

**IN THE MATTER OF AN APPEAL UNDER SECTION 78 OF THE TOWN AND COUNTRY
PLANNING ACT 1990**

APP/Q3115/A/25/3377313

LAND WEST OF KIDMORE END ROAD, SOUTH OXFORDSHIRE

**OPENING SUBMISSIONS
ON BEHALF OF
THE COUNCIL**

The Site

1. The appeal site (the Site) is part of a former golf course which is within Kidmore End Parish, South Oxfordshire. It forms part of the open countryside, “lies on undulating land that is locally prominent rising to a ridge of higher land within the setting to the settlement adjacent to a band of woodlands beyond which sinuous land with woods extends away from the settlement, forming the simple agrarian and wooded skyline characteristic of this part of the open countryside”¹.
2. The recent LCA places the Site within the LCA4A (Chiltern Wooded Chalk Plateau and Valleys. Whilst, on the Council’s case, the Site is not an NPPF valued landscape, it forms part of an area that has been, and is, locally designated as a valued landscape². It is also part of an area suggested for designation in the emerging Joint Local Plan (JLP)³.
3. The Site reflects the key characteristics of LCA4A, it contains valued features of LCA4A and it does reflect the valued characteristics of the locally valued landscape.
4. It is a “largely rural and unspoilt landscape...and retains an overarching rurality and forms a strong and defining valued undeveloped setting to the settlement”⁴.
5. Its location on the edge of settlement makes its open space an important area of separation between the bleeding out of Reading and the small villages and hamlets in Kidmore End Parish.

¹ Para 25 PoE AP

² Policy LPLV Neighbourhood Plan

³ CD 7.6

⁴ Para 41 PoE AP

The Decision of the Council (SODC)

6. The application was refused by a decision notice dated 3rd December 2025 for 6 reasons⁵. The Council has confirmed in its Statement of Case that it does not pursue reasons 3-6.

The Council's case

Policy and strategy of the Development Plan

7. The NPPF sets out Government policy in a concise framework. Para 15 tells us that “*The planning system should be **genuinely plan-led***” and that “*up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings*”. Under the heading “Plan Making”, the NPPF sets out that “*Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and **make sufficient provision for (a) housing...**(d) **conservation and enhancement of the natural, built and historic environment including landscapes...***” (emphasis added).
8. The national context of up to date local plans is well-known to be poor. This Council benefits from a development plan adopted in December 2020 which is post NPPF, contains an ambitious housing requirement and which has successfully delivered thousands of homes.
9. The plan sets out a clear spatial strategy identifying, in particular, where new sustainable housing proposals and employment space can and cannot go. That strategy and the policies were examined and the plan was found sound. The proposal conflicts with the strategy underpinning the examined and adopted South Oxfordshire Local Plan 2035 (SOLP) (eg STRAT 1).
10. The Council has also made considerable progress with a new Joint Local Plan (JLP) for which examination is still ongoing. Whilst the Inspectors examining the JLP (the Examination Inspectors) made interim findings (26th September 2025) regarding the duty to cooperate, the Council identified errors of law and notified the Inspectors (8th October 2025). Furthermore, and importantly, both the interim findings and the Council's response pre-dated the letter to the Chief Executive of the Planning Inspectorate regarding Local Plan examinations from Matthew Pennycook MP (the Pennycook Letter) of 9th October 2025 and the response from the Chief

⁵ CD 2.1

Executive of PINs (30th October 2025). The Council has written to the Examination Inspectors further to the Pennycook Letter (23rd October 2025) noting his expectation that “local plans submitted in the current plan-making system should be treated with an appropriate degree of flexibility”, specifically referring to “the Duty to Cooperate (DtC)...asking Inspectors to be proportionate in what is expected as the DtC evidence, and to consider the context” and stating that “As a plan submitted under the current plan-making system, his message is directly relevant to our Joint Local Plan” and inviting the Examination Inspectors to “reconsider your initial letter”. The examination hearings have been re-opened.

