 574 dwellings has been delivered through windfall schemes across a range of site size and type (i.e. major, minor, brownfield etc.). The Council has deducted 394 dwellings from the annual average figure of 574 dwellings in order to generate its 180 dpa windfall figure for years 4 and 5.

24. The appellant's assertion is that the Council relies too heavily on these past windfall delivery trends rather than considering in greater detail the likely effects of economic, policy and other factors which will influence future delivery, such as anticipated changes to the planning system and the effects of changes in inflation and the costs of borrowing.

25. The Council's *2025 Housing Land Supply Statement*[3] details past windfall delivery rates and a wide range of economic, policy and other external factors which have influenced the rate of housing delivery over the monitoring period. When considered against the annual average for the whole period from 2011/12, the deduction of 394 dwellings pa is healthy. However, that data shows that since 2020/21, the annual average has consistently been far lower, albeit without much in the way of explanation for such a change in the trend. For instance, in the 2022/2023 monitoring year, the windfall delivery was only 170 dwellings in total, which, whilst an isolated incident, is below the offered 180 dpa target.

26. In view of the above and the lack of rationale to explain the more recent past and predicted future trends, I have reservations about the windfall allowance being overly optimistic. On the other hand, the appellant's offered windfall allowance of 130 dwellings split across the two relevant years appears overly negative, with the annual windfall delivery never having dropped to such a level over the entirety of the monitoring period.

27. Having regard to the tests for windfall allowances, as set out in the Framework, I am not entirely persuaded that the windfall allowance is suitably robust for the current 5 year period without further analysis of the more recent delivery and

[3] Appendix 5 of CD102 – Housing Land Supply Statement 2025

anticipated future trends. However, a further modest deduction to the allowance would only need to provide a little more headroom over the projected 180 dpa figure to provide greater assurance of delivery. As such, on the evidence before me, a modest reduction in the windfall allowance of around a total of 40 dwellings would provide greater confidence in delivery. i.e. a total of 320 dwellings across years 4 and 5 could be expected from this source.

Category B Sites

28. As set out in Annex B of the Framework, Category B sites are those with outline permission, allocations, permission in principle or those on a brownfield register, which require *clear* evidence that housing completions will begin within five years. The Planning Practice Guidance (PPG) also outlines sources of information that can be taken into account in assessing deliverability of these types of sites and lists planning performance agreements; signed written agreements between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates; firm progress with site assessment work and clear relevant information about aspects such as site viability and infrastructure bids.

29. Whilst both parties refer to what was known about the 7 disputed sites at the base date, both parties refer to evidence gained since the base date to inform their respective positions on the projections. I deal with each of the disputed sites below.

HLSS Site Ref 41: Land west of Great Western Park, Didcot

Phase 3P

30. The projected build out rates differ between the Council and the housebuilder. Whilst the Council refers to past delivery rates on the wider sites during 2024/2025 to justify its position, the recent decline in numbers of completions across the district as a whole suggests that a more cautious approach would be more appropriate. As such, the clearer evidence is that offered by the housebuilder who anticipates delivery of the units at a rate of 50 in year 3 and 80 dpa in years 4 and 5. The total yield from this phase is therefore a total of 210 dwellings which is a deduction of 90 from the Council's projection of 100 dpa in years 3, 4 and 5).

Phase 2Ta

31. As the Council's and housebuilders trajectories align with this Phase, the need for clear evidence of completions is met and no further deductions are necessary.

Phase 6T

32. The Council offer evidence of 225 completions over years 3, 4 and 5. The housebuilder's trajectories indicate a delayed commencement and only 50 completions split across years 4 and 5. In response, the Council highlights that the suggested delay to start on site is inconceivable and that the delivery rates bear no resemblance to the typical 80 dpa build out rate achieved elsewhere. I take a view between the two positions on the basis that the delivery rates seem unusually supressed by the housebuilder without sufficiently evidenced rationale, though the Council have placed a high expectation on its delivery in contradiction of the same. As such, whereas the Council rely on delivery of 225 dwellings within the 5 years, and the housebuilder offers only 50, I assume that delivery of the typical 80dpa at

least across the final years would be a more reasonable expectation, i.e. a total of 160 dwellings.

Phase 2C

33. As a Phase of a relatively modest 105 dwellings in total, the clearer evidence of likely delivery appears to lie with housebuilder's projection, which, whilst contrived, appears to take a sensible approach given other commitments and resource implications. In any event, the difference between the Council and housebuilder on this site is limited, but I find in favour of the housebuilder's projections and deduct 17 units from the yield from this Phase.

Phase 3PA and 3PB

34. The permission for this phase is for a total of 172 dwellings of which the Council relies on 150. The clearer evidence of timescales being met or exceeded appears to lie with the Council and thus, I accept that the Council's expectations of 150 dwellings within the five year period are realistic.

HLSS Site Refs 24 & 1237: Monks Farm, Grove

35. The difference between the parties on this site is a total of 92 units which form part of the 129 unit reserved matters application submitted well after the production of the 2025 Housing Land Supply Statement. This reserved matter application remains undetermined at the present time, with uncertainties relating to viability under the terms of the original outline permission. The Council have projected the delivery of 92 units based on average build-out rates from this site of 46 dwellings per annum. The housebuilder has not disputed the Council's delivery trajectory through the agreement of the proforma. On the basis that this is the last phase of this multi-phase scheme, notwithstanding the unresolved reported issues at the present time, the yield expected from the final reserved matters scheme is not so high or unrealistic and the evidence appears sufficiently clear to leave this source in in without further deduction.

