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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 19 March 2026
Time: 4.00 pm
Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Barry Wood (Chair)

Councillor Chris Brant
Councillor Phil Chapman
Councillor Jean Conway
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Robert Parkinson
Councillor David Rogers
Councillor Dr Kerrie Thornhill

Councillor Amanda Watkins (Vice-Chair)

Councillor John Broad
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor David Hingley
Councillor Lesley McLean
Councillor Chris Pruden
Councillor Les Sibley
Councillor Douglas Webb

Substitutes

Councillor Rebecca Biegel
Councillor Andrew Crichton
Councillor Dr Chukwudi Okeke
Councillor Rob Pattenden
Councillor Nigel Simpson
Councillor Linda Ward

Councillor Nick Cotter
Councillor Harry Knight
Councillor Lynne Parsons
Councillor Edward Fraser Reeves
Councillor Dorothy Walker
Councillor John Willett

AGENDA

1. **Apologies for Absence and Notification of Substitute Members**
2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chair to report on any requests to address the meeting.

Requests to address the meeting (including the application, whether you will speak in support of or objection to the application, your contact details) should be submitted to democracy@cherwell-dc.gov.uk

The deadline for requests to address this meeting is noon on Wednesday 18 March 2026.

Addresses can be made virtually or in person. Full details of public participation at Planning Committee meeting is available in the Constitution, [Planning Committee Procedure Rules](#).

4. Minutes (Pages 5 - 17)

To confirm as a correct record the Minutes of the meeting of the Committee held on 15 January 2026.

5. Chair's Announcements

To receive communications from the Chair.

6. Urgent Business

The Chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Proposed Pre-Committee Site Visits (if any)

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Review and Monitoring Reports

8. Appeals Progress Report

Report of Head of Development Management

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals contained within the report.

Planning Applications

9. **Land East of Denbigh Close Adjacent to Broughton Road, Banbury** (Pages 18 - 48) **25/02174/OUT**
10. **38 Longfields, Bicester, OX26 6QL** (Pages 49 - 60) **25/03231/F**
11. **73 High Street, Kidlington, OX5 2DN** (Pages 61 - 74) **25/03055/F**
12. **Hadsham Farm Hornton Lane, Horley, OX15 6BN** (Pages 75 - 92) **25/01284/F**
13. **Dashwood Apartments, Dashwood Road, Banbury, OX16 5HA** (Pages 93 - 103) **25/03139/F**

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

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Queries Regarding this Agenda

Please contact Matt Swinford / Martyn Surfleet, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 11 March 2026

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 15 January 2026 at 4.00 pm

Present:

Councillor Barry Wood (Chair)
Councillor Amanda Watkins (Vice-Chair)
Councillor Chris Brant
Councillor John Broad
Councillor Phil Chapman
Councillor Becky Clarke MBE
Councillor Dr Isabel Creed
Councillor Ian Harwood
Councillor David Hingley
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor Chris Pruden
Councillor David Rogers
Councillor Les Sibley
Councillor Dr Kerrie Thornhill
Councillor Douglas Webb

Substitute Members:

Councillor Rob Pattenden (In place of Councillor Jean Conway)

Apologies for absence:

Councillor Jean Conway

Officers:

Paul Seckington, Head of Development Management
Andy Bateson, Team Leader - North Area Major Developments
Carlos Chikwamba, Principal Planning Officer
Rob Duckworth, Principal Planning Officer
Denzil Turbervill, Head of Legal Services
Matt Swinford, Democratic and Elections Officer
Martyn Surfleet, Democratic and Elections Officer
Ian Boll, Executive Director Place & Regeneration
Nick Wyke, Principal Planning Officer

Officers Attending Virtually:

Thomas Webster, Principal Planning Officer

81 **Declarations of Interest**

8. Part OS Parcel 0006 North Of The Moors Kidlington.

Councillor Fiona Mawson, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

Councillor Lesley McLean, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

9. 7 Lock Crescent, Kidlington, OX5 1HD.

Councillor Fiona Mawson, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

Councillor Lesley McLean, Other Registerable Interest, as a member of Kidlington Parish Council which had been consulted on the application.

82 **Requests to Address the Meeting**

The Chair advised that requests to address the meeting would be dealt with at each item.

83 **Minutes**

The Minutes of the meeting held on 4 December 2025 were agreed as a correct record and signed by the Chair.

84 **Chair's Announcements**

1. The Chair reminded members of the public that only registered speakers were entitled to speak at the committee meeting at the time instructed by the Chair and members of the public should remain quiet during the meeting and not cause disturbance.
2. The Chair reminded Members to stay in their seats for the whole agenda item and if a member left the meeting for whatever reason, they should consider abstaining from the vote as they would not have been present for the whole agenda item.

85 **Urgent Business**

There were no items of urgent business.

86 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed pre-committee site visits.

In response to a question from the Committee, the Head of Development Management confirmed that site visits would be arranged around the time that an application would be heard at a Planning committee meeting.

87 **Part OS Parcel 0006 North Of The Moors Kidlington**

The Committee considered application 25/01346/OUT, an outline application with All Matters Reserved (except means of access) for up to 340 dwellings (Use Class C3), land for local community use and pavilion, landscaping, public open space, and associated infrastructure, including demolition of 162 The Moors to enable all modes of access at Part OS Parcel 0006 North Of The Moors Kidlington for Harper Crewe Bloombridge Ltd.

Councillor Dorothy Walker addressed the Committee as a Local Ward Member.

Professor Daphne Hampson, on behalf of Campaign to Save the Land Behind the Moors, David Robey, Vice-Chair of Kidlington Parish Council and Dr Lisa Smith, on behalf of Campaign to Save the Land Behind the Moors, addressed the Committee in objection to the application.

Laura Bisbey, on behalf of the applicant, addressed the Committee in support of the application.

It was proposed by Councillor McLean and seconded by Councillor Broad that application 25/01346/OUT be refused, against the officer's recommendation, as the application site strongly contributes to the purposes of the greenbelt and the development would be inappropriate development, and due to substantial harm to the setting of heritage assets close to the application site and to the character of the landscape which would significantly and demonstrably outweigh the benefits of the proposal and therefore would be contrary to policies BSC3, BSC7, BSC8, BSC10-12, SLE4, INF1 ESD13, ESD14, ESD15 of the Cherwell Local Plan (2015), and saved policies H18, C23 and C28 of the Cherwell Local Plan (1996). (exact wording for reasons for refusal to be delegated to officers).

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 25/01346/OUT be refused for the reasons below.

1. Green Belt

The proposed development is unacceptable in principle because the site strongly contributes to the Green Belt and to purposes a and d of paragraph 143 of the NPPF, and the application of heritage policies would provide a strong reason to refuse the development. Therefore, the proposed development is not considered to meet the definition of Green Belt and the proposal cannot therefore be considered appropriate development under paragraph 155 of the NPPF. There are no other exceptions to Development in the Green Belt set out in local and national policies that would enable the development to be considered appropriate, and the proposal also conflicts with purpose c of paragraph 143 of the NPPF. In the absence of a very special circumstances case, the development is considered to be inappropriate development which is by definition harmful to the Green Belt and harm to openness and the proposal is therefore, contrary to Section 13 of the NPPF, Policy ESD 14 of the Cherwell Local Plan (2015) and Policy COM 12 of the Cherwell Local Review (2042).

2. Heritage and Landscape

The proposal introduces an urban form of development that would significantly erode the established rural and historic setting and character of the site's existing countryside landscape. The site lies within open countryside characterised by undeveloped rural arable and publicly accessible land providing views towards the Grade I Listed St Mary's Church and the adjacent church street conservation area, therefore, contributing significantly to the significance of adjacent heritage assets. The introduction of a large scale urban development would significantly alter the site's rural character and historic landscape setting, resulting in significant harm to the landscape and heritage assets. The development would therefore fail to enhance and preserve the setting of heritage assets, and it would also fail to protect or reinforce the intrinsic character of the countryside landscape. As such, the proposal is considered to be contrary to Policies ESD 13 and ESD 15 of the Cherwell Local Plan (2015), Policies C23 and C28 of the Cherwell Local Plan Saved Policies (1996) and Policies LEC 7, COM 10, COM 26, 27 and 28 of the Cherwell Local Plan Review (2042) and Government guidance within the National Planning Policy Framework. The Local Planning Authority consider that such harmful landscape and heritage impacts would significantly and demonstrably outweigh the benefits associated with the proposal.

3. Infrastructure

In the absence of a signed unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure provisions and contributions related to affordable housing, open space, highways, education, health and other social infrastructure, necessary to make the impacts of the development acceptable in planning terms. The proposal therefore runs contrary to Policies, BSC 3, BSC 7, BSC8, BSC 10-12, SLE 4 INF1 of the Cherwell Local Plan (2015) and Policies CSD 22-23,

COM 2, COM 15 -17 COM 20-21, COM 23-24 of the Cherwell Local Plan Review (2042), Cherwell District Council's Developer Contributions Supplementary Planning Document (2018) and Government guidance within the National Planning Policy Framework.

88 **7 Lock Crescent, Kidlington, OX5 1HD**

The Committee considered application 25/02114/F, for change of use from a residential dwelling (Use Class C3) to a 10 bedroom House in Multiple Occupation (Use Class Sui Generis) and associated works including installation of bike and bin stores; single storey rear extension at 7 Lock Crescent, Kidlington, OX5 1HD for Co-Living Capital 2 Ltd.

Councillor Ian Middleton addressed the Committee as Local Ward Member.

Alan Blunsdon, a local resident, addressed the Committee in objection to the application.

David Granat, the applicant, addressed the Committee in support of the application.

It was proposed by Councillor Dr Thornhill and seconded by Councillor Watkins that the application be approved with amended wording to the parking condition to secure at least five car parking spaces and additional parking conditions relating to drainage and restriction of occupancy to 1 occupant per room.

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, in line with the officer's recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/02114/F subject to the conditions set out below (and any amendments to those conditions as deemed necessary).

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents:

- Existing Plans and Elevations 101

- Proposed Plans OXL-2512-103 F
- Lock Crescent OXL-2512-201 B Rev B Site Plan
- Lock Crescent OXL-2512-202 Rev A SLP and Block
- Lock Crescent OXL-2512-203 Rev A
- LOCK CRESCENT- REVISED FULL SCHEME- OXL-2512-201 REV A
Proposed Floor Plans

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

3. Notwithstanding the details submitted, prior to the first use/occupation of the development hereby approved details of proposed parking and access for more than five vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), has been submitted to and approved in writing by the local planning authority. The approved parking area shall be laid out and completed in accordance with the approved details prior to the first use/occupation of the development hereby approved. The car parking spaces shall be retained for the parking of vehicles at all times for the life of the development.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

4. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local planning authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

5. The development shall be occupied until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local planning authority. The drainage scheme shall demonstrate how the development will not worsen the current outflows and discharge rates of the site, with betterment being encouraged. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved and shall be maintained as such thereafter.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

6. Prior to the first use/occupation of the premises as a House in Multiple Occupation, details of refuse and recycling storage (including siting, enclosure/screening and capacity) shall be submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage shall be provided prior to first occupation as a House in Multiple Occupation and shall thereafter be retained as such.

Reason: To ensure satisfactory refuse storage and collection arrangements, to safeguard the amenities of neighbouring occupiers and the appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

7. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

8. The House in Multiple Occupation, hereby approved, shall only be let as a single room occupancy to limit the tenant numbers to not more than 10 persons.

Reason: In order to safeguard the amenities and character of the area, in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

The Committee considered application 21/03268/OUT, an outline planning application (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace; construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping including noise attenuation measures; and other associated infrastructure at OS Parcel 2636 NW Of Baynards House Ardley Green Farm Street To Horwell Farm Baynards Green for Albion Land.

Nick Barnes, Chair of Stoke Lyne Parish Council, addressed the Committee in objection to the application.

Emma Lancaster, agent on behalf of the applicant, addressed the Committee meeting in support of the application.

It was proposed by Councillor Parkinson and seconded by Councillor Broad that application 21/03268/OUT be refused, against officer recommendation, as the proposed development would result in unjustified urbanisation of a currently open and rural site and fail to respect or reinforce the established rural character, appearance, and intrinsic qualities of the locality and the proposal was contrary to policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework with the exact wording for the reasons for refusal to be delegated to officers.

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 21/03268/OUT be refused for the following reasons:

1. The proposed development would result in the unjustified urbanisation of a currently open and rural site, introducing built form of significant scale, bulk and massing that would appear visually intrusive within the wider landscape. The proposal would fail to respect or reinforce the established rural character, appearance, and intrinsic qualities of the locality. Its scale, siting and form would give rise to a harmful visual impact, resulting in a prominent and enduring intrusion that would cause severe and irrevocable harm to the landscape. For these reasons, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and the principles of good design and landscape protection set out within the National Planning Policy Framework. The Local Planning Authority considers that the extent of landscape harm arising from the development would significantly and demonstrably outweigh any benefits associated with the proposal.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 planning obligation legal agreement, the Local Planning

Authority is not satisfied that the proposed development would provide appropriate transport infrastructure and landscape and ecological mitigation required as a direct result of the development, and which would be necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

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O.S. Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green

The Committee considered application 21/03266/F for Site clearance, construction of new site access from the B4100, permanent and temporary internal roads, an internal roundabout and a foul drainage station, diversion of an existing overhead power cable and public right of way, and soft landscaping at O.S. Parcel 0006 South East of Baynards House Adjoining A43 Baynards Green for Albion Land.