11. For the avoidance of doubt, the Council has not withdrawn the JLP and it remains at examination. Through correspondence with the Examination Inspectors, the Council has demonstrated that it is committed to the JLP. For the purposes of this inquiry, the SOLP is part of the Development Plan and it is the Council’s vision that it will be replaced in due course by the JLP.
12. The Development Plan also comprises the Kidmore End Neighbourhood Plan. In accordance with the Government objective that local people play a part in shaping their surroundings, a Neighbourhood Plan (NDP) has been made for Kidmore End (September 2022), and forms part of the Development Plan. Various Inspectors in appeals in South Oxfordshire have noted the importance of such plans. The Benson Inspector noted “the importance attached by the Government to the role that Neighbourhood Plans have in the planning system”⁶.
13. As was said in the Benson DL⁷, “it is perfectly possible for policies which are deemed out of date by reason of an inadequate land supply to still carry significant weight”. The proposal conflicts with Neighbourhood Plan policies LCI, LCSS and LPLV. The strength of local feeling in seeking that the policies of the NDP are upheld is demonstrated through their participation, representation and Rule 6 status at this inquiry. The Council’s position is that para 14 NPPF is engaged as a consequence.
14. Whilst the Council accepts that it does not have a 5 year supply of land (agreed at 3.81 years), that should not be a green light for speculative and inappropriate development in the wrong place, contrary to Local Plan and Neighbourhood Plan policies and contrary to the strategy of focusing development in the most sustainable locations identified for growth for the co-location of housing and employment.

⁶ CD 8.9 para 122

⁷ CD 8.9 Para 118

The harms and benefits

15. The proposal breaches the current settlement boundary and develops the countryside setting. It would form a “highly conspicuous urban form that would bring about the loss of the undeveloped, simple semi-open spaces buffering the well-wooded setting to the village”⁸. It is highly sensitive and the landscape does not have accommodating features to commend the proposals to the Site. The development would be “discordant, detracting from the rural village setting functions”⁹.
16. Mrs Priscott sets out that the resultant effect on landscape character would be “substantial and adverse”¹⁰ and notes conflict with Policies LPLV, LCSS of the Neighbourhood Plan, Policies ENV1, DES1 and DES2 of the SOLP and the landscape strategy and guidelines for LCA4A which would not be reduced or remedied by the indicative mitigation.
17. A further harm is the conflict with the Development Plan. The most important policies can be afforded weight and conflict with them is significant in the planning balance and the Inspector at the Benson appeal afforded the conflict “substantial weight”¹¹. Assessing that conflict is still required even if the tilted balance is engaged¹². The importance of a recently made development plan in the context of a properly undertaken construction of policy and then a lawfully undertaken planning balance and a lack of 5 year housing land supply was emphasised in the case of *Crane*¹³.
18. The main benefits are mainstream housing (market and affordable). Those social benefits and the consequential economic benefits are not unique and will be delivered on sites for housing that will come forward over the plan period as will any non-unique resulting economic benefits. The environmental harm is not outweighed.

Conclusions

19. In this appeal, the proposals will bring permanent environmental harm to the character of an area which is designated as locally valued and which is important in maintaining the settlement character reflective of the National Landscape. There are benefits but these are overplayed and

⁸ Para 130 Proof of Evidence of AP

⁹ Para 132 PoE AP

¹⁰ Para 133 PoE AP

¹¹ CD 8.9 para 121

¹² *Monkhill Limited v SOSHCLG* [2019] EWHC 1993 (Admin) [45]

¹³ [2015] EWHC 425 (Admin)

they will be delivered elsewhere through pipeline supply and local plan provision. Housing is acknowledged to be important but housing in a location contrary to the strategy of a local plan and recent neighbourhood plan reflecting the views and work of local people does not justify such harm.

20. Whilst the tilted balance is in play, so too is para 14 NPPF which “presents a high bar for the scheme to overcome”¹⁴.

21. In due course the Inspector will be respectfully invited to dismiss the appeal.

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6th May 2026

¹⁴ CD 8.9 para 122