HLSS Site Refs 1255 & 1256: North of Abingdon on Thames

36. A yield of 100 dwellings and 42 dwelling-equivalents from the care home component of this outline permission are relied upon by the Council within the five year period. It does not appear that reserved matters applications have yet been received for either component part, though a recently submitted reserved matters application deals with at least one part of the site.

37. The detailed proforma is signed by a planning consultant on behalf of the housing developers breaks down the delivery expectations by unit type. It sets out the expectation that reserved matters application/s will be made within 2026 or early 2027 – targets which haven't yet been missed. The yield over the 5 year period for the typical market housing element (houses/flats) of 100 units does not appear unrealistic but the care home component may be delivered by another developer following acquisition of this part of the site.

38. Having scrutinised the evidence offered on both sides, my concern is not with the market housing but with the care home element. Given the relatively specialised nature of this type of development, the evidence trail would be clearer if the developers of this particular component had contributed to the proforma process. As no one could point to such a developer being committed to the site at the

present time. As such, deducting the 42 dwelling equivalents from the total expected yield is appropriate.

HLSS Site Ref 1270: East of Kingston Bagpuize with Southmoor

39. The Council expect a yield of 140 dwellings from this site which has a recently submitted reserved matters application for 605 dwellings, amongst other aspects. The proforma submitted by the developer of the site is on the more cautious side in terms of delivery trajectories but the milestone targets are currently being matched. Despite that there are some issues to resolve on the related variation to the outline permission, there is limited reason to exclude the 140 units within the 5 year period.

40. Again, it should be reiterated that the appellant seeks to offer 140 dwellings for inclusion within a five year period if permission were forthcoming on the appeal site. This highlights the anticipated delivery yields are not unrealistic, despite the differences between the schemes.

41. It is also noteworthy that the appellant promotes the delivery of the additional community facilities for KBS from this particular scheme. Whilst no reliance is placed on a delivery timescale for such, it is evident that the appellant anticipates delivery of the scheme in full within a reasonable timeframe. As such, I make no further deductions from this source.

HLSS Site Ref 1636: Rogers Concrete, Farringdon

42. There is sufficiently clear evidence available now that this site will deliver in full within the five years. Despite some ongoing issues to address with both the original outline and current reserved matters scheme, there is no reason to adjust the expected yield within the five year period.

HLSS Site Ref 1735: Land at Crab Hill, Wantage

43. The Council seeks to rely on delivery of 259 dwellings and the appellant broadly half that amount which represents the number of dwellings with reserved matters consent.

44. The Council submitted late information in relation to this site which is being used to inform the production of the 2026 Housing Land Supply Statement. Though additional completions from other parts of this largescale outline scheme are discussed, the Council seeks to advance its case only on the basis of the 130 dwellings originally relied upon.

45. Whilst the proforma received from the site vendor is unsigned and the trajectories not fully complete, the fundamental points are that it is confirmed that the site sale is progressing and that there is a commitment to a timeframe for submission of reserved matters and commencement and that the delivery rate of 60 dpa is realistic. As such, I make no deductions.

Conclusions on HLS

46. On assessment of the evidence presented to the Inquiry, some deductions should be made from the Council's five year supply calculation from windfall and Category B Site sources. If the deductions outlined above are taken into account, it leaves the Council with a relatively marginal buffer in the region of 88 dwellings above the five year threshold. This is a far reduced buffer from the 342 dwellings claimed by

the Council on its best case and is therefore an even more delicate position which points towards evidence of an unmet need for housing in the district. I return to this in the overall balance below.

Implications of the 2026 Framework

47. The Council's NPPF Addendum indicates that the proposal is unsustainable when considered in the context of Policy TR3(1)(a) of the 2026 Framework. This policy requires that developments which could generate a significant amount of movement should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means that the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users.

48. The limited range of employment opportunities, services and facilities within KBS, specific distances from the appeal site thereto and resulting need for residents to travel are highlighted by the Council as reasons for the conflict with Policy TR3(1)(a).

49. However, I have considered the reasons in the recent Sustainability Appraisals[4] for the appeal site having been discounted the selection for allocation and consider that the position is rather nuanced.

50. Whilst the village itself may offer relatively limited employment opportunities at the shops and community facilities that exist and at Kingston Business Park, KBS is within a wider sub-area that offers plentiful employment opportunities within either a relatively short drive or by public transport. Whilst the Council seeks to underplay its importance, the bus service with 20-minute frequency to Oxford and other destinations available directly outside of the site is a significant factor in connecting the area to outlying higher order settlements without the need to travel by car.

51. Whilst the walk to John Blandy Primary School is around double the distance of the recommended 800m walkable neighbourhood, it is comparable to existing dwellings in KBS such as those at the end of Wood Lane. Once the footways have been improved, the journey will be along a relatively level, uncomplicated route.

52. It is unclear whether John Blandy Primary School will relocate into the eastern expansion of KBS. If this were to happen, it would increase the walking distances between many other existing homes and the School, with the increased distance to the site making little material difference overall. Additionally, it is not uncommon for secondary school pupils to require bus transport to access the closest secondary school/s as would also be the case here.

53. Considered in the round and taking account of its scale and location, the proposal would not raise conflict with 2026 Framework Policy T3(1)(a).