It was proposed by Councillor Wood and seconded by Councillor Parkinson that application 21/03266/F be refused, against officer recommendation, as the proposed development would cause unacceptable visual harm and an erosion of the rural landscape character as well as unnecessary ecological harm and the proposal was contrary to policies ESD10 and ESD13 of the Cherwell Local Plan 2011–2031 and national guidance within the National Planning Policy Framework with the exact wording for the reasons for refusal to be delegated to officers.

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 21/03266/F be refused for the following reason:

1. The proposed access and internal road would require the removal of part of the established roadside hedgerow, resulting in unacceptable visual harm and an erosion of the rural landscape character, as well as unnecessary ecological harm through the loss of habitat and green-corridor connectivity. As there is no approved development that the access would serve, this harm would occur without any corresponding planning benefit, and is therefore unjustified. The proposal is contrary to Policies ESD10 and ESD13 of the Cherwell Local Plan 2011–2031 and national guidance within the National Planning Policy Framework.

91 **OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green**

The Committee considered application 21/03267/OUT, an application for outline planning permission (all matters reserved except for access) for the erection of buildings comprising logistics (Use Class B8) and ancillary Office (Use Class E(g)(i)) floorspace and associated infrastructure; construction of new site access from the B4100; creation of internal roads and access routes; and hard and soft landscaping at OS Parcel 0006 South East Of Baynards House Adjoining A43 Baynards Green for Albion Land.

Emma Lancaster, agent on behalf of the applicant, addressed the Committee meeting in support of the application.

It was proposed by Councillor Parkinson and seconded by Councillor Rogers that application 21/03267/OUT be refused, against officer recommendation, as the proposed development would result in unjustified encroachment into open countryside and cause unacceptable landscape harm and development would fail to protect and enhance the natural environment and biodiversity and the proposal was contrary to policies of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and Government guidance in the National Planning Policy Framework with the exact wording for the reasons for refusal to be delegated to officers.

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 21/03267/OUT be reused for the following reasons:

1. The proposed development, due to its scale, massing and bulky form, would appear as a prominent and visually intrusive feature within this open countryside location, eroding the rural character of the landscape and blocking established views across the central Cherwell area and towards Stoke Wood. The scheme represents sporadic and incongruous development remote from any settlement and fails to demonstrate compatibility with, or integration into, its rural surroundings. As such, the proposal would result in unjustified encroachment into open countryside and cause unacceptable landscape harm, contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and Government guidance in the National Planning Policy Framework. The Local Planning Authority considers that this harm would significantly and demonstrably outweigh the benefits of the proposal.
2. The site lies adjacent to ecological corridors used by bats, birds and small mammals moving between the surrounding countryside and

Stoke Wood, an ecologically significant and Woodland Trust–managed site. The extensive built form, associated lighting and activity would disrupt these established flight paths and wildlife movements, and the proposal does not adequately demonstrate that such impacts would be avoided or mitigated. The hedgerows surrounding the site also represent important biodiversity features that would be adversely affected. The development therefore fails to protect and enhance the natural environment and biodiversity. As such the proposal fails to accord with policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework. The Local Planning Authority consider that such harmful ecological impact would substantially and demonstrably outweigh the benefits associated with the proposal.

3. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 planning obligation legal agreement, the Local Planning Authority is not satisfied that the proposed development would provide appropriate transport infrastructure and landscape and ecological mitigation required as a direct result of the development, and which would be necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

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Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green

The Committee considered application 22/01340/OUT, an outline planning application (all matters reserved except means of access (not internal roads) from B4100) for the erection of buildings comprising logistics (use class B8) and ancillary offices (use class e(g)(i)) floorspace; energy centre, hgv parking, construction of new site access from the B4100; creation of internal roads and access routes; hard and soft landscaping; the construction of parking and servicing areas; substations and other associated infrastructure at Os Parcel 6124 East Of Baynards Green Farm Street To Horwell Farm Baynards Green for Tritax Symmetry Ardley Ltd.

Nick Barnes, Chair of Stoke Lyne Parish Council, addressed the Committee in objection to the application.

Emma Lancaster, agent on behalf of the applicant, addressed the Committee meeting in support of the application.

It was proposed by Councillor Parkinson and seconded by Councillor Rogers that application 22/01340/OUT be refused, against officer recommendation, as the proposed development would result in substantial and harmful alteration to its appearance, character and visual qualities and the proposal was contrary to policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and

Government guidance contained within the National Planning Policy Framework with the exact wording for reasons for refusal to be delegated to officers.

In reaching its decision the Committee considered the officer's report and presentation, the addresses by public speakers and the written updates.

Resolved

That, contrary to the officer's recommendation, application 22/01340/OUT be refused for the following reasons:

1. The proposed development, by reason of the exceptional height, scale, massing and expansive roof profile of the buildings, would introduce large and visually dominant structures that are wholly out of keeping with the established rural character of this part of the North Oxfordshire landscape. The site lies within open countryside characterised by traditional, undeveloped rural views and an attractive landscape setting, and the introduction of buildings of this magnitude would result in substantial and harmful alteration to its appearance, character and visual qualities. The development would therefore cause significant and detrimental landscape and visual harm, would fail to integrate with its rural surroundings, and would not protect or reinforce the intrinsic character of the countryside. As such, the proposal conflicts with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031, saved Policies C8 and C28 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework. The Local Planning Authority consider that such harmful environmental impact would substantially and demonstrably outweigh the benefits associated with the proposal.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 planning obligation legal agreement, the Local Planning Authority is not satisfied that the proposed development would provide appropriate transport infrastructure and landscape and ecological mitigation required as a direct result of the development, and which would be necessary to make the impacts of the development acceptable in planning terms. As such, the proposal is contrary to Policy INF1 of the Cherwell Local Plan 2011-2031, Cherwell District Council's Developer Contributions SPD 2018 and Government guidance within the National Planning Policy Framework.

Appeals Progress Report

It was proposed by Councillor Wood and seconded by Councillor Hingley that due to the already excessive length of the meeting, consideration of the Appeals Progress Report be deferred for one planning cycle, to the scheduled meeting on 12 February 2026, to allow for full consideration by the Committee. On being put to the vote the motion was carried.

Resolved

That consideration of the Appeals Progress Report be deferred to the next scheduled Planning Committee meeting on 12 February 2026.

The meeting ended at 11.15 pm

Chair:

Date:

Agenda Item 8

This report is Public	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	19 March 2026
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Jean Conway.
Date Portfolio Holder agreed report.	11 March 2026
Report of	Head of Development Management, Paul Seckington

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

Implications	Commentary
Finance	The Current cost of appeals has exceeded core budget and if the service is unable to absorb then a request for use of reserves will be necessary. The Appeals detailed in this report are small cases that do not pose significant financial risk to the Council, but the position will be closely monitored. Kimberley Digweed, Finance Business Partner, 11 March 2026
Legal	As this report is purely for information there are no legal implications arising. Denzil Turbevill, Head of Legal, 11 March 2026.

Risk Management	This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary. Celia Prado-Teeling, Performance Team Leader, 11 March 2026			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact				
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader, 11 March 2026.
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Not applicable
Climate & Environmental Impact				Not applicable
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable
Council Priorities	Not applicable			
Human Resources	Not applicable			
Property	Not applicable			
Consultation & Engagement	Not applicable in respect of this report			

Supporting Information

3. Background

- 3.1. When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2. Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the Enforcement Notice served. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition, then they could have appealed against the condition at the time it was originally imposed.
- 3.3. Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4. Monitoring all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended, and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

4.1. Planning Appeals

New Appeals

Written Representations	Informal Hearing	Public Inquiry
9	0	0

4.1.1 The 9 new **Written Representations** appeals are:

- **3 appeals relating to new dwellings:**
 - 34 George Street, Bicester – new 2-bed self-build dwelling
 - Land between Rose View & Gold Hill Cottage, Hethe – new single dwelling + home office
 - Oxhay Farm, Cropredy – conversion of an agricultural building into 2 dwellings (Class Q)
- **2 appeals concerning house extensions/alterations:**
 - 32 Rectory Road, Hook Norton – rear and first-floor side extensions

- 56–58 Broad Street, Banbury – variation of conditions relating to flue/extraction (domestic–commercial interface)
- **2 advertisement/planning appeals:**
 - BT Street Hub (ADV) opposite 52 Bridge Street, Banbury – digital screens and removal of payphone
- **1 retrospective commercial/site-alteration appeal:**
 - 6–8 Bowmont Square, Bicester – shipping container storage, AC units, chillers, access ramp
- **1 Certificate of Lawfulness appeal:**
 - 8 Sage Street, Bicester – air-source heat pump installation to rear wall

4.1.2 Details of the new appeals can be found at appendix 1

In Progress/Awaiting Decision

Written Representations	Informal Hearing	Public Inquiry
10	0	0

4.1.3 Details of all the planning appeals can be found at Appendix 1

4.2. **Enforcement Appeals**

New Appeals

4.2.1 There are no new enforcement appeals

In Progress/Awaiting Decision

4.2.2 There are 3 enforcement appeals awaiting decisions

4.2.3 Details of all the enforcement appeals can be found at Appendix 2

4.3. **Forthcoming Public Inquiries and Hearings**

None

4.4. **Award of costs**

None, there were two award of costs sought, but both were dismissed. Details below.

4.5. **Appeals Results**

4.5.1 **25/01615/PIP - Land East of Parcel 3386, Adjacent to Burycroft Road, Hook Norton**

Permission in Principle for a residential development of 3-5 dwellings.

Appeal Dismissed

The Inspector dismissed the appeal, concluding that the site lies outside Hook Norton's built-up limits and that developing it would extend housing into open countryside, harming the rural landscape and failing to integrate with the existing village form.

Although Hook Norton offers a good range of local services and the site has reasonable access to them, this did not outweigh the significant conflict with key Local Plan policies (ESD13, ESD15 and Villages 1).

The Inspector acknowledged the district's housing land shortfall, but found that the limited benefits of a small number of dwellings were insufficient to overcome the identified harm.

As a result, the adverse impacts significantly and demonstrably outweighed the benefits, and the appeal was dismissed.

4.5.2 **25/02149/PIP - Bishops End, Burdrop, Banbury, Oxon, OX15 5RQ**

Permission in principle - 3-4 new dwellings

Appeal Allowed

The Inspector allowed the appeal, finding that the reuse and limited additional development of the former pub, Holly Cottage and car park could be achieved without harming the character or appearance of the Sibford Ferris, Sibford Gower and Burdrop Conservation Area or the setting of nearby listed buildings, especially given existing permissions and the ability to secure appropriate design at the Technical Details stage.

The site lies within the built-up confines of the Sibfords' Category A village cluster, where small-scale housing is supported, and benefits from access to local facilities despite some reliance on car travel being likely in a rural context. With the former pub no longer viable and no policy conflict identified, the Inspector concluded that the proposal accords with the Development Plan strategy and should be approved.

4.5.3 **25/00830/PIP - Land East of Manor Farm, Banbury Lane, Horley, Oxfordshire, OX15 6GB**

Permission in Principle - housing development site on land adjacent

Appeal Dismissed

The Inspector dismissed the appeal for Permission in Principle for up to five homes on land adjacent to Manor Farm, Horley, concluding that the site lay outside the village's built-up limits, did not constitute infill development, and failed to comply with the settlement strategy for Category C villages.

Although the mature hedgerows offered enclosure and the scheme would not harm the setting of the nearby Conservation Area or Grade II listed Manor Farm, the location was found unsuitable due to its rural character, lack of built frontage, and limited access to services—meaning future residents would be heavily reliant on private cars.

The proposal also conflicted with policies requiring sustainable locations and efficient land use, and despite the district's 3.1-year housing land supply, the modest housing benefit did not outweigh the significant policy conflict; the appeal was therefore dismissed

4.5.4 25/01461/PIP - Land North of Rattlecombe Road, Shennington, OX15 6LZ

Permission in Principle - housing development for up to 9 self-build plots

Appeal Allowed

The Inspector allowed permission in principle for up to nine self-build homes on land north of Rattlecombe Road, concluding that despite the scheme's conflict with the village's Category C status, where only infill is normally supported, and some harm to local character, the site nevertheless offered reasonable access to key village services, and its lower-density form was justified by landscape, drainage and biodiversity requirements.

While the development would alter the edge-of-settlement character, the harm was judged moderate and capable of being addressed at the later Technical Details Consent stage, including opportunities to enhance the adjacent conservation area boundary wall.

Crucially, given the district's substantial housing shortfall (only 2.32–3.1 years' supply) and significant unmet need for self-build homes, the Inspector found that the benefits, especially nine self-build plots, carried significant weight and outweighed the identified policy conflicts, meaning the appeal was allowed

4.5.5 22/03163/F - Cropredy Lawn, Cropredy Lawn Road, Cropredy, OX17 1DR

The development proposed is the change of use of land for the stationing of two glamping pods.

Appeal Dismissed

The Inspector dismissed the appeal for the retrospective siting of two glamping pods at Cropredy Lawn, concluding that the remote rural location, over a kilometre from Cropredy and only accessible via unlit rural roads, uneven public rights of way, and routes without pavements—would leave visitors heavily reliant on private

vehicles, conflicting with Local Plan policies seeking sustainable travel and resisting sporadic countryside development.

Measures proposed to encourage sustainable travel, such as electric bicycles, a travel plan, and collection services, were found unlikely to significantly reduce car use given the site's isolated context. While the scheme might support rural tourism and farm diversification, the Inspector noted only modest benefits and insufficient evidence of the enterprise's wider economic role; these did not outweigh the fundamental policy conflicts.

Consequently, the appeal was dismissed.

