

# **Sydenham Neighbourhood Plan: Public Consultation Document - January 2021**

## **Purpose:**

This document provides relevant background and sets out South Oxfordshire District Council's proposed decision and reasons to deviate from the examiner's recommended modifications to the supporting text to Policy SYD1: Village Boundary & Infill Development, namely paragraph 5.9.

## **Background:**

In June 2019, Sydenham Parish Council submitted its draft neighbourhood plan to South Oxfordshire District Council. We then carried out the statutory 'Regulation 16' consultation in July 2019. All comments received to this consultation were submitted to an independent examiner, who subsequently examined the plan and published a report including a number of recommendations. The examiner's report can be viewed [here](#).

The council considered each of the recommendations made by the examiner and decided to progress the plan to referendum. This decision was made on 06 February 2020 (the Decision Statement can be viewed [here](#)).

Since making this decision, the South Oxfordshire Local Plan 2035 has been adopted and supersedes our Core Strategy 2012. Amendments to the Sydenham Neighbourhood Plan are now needed to resolve conflicts between the neighbourhood plan and the adopted Local Plan.

The council is required to formally consult on any proposal to deviate from the Examiner recommendations. Therefore, the purpose of this consultation is to invite comments on the council's intention to amend paragraph 5.9 of the supporting text of Policy SYD1: Village Boundary & Infill Development. The council is also inviting comments on the reasons for proposing to make this decision.

The council's proposed decision and reasons are set out in Table 1.

## **Supporting text to Policy SYD1: Village Boundary & Infill Development, as originally submitted.**

5.9 *Most new development will be acceptable in principle within the defined boundaries, subject to complying with the NP policies and to it being appropriate in terms of its design and other arrangements. This will be small scale, infill housing and other uses that are appropriate in scale to very small villages with a severely limited road network and no effective public transport services. For the purpose of this policy 'small scale' is defined for the boundary comprising The Crown PH end of the village as sites of less than 0.2 Ha and for the Emmington Inn end of the village sites of less than 0.1Ha (as per Core Strategy Policy CSR1 on housing in villages and the emerging Local Plan Policy H16 on infill development) to reflect the limited opportunities and plot sizes for infill development in the village. For clarity, 'infill' is defined as the filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. In respect of infill, there is no established pattern of land-locked, 'backland' development that is not part of a cluster of established (often former agricultural) buildings and proposals as such would not be acceptable. The proposed design of schemes will be judged using the policies of the adopted Development Plan and the Neighbourhood Plan relevant to each part of the village.*

### **Examiner's Recommendations:**

The Independent Examiner was satisfied that in principle the policy met basic conditions, but felt that the terminology used within the policy and the supporting text to refer to the various settlements was confusing. As such he recommended that the policy and supporting text refer to Sydenham West and Sydenham East. The examiners discussions and recommendations are shown below:

*"The supporting text in paragraph 5.9 of the Plan explains the matter by reference to both Policy CSR1 of the adopted Core Strategy and to the corresponding policy in the emerging Plan. In summary the policy is intended to be applied in a way which reflects the different status of the two settlements in the settlement strategy of the adopted Core Strategy.*

*The supporting text is both helpful and potentially confusing at the same time. On the one hand it provides a clear reference to the adopted development plan and the scale and nature of development that would be acceptable within the different settlements in the wider District. On the other hand, the wider Plan uses different descriptions for the smaller of the two proposed village boundaries. Both the policy itself and the supporting text at 5.9 refer to two village boundaries for Sydenham and identifies the smaller of the two as 'the Emmington Inn end of the village'. Elsewhere the Plan refers either to two separate settlements (paragraphs 2.5) or to the newer part (Emmington Inn end), or to Emmington Inn in conjunction with Emmington itself (approx. 300 m to the east of the crossroads) being classified as an 'other village' in the wider settlement*

*hierarchy. In addition, paragraph 3.4 of the submitted Character Appraisal notes that Emmington is a separate settlement to the east of the neighbourhood area.*

*In order to bring the required clarity to the situation I recommend that the following terminologies are used both in this policy and in the wider Plan. In general terms they are consistent with the approach which SODC has set out in its Settlement Assessment Background Paper 2018. In addition, the names recommended reflect the way in which local residents regard the different elements of the wider village.*

*Sydenham West – the principal settlement in the neighbourhood area (based around St Mary’s Church and the Crown Inn). Sydenham West is the ‘Smaller Village’ of Sydenham in the SODC settlement hierarchy.*

*Sydenham East – the smaller settlement in the neighbourhood area (based around the Emmington Inn at the junction of Sydenham Road and the B4445 Chinnor to Thame Road). Sydenham East was assessed as part of Emmington and classified as the ‘Other Villages’ of Emmington in the SODC settlement hierarchy.*

***In paragraph 5.9 and the sentence beginning ‘For the purpose of this policy...’ replace for the boundary comprising.... plot sizes for infill development in the village’ with: ‘as sites of up to 0.2 hectares in Sydenham West and as sites of up to 0.1 hectares in Sydenham East. This reflects the limited opportunities for such development and the restricted plot sizes in the two defined village boundaries’”***

### **The adoption of the South Oxfordshire Local Plan 2035:**

Of specific relevance to the deviation proposal is Policy H16 in the South Oxfordshire Local Plan. When the Local Plan was submitted, Policy H16 was similar to what was included in the Core Strategy and replicated in the Sydenham Neighbourhood Plan; the wording is shown below.