54. It is not disputed that the appeal site lies outside of the settlement of KBS and that, in this regard, the relevant policy of the 2026 Framework is Policy S5, where only certain forms of development should be approved outside settlements, unless the benefits of doing so would be substantially outweighed by any adverse effects.

[4] CD P01, P03

55. The Council indicate that S5(1)(a) to (i) (inclusive) are not relevant to the appeal scheme. Therefore, the key consideration is S5(1)(j) whether the development would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test (HDT)), and where the development would be physically well-related to an existing settlement and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure.

56. Taking these strands in reverse order, put straightforwardly, the appeal site is clearly well-related to the existing settlement of KBS when considered spatially, functionally and visually on the ground. Furthermore, the scale of the development can be accommodated taking account of both existing and proposed infrastructure within the settlement and linking to other main centres. At the time of the Inquiry, the Council did not raise any issues of infrastructure deficiency that was incapable of being remedied through contributions secured via planning obligation. Whilst the Council's NPPF Addendum casts some doubt on the delivery timescales of proposed infrastructure to accommodate the development, it is clear that infrastructure is proposed to supplement the existing infrastructure that would capably accommodate the development and other planned development in KBS.

57. The wording in Policy S5(1)(j) referring to evidence of an unmet need specifically uses the words 'including, but not limited to', indicating that the absence of a five year deliverable supply and HDT outcomes are not the only means by which an unmet need can be proven to exist. These are key indicators, but the list is not exhaustive.

58. The Council's most recent HDT outcomes of 177%, 193% and 192% do not establish evidence of unmet, but are incapable of being relied upon as a marker of future delivery.

59. The appellant advances that the evidenced significant unmet need for affordable housing is also a relevant consideration in this regard. The appellant's evidence indicates that as of the 31 March 2025, there were 2,904 households on the Council's Housing Register. The Council's evidence confirms that a significant affordable housing need remains even when Band 4 households[5] are excluded. The NPPF Addendum references the significant continuing need for affordable housing and the substantial positive weight that should be given to the 35% contribution that the scheme would make to meeting that need.

60. In this case, the very marginal five year housing land supply position and the evidenced significant unmet need for affordable housing combine together to indicate that the scheme complies with 2026 Framework Policy S5(1)(j).

Other Considerations

61. I have considered the range of representations made by interested partes, including locally elected representatives.

62. Whilst it has been brought to my attention that the sewerage system is at capacity, a planning condition would be imposed to increase the capacity to the level

[5] Band 4 households categorised as '*Adequately Housed', see para 7.7 of CDE.15*

necessary prior to occupation of any respective dwellings. Planning conditions would also apply in relation to surface water and the water supply to serve the dwellings.

63. Whilst it has also been suggested that the nearby school is at capacity, the submitted S106 would made adequate provision for the increase in capacity to serve additional pupils generated by the development.

64. The provision of a new health centre as part of the eastern expansion of KBS will eventually increase capacity to serve new residents generated by that development and assist in offering increased capacity and choice for existing KBS residents. A contribution towards such was not requested as part of the S106.

65. The concerns highlighted in connection with the physical provision of bus stops and land ownership is not a matter at issue for the Highways Authority. I find no reason to reach an alternative conclusion.

66. On a similar topic, I have considered the suggestion that increased traffic will increase risks to road users, particularly at the A420/Charney Bassett junction at which there have reportedly been serious accidents within the last 10 years. I have also considered the suggestion that the chosen locations of the points of access are poor in terms of the alignment of the road and speed of traffic. My findings are that whilst there would be an overall increase in traffic, this factor would not give rise to road safety hazards and the provision of the accesses as designed would not prejudice highway safety.

67. The suggestion that the development would block light or overshadow neighbouring dwellings could be considered in more detail at reserved matters stage, but the indicative plans indicate a sufficiently generous spacing between any dwellings and existing dwellings so as to avoid undue harm to existing neighbouring residents.

68. I have taken account of the fact that residents perceive Spring Hill as having its own identity, sparse population, tranquil character and a degree of separation from KBS which would be eroded by the development. On the ground, the area of Spring Hill does not appear as a separate satellite settlement from KBS. It has a partly transitional character but is part of KBS which appears as one continuous settlement in any event. This does not mean that it should continue to expand further west or south, but the appeal proposal itself would be in a position that would complete the form of KBS, would be confined by existing hard boundaries to the west and north.

69. I accept that there is only one public house left in the village, though it is not clear that it would be incapable of coping with the addition of more patrons through this and other proposals for KBS. There are a number of other community facilities in the village and busses to alternative locations where people may choose to travel for social or other recreational purposes in any event.

70. I also appreciate that the A420 currently limits recreational walking options in a northerly direction but the future scheme to downgrade this road, unrelated to the appeal scheme, may assist in providing priority to pedestrians and recreational walkers more generally.

