

Councillor fighting judge in bid to trash South Oxfordshire homes plan

'Hawk not a dove': Judge is accused of making an 'appalling' decision

David Lynch
Local Democracy Reporter

A COUNCILLOR who tried to get her own council's housing plan thrown out at court has said she plans to fight on after the bid was quashed.

Sue Roberts of South Oxfordshire District Council, whose group Bioabundance brought the legal challenge against the Local Plan, has now applied for an oral hearing so her group can argue its case in court.

The council announced last week that Bioabundance's attempt to take its new plan to judicial review had been refused by a high court judge.

Now Dr Roberts has confirmed that Bioabundance will apply for an official oral hearing to argue its case in court.

The Wallingford councillor said: "It is Justice Dove who has said that there is no case for SODC to answer but I think he has been a hawk rather than a dove and all he has said is he does not personally see an argument against the plan."

She described the refusal as an 'appalling outcome' and said it appeared decisions were very 'judge-specific' as a similar bid to challenge Cherwell District Council's Local Plan had been granted a date.

The announcement from South Oxfordshire District Council on Wednesday of last week said: "The council has received notification that The Honourable Mr Justice Dove has refused the application by Bioabundance CIC for permission to proceed with an application for judicial review against



South Oxfordshire is under threat from housing in its Local Plan. Picture: Louiss Tucker. Below: Sue Roberts



the council's decision to adopt the Local Plan 2035.

"In refusing the application, the judge ordered Bioabundance CIC to pay the council's costs.

Bioabundance CIC has an opportunity within seven days to ask for this decision

to be reconsidered."

A spokesperson for the council added: "We are pleased with this decision and that the court has supported the democratic decision making processes within the council."

Bioabundance wants to challenge SODC's housing plan because it says the 30,000 homes being planned are more than needed and that too many of them would be on Green Belt land, where development is not supposed to take place unless there are special circumstances.

A planning inspector had said there were special circumstances for this, because official calculations show Oxford needs more homes.

However, over the course of 2019 and 2020 the Liberal Democrat-Green coalition that rules SODC had attempted to rewrite the plan, drafted by the previous Conservative administration.

After more than a year of dispute involving the Government, the council approved the housing plan in a majority vote, after receiving orders to do so from Robert Jenrick, the Secretary of State for Housing, Communities and Local Government.

●Cherwell District Council's Local Plan Partial Review is due to be challenged in a hearing at court on June 23 and 24.