4.5.6 25/00752/F - 2 Church View, Banbury, Oxon, OX16 9ND

Conversion of existing dwelling to form two dwellings (Appeal against conditions on the planning permission)

Appeal Allowed

While the Inspector removed a few conditions that were considered unnecessary, such as the requirements for extra acoustic insulation beyond Building Regulations and detailed cycle-parking specifications, both of which were judged not to be essential for this modest, already-completed conversion, the decision nonetheless represents a success for the local authority in retaining meaningful control over future development at 2 Church View.

Crucially, the Inspector agreed that the site had already undergone substantial expansion and that further extensions or outbuildings could harm neighbour amenity and the character of the area, thereby upholding and refining the Council's restriction on permitted development rights under Classes A and E. By ensuring that any further building would require full planning permission, the decision protects neighbouring properties, maintains the established appearance of the street, and confirms that continued oversight is justified in this sensitive location, even while acknowledging that some of the original conditions overreached what was reasonably necessary

4.5.7 25/00449/REM – Reynards Lodge, North Lane, Weston on the Green, Oxfordshire, OX25 3RG

Reserved Matters application to 24/00804/OUT - Access (with Construction Traffic Management Plan), Layout (with part drainage), Scale, Appearance, Landscaping and Biodiversity (with Construction Environment Management Plan)

Appeal Dismissed

The Inspector dismissed the appeal seeking approval of reserved matters for four dwellings at Reynards Lodge, Weston-on-the-Green, concluding that the scheme's large building footprints, combined with the height and proximity of several plots, would create a cramped and incongruous form of development harmful to the character and appearance of the Weston-on-the-Green Conservation Area.

Although views from North Lane would be limited, the overall layout, dominant parking arrangements, and use of block paving were found to conflict with local design guidance and fail to respect the area's agricultural and historic context. Additionally, the proximity between Plots 1 and 2 would result in poor outlook and inadequate daylight for future occupants.

While the proposal would deliver four homes, this modest benefit could not outweigh the identified harm to a designated heritage asset, and the appeal was therefore dismissed.

4.5.8 24/03218/F - The Bell Inn, Church View, Great Bourton,

Change of Use of The Bell Inn Public House (Sui Generis Use) to use as a dwellinghouse (Class C3 Use) and associated minor external alterations to the building and works

Appeal Dismissed

The Inspector emphasised that the case was *finely balanced*, noting credible arguments on both sides: although the appellant's viability evidence and the pub's prolonged period of limited commercial interest indicated challenges for a traditional operator, concerns about the robustness of refurbishment costs, the lack of re-marketing in its current state, and the community's detailed and apparently achievable business plan meant it had not been convincingly demonstrated that the Bell Inn was no longer viable, particularly under a community-ownership model.

Given the pub's strong social value, its Asset of Community Value status, and the absence of clear evidence that reopening would be unviable in the long term, the Inspector concluded that the loss of the public house could not be justified, and the appeal was dismissed.

The appellant sought an award of costs against the council. This was dismissed, with the Inspector finding that although planning officers had recommended approval, the committee's contrary decision was *finely balanced* and not unreasonable, given that viability evidence was inconclusive and the applicant had not provided trading accounts previously requested by the Council.

The Inspector noted that members were entitled to reach their own judgement on viability, particularly as Saved Policy S29 places the onus on the applicant to demonstrate that the pub is no longer viable, and that interested parties had raised legitimate concerns and provided evidence suggesting the pub could still be viable under alternative operating models.

The Council's reasons for refusal were found to be clear, specific, and well-substantiated, and because no unreasonable behaviour leading to wasted expense was identified, the costs claim was dismissed.

4.5.9 25/00007/LB and 24/03296/F – Little Brook, The Colony, 7 Colony Road, Sibford Gower, OX15 5RY

RETROSPECTIVE - Revision of roof slope from consented drawings application

Appeal Allowed

The Inspector allowed both the planning and listed building appeals relating to the revised roof design of an already-built outbuilding at Little Brook, finding that although the structure differed slightly from the 2021 approval, the changes, including a modest increase in eaves height, a shallower roof pitch, and amended materials, did not harm the significance of the Grade II listed building or its setting, nor the character and appearance of the Sibford Gower and Burdrop Conservation Area.

The outbuilding was judged to remain visually subservient to the main cottage, to use appropriate traditional materials, and to sit comfortably within its rural historic context, preserving both heritage interests and the wider conservation area.

As a result, the scheme was found to comply with national and local heritage policies, and the appeals were fully allowed without the need for any additional conditions

4.5.10 25/016931/F & 25/01694/LB - Fir Cottage, Fir Lane, Steeple Aston, Oxfordshire, OX25 4SF

Demolition of existing single-storey extensions and part demolition of an existing first-floor extension. Erection of a part single-storey/part two-storey rear extension and associated internal alterations.

Appeals Dismissed

The Inspector dismissed both the planning and listed building appeals for extensions and alterations at Fir Cottage, Steeple Aston, concluding that the proposed part single-storey/part two-storey rear extension would be overly large, visually dominant, and incongruous, thereby harming the architectural integrity and special interest of the Grade II listed cottage and failing to preserve the character and appearance of the Steeple Aston Conservation Area.

Although the existing rear extensions are of poor quality, the Inspector found that the new scheme would exacerbate harm through its increased depth, height, and massing, with visible effects from Fir Lane and insufficient information to demonstrate that historic fabric would not be lost. The public benefits, such as improved energy performance, biodiversity features, and replacement of existing additions, were considered modest and did not outweigh the heritage harm, resulting in the dismissal of both appeals

4.5.11 25/01773/F - 2 Somerville Drive, Bicester, OX26 4TU

RETROSPECTIVE - Erection of 0.83m close board fencing, on top of existing original front garden 1m brick wall and installation of 2m wooden gates/posts.

Appeal Dismissed

The Inspector dismissed the appeal for the part-retrospective installation of close-boarded fencing and 2 m gates at 2 Somerville Drive, finding that the added height atop the existing 1 m brick wall created an incongruous, overly solid boundary that conflicted with the area's established character of open, low-level frontages and verdant street scenes.

The Inspector acknowledged the appellant's desire for privacy and security but concluded that these did not outweigh the significant visual harm caused, nor the Local Plan policies requiring development to respect local character.

Although highway safety concerns were not upheld, since alternative boundary planting would create similar visibility limitations, the harm to the street scene alone was sufficient to justify refusal, and the appeal was therefore dismissed.

4.5.12 25/02043/F - 1 Holly Close, Kidlington, Oxfordshire, OX5 1EP

RETROSPECTIVE - Erection of a 6 ft composite fence and related landscaping

Appeal Dismissed

The Inspector dismissed the appeal for the retrospective composite fence at 1 Holly Close, finding that although a timber fence had previously been approved on the plot, the installed 6-foot composite fence appeared stark, bulky, and visually intrusive due to its height, horizontal emphasis, and light-oak finish.

Its prominence on a corner plot within a cul-de-sac defined by open frontages and a verdant, spacious character meant it failed to assimilate with the surrounding streetscape, including long-range views from nearby green space.

Proposed landscaping was considered insufficient to mitigate the harm, and despite local support and benefits such as privacy, security, and low-maintenance materials, these factors did not outweigh the conflict with design and character policies; the appeal was therefore dismissed.

4.5.13 25/02077/AGN – Tuther Corner, Piddington, Aylesbury, Bucks, HP18 9UZ

Prior approval application for 2 No agricultural general-purpose barns

Appeal Dismissed

The Inspector dismissed the appeal for two agricultural barns at Tuther Corner, Piddington, because the works had already begun before prior approval was granted, meaning the development could not lawfully benefit from permitted development rights under Schedule 2, Part 6, Class A of the GPDO.

As one barn was already built and footings for the second were in place, the Inspector determined that prior approval cannot be issued retrospectively, making it unnecessary to assess whether the barns were reasonably required for agriculture or otherwise compliant with Class A criteria. The decision did not consider the planning merits of the scheme.

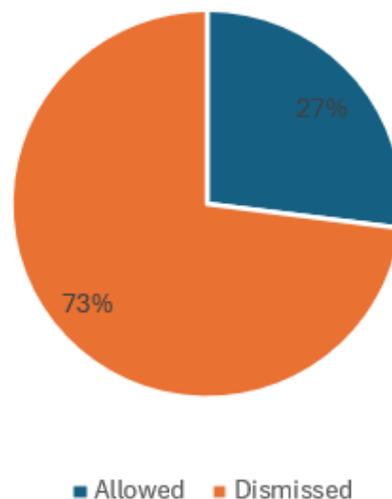
The appellant also **sought an award of costs** against the council. This was dismissed as the Inspector found that although the Council had acted unreasonably in one respect, misapplying Class A.1(b) of the GPDO concerning previous Class Q development, this did not lead to unnecessary or wasted expense because the appeal itself had no realistic prospect of success once it was established that the barns' construction had already begun, meaning the proposal could not qualify as permitted development.

The Inspector concluded that the Council's other actions fell within reasonable planning judgement, including its assessment of agricultural need, and therefore **no award of costs** was justified.

4.6. **Appeal Decision Data**

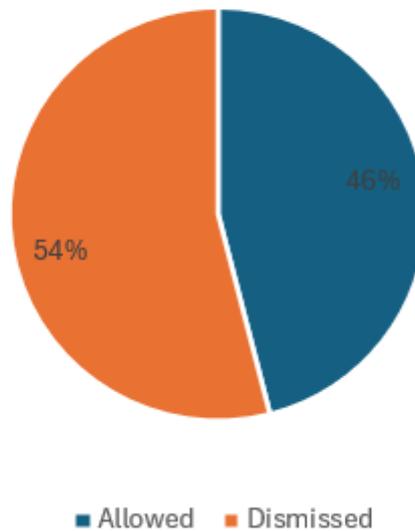
4.6.1 So far in 2026 there have been 11 appeal decisions, 3 allowed and 8 dismissed.

Appeal Decisions 2026 (so far)

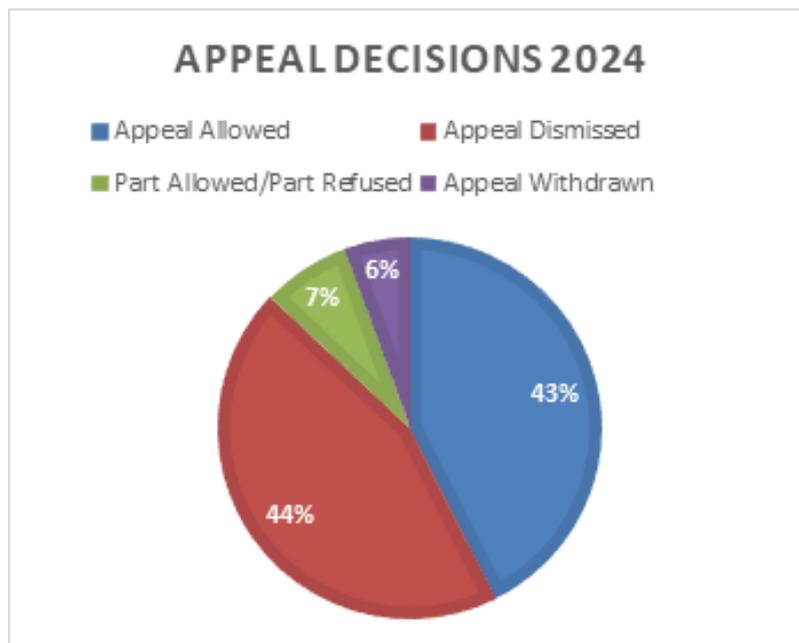


4.6.2 In 2025 there were 63 appeal decisions, 29 allowed, 34 dismissed

Appeal Decisions 2025



4.6.3 In 2024 there were 54 appeal decisions, 23 allowed, 24 dismissed, 4 split decisions and 3 withdrawn



4.6.4 The above data shows that the proportion of appeals being allowed is decreasing.

Delegated/Committee Decisions

2026

4.6.5 So far in 2026, there have been 10 appeal decisions following delegated decisions, and 1 following a committee decision (The Bell Inn Great Bourton, a committee overturn)

4.6.6 Of the 10 delegated decisions, 3 were allowed (27%) and 7 were dismissed (63%). The 1 committee decision was dismissed (100%)

2025

4.6.7 In 2025, there were 52 appeal decisions that followed delegated decisions, and 11 appeal decisions that followed Committee decisions. Of the 11 committee decisions, 8 were committee overturns,, and 3 went with recommendation.

4.6.8 Of the 52 delegated decisions at appeal, 32 were dismissed (62%) and 20 allowed (38%).

4.6.9 Of the 8 overturns, 1 was dismissed (12%), and 7 were allowed (88%). Of the 3 committee decisions that went with officer recommendation, 1 dismissed (33%) and 2 were allowed (66%).