S106

71. As agreed by the Council and the County Council, the finalised S106 provides for the following:
    - 35% affordable housing, with provisions for affordable and social rented units and shared ownership housing;
    - Biodiversity net gain provisions;
    - Public art provision and maintenance contributions;
    - Street naming contribution;
    - Waste and recycling contributions and separate waste management contribution;
    - Public open space provision, including informal open, landscaped and equipped areas of play for both younger and older children;
    - Management company and transfer provisions relating to the public open space;
    - Sustainable urban drainage and adoption and/or management responsibilities relating to the same;
    - A contribution towards works of improvement to Frillford Junction to offset the impact of additional trips through the same;
    - Primary education contribution based on a formula per number and size of dwellings towards increasing primary education capacity in the area;
    - Primary land contribution based on a formula per number and size of dwellings towards a new primary school to increase primary education capacity in the area;
    - Public rights of way contribution towards improvements to the public rights of way in the vicinity of the Site;
    - Public transport infrastructure contribution towards public transport services serving the site and surrounds;
    - Secondary education contribution based on a formula per number and size of dwellings towards increasing secondary education capacity to serve future resident (pupils) of the appeal scheme;
    - Special Educational Needs (SEND) contribution based on a formula per number and size of dwellings towards increasing SEND education capacity for future resident (pupils) of the appeal scheme;
    - Travel plan monitoring contribution towards the cost of monitoring the travel plan for the appeal scheme;
    - And numerous highway works, including preparatory and ancillary works to facilitate the provision of:
        - Two new site access T-junctions on Spring Hill;
        - Improvements to footway on northern side of Spring Hill to create a continuous minimum 2m width footway from the western most site access on the northern side of Spring Hill, to link up with existing provision at Draycott Lane, with associated dropped kerbs and tactile surfacing;
        - Proposed traffic calming scheme on Spring Hill in the form of build outs/give way features, speed cushions and carriageway lane narrowing;

- Relocation of existing bus stops and upgrades to 3 bay shelters;
- Localised footway widening to 2m, at westbound bus stop adjacent to the site, opposite Springhill Cottage;
- A 3m Cycleway link from Spring Hill through site to PRoW 288/11, with associated access works in the form of dropped kerbs and give way markings;
- Advisory cycle road markings on either side of the carriageway from the western site access to Draycott Lane; and
- Extension of nearside entry flares on the A415 Frillford Road (37.8m to 72.9m) and A338 Wantage Road (43.0m to 90.0m).

72. Regulation 122 of the Community Infrastructure Levy Regulations (2010) (CIL Regulations), as amended, and the Framework set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same. The Council and County Council have submitted CIL Compliance Statements outlining the necessity for the various components of the S106, the methods of calculation for the various financial contributions and the related links to policies of the development plan.

73. I am satisfied based on the agreement between the main parties and the wording of the S106 that all of the obligations are entirely necessary, directly related, and fairly and reasonably related in scale and kind to the development and that all aspects can be taken into consideration.

Overall Planning Balance

74. The Council completed a Regulation 10A review[6] of the LPP1 in April 2022, five years after its adoption. The same exercise was undertaken for LPP2 five years following its adoption. Whilst it was acknowledged in the Reviews that the policies were infected by the changes over time to the relevant local housing needs figures and proportionate allocation targets, the planning policy context has moved on again with the publication of the 2026 Framework in any event. Annex A (2) of the 2026 Framework sets out that development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies should be given very limited weight.

75. The Council's NPPF Addendum sets out that parts of LPP1 Policies CP3 and CP4 are materially inconsistent with the 2026 Framework, specifically Policy S5, insofar as they preclude unallocated development outside of settlements other than limited defined situations. The case is also made that Policy CP8 of LPP1 and CP4a and CP8a of LPP2 are not materially inconsistent with the 2026 Framework.

76. LPP1 Policies CP3 and CP4 are the key policies that establish that development other than allocated schemes limited to providing for local needs will be unacceptable and I share the Council's view that these restrictive elements are materially inconsistent with the 2026 Framework. Thus, the conflict with the restrictive parts of LPP1 Policies CP3 and CP4 attracts limited weight. LPP1 Policy CP8 and LPP2 policies CP4a and CP8a are less affected by the 2026 Framework

[6] Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012

because they either reiterate parts of the settlement hierarchy defined elsewhere and are otherwise framed to promote the policy allocations therein. By its omission from these policies and, by implication, the degree by which the appeal proposal would exceed the allocation targets for KBS relative to its role in the settlement hierarchy, the appeal scheme conflicts with these policies. This conflict attracts great weight.

77. Although not a reason for refusal, there would be harm from the loss of Grade 2 Best and Most Versatile agricultural land extending to around 3.3ha (29% of the total site area compared to the remainder which is Grade 3b). This is a harm and conflict with 2026 Framework Policy N2 that weighs modestly against the scheme.

78. Despite the absence of a reason for refusal, there would be residual harm from the effects on landscape character and visual impacts of the proposal as acknowledged in the submitted Landscape and Visual Impact Assessment. However, due to the absence of landscape designations, the site's topography and high degree of containment, and despite the existence of Public Rights of Way that have connectivity to the A420, the landscape character and visual effects would be moderate adverse at most, which would further reduce over time through the establishment of landscaping. Though this modest adverse harm still weighs against the scheme, it is rare that such a scale of scheme could be so readily absorbed without greater landscape character and visual harms.

79. Whilst it is not a mathematical exercise to consider the number of policies with which the proposal complies rather than conflicts, through the absence of technical objections subject to conditions and obligations where necessary, the appeal scheme complies with a wide range of other policies of LPP1 and LPP2. Furthermore, there are some clear and compelling benefits that weigh in favour of the scheme

80. The delivery of up to 249 dwellings of a range of types and sizes on a site largely deliverable within a five year period aligns with the Framework's objectives of supporting the delivery of a substantial increase in the supply of homes and attracts substantial weight. The scheme would also deliver 35% affordable housing, up to 88 total units across a mix of tenures, for which there is significant evidenced and growing need. Even though this amount at 35% would meet, rather than exceed the current Policy CP24 requirement, the delivery of affordable homes is a factor that also weighs substantially in favour of the appeal scheme. As such, the scheme complies with 2026 Framework Policy S5(1)(j).