#### **Policy H16 in the submitted version of the Local Plan:**

*“Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location and this will be directed, in part, by the settlement hierarchy as shown on the table below*

*Infill limit at Smaller villages: sites of up to 0.2Ha (equivalent to 5-6 homes)  
Infill limit at Other villages: sites of up to 0.1HA (equivalent to 2-3 homes)”*

The Examiner for the neighbourhood plan consequently did not recommend changes to the infill limit. The neighbourhood plan policy and supporting text were in general conformity with the development plan and emerging policy at the time. Therefore, it

was appropriate for the Council to agree with the Examiner's recommendations when the decision was originally made in February 2020. However, during the examination of the South Oxfordshire Local Plan, the Local Plan Inspector amended the wording of Policy H16 so that the references to the size of infill sites were removed:

Policy H16 in the adopted Local Plan:

Policy H16 specifies that new residential development should be limited to infill and the redevelopment of previously-developed land or buildings. It defines infill development and guides its scale:

*“Infill development is defined as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location.”*

Policy H16 also provides specific criteria-based guidance for any new residential development which would be located behind existing frontages or which would involve additional dwellings within an existing site.

Due to the Coronavirus pandemic, the Sydenham Neighbourhood Plan Referendum has been delayed, so the final stages of the neighbourhood plan process will be undertaken with an updated development plan in place, making it important for the council to address issues of general conformity between the Sydenham Neighbourhood Plan and the newly adopted South Oxfordshire Local Plan 2035. The council considers it necessary to remove the infill limits identified in paragraph 5.9 of the Sydenham Neighbourhood Plan to ensure the plan is in general conformity with Policy H16 of the South Oxfordshire Local Plan 2035.

The Council is not proposing to deviate from any of the other Examiner's recommendations contained within the February 2020 Decision Statement, which can be viewed [here](#).

**Table 1: Proposed council’s decision in relation to the supporting text to Policy SYD1: Village Boundary & Infill Development and reasons**

The table below sets out the council’s proposed decision and reasoning for deviating from the examiner’s recommendations.

Examiners Recommendation	Council’s proposed Decision and Reasoning	Proposed change
<p>In paragraph 5.9 and the sentence beginning ‘For the purpose of this policy...’ replace for the boundary comprising... plot sizes for infill development in the village’ with:</p> <p>‘as sites of up to 0.2 hectares in Sydenham West and as sites of up to 0.1 hectares in Sydenham East. This reflects the limited opportunities for such development and the restricted plot sizes in the two defined village boundaries’</p>	<p>The Council accepts the modifications proposed by the examiner and considers them necessary to achieve sufficient clarity.</p> <p>However, to resolve issues of general conformity between the Sydenham Neighbourhood Plan and the adopted South Oxfordshire Local Plan 2035 the council proposes to make further modifications to paragraph 5.9, beyond those recommended by the independent examiner.</p> <p>The Council considers it necessary to remove the infill limits identified in paragraph 5.9, which mirrored those in the South Oxfordshire Core Strategy 2012 now superseded by the adopted South Oxfordshire Local Plan 2035.</p>	<p>Replace the third sentence in paragraph 5.9:</p> <p>“Most new development will be acceptable in principle within the defined boundaries, subject to complying with the NP policies and to it being appropriate in terms of its design and other arrangements. This will be small scale, infill housing and other uses that are appropriate in scale to very small villages with a severely limited road network and no effective public transport services. <del>For the purpose of this policy ‘small scale’ is defined as sites of up to 0.2 hectares in Sydenham West and as sites of up to 0.1 hectares in Sydenham East.</del> <b><u>The scale of infill should be appropriate to its location and reflect the position of Sydenham West and Sydenham East in the settlement hierarchy.</u></b> This reflects the limited opportunities for such development and the restricted plot sizes in the two defined village boundaries. For clarity, ‘infill’ is defined as the filling of a small gap in an otherwise builtup frontage or on other sites within settlements where the site is closely surrounded by buildings. In respect of infill, there is no established pattern of land-locked, ‘backland’ development that is not part of a cluster of established (often former agricultural) buildings and proposals as such would not be acceptable. The proposed design of schemes will be judged using the policies of the adopted Development Plan and the Neighbourhood Plan relevant to each part of the village.”</p>