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6. Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

Key Decision	Not applicable
Subject to Call in	Not applicable
If not, why not subject to call in	Not applicable
Ward(s) Affected.	Appeal dependent

Document Information

Appendices	
Appendix 1	Planning Appeals Details
Background Papers	None
Reference Papers	All documents in respect of the planning appeal
Report Author	Tracy Bennett, Appeals Administrator

	Paul Seckington, Development Manager
Report Author contact details	tracy.bennett@cherwell-dc.gov.uk Paul.seckington@cherwell-dc.gov.uk
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director Place and Regeneration, Ian Boll 11 March 2026

Appendix 1 - Planning Appeals

New Written Repls Appeals received

Application Number	Location	Description (summary)	LPA Decision:	Start Date
25/01288/F	56-58 Broad Street, Banbury, OX16 5BL.	Variation of Condition 2 (plans) to remove "agreement to re-route pizza outlet extraction" and removal of Condition 12 (flue) of 23/00199/F.	Not Determined (Appeal on the basis of non-determination)	15.01.2026
25/02173/F	34 George Street, Bicester, OX26 2EQ	Two-bedroom dwelling (Self-Build) and widening of existing dropped-kerb.	Refused Delegated	20.01.2026
25/02521/F	32 Rectory Road, Hook Norton, OX15 5QQ	Single storey rear extension and first floor side extension	Refused Delegated	20.01.2026
25/01304/Q56	Oxhay Farm, Oxhey Hill, Cropredy, Oxfordshire, OX17 1DR	Prior approval application for conversion of agricultural building to form 2 semi-detached dwellings at Oxhay Farm.	Refused Delegated	28.01.2026
25/02506/ADV	Opposite 52 Bridge Street Banbury Oxfordshire OX16 5PN	The proposed installation of 1no BT Street Hub with 2no digital internally illuminated display screens and removal of associated existing BT payphone(s)	Refused Delegated	06.02.2026
25/02505/F	Opposite 52 Bridge Street Banbury Oxfordshire OX16 5PN	The proposed installation of 1no BT Street Hub with 2no digital internally illuminated display screens and removal of associated existing BT payphone(s)	Refused Delegated	09.02.2026

25/01235/F	6-8 Bowmont Square Bicester Oxfordshire OX26 2GJ	RETROSPECTIVE - On-site use and location of commercial shipping container for stock storage purposes only; installation and mounting of external wall mounted condenser fan units for the use of the shop; installed air con and cabinet chillers and construction of permanent access ramp/steps with guardrail, to provide inclusive shop access.	Refused Delegated	13.02.2026
25/02983/F	Land in Between Rose View and Gold Hill Cottage, Main Street, Hethe, Oxfordshire, OX27 8HD	Erection of a new single dwellinghouse and new home office	Delegated Refused	20.02.2026
25/02964/CLUP	8 Sage Street Bicester Oxfordshire OX27 8DE	Certificate of Lawfulness of Proposed Development for the installation of an air source heat pump to the rear wall of the property and installation of a water tank inside the property in the utility cupboard, with removal of the existing Heat Interface Unit, pipework would be installed to the south facing wall of the property to connect the air source heat pump to the water tank	Delegated Refused	04.03.2026

New Informal Hearing Appeals Received:

None

New Public Inquiry Appeals Received:

None

Written Reps Appeals Outstanding :

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford.	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Refused Delegated	06.07.2024.
23/03078/CLUP	Manor Cottage Middleton Park Middleton Stoney	Certificate of Lawfulness of Proposed Development: Repositioning of existing "tarmac" driveway with a gravel driveway	Refused Delegated	23/04/2024
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford.	T1 Walnut - overall crown reduction of approximately 1m back from branch tips. Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1.8m; T2 - Beech - overall crown reduction of approximately 1m back from branch tips Lateral branch spread beyond boundary and into Glebe House curtilage shall not exceed 1m. - subject to TPO 13/2019.	Refused Delegated	06.07.2024.
24/01255/F	141 Bismore Road Banbury	Erection of a single-storey flat roof garage at end of driveway into rear garden.	Refused Delegated	21.08.2024
24/01378/CLUP	Manor House Islip Road Bletchington	Certificate of Lawfulness of Proposed Development for the erection of an incidental outbuilding under Class E to Part 1 of the Town and Country Planning (General Permitted Development) Order 2015	Refused Delegated	29/01/2025

24/01646/ CLUP	Greenhill Leisure Park, Greenhill Farm, Station Road, Bletchingdon, Kidlington, OX5 3BQ	Certificate of Lawfulness of Proposed Use for Use of static caravans for permanent residential occupation.	Refused Delegated	27.03.2025
25/00762/F	113 Danesmoor, Banbury, OX16 1QE.	RETROSPECTIVE - raising of front garden to level off	Refusal Delegated	22.09.2025
24/02234/F	Field Farm, Stratton Audley Road, Stoke Lyne, Bicester, Oxon, OX27 8FT	Self-Build - Alterations and conversion of 3 no. existing barns to form 3 no. residential dwellinghouses (re-submission of 23/02255/F)	Refused Delegated	28.10.2025
25/00794/TPO	4 Paxman Place, Banbury, Oxon,	Tree T1 - Maritime Pine - Remove to ground, grind stump and replant with 1 No Sweet Gum (pot grown, 3-4m high) in same location - subject to TPO 13/1991	Refused Delegated	25.11.2025
25/02123/F	The Old Cottage, Godington, Bicester, OX27 9AF.	Removal of Condition 4 (window) of 23/03303/F - Pre- occupation condition requiring manufactured obscure glazing and non- opening window unit.	Delegated Refusal	17.12.2025

Informal Hearing Appeals Outstanding:

None

Public Inquiry Appeals Outstanding

None

Appendix 2 - Enforcement Appeals

New Enforcement Appeals Received:

None

Enforcement Appeals Outstanding:

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester	Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)	Enforcement Notice	28.11.2023 Written Reps
25-10-ENF 25/00012/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08.09.2025
25-11-ENF 22/00527/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury,	<p>Without the benefit of planning permission, the erection of a building outlined in green on the attached plan titled 'Location Plan' including the erection of a dwelling house wholly inside that building in the area outlined in blue on the attached plan titled 'Location Plan'.</p> <p>Without the benefit of planning permission, the material change of use of land on which the building outlined in green has been is erected to a mixed use comprising use as a dwellinghouse (which, inside the building is taking place in the area identified in blue on the attached plan titled 'Location Plan') and agriculture and domestic storage use (which, inside the building, is taking</p>	Enforcement Notice	08.09.2025

		place in the area identified in yellow on the attached plan titled 'Location Plan') associated with the both unauthorised dwelling and the adjacent farm dwelling.		
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Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 19 March 2026

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
9	Land West of Denbigh Close Adjacent to Broughton Road, Banbury	25/02174/OUT	Banbury Calthorpe And Easington, Banbury Ruscote	Approval*	Lewis Knox
10	38 Longfields, Bicester, OX26 6QL	25/03231/F	Bicester East	Approval*	Rebekah Morgan
11	73 High Street, Kidlington, OX5 2DN	25/03055/F	Kidlington West	Approval*	Rebekah Morgan
12	Hadsham Farm Hornton Lane, Horley, OX15 6BN	25/01284/F	Cropredy, Sibfords And Wroxton	Approval*	Nicola Wheatcroft
13	Dashwood Apartments, Dashwood Road, Banbury, OX16 5HA	25/03139/F	Banbury Cross And Neithrop	Approval*	Nicola Wheatcroft

*Subject to conditions

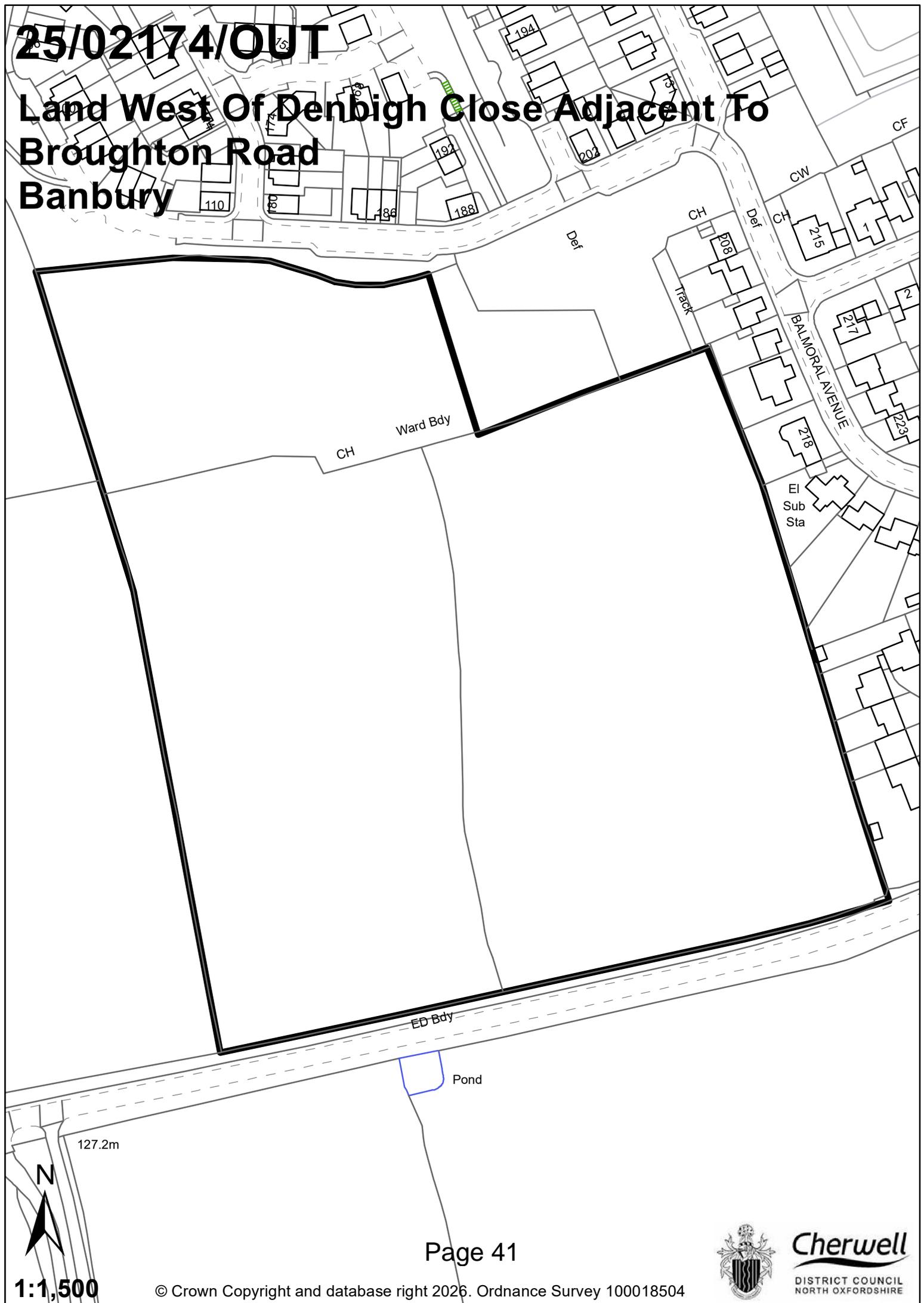
Cherwell District Council Democratic and Elections Team, 39 Castle
Quay, Banbury, OX16 5FD

**Land West Of Denbigh Close Adjacent To
Broughton Road
Banbury**



25/02174/OUT

Land West Of Denbigh Close Adjacent To
Broughton Road
Banbury

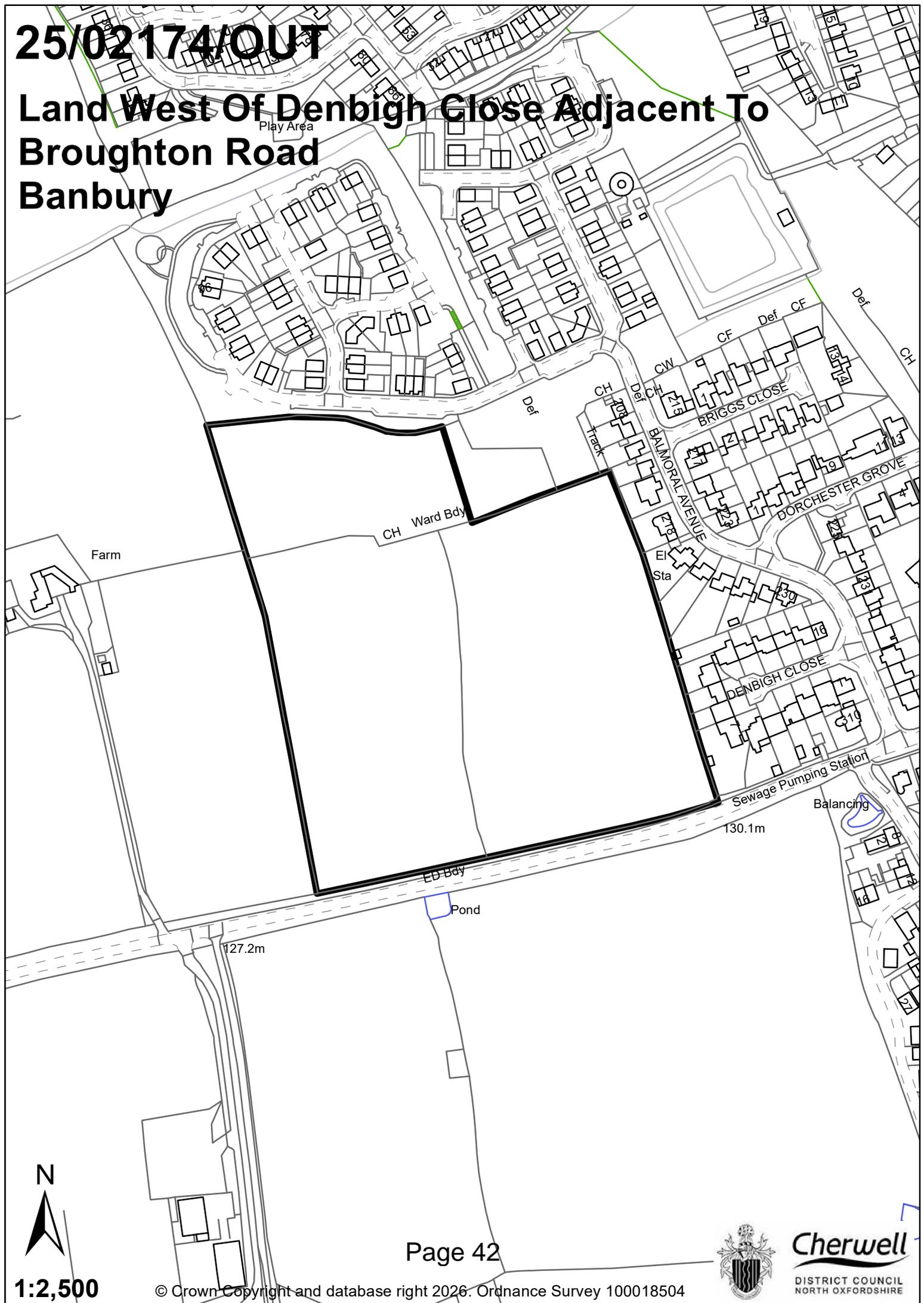


1:1,500



25/02174/OUT

Land West Of Denbigh Close Adjacent To Broughton Road Banbury



1:2,500



Case Officer: Lewis Knox

Applicant: Lone Star Land Limited

Proposal: Erection of up to 58 dwellings, associated public open space, sustainable urban drainage systems, other infrastructure and access from Broughton Road

Ward: Banbury Calthorpe And Easington, Banbury Ruscote

Councillors: Councillor Ian Harwood, Councillor Kieron Mallon, Councillor Lynne Parsons (Banbury Calthorpe And Easington) and Councillor Mark Cherry, Councillor Isabel Creed Councillor Amanda Watkins (Banbury Ruscote)

Reason for Referral: Major development and Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 21 November 2025

Committee Date: 19 March 2026

SUMMARY RECOMMENDATION: GRANT OUTLINE PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE COMPLETION OF A S106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Banbury, on the north side of Broughton Road. It lies just outside the current built up limits of the town but adjoins existing built residential form to both the east and north.
- 1.2. The site comprises just under 5 hectares and is located south of two previous planning permissions for housing (each of 49 dwellings) which are presently under construction off Balmoral Avenue (Refs: 20/01643/OUT and 21/03644/OUT). Broughton Road lies immediately adjacent the southern site boundary.
- 1.3. Open countryside extends beyond the western boundary of the application site and on the opposite (south) side of Broughton Road.