81. In addition to its accessibility to village facilities and services, the appeal scheme would be very well connected via public transport with a highly regular bus service to Oxford accessible directly outside of the site. Some enhancements to bus stops and passenger facilities could better promote the uptake of bus services. A range of improvements would also make the readily walkable distance to village facilities more attractive for future occupiers to use. These aspects collectively attract modest weight in favour of the scheme.

82. Notwithstanding the moderate adverse landscape and visual harms as would be typical of development of a greenfield site, the appeal scheme would appear as a logical extension to KBS, when considered spatially and visually. It would be contained by existing highways that would serve to limit further expansion.

83. Other benefits of the scheme include the delivery of public open space, the enhancement of the site's biodiversity value and PROWs enhancements which collectively attract modest weight. Additionally, there would also be benefits to the local economy from the construction phase and thereafter by future residents of the scheme that attract modest weight.

84. Owing, in part, to the lack of other site constraints, there are no other technical objections or conflicts with any national decision-making policies which indicate that development proposals should be refused. Conversely, the scheme would meet the requirements Framework Policy S5(1)(j) and that the benefits of approving the scheme would substantially outweigh the limited adverse effects when assessed against the Framework when taken as a whole.

85. Bringing together the points outlined above, though the development conflicts with the development plan taken as a whole, I consider that the material considerations, including the provisions of the 2026 Framework and the public benefits outlined above, collectively indicate that the appeal scheme should be approved other than in strict accordance with the development plan.

Conditions

86. I have considered the suggested conditions in light of the tests outlined in the Framework and PPG. Where necessary, minor changes have been made in the interests of clarity. Furthermore, pre-commencement conditions have been kept to a minimum.

87. In the interests of certainty, conditions are required to specify which matters are reserved for future consideration, the timescale for submission of reserved matters and commencement of development and the list of approved plans. Whilst the appellant agreed in principle to expedited timescales for submission of reserved matters application/s and commencement of development on the ground, this may not time well with the delivery of other planned infrastructure or offer sufficient flexibility such that a standardised timeframe is more appropriate in this instance.

88. A condition is also needed to specify the framework plans with which substantial compliance will be expected at reserved matters stage.

89. In view of the scale of the development and to help clarify the order and timescales for delivery of its component parts, a condition is required for approval of a phasing plan. To define the nature and extent of the development, conditions are also needed to specify the parameter plans and the maximum number of dwellings. To provide additional certainty, a condition is required to ensure details of the housing mix and accessibility standards are provided with each reserved matters application.

90. To avoid an increased risk of flooding or environmental harm, a condition is required to require the approval and implementation of a sustainable urban drainage scheme. A related condition requiring details of its 'as built' specification and maintenance requirements and responsibilities is also needed.

91. In the interests of protecting species and the biodiversity interests of the site and surrounding area, conditions are needed to secure a lighting strategy, protection measures for the construction phase and post-construction enhancement measures.

92. To ensure a satisfactory quality of development and in the interests of environmental protection, a condition for details of waste management (storage, bin presentation points etc.) is necessary.

93. In the interests of the character and appearance of the area, details of landscaping are required to be submitted by way of condition concurrent with reserved matters applications. A separate related condition is also needed to specify maintenance and management responsibility and timeframes. For similar reasons, a condition is needed in relation to the protection of trees during the construction phase.

94. In order to protect the living conditions of future occupiers in view of the site's relationship with the road to the north, conditions are needed to specify the maximum permissible noise levels for habitable rooms and private amenity spaces. For similar reasons, conditions are also needed in relation to the investigation and remediation of any identified contaminated land.

95. To maximise the environmental sustainability of the scheme, a condition is needed to secure electric vehicle (EV) charging points, including their retention and maintenance thereafter. Whilst their provision is required under separate legislation, their ongoing retention and usability is not, hence the requirement for the condition.

96. In the interests of highway safety and suitability of access, a condition is needed to specify then works to the highways and footways. Similarly, a condition is needed to secure details of works to be undertaken to PROWS. To avoid harmful impacts on the local road network during the construction phase, a condition is required to secure compliance with an approved construction traffic management plan.

97. In the interests of protecting the historic environment, conditions are needed in respect of archaeological investigations. I have accepted the Council's position the necessity for the conditions as worded on the face of the evidence before me.

98. A condition is required to ensure that all dwellings are connected to the upgraded foul drainage network prior to occupation in the interests of environmental quality and human health. However, I have not imposed a condition on the provision of upgrades to the water supply prior to occupation of the dwellings as this aspect is covered by separate legislation.

99. In order to promote sustainable travel, a condition is required to secure adherence to a residential travel plan and dissemination of an information pack to future residents. I have also imposed a condition specifying that the development shall not occur within prescribed distances of the water main which passes through the site as it is necessary to avoid it.

Other Matters

100. My attention has been drawn to a recent appeal decision for two self-build dwellings on a site close to the appeal site[7]. The scale and nature of that proposal differ considerably from the appeal scheme and a material change in policy circumstances has arisen since that appeal was determined. As such, there are material differences that limit the relevance of that decision to the case before me.