2. CONSTRAINTS

- 2.1. There are no major constraints existing on the site but there are several protected and notable species within the locality. The land is classified as Grade 3b in the agricultural land classification, i.e., not best and most versatile (BMV).
- 2.2. The sloping topography of the site is such that its gradient increases the further north from Broughton Road you travel and as such the proposed built form has been limited to the flatter and less visually intrusive southern end of the field, behind the mature roadside hedgerow.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

extensive range of service and facilities. On balance and subject to examination of any supporting documentation, the advice given was that it was considered likely that the Council could support a scheme of around 57 dwellings in this location.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **17 December 2025**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by eight (8) third-parties are summarised as follows:

- Lack of infrastructure to support additional housing
- Increased Traffic, lack of sustainable travel options
- Impact on ecology
- Drainage and sewage issues
- Impact on character and appearance of locality
- Unsustainable development

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. BANBURY TOWN COUNCIL: **Object** on the grounds that the development proposed is in open countryside beyond the built-up limits of Banbury and is therefore contrary to the existing and emerging Local Plan policy. If the LPA was to recommend approval, then a S106 should be completed to ensure necessary funding for infrastructure.

7.3. BANBURY CIVIC SOCIETY: **Object**, impact on traffic and congestion, detailed suggestions for internal road layout and access from Broughton Road. Comments made regarding public transport, schools, health care, employment etc.

7.4. WARD COUNCILLORS: **Object**. Conflict with development plan, unallocated site, overdevelopment and density, traffic and highway safety, noise and amenity, ecological and landscape impact, residential amenity, lack of integration with existing built form.

7.5. CDC PLANNING POLICY: **No objections**.

7.6. OCC HIGHWAYS: **No objections** subject to conditions and requirement for S106 contributions towards public transport enhancement.

- 7.7. OCC ARCHAEOLOGY: **No objections**, subject to conditions.
- 7.8. OCC as LEAD LOCAL FLOOD AUTHORITY: **No objections**, subject to conditions.
- 7.9. OCC WASTE MANAGEMENT: **No objections**, subject to S106 contributions.
- 7.10. CDC ECOLOGY: **No objections**, subject to conditions.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions.
- 7.12. CDC BUILDING CONTROL: **No objections**.
- 7.13. CDC RECREATION AND LEISURE: **No objections**, subject to S106 contributions.
- 7.14. CDC LANDSCAPE OFFICER: **No objections**.
- 7.15. CDC PUBLIC ART: S106 contributions requested.
- 7.16. CDC URBAN DESIGN: General comments made about site layout and parameters plan, which can be addressed through conditions.
- 7.17. CDC HOUSING STANDARDS: No comments received.
- 7.18. CDC STRATEGIC HOUSING: No comments received.
- 7.19. CDC WASTE AND RECYCLING: No comments received.
- 7.20. THAMES VALLEY POLICE: Comments made regarding designing out crime, which can also be addressed through conditions.
- 7.21. CPRE: Commented that housing should be delivered through a plan led system but recognise the current housing land supply shortfall in Cherwell. Welcome much of the detail within the submission. Requested a shorter conditioned period for the submission of reserved matters applications.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced several of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- Policy SLE4: Improved Transport and Connections
- Policy PSD1 – Presumption in favour of Sustainable Development
- Policy BSC1: District Wide Housing Distribution
- Policy BSC3: Affordable Housing
- Policy BSC4: Housing mix
- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision

- Policy BSC11: Local Standards of Provision – Outdoor Recreation
- Policy BSC12: Indoor Sport, Recreation and Community Facilities
- Policies ESD1-5: Mitigating and Adapting to Climate Change
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H18: New dwellings in the open countryside
- Policy C7: Landscape Conservation
- Policy C8: Sporadic development in the open countryside
- Policy C28: Layout, design and external appearance of new development
- Policy C30: Design Control

8.3. The District Council has prepared a 2042 Review Local Plan that has passed through Reg.18 and Reg.19 consultations and has now been submitted for Examination (31 July 2025). Even though it has not been statutorily adopted, by virtue of its advanced stage of preparation and Council endorsement as adopted emerging strategy worthy of consideration at Examination, some weight must now be afforded to its policies and proposals, with the weight attributable dependent upon the level of objection and/or support offered in representations made in respect to the two rounds of public consultation. Emerging policies of relevance to this proposal are:

- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM10: Protection & Enhancement of the Landscape
- COM13: Settlement Gaps – Hanwell Strategic Gap
- COM14: Achieving Well Designed Places
- BAN 1: Banbury Area Strategy

8.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Planning Obligations SPD (2018)
- National Design Guide
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Landscape Impact
- Ecology Impact
- Highways and Vehicular Access
- Layout and Design Principles
- Archaeology
- Flood Risk and Drainage
- Obligations

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise
- 9.3. The Development Plan for this area currently comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) and saved policies of the Cherwell Local Plan 1996 (CLP 1996). The 2042 Review Local Plan has been submitted for Examination and is due, upon final adoption following Examination, to replace the 1996 and 2015 Local Plans. Whilst some weight may now be afforded to the policies and proposals within the new Review Local Plan, including its maintenance of the general strategy approach to concentrate most District development needs at the two principal towns of Banbury and Bicester and thereafter to accommodate the bulk of remaining needs at Kidlington, Heyford Park and the ten largest villages that act as service centres for their immediate environs, numerous objections have been lodged in respect to its policies and proposals, which reduces the relevant weight that may be attributable.
- 9.4. Policy PSD1 of the adopted CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, *'The Council will always work proactively with applicants to jointly find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states *'The most sustainable locations for growth in the district are considered to be Banbury, Bicester and the larger villages as identified in policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high-quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Saved Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built-up limits of settlements.
- 9.8. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).
- 9.9. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the

present without compromising the ability of future generations to meet their own needs.

9.10. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (Para.10). Paragraph 11 states that *applying the presumption to decision-making means:*

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
 - ii. *or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.11. The position in which the most important policies are considered out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

9.12. The Council's latest published Annual Monitoring Report, (December 2025), confirms that Cherwell District can only demonstrate a housing land supply of 3.1 years.

9.13. This figure accounts for the land supply calculations for deliverable housing sites measured against identified need, including that for the overspill of Oxford's unmet need, as outlined in the Cherwell Partial Review Plan (2020). The land supply calculations reflect the revised NPPF (December 2024) and appeal decision Ref: APP/C3105/W/23/3326761 (March 2024) and the subsequent High Court decision for that appeal, where the judge ruled that a single housing land supply calculation for the whole district must be used, incorporating both Cherwell's own need within the CLP (2015) and Oxford's unmet need (PR Plan 2020).

9.14. Paragraph 11 (d) of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, *planning permission should be granted unless:*

- i. *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*
- ii. *or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.*

9.15. The policies which are most important for determining this application are out of date, as per footnote 8 of the NPPF. This relates to applications involving the provision of

housing in situations where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

- 9.16. The Council cannot presently demonstrate a 5-year housing land supply. On this basis, Development Plan housing polices BSC1, PV1, PV2 and H18, cannot be deemed up to date and NPPF, paragraph 11d) is engaged, which sets out the presumption in favour of sustainable development.
- 9.17. Policy PSD 1 of the CLP 2015 sets out the Plan's presumption in favour of sustainable development, stating that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework, thereby echoing paragraph 11 (d) of the Framework.
- 9.18. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the substantial benefit afforded to the provision of housing at a sustainable settlement.
- 9.19. The NPPF (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of those with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community.
- 9.20. The reference to the need to significantly boost the supply of housing aligns with the Government's objective of building 1.5 million new homes over the next 5 years, as set out in the 'Building the Homes we Need' Written Ministerial Statement, dated December 2024. To achieve this objective, it is clear that sites in sustainable locations should be considered favourably for development.
- 9.21. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development on climate change within the District. This includes distributing growth to the most sustainable locations as defined in the Local Plan.

Assessment

- 9.22. The application seeks outline consent for a scheme of up to 58 dwellings on existing agricultural land. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan. The site is undeveloped greenfield land that, given its physical and visual relationship with the adjacent and surrounding area, is beyond the existing built-up form of Banbury and surrounding Bretch Hill development sites and is therefore in open countryside. It is however noted that the parcels of land adjoining the site to the north have already been granted outline and reserved matters consents for 98 (2 x 49) dwellings, with various pre-commencement conditions subsequently discharged and development commenced. Given this, it is considered that the site would adjoin the built form of Banbury on two sides (north and east) and would not appear as a standalone or sporadic development within the open countryside.
- 9.23. As the potential application site is located beyond the existing built-up limits of Banbury, any proposal must also be assessed against saved Policies C8 and H18 of the CLP 1996. Policy C8 seeks to avoid sporadic development in the open countryside and applies to all new development proposals beyond the built-up limits of settlements. Policy H18 states that planning permission will only be granted for new residential development beyond the existing built-up limits of a settlement where the

development is essential for agriculture or other existing undertakings, or where development would not conflict with other saved policies in the CLP 1996. Whilst the site would not be a sporadic location, this proposal is for a development of up to 57 dwellings, none of which would be for essential agricultural need or any identified undertaking in open countryside beyond the existing built-up limits of Banbury. The development proposed would not therefore accord with Policy H18 of the CLP 1996.

- 9.24. The application site was identified as part of a larger area within the Housing and Economic Land Availability Assessment (HELAA) 2025 and is referenced HELAA469. This assessment took account of the two 49-dwelling schemes which had already received permission on the northern end of the field. The HELAA concluded that *“there is additional capacity in the southern parcel of the site”* and this was in respect of additional residential development. It is therefore considered that the site is suitable, available and achievable in terms of continued residential development.
- 9.25. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly and would generate increased local spending from new residents. Socially, the development would provide much needed market and affordable housing on the edge of a sustainable main settlement, which is close to a wide range of local community facilities and served by regular public transport services. Environmentally, it could potentially provide new planting and some enhancement for a range of habitats available for wildlife and the setting of the site.
- 9.26. Conversely, it would inevitably be a prominent development in the landscape, given the natural slope of the land and the site’s prominence when viewed from the south at nearby Crouch Hill. Views from the west, in the approach from Broughton would be less prominent given that development would be restricted to the lower southern portion and would be viewed against the backdrop of existing residential development to the east and north. Such negative environmental impacts would need to be balanced against the positive economic and social benefits and where the ‘tilted balance’ applies, as it does in this instance, any negative impact would need to substantially and demonstrably outweigh any benefit in order to justify a refusal. It is considered that the proposed development would likely fulfil the requirements of paragraph 8 of the Framework and could therefore be considered sustainable.

Conclusion

- 9.27. The provision of residential development on this site would assist in meeting the overall housing requirements of the district and would contribute to the provision of affordable housing, meeting Policy BSC1 housing requirements to 2031. Substantial weight would be afforded to such benefits.
- 9.28. The latest housing supply figure for Cherwell District is calculated at significantly less than 5 years at 3.1 years. As such, the ‘tilted balance’ is engaged triggering a presumption in favour of sustainable development. The site is located on the edge of one of the most sustainable settlements within Cherwell and would benefit from proximity to existing infrastructure and facilities. Whilst there would be some negative impact upon the character and appearance of the open countryside and locality through development of this greenfield site, particularly when viewed from Crouch Hill, Officers accept that suitable landscape mitigation would, in time, be acceptable and sufficiently reduce any identified landscape harm. It is considered that the harmful impact could be largely mitigated and would be outweighed by the substantial benefits of the additional housing. The provision of affordable housing, the sustainability of the location and the long-term socio-economic benefits which additional housing and population would bring would, on balance, render this proposal acceptable.

- 9.29. Overall, it is considered that the development would boost the local housing supply in a sustainable way and therefore would comply with the goals of both the Local Plan and NPPF.