[7] Appeal ref: 6003709 - Land at Springhill Farm, Southmoor

Conclusion

101. For the reasons outlined above, the material considerations in this case outweigh the conflict with the development plan and indicate that planning permission should be granted. The appeal should therefore succeed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

1) No development, or in the case of phased development no phase or sub phase of the development, shall be begun until full details illustrating the following matters ('the reserved matters') have been submitted to and approved in writing by the Local Planning Authority and the development (or where relevant phase of development) shall be carried out in accordance with such details:
    - The layout of the development;
    - The scale of the development;
    - The appearance of the development;
    - The means of access, not approved by this permission; and
    - The landscaping of the development.

2) Application for approval of the reserved matters shall be submitted to the Local Planning Authority before the expiration of three years of the date of this permission or, in the case of phased development, application for approval of the reserved matters within the first phase shall be submitted to the Local Planning Authority before the expiration of two years of the date of this permission. In the case of phased development, all subsequent reserved matters applications shall be submitted to the Local Planning Authority before the expiration of five years of the date of this permission.

3) The development hereby permitted shall be begun before the expiration of the two years from the date of approval of the last of the reserved matters to be approved or, in the case of phased development, before the expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of the first phase.

4) No development shall commence, nor any reserved matters application shall be submitted until a Phasing Plan identifying each phase and sub phase has been submitted to and been approved in writing by the Local Planning Authority. The Phasing Plan shall identify the location and timing of infrastructure and community facilities (public open space and play space) to serve the development and shall include a scheme for the build out rate of completed and fitted out dwellings and details and coordination of housing and infrastructure delivery and arrangements to prevent interruption of delivery across sub-phase and phase boundaries. The development shall proceed in accordance with the agreed Phasing Plan unless an alternative phasing plan following commencement is agreed in writing by the Local Planning Authority.

5) Except as controlled or modified by conditions of this permission, the development hereby permitted shall be carried out in accordance with the details shown on the following approved plans:
    - Site Location Plan - 3642.100 Rev D
    - 22174-04E (February 2026) Site Access Drawing
    - 22174-04-1E (Feb 26) – Indicative Footway Link and Improvements
    - 22174-06-LS2 Rev A (09/04/26) – Cycle Access Long Section / Bridge Cross Section

- 22174-04-3 Rev A (Feb 2026) – Cycleway Access Proposals

6) Any reserved matters applications submitted pursuant to condition 1 shall be in general accordance with the principles and parameters set out on drawings:
   - Access & Movement Plan - 3642.P.500 Rev G
   - Density Plan - 3642.P.501 Rev E
   - Framework Plan – 3642.P.502 Rev F
   - Land Use Plan - 3642.P.503 Rev F
   - Open Space Plan - 3642.P.504 Rev F
   - Storey Heights Plan (3642.P.505 Rev F)
   - Green Infrastructure Plan (3642.P.506 Rev F)

7) Concurrent with the submission of any reserved matter the following information shall be provided:

   a. The number and mix (bedroom size) of dwellings to be provided in that phase (market and affordable);

   b. The number of accessible and adaptable homes to be built to Building Regulations Part M4 Category 2 (all affordable housing and 15% of market dwellings) for both market and affordable sectors and Part M4 Category 3 wheelchair accessible housing (5% of affordable housing).

   All one and two-bedroom market dwellings shall accord with the Department for Communities and Local Government's 'Technical Housing Standards - Nationally Described Space Standard March 2015' as amended 19th May 2016 or any replacement Government standards.

   15% of market dwellings and all affordable housing shall be constructed to M4(2) Category 2 Accessible and adaptable dwellings as set out in the Building Regulations Approved Document M: Access and Use of Buildings - Volume 1: Dwellings.

   The development shall be carried out in accordance with the approved Housing Delivery Document as updated and approved in writing by the Local Planning Authority.

8) Surface water drainage construction shall not begin until / prior to the approval of first reserved matters; a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

   The scheme shall include:

   Site investigation including infiltration testing to BRE 365 and groundwater monitoring:

   Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;

   - Proposed site and floor levels;

- SUDS features and sections;
- Drainage Construction Details;
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the Sustainable Drainage System proposals including cross-section details;
- Details of water quality management proposals both during the construction phase and in perpetuity:
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems; and
- Maintenance and Management Plan covering all surface water drainage and Sustainable Drainage System features.

No dwelling shall be occupied until the surface water drainage works to serve that section of the development have been carried out and completed in accordance with the approved details.

9) Concurrent with the submission of any reserved matters application on land within 15 metres of the northern, western or eastern boundaries of the application site, a Lighting Strategy for Bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the draft strategy documents submitted in connection with appeal 6005809 in respect of outline permission P24/V2357/O. It shall demonstrate compliance with the following parameters, for external and internal light sources:

    1. A dark buffer shall be maintained along the northern, eastern and western site boundaries. This shall measure a minimum of 10 metres in depth, measured from the site boundary or from the edge of the canopy of offsite woody vegetation along the boundary (whichever is closer).
    2. The dark buffer shall comply with the description of “complete darkness” as set out in Section 4.53 of the 2023 Institute of Lighting Professionals /Bat Conservation Trust guidance. Specifically, at 10m from the edge of the canopy or site boundary, illuminance shall be no greater than 0.4 lux in the vertical plane or 0.2 lux in the horizontal plane;
    3. Light sources shall not exceed 2700 Kelvin colour temperature and building-mounted luminaires shall be fitted with Passive Infrared (PIR) sensors set to operate on a 1-minute activation timer.

    Street lighting will operate in accordance with Oxfordshire County Council’s Street Lighting Policy.

    Where landscape mitigation measures for lighting are proposed, the strategy shall include details of their ongoing maintenance.

All external and internal lighting, and associated mitigation measures, shall be installed and maintained in accordance with the approved Strategy, and retained as such thereafter.

10) No development shall take place within a phase or subphase, including vegetation clearance or ground works, unless and until a construction environmental management plan for Biodiversity (CEMP: Biodiversity) is submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

    a) Update ecological surveys for relevant habitats and species, in broad accordance with the 2019 CIEEM advice note on the lifespan of ecological reports and surveys but, for the avoidance of doubt to include an update badger survey. Update surveys shall follow national good practice guidelines and the CEMP shall include full details of any additional mitigation measures required as a result of the update surveys.

    b) Risk assessment of potentially damaging construction activities.

    c) Identification of “biodiversity protection zones”.

    d) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction. These shall include measures to (1) protect retained hedgerows and other Priority habitats onsite and offsite; (2) avoid entrapping foraging badger, hedgehog and other small animals in the works area; (3) avoid harming nesting birds during vegetation clearance; and (4) avoid harming reptiles and amphibians during vegetation clearance and removal of brash piles or other debris.

    e) The location and timing of sensitive works to avoid harm to biodiversity features.

    f) The times during construction when specialist ecologists need to be present on site to oversee works.

    g) Responsible persons and lines of communication; and

    h) Use of protective fences, exclusion barriers and warning signs.

    The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

11) Concurrent with the first reserved matters application for appearance and/or landscaping in each phase or subphase, details (including specification, position, height, orientation) of a scheme of features to be provided for protected and priority species, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in conjunction with a suitably qualified ecologist and bird/bat boxes on buildings shall be integrated into the fabric of the development.

    A minimum number of biodiversity enhancement features shall be provided across the whole site as follows:

    - 150 integrated bird nest boxes for house sparrow Passer domesticus or swift Apus apus;

- 150 integrated bat boxes or access tile features (with appropriate bat-safe roofing membrane);
- 25 bird nest boxes on retained trees and two hedgehog fence tunnels within each plot bounded by close boarded fencing (arranged so that each plot is connected to at least two separate adjacent plots or to one other plot and open/public space as appropriate).

Thereafter, the development shall be implemented in accordance with the approved details.

All features shall be provided prior to first use and shall be retained and maintained thereafter.

12) Concurrent with the first reserved matters application for a phase or sub phase a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Plan shall include bin presentation points and haulage routes, bin stores (if applicable) and swept path analysis.

Thereafter the development shall be carried out in accordance with the approved details.

13) Concurrent with any reserved matters application for landscaping for a phase or sub phase, a maintenance schedule and a long-term management plan (for a minimum period of 20 years), for the soft landscaping works (including for the link road) shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include:

- Details of long-term design principles and objectives;
- Management responsibilities, maintenance schedules and replacement provisions for existing retained landscape features and any landscape to be implemented as part of the approved landscape scheme including hard surfaces, street furniture within open spaces and any play/youth provision;
- A plan detailing which areas of the site the Landscape Management Plan covers and also who is responsible for the maintenance of the other areas of the site;
- Summary plan detailing different management procedures for the types of landscape on site e.g. Wildflower meadows, native or ornamental hedgerows.

The schedule and plan shall be implemented in accordance with the agreed details.

14) Concurrent with any reserved matters application for landscaping for a phase or sub phase, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) Existing trees, hedgerows and other landscape features to be retained (noting species, location and spread);

b) Soft landscaping including a planting plan, to include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities)

c) Pit design for tree planting within streets or areas of hard landscaping;

d) Existing and proposed levels comprising spot heights, gradients and contours, grading, ground modelling and earth works;

e) Hard landscaping materials;

f) Locations and specifications for street furniture and minor artefacts including signs, seats, bollards, cycle racks, lighting columns, planters, refuse bins, play areas and equipment;

g) Existing and proposed services above and below ground;

h) An implementation programme

The scheme shall be implemented in accordance with the implementation programme and thereafter be maintained in accordance with the approved scheme.

In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

15) Each and any reserved matters application incorporating buildings shall include a detailed scheme for protecting the dwellings from the external noise environment of the area has been submitted to and approved in writing by the Local Planning Authority.

The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings is such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS8233:2014. All houses must have openable windows on a minimum of two elevations. Where internal noise levels are likely to be exceeded with open windows, appropriate alternative ventilation should be provided.

Thereafter, the development shall not be carried out other than in accordance with such approved scheme which shall be completed for each plot before the relevant plot is occupied unless the Local Planning Authority otherwise agrees in writing.

16) Private gardens and amenity areas shall be designed and built with appropriate mitigation to achieve the noise limit of 55dBLAeq,16hour.

17) Each and any reserved matters application(s) submitted shall contain full details of active provision of electric vehicle charging points (EVCP) which shall be provided as follows:

- A minimum of 1 per household for each of the houses with on plot parking; and
- A minimum of 1 per every 10 flats (with unallocated parking, or 1 for every dwelling if there are allocated spaces or garages).

The EVCP shall thereafter be retained and maintained for the lifetime of the development.