Landscape Impact

Policy context

- 9.30. Policy ESD13 of the adopted CLP 2015 requires landscape protection and enhancement opportunities to secure enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.
- 9.31. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character impact on areas judged to have a high level of tranquillity.
- 9.32. Accompanying paragraph B.252 of the CLP 2015 lists key landscape and landform features of value around Banbury which includes ironstone ridges and valleys; the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester and the historic villages and parkland of Hanwell and Wroxton.
- 9.33. The site is located within the proposed Ironstone Downs Local Landscape Designation, albeit on the very edge and viewed against the backdrop of neighbouring residential development on two sides and as such is not as much of a sensitive area within this designation.

Assessment

- 9.34. The site is located on the western edge of Banbury to the northern side of Broughton Road with Denbeigh Close and Balmoral Avenue to the east. Open countryside extends to the west of the parcel.
- 9.35. The site is currently divided into three separate fields with mature trees and hedging dissecting the fields. The application site is not completely devoid of development with some drainage ponds already existing at the southern edges which are associated with the existing development on the plateau at the north end of the land parcel.
- 9.36. The most impactful view of the development site would be from the south of Broughton Road, from Crouch Hill, and given the inconsistent topography of the field, some locations would be more visible than others with the highest ground being set along the northern and eastern edges, though it does fall away to the south west corner.
- 9.37. The highest areas of land would be seen within context of other residential properties along Denbeigh Close, Balmoral Avenue and the new development to the north of the site. These sites are all on a similar or higher topography to the proposed development site and as such given their proximity it is considered that the landscape sensitivity would be greatly reduced and to some extent would form a natural continuation of the existing urban form within the locality.

- 9.38. As one travels further west within or along its southern edge, the site has a greater relationship to the open countryside, as it is further away from the built environment to the east and north, but there is still a link to the urban environment through the existence of the metalled footpath which leads someway along Broughton Road and as such it still retains a connection to the existing urban form and therefore is not a completely rural landscape when viewed from the south.
- 9.39. Much of the view from the west of the site from the neighbouring Milestone Farm and beyond is shielded from view through the mature vegetation which bounds the site to its western and southern edges. As such, the immediate landscape when viewed from neighbouring fields or from Broughton Road would not be significantly impacted by the proposed development. Any views could be further mitigated by an enhancement of the vegetation along this rural edge and thus would further reduce the immediate landscape impacts.
- 9.40. The site is considered unremarkable in terms of its distinctiveness. The main landscape features include hedgerows, mature trees and occasional small blocks of woodland found at the boundaries of field parcels, which in combination with sloping topography provide some containment to the Site and contribute to the vegetated appearance of the landscape. There are few features within the main body of the Site itself to contribute to the wider landscape structure. From PRoWs other than at Crouch Hill and from local road corridors, the Site is of limited interest. Where views are possible, it is perceived as open agricultural land adjacent to a suburban settlement edge.
- 9.41. CDC Landscape Officers are satisfied with the landscape approach proposed by the applicants and are supportive of the conclusions of the submitted Landscape and Visual Impact Assessment (LVIA). As such, there are no objections to the scheme on landscape impact terms.
- 9.42. It is nonetheless considered important that the recommendations included within the applicant's LVIA are adhered to at any Reserved Matters stage. It is suggested that further landscape and visual impact assessment work is undertaken in line with the next design stage. A condition has been recommended that would secure this.

Ecology Impact

Legislative context

- 9.43. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010, with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.44. Under the Regulations, competent authorities, i.e., any Minister, Government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.45. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister

may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.46. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the three strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.47. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.48. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.49. Paragraph 186 states, inter alia, that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.50. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.51. Policy ESD10 of the Cherwell Local Plan 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.52. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.53. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.54. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.55. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.56. The Standing Advice sets out habitats that may have the potential for protected species, and there are several mature trees and hedgerows within and adjacent the site and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates. The site is also a possible Priority Grassland Habitat.
- 9.57. For the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017, when considering a planning application where EPS are likely or found to be present at the site or surrounding area, Local Planning Authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the Local Planning Authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing, the Authority has to consider itself whether the development would meet the three derogation tests listed above.

- 9.58. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England would not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.
- 9.59. The application is supported by a detailed Ecological Appraisal prepared by The Environmental Dimension Partnership Ltd referenced edp7856_r006b, dated May 2025.
- 9.60. Following consultation, CDC Ecology Officers were content that the proposal meets the 10% Biodiversity Net Gain requirement for area habitats but would have fallen below the 10% target for hedgerow units. The Ecological Appraisal suggested off-site provision for the hedgerow units and it was confirmed that the applicants would purchase the necessary units off-site rather than within the blue line land. CDC Ecology Officers considered that this would be acceptable and they will need to provide a Biodiversity Gain plan showing the units have been purchased and registered on the Biodiversity Gains Register to discharge the BNG condition.
- 9.61. Some concerns were raised regarding the feasibility of delivering a 50/50 mix of modified/other neutral grassland within areas of public open space; whilst there were no objections to this in practice, further details were required to confirm how this would be implemented and maintained. The applicants confirmed that the area of public open space will be seeded early on and completely closed off to the public whilst the Site was under construction. This would allow for Other Neutral Grassland (ONG) to establish and become mature (rougher grassland), which would in turn discourage the public from using the land for recreational purposes. Measures including post-rope fencing along the footpath can also be used to discourage public access from these areas. The Council's ecologist was content with this approach and advised that further details could be submitted within a conditioned Habitat Management and Monitoring Plan (HMMP).
- 9.62. The inclusion of a lot of mixed scrub in some areas also raised concerns, as lack of scrub encroachment is a factor in condition assessments for achieving a higher condition. The HMMP would also provide details of scrub encroachment, discussing monitoring and remediation measures to ensure the grassland's target condition was met.
- 9.63. The report suggested that there was potential for bat roosts within some of the trees on site. The applicant confirmed that three tree climbing surveys were undertaken between May and September 2025 and those surveys confirmed that there were no roosts present. In terms of further mitigation prior to works being undertaken following any consent, the applicants have proposed pre-felling checks, soft felling, buffers, and sensitive lighting design at Reserved Matters stage. This aligns with best practice and therefore there are no objections to this approach.
- 9.64. Badger monitoring surveys were proposed for setts B1 and B2 closer to development stage. It is argued that the identified setts were low value outliers and that updated activity surveys should be done closer to construction due to the changeable nature of badger use. This is acceptable but pre-commencement conditions will need to be included in any permission for surveys and a mitigation plan.
- 9.65. The provided surveys confirmed that Great Crested Newts (GCN) are not present at the site. Protocols for unexpected encounters would need to be conditioned within a Construction Environmental Management Plan.

Conclusion

- 9.66. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.
- 9.67. The submitted documents show that Biodiversity Requirements can be achieved within the site along with some off-site provision. Officers are content with the information provided and the proposals are considered acceptable in respect of their impact on the ecology within the site.

Highways and Vehicular Access

- 9.68. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.69. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.70. Policies ESD15 and SLE4 of the CLP 2015 both reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported”*.
- 9.71. Policy TR7 states that: *‘Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.*

Assessment

- 9.72. Vehicular access is proposed from the B4035 Broughton Road via a simple new priority junction. The access would be 5.5m-wide with a partial 3m-wide pedestrian footway/cycleway on the eastern side and a 2m-wide footway on the western side of the junction.
- 9.73. A swept path analysis has been carried out for a 11.6m refuse vehicle entering and exiting the proposed site entrance from both directions. The LHA is satisfied that a refuse vehicle can safely access and egress the site. Therefore, the geometry of the access is deemed satisfactory to serve the proposed development.
- 9.74. Broughton Road is currently subject to a 50mph speed limit in the vicinity of the site, however this transitions to a 30mph zone approximately 27m east of the proposed site access. The submitted Travel Statement proposes the relocation of the 30mph

limit further west to enhance safety at the site access. Oxfordshire County Council as the Local Highways Authority would welcome this to incorporate the site into the town.

- 9.75. The applicant has proposed on the eastern side of the site access a partial 3m footway/cycleway which is then to join onto the existing 2m footway. Whilst on the western side the applicant has proposed to widen the existing footway to 2m. These footways will link into a continuous footway which currently exists on the northern side of Broughton Road, linking the site ultimately with Banbury town centre. This would therefore facilitate pedestrian and cycle access towards the centre of the town and would increase the sustainability of the site.
- 9.76. The existing pedestrian infrastructure in the vicinity of the site comprises a continuous footway on the northern side of Broughton Road, connecting eastwards toward Banbury and the established residential areas at Bretch Hill and Queensway. However, the southern side of Broughton Road offers only intermittent footway provision, limiting safe pedestrian movement for those approaching from the west or wishing to cross the carriageway.
- 9.77. The development proposes to improve this by widening the existing footway on the northern side of Broughton Road to 2m between the main site access and Balmoral Avenue whilst also putting in the provision of a short section of 3m shared footway/cycleway. A 'jug handle' arrangement has been proposed in the verge on the opposing side of Broughton Road, which will provide pedestrians and cyclists with a safe off-carriageway crossing point.
- 9.78. The site is within walking distance of bus stops located along Broughton Road and Burns Road, approximately 350m to 450m from the proposed access. These stops are currently served by routes 75, 75A, and B7B, providing connections to Banbury town centre and surrounding areas. However, the existing level of service is limited, with only a small number of weekday and Saturday journeys and no Sunday service. This restricts the potential for regular commuting and reduces the attractiveness of public transport as a viable mode for residents.
- 9.79. To mitigate this, the development proposes the installation of two new bus stops with shelters along the site frontage, to be delivered through a Section 278 agreement with OCC, prior to first occupation. The stops will need to consist of the following:
- A pole/flag/timetable case to OCC specification;
 - Shelter (minimum 3 bay, needed in direction towards Banbury only);
 - Waiting areas at least 12sqm, minimum 2.5m deep if highway boundary permits, (absolute minimum 2m). For the Banbury direction, this space can include the shelter;
 - For the stop from Banbury, an appropriate crossing point is needed.
- 9.80. In addition, the eastbound bus stop should be clear of the site access' visibility splay. The location of the bus stop will therefore need to be relocated slightly further west, which can be secured by condition.
- 9.81. OCC would seek a financial contribution towards enhancing local bus services to increase service frequency and long-term sustainability. Banbury's bus network is currently financially supported to run at higher frequency using S106 contributions from developments that benefit, to provide a level of service to make the developments acceptable. The required S106 contribution from this development toward public transport services is £79,112.

- 9.82. OCC Highways have therefore raised no objections to the scheme subject to conditions and appropriate S106 contributions to improve local public transport services.

Site Layout and Design Principles

Policy Context

- 9.83. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is fundamental to what the planning and development process should achieve.
- 9.84. Policy BSC10 of the CLP 2015 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

- 9.85. The application is submitted in outline with an illustrative site plan. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to an existing residential area, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.
- 9.86. The indicative landscaping, with retention of the existing trees and proposals for a green buffer along the western edges allowing for a transition to the rural landscape would be acceptable in principle as well as a green northern edge given the difficulties in the topography of this edge of the site in terms of building in this more prominent location. The effect of the development on the landscape is considered earlier in this appraisal.
- 9.87. That said, whilst every application would need to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition(s) attached to any such permission.

Conclusion

- 9.88. It is considered that the submitted indicative layout is generally acceptable and demonstrates that 58 dwellings could be satisfactorily accommodated on the site and also allows for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. As such, the proposal accords with Policy BSC10.

Archaeology

- 9.89. The site lies in an area of archaeological interest and potential, as demonstrated in the submitted Archaeology and Heritage Assessment (edp 2025), and the results of the pre-determination archaeological evaluation which was undertaken on the site (Cotswold Archaeology 2025). The site lies to the immediate south of a Saxon cemetery (Border Archaeology forthcoming), and in a general area of Bronze Age – early Medieval activity which has been recorded as development takes place to the

west of Banbury. The archaeological evaluation recorded archaeological remains in the northern field of the proposal site; these were substantial, though undated. A further phase of archaeological investigation will be required ahead of any landscaping or planting in this area.

- 9.90. It is considered that the further phase of archaeological investigation can be submitted through appropriately worded conditions and as such there is no objection in principle to the scheme in terms of archaeological constraints.

Flood Risk and drainage

Policy Context

- 9.91. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.92. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in Cherwell.

Assessment

- 9.93. A site-specific Flood Risk Assessment (FRA) prepared by MEC Consulting Group has been submitted in support of the application. The Environment Agency's flood maps indicate that site is not within a higher risk flood zone and is within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere because of the proposal.
- 9.94. OCC as LLFA have raised no objections to the proposal, subject to the impositions of appropriate conditions.

Conclusion

- 9.95. Officers consider that the current proposals can be considered acceptable in terms of flood-risk and drainage, in accord with local and national planning policy in this regard.

Planning Obligations

- 9.96. In order to ensure that the development would be acceptable in planning terms, several of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests and to be taken into account in deciding to grant planning permission they need to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.

Assessment

- 9.97. It is considered that should planning permission be forthcoming that the following additional items/contributions should be secured as part of the permission relating to the new dwellings (and any amendments deemed necessary).
- 9.98. CDC Obligations:

30% affordable housing to NDSS and CDC requirements and standards;

a £63,911.50 contribution to the provision of enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre;
a £162,804.00 contribution towards outdoor sport provision;
a £61,655.00 contribution towards indoor sport, at Woodgreen Leisure Centre or a new indoor sport facility in the locality;
a £6,750.00 contribution towards initiatives to support groups for residents;
a £16,290.00 contribution towards public art within the vicinity; and
a £5,000 monitoring fee.