18) Prior to commencement of any works, details of the accesses and footways serving the site and connections to existing on and off-site infrastructure, roads and footpaths shall be submitted and approved by the Local Planning Authority. Thereafter, prior to occupation of the relevant Reserved Matters Area, the means of site access for vehicles and pedestrians for that Reserved Matters Area shall be laid out, constructed, lit and drained in accordance with the approved plans.
    - 22174-04E (February 2026) Site Access Drawing
    - 22174-04-1E (Feb 26) – Indicative Footway Link and Improvements
    - 22174-06-LS2 Rev A (09/04/26) – Cycle Access Long Section / Bridge Cross Section
    - 22174-04-3 Rev A (Feb 2026) – Cycleway Access Proposals
19) Prior to the commencement of any phase or sub phase of the development hereby permitted, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter, the developer shall comply with the requirement of the CTMP in all respects.

20) Concurrent with any reserved matters the details for the treatment and surfacing of the Public Rights of Way within any relevant phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to occupation of the final unit in that phase or sub phase, the means of access to the Public Rights of Way(s) shall be laid out, constructed, lit and drained in accordance with the approved plans and remain free from obstruction at all times.

21) Prior to the commencement of a phase or sub phase of the development a risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 Investigation of potentially contaminated sites, and shall be submitted to and approved in writing by the Local Planning Authority.

22) Prior the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

23) Following the approval of the Written Scheme of Investigation and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

24) Prior to the commencement of any site works or operations, including site clearance relating to the development hereby permitted, an updated Arboricultural Method Statement and accompanying Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement must include the following:

    a) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities;

    b) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection;

    c) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;

    d) The route and method of installation of drainage or any underground services in the vicinity of retained trees; Consideration will be made to avoid siting of utilities and service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, will encroachment into the RPA be considered. Methodology for any installation works within the RPA will be provided and must be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.

    e) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels;

    f) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which is to be of a 'No Dig' construction method, in accordance with the principles with in Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees" and in accordance with current industry best practice; and is appropriate for the type of roadway required in relation to its usage.

    g) Provision for the supervision of ANY works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

    Thereafter the development shall be carried out in accordance with the approved details with the agreed measures being kept in place during the entire course of development.

25) Prior to first occupation within a phase or sub phase, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in

writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

a) As built plans in both .pdf and .shp file format;

b) Photographs to document each key stage of the drainage system when installed on site;

c) Photographs to document the completed installation of the drainage structures on site;

d) Details of any remediation works required following the initial inspection,

e) Evidence that remedial works have been completed; and

f) The name and contact details of any appointed management company information.

For the avoidance of doubt, as-built drawings and photographic evidence could be submitted in stages, but must be submitted and agreed in writing prior to the residential unit in which the detail relates being occupied.

26) No development shall be occupied until a detailed foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that:

1. Foul water Capacity exists off site to serve the development: or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan: or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed, and
4. Sufficient infrastructure exists on the proposed development to ensure that the site will be adequately drained.

No dwelling shall be occupied until the foul drainage works have been carried out and completed in accordance with the approved details.

27) Prior to occupation of any dwelling a full and detailed Travel Plan and Travel Information Pack relevant to that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Travel Plan shall be implemented in full and the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

28) Any phase or sub phase of the development shall not be occupied until any previously approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.

29) No more than 249 dwellings shall be constructed on the site.

30) The developer shall confirm in writing to the Local Planning Authority the presence of any unsuspected contamination encountered during the development. In the event of any contamination to the land and/or water being encountered, no development shall continue until a programme of investigation

and/or remedial works to include methods of monitoring and certification of such works undertaken. Where land contamination investigation/remedial works are required this must be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice such as Land Contamination: Risk Management 2020 and BS10175:2011 +A2:2017 Investigation of potentially contaminated sites and submitted to and approved in writing by the Local Planning Authority.

31) No construction shall take place within 5 metres of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

ENDS ----

APPEARANCES

FOR THE APPELLANT:

Sasha White KC, Counsel for the appellant, he called:

Alan Divall BA MTRPI	Walsingham Planning Ltd
David Neame BSc(Hons) MSc MRTPI	Neame Sutton Ltd
Simon Tucker BSc(Hons) MCIHT	DTA Transport Planning

Also contributing:

Natalie Jarman	Walsingham Planning Ltd
Will Varrall	Nicholas King New Homes Ltd
Tom Mitchell	Nicholas King New Homes Ltd
Haroon Khan	Lawyer, Knights Plc – S106

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert, Counsel for the Council, she called:

Helen Reid BSc MSc MRTPI MIED	Lambert Smith Hampton
Mary-Jane O'Neill BA(Hons) MSc MRTPI FRSA	Lambert Smith Hampton

INTERESTED PARTIES:

Graham Thompson	Local resident and representative of Spring Hill Residents Association
Councillor Jill Rayner	Local resident and locally elected member for Kingston Bagpuize Ward

INQUIRY DOCUMENTS:

ID1	Engrossment version of S106
ID2	Appellant opening statement
ID3	Council opening statement
ID4	Comments from Mr Graham Thompson
ID5	Working draft list of planning conditions
ID6	VOWHDC Council CIL Reg 122 compliance statement
ID7	Table outlining the planning balances of Divall and O'Neill
ID8	Updated working draft list of planning conditions
ID9	Further updated working draft list of planning conditions
ID10	Archaeology condition email
ID11	S106 indexation uplift email
ID12	Council closing statement
ID13	Appellant closing statement
ID14	Update from Council on Crab Hill
ID15	Updated S106

INQUIRY DOCUMENTS RECEIVED FOLLOWING CLOSE:

ID16	Email from Sean Quiggin, local resident
ID17	Email from Council in relation to ID16
ID18	Email from appellant in relation to ID16
ID19	Appellant final comments on housing land supply
ID20	Final S106 dated 9 July 2026