OCC Obligations:

£79,112 – public transport;
£583,478 – secondary education;
£56,364 – secondary education land contribution;
£47,215 – special education;
£6,003 – household waste and recycling centres.

Other obligations:

Health Care - £TBC
Thames Valley Police - £TBC

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out in the NPPF. The three dimensions of sustainable development must be considered in order to balance the benefits against the harm. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The Council cannot currently demonstrate a 5-year housing land supply and as such a tilted balance assessment must be applied. It is considered that the proposal would represent a sustainable development with the proposed application site being located adjacent to existing built development and close to local amenities including shops, school and community facilities and is easily accessible for pedestrians and cyclists. The development would not cause harm to the local highway network or flood risk. Housing developments of this kind should be located close to the most sustainable locations within the district. Banbury is the most sustainable town and as such can accommodate a development of this size thus helping boost the district's overall housing supply.
- 10.3. The indicative plans demonstrate the site can accommodate the level of development suggested within the application and through careful design, the proposal would integrate well with the existing residential development. The development proposes 30% affordable housing and an acceptable mix.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO

- i. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE**

CONDITIONS AS DEEMED NECESSARY) AND
ii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 30% affordable housing on site
- b) contribution to CDC for the provision or enhanced facilities at The Hill, Sunshine Centre or community facilities at Woodgreen Leisure Centre - £63,911.50
- c) contribution to CDC towards outdoor sport provision - £162,804
- d) contribution to CDC towards indoor sport at Woodgreen Leisure Centre or a new indoor sport facility in the locality - £61,655
- e) contribution to CDC towards initiatives to support groups for residents - £6,750
- f) contribution to CDC towards public art within the vicinity - £16,290
- g) payment of the District Council's monitoring costs of £5,000
- h) contribution to OCC of £79,112 for enhanced public transport
- i) contribution to OCC of £583,478 for secondary education provision
- j) contribution to OCC of £56,364 for secondary education land
- k) contribution to OCC of £47,215 for special education needs
- l) contribution to OCC of £6,003 for household waste and recycling centres
- m) payment of the County Council's monitoring costs – TBC
- n) contribution to BOBICB for health care enhancements – TBC and
- o) contribution to Thames Valley Police for enhanced policing resource - TBC

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRED ON 21 NOVEMBER 2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY AN AGREED DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate mitigation required as a result of the development and necessary to make the ecological, landscape and highway impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to development plan policies SLE4, ESD10, ESD13, INF1, C7, C8 and C28 and national guidance contained in the National Planning Policy Framework.

CONDITIONS OF APPROVAL

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of 18 calendar months beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of 40 calendar months from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended). The time period for submission has been reduced from standard period. The application has been submitted to address the Council's 5-year housing land supply position and is in accordance with the applicant's planning statement.

Compliance with Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:

Site Location Plan – RL01

Parameter Plan – 04

Parameter Plan Green Infrastructure – 05

Site Access Connection (included within Transport Statement) – 27014-01

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use or occupation of the development hereby approved, details of the revised position of the northbound bus stop should be submitted and approved in writing by the Local Planning Authority. Thereafter the bus stop shall be implemented in accordance with the approved details.

Reason: To promote sustainable travel modes.

6. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details prior to first occupation of the development and shall be retained as such thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. The CTMP will need to incorporate the following in detail:

- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and the residential amenities of neighbouring occupiers.

8. No development shall commence unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, have been submitted to and approved in writing by the Local Planning Authority. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

9. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- Discharge rates based on 1:1 year greenfield run off rate
- Discharge Volumes
- SUDS
- Maintenance and management of SUDS features (To include provision of a SuDS Management and Maintenance Plan)
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers.
- Network drainage calculations
- Phasing
- Flood Flow Routing in exceedance conditions (To include provision of a

flood exceedance route plan)

- A detailed maintenance regime for all proposed drainage features and SuDS features.
- A detailed surface water catchment plan.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. As part of any reserved matters application including layout, a noise assessment shall be submitted and approved in writing by the Local Planning Authority demonstrate how acceptable internal and external noise levels will be achieved for the proposed dwellings and amenity spaces. If the proposal includes the use of background ventilation, then a ventilation and overheating assessment should be carried out and submitted to be approved. The development shall thereafter be carried out in accordance with the approved details and any mitigation retained thereafter.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance in the National Planning Policy Framework.

11. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. No development shall commence until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place unless the local planning authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the local planning authority. No development shall take place until the local planning authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

16. Prior to any demolition and 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.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).

17. Following the approval of the Written Scheme of Investigation referred to in

condition 16, and prior to any demolition on the site and 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 Written Scheme of Investigation. The programme of work shall include all 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.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).

18. Construction shall not begin until/prior to the approval of; 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 be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change
- A Flood Exceedance Conveyance Plan
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details
- 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.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

19. Prior to first occupation, 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) The name and contact details of any appointed management company information.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

20. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. No development shall commence, including any demolition and any works of site clearance, unless and until a mitigation strategy for badgers, which shall include details of a recent survey (no older than six months), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

24. No development shall commence until a wildlife-sensitive lighting scheme, in line with Bat Conservation Trust guidance on bats and artificial lighting at night (GN08/23) has been submitted to and approved in writing by the LPA. Thereafter, the development shall not be carried out other than in accordance with the approved lighting scheme.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

25. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall detail proposed site security measures, to include (but not be limited to):

- Perimeter fencing and hoarding details
- Access control measures for personnel and vehicles
- Lighting, surveillance, and alarm provisions during construction
- Measures to prevent unauthorised access outside of working hours
- Security protocols for storage of tools, materials, and plant machinery.

The approved CMP, including the site security measures, shall be implemented in full for the duration of the construction works and adhered to at all times unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the security of the site, protect public safety, and prevent crime and anti-social behaviour during the construction phase, in accordance with DES1 of the South Oxfordshire Local plan and the aims of the National Planning Policy Framework (NPPF).

26. As part of any reserved matters application an LVA shall be submitted, the LVA shall include:

- 3D modelling, wirelines, or rendered photomontages (LI Visualisation Types 2-3) to show how the scheme responds positively to the underlying topography and its landscape context. The visualisations must be supported by narrative that identifies the mitigation measures inherent to the scheme and how these are necessary to protect landscape character.

The LVA must conform to best practice and guidance including demonstration that alternative layouts have been considered and the mitigation hierarchy has been followed as part of an iterative and coordinated design process.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Lewis Knox

25/03231/F

Agenda Item 10

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Bicester
OX26 6QL

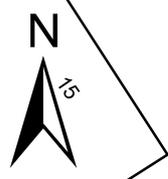
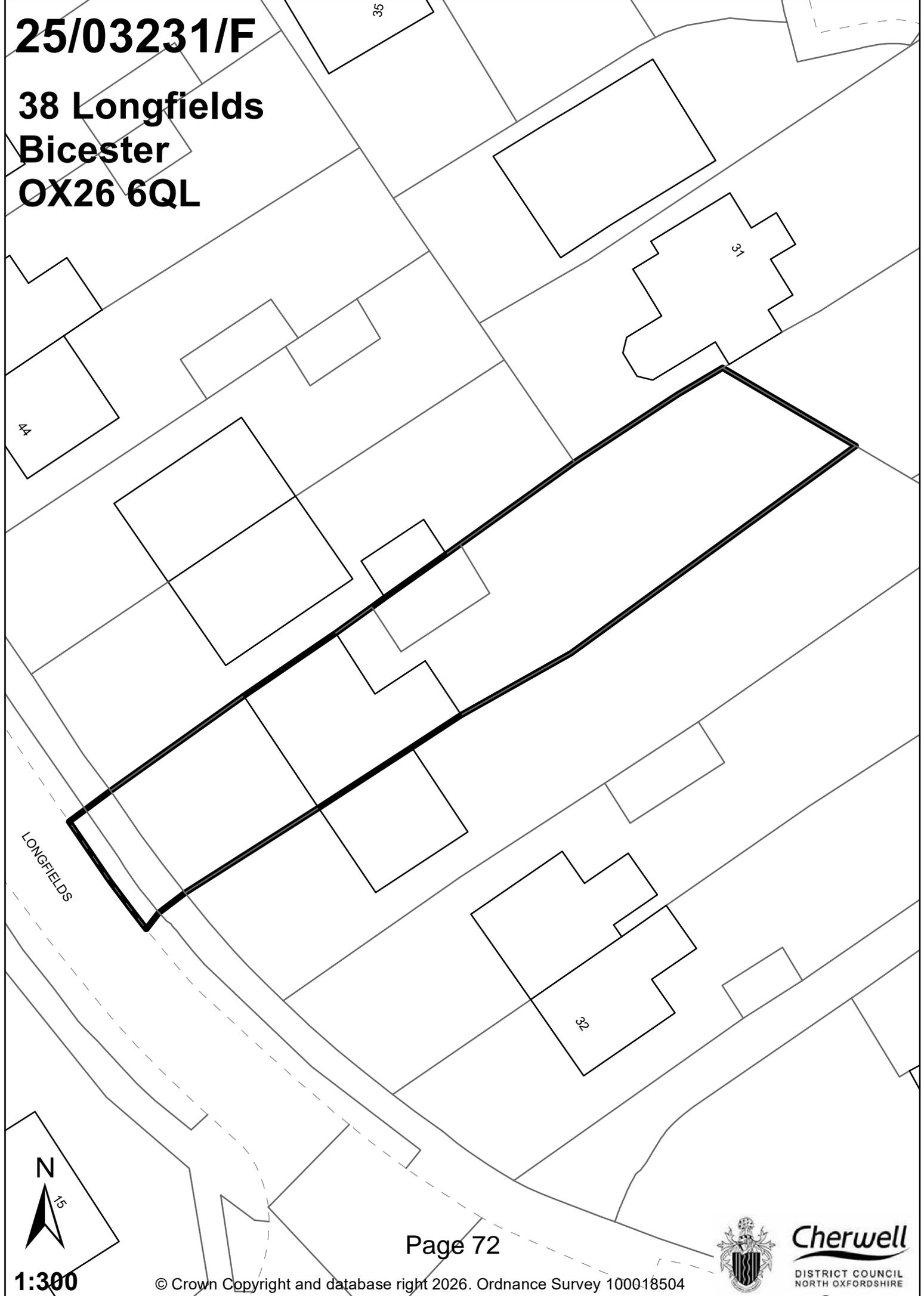


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25/03231/F

**38 Longfields
Bicester
OX26 6QL**

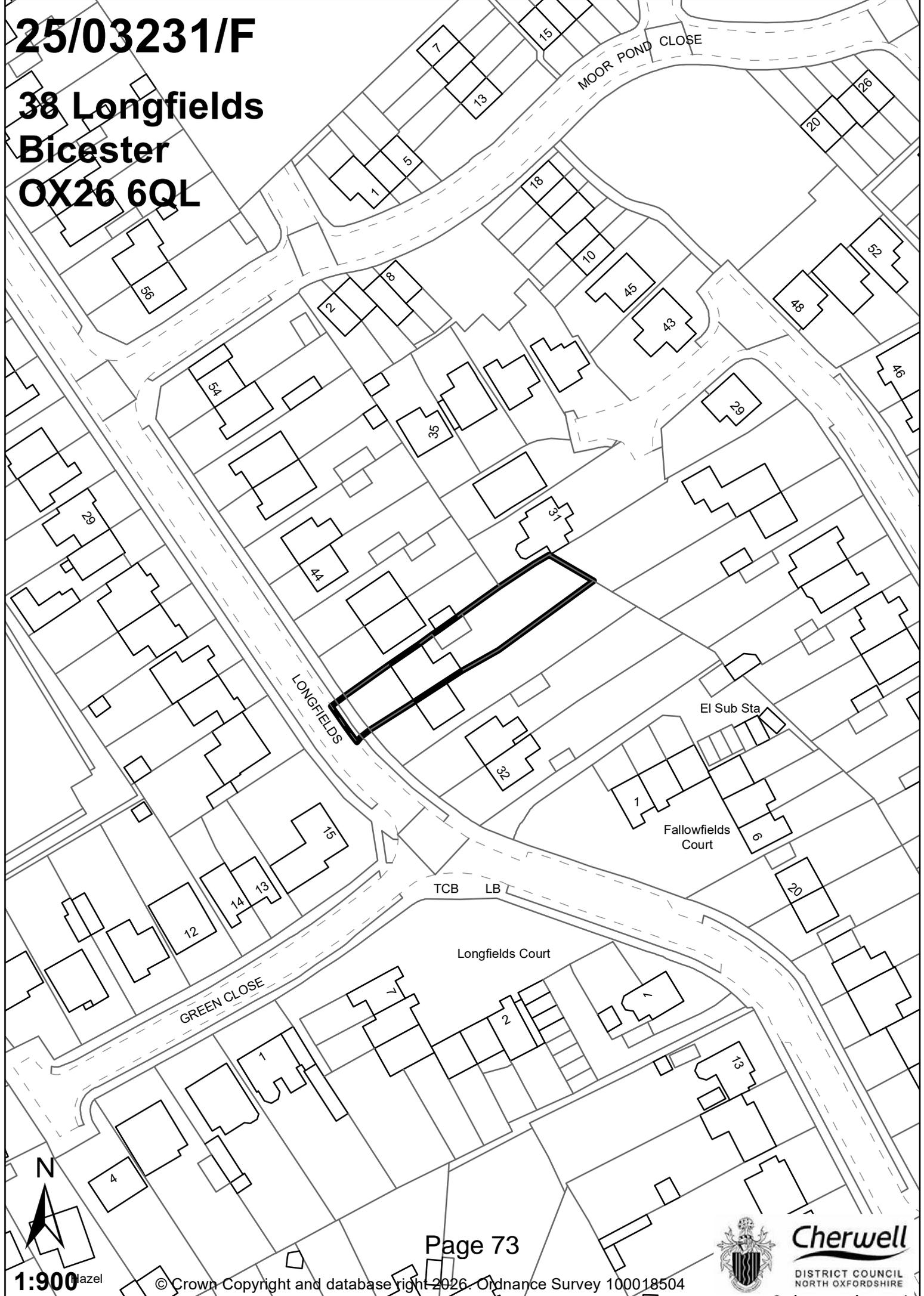


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25/03231/F

**38 Longfields
Bicester
OX26 6QL**



1:900 Hazel



Case Officer: Rebekah Morgan

Applicant: Hexiqon Homes Ltd

Proposal: Change of Use from 5 bedroom Dwelling (class C3) to 8 bedroom HMO (class sui generis)

Ward: Bicester East

Councillors: Councillors Tom Beckett, Donna Ford and Robert Parkinson

Reason for Referral: Called in by Councillor Donna Ford and supported by Councillors Tom Beckett and Robert Parkinson for the following reasons: Highway safety concerns, reduction in family housing (impact on the area), potential noise and disturbance, lack of refuse/recycling provision, lack of need for HMO's, cumulative impact of HMO's in the area and pressures on drainage and sewer infrastructure.

Expiry Date: 23 March 2026

Committee Date: 19 March 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is comprises of a two storey, semi-detached property that is currently undergoing works to construct a replacement single storey rear extension, erection of front porch (consent granted under application 25/02433/F) and conversion of the integral garage to additional residential accommodation.
- 1.2. The dwelling is constructed of buff brick with a plain tile roof. The site has an existing vehicle access with a driveway accommodating one parking space.
- 1.3. The property is located within a predominantly residential area of Bicester. It is within 10 minutes walking distance of Bicester town centre, 15 minute walking distance of Bicester Village train station and under 10 minutes walking distance of the nearest supermarket.

2. CONSTRAINTS

- 2.1. Protected and notable species are identified on the constraints data within close proximity of the site.
- 2.2. There are no heritage constraints to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks a change of use of the property from a 5 bedroom dwelling to an 8 bedroom House in Multiple Occupation (HMO).

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

25/02433/F: Replacement single storey rear extension and erection of single storey front porch. APPROVED

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **9 January 2026**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 11 letters of objection have been received. The comments raised by third parties are summarised as follows:

- Insufficient on-site parking – the proposed plans would only give 2 viable spaces
- Increased parking and traffic on an already busy road
- Increase in vehicle movements
- On road parking would impact on visibility for other road users – located on a blind bend
- Highway safety – road is used as a walking route for school children
- Existing pressure for on street parking
- Parked cars mounting the kerb can block the pavement and impact access for other users which conflicts with the Equality Act (2010) and paragraph 103F of the NPPF.
- Loss of a family home
- Change in residential character – the neighbour claims there are no other HMOs register in Longfields nor the adjacent streets
- Represents an inappropriate and excessive intensification of use
- Potential noise and disturbance
- Concerns regarding the dynamic and type of residents who will occupy the property
- There is reference to HMOs on London Road which is a different type of road
- Inadequate refuse and recycling facilities for a property of this size
- Existing provision of HMOs in Bicester. No evidence to suggest there is any identified housing need for a HMO in this area
- Set an undesirable precedent for similar conversions in the area.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. BICESTER TOWN COUNCIL: No comments received.

- 7.3. OCC HIGHWAYS: **no objections** subject to conditions in respect of width of the access and the layout, surfacing and drainage of the parking areas.

Following on from my response dated 27/01/2026, the applicant has now provided additional supporting information.

This includes a Parking Stress Survey which demonstrates that there is sufficient on-street parking capacity available within the surrounding area. On this basis, OCC as the LHA are satisfied that the proposal would not result in a severe parking impact.

The applicant has also submitted updated plans showing the provision of three on-site parking spaces within the driveway.

However, it should be noted that the previously indicated intention to extend the dropped kerb across the full width of the site frontage would not be considered acceptable, as this could negatively impact pedestrian safety by reducing the availability of refuge space for pedestrians along the footway.

The dropped kerb can be extended by an additional 2 metres beyond the existing dropped width. This would allow for the practical provision and use of two on-site parking spaces, whilst maintaining sufficient footway for pedestrian movement and safety. This can be secured by the provided condition.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in favour of Sustainable Development
- BSC1: District Wide Housing Distribution.
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Development likely to cause detrimental levels of pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell District Council HMO Standards 2018
- Oxfordshire County Council Parking Standards for new developments

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety
- Biodiversity Net Gain (BNG)

Principle of Development

- 9.2. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.3. Paragraph 8 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. The development plan does not include any policies that specifically relate to HMOs. HMOs provide affordable accommodation to rent (to individuals who are unrelated) within a shared dwelling with communal facilities. It is worth noting that emerging plan (Cherwell Local Plan Review 2042) Policy COM7 (Sub-Division of Dwellings and Homes in Multiple Occupation) identifies residential amenity and parking provision as the two principal material planning considerations when assessing this type of application. This reflects the way in which such proposals have previously been assessed.
- 9.5. The site is located within the built-up limits of Bicester, which has good access to public transport links, local shops and amenities. It is considered that the site is in a sustainable urban location.
- 9.6. Third party comments have raised concerns the proposal would change the character of the area because they believe there are no other HMOs within the locality of the site. The Council's Housing Team has confirmed HMO licences have been granted for a property on Fallowfields and 2 properties on Linden Road (both streets adjoining Longfields); all are smaller HMOs (up to 6 occupants) and therefore did not require planning permission. This shows there are some HMOs in the area but not an overabundance. Within neighbourhoods it is important to create mixed communities with housing types that appeal to a range of people at different ages and stages of life. The proposal would offer a more affordable option for single people wanting to live in the area.
- 9.7. Given the above, it is considered that the principle of converting the existing dwelling on this site to a HMO, which is a higher density form of residential accommodation, is acceptable. However, the overall acceptability of the proposed development is also clearly dependent on it not causing demonstrable harm to: the visual amenities of the locality: residential amenity; and highways safety. These issues are discussed below.

Design and impact on the character of the area

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the

opportunities for improving the character and quality of an area and the way it functions.

- 9.9. Policy ESD15 of the CLP 2015 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."
- 9.10. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.11. The application seeks a change of use only, although some ancillary structures and works to the parking area would be required. The property has previously been extended (planning permission 25/02433/F) and the current application does not propose any external alterations to the building.
- 9.12. The frontage has an existing vehicle access and driveway that would be widened to accommodate two parking spaces. The waste bins and cycle storage would be located at the front of the property and therefore visible within the street scene. Whilst a storage area to the rear would be more preferable, there is no side access to the rear, so as with the current arrangement, the bins would have to be housed to the front of the property. Details have been submitted showing relatively small timber structures are proposed for both the cycle store and bin store. They would not be visually intrusive and are in keeping with the residential character of the area.
- 9.13. It is considered that the proposed development would be acceptable with regard to the impact it would have on the character and appearance of the area. In this respect, the proposal accords with Policy ESD15 of the CLP 2015 and Policy C28 of the CLP 1996 and government guidance contained within the NPPF.

Residential amenity

- 9.14. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 9.15. There are no external changes proposed to the building that would result in any material impact on the residential amenity of the neighbouring residents and the future occupiers of the proposed HMO. Both the existing and proposed uses are residential, and it is not concluded therefore that the proposal would have any additional impact in respect of in overlooking or loss of privacy to the neighbouring residents.
- 9.16. Concerns have been raised about potential noise impacts on neighbouring dwellings. With regard to noise, the proposal would result in an increase in potential occupants of the building to create higher density form of residential accommodation. However, this itself should not result in excess noise as it would still be in a residential use. If anti-social behaviour did prove to be a problem in the future, the Environmental Health Team has legislative powers to take the necessary action.
- 9.17. The *CDC HMO Standards 2018* is a document used by the Council's Licencing Officers to determine the 'suitability for occupation' of HMOs for licencing purposes in accordance with the provisions of the Housing Act 2004, the Licencing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended), The Licencing of Houses in

Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018, and its own HMO Licensing Policy.

- 9.18. In respect of the amenities of residents of the HMO. The sizes of the bedrooms range from 6.9m² to 11.2m², which meet the guidance for a single occupancy room to be used by a person over the age of 10 years (6.51m²). The shared kitchen/lounge is 25.5m². The HMO requirement for a 6-10 person HMO (1 to 2 storey) of 24m², and therefore the proposed communal area meets this requirement. The bedrooms are all en-suite and are in accordance with the Council's requirements set out in the CDC HMO Standards (2018). The applicant has confirmed occupancy will be 8 no. tenants in single rooms. A condition is included to restrict occupancy to the level stated.
- 9.19. On the basis of the above, the development would provide a suitable level of residential amenity to the future occupiers. The proposals are not considered to result in detrimental harm to adjacent neighbours nor the existing or future amenities of the residents of the proposed HMO. The proposals are therefore considered to accord with Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

- 9.20. The NPPF (Para. 110) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.21. The NPPF (Para. 115) advises that in assessing specific applications for development, it should be ensured that:
- Sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - the design of streets, parking area, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design code; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 9.22. Both Policies ESD15 and SLE4 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 states that: "*New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions*"; whilst Policy SLE4 states that: "*All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported*".
- 9.23. The OCC Parking Standards for new developments document states that HMOs are required to allow for 0.5 vehicle spaces per bedroom, which equate to 4 spaces in this instance. The Local Highway Authority Officer has stated that they would not support a full width dropped kerb at the property and therefore the property is limited to the provision of two on site parking spaces. Whilst this falls short of the guidance, the

applicant has submitted a parking stress survey which demonstrates there is capacity within the existing street for additional on road parking. Furthermore, the property is within reasonable walking distance of the town centre, supermarkets and public transport links (bus and train). So notwithstanding the concerns raised by neighbouring residents, the Local Highway Authority Officer is satisfied that the provision of two parking spaces is sufficient in this instance and would not have a detrimental impact on the safety or convenience of highway users.

- 9.24. Cycle storage is proposed to the front of the property with the provision of 8 cycle parking spaces provided in two, secure timber structures.
- 9.25. On the basis of the above, the proposal would not have detrimental impact on highway safety and is acceptable in this regard, complying with Policies ESD15 and SLE4 of the CLP 2015 and Government guidance contained within the NPPF.

Biodiversity Net Gain (BNG)

- 9.26. Mandatory Biodiversity Net Gain (BNG) came into force on 12 February 2024 requiring the provision BNG unless one of the exemptions is applicable.
- 9.27. In this case, the proposal complies with an exemption because it is below the threshold. The exemption applies where a development does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat. In this case the application seeks a change of use only, therefore there is no change to the footprint of the building and no impact on habitats. The provision of BNG is not required.

Other matters

- 9.28. One of the third party comments has raised concerns about the impact on accessibility of the area if cars park partially on pavements or block dropped kerbs. In particular reference is made to the Equality Act (2010).
- 9.29. The Council is aware of the importance of the Equality Act and takes it duties in relation to planning seriously. However, the applicant has demonstrated the proposal would not result in undue pressure on street parking and further it is beyond the scope of the application to control the manner in which people choose to park. The application has been amended to reduce the width of the proposed dropped kerb to ensure there is refuge space between dropped kerbs for pedestrians and the dropped kerb itself will need to be constructed to the standards of the Local Highway Authority to ensure it is accessible for all users.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation but are sought jointly and simultaneously.
- 10.2. The proposal would provide an additional form of residential accommodation within a sustainable, built-up residential location. The main potential harms relate to the intensified pattern of occupation and the associated impacts on neighbouring amenity and local parking.
- 10.3. The nature and scale of the development is compatible with the existing residential area and would not cause harm to residential amenity. The Local Highway Authority raise no objections and are satisfied there is sufficient capacity within the wider highway network for parking and safe and adequate car parking, and cycle parking

provision is provided. The proposal would provide smaller, affordable accommodation within the private rented market.

- 10.4. Overall, the proposal is considered to represent a sustainable form of development in accordance with the above-mentioned policies and as such the application is recommended for approval subject to the conditions set out below.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:

- Drawing number BP.01 Rev A – [Block Plan/Location Plan]
- Drawing number P.01 – [Proposed Elevations]
- Drawing number P.02 – [Proposed Layout Plans]
- Drawing number P.03 – [Proposed Kitchen and En-suite Layouts]
- Drawing number P.04 Rev B – [Proposed Site Plan]
- Drawing number P.05 – [Proposed Bin and Bike Stores]
- Drawing number P.06 – [Proposed Drainage Plans]

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The development hereby approved shall not be occupied until details of how Secured by Design measures have been incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the details of how the scheme accords with the secure by design principles shall include: details of all bedroom doors being certified to PAS24, with a door viewer installed; details of a secure postal strategy; and details of a visitor notification system (doorbell) for each bedroom. The Secure by Design measures shall be implemented in accordance with the approved detail and be retained and maintained in perpetuity.

Reason: In order to ensure the safety and security of any future occupants of the site and to comply with Government guidance contained within the National Planning Policy Framework and the Crime and Disorder Act 1998.

4. Prior to the first occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the plans approved (drawing numbers P.04 Rev B and P.05 and drawing titled 'Dropped kerb and

swept path analysis Rev A') and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with drawing number P.04 Rev B and P.05. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted, bin storage facilities shall be provided on the site in accordance with drawing numbers P.04 Rev B and P.05. The bin storage facilities so provided shall thereafter be permanently retained.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies ENV1, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. The House in Multiple Occupation, hereby approved, shall only be let as a single room occupancy to limit the tenant numbers to not more than 8 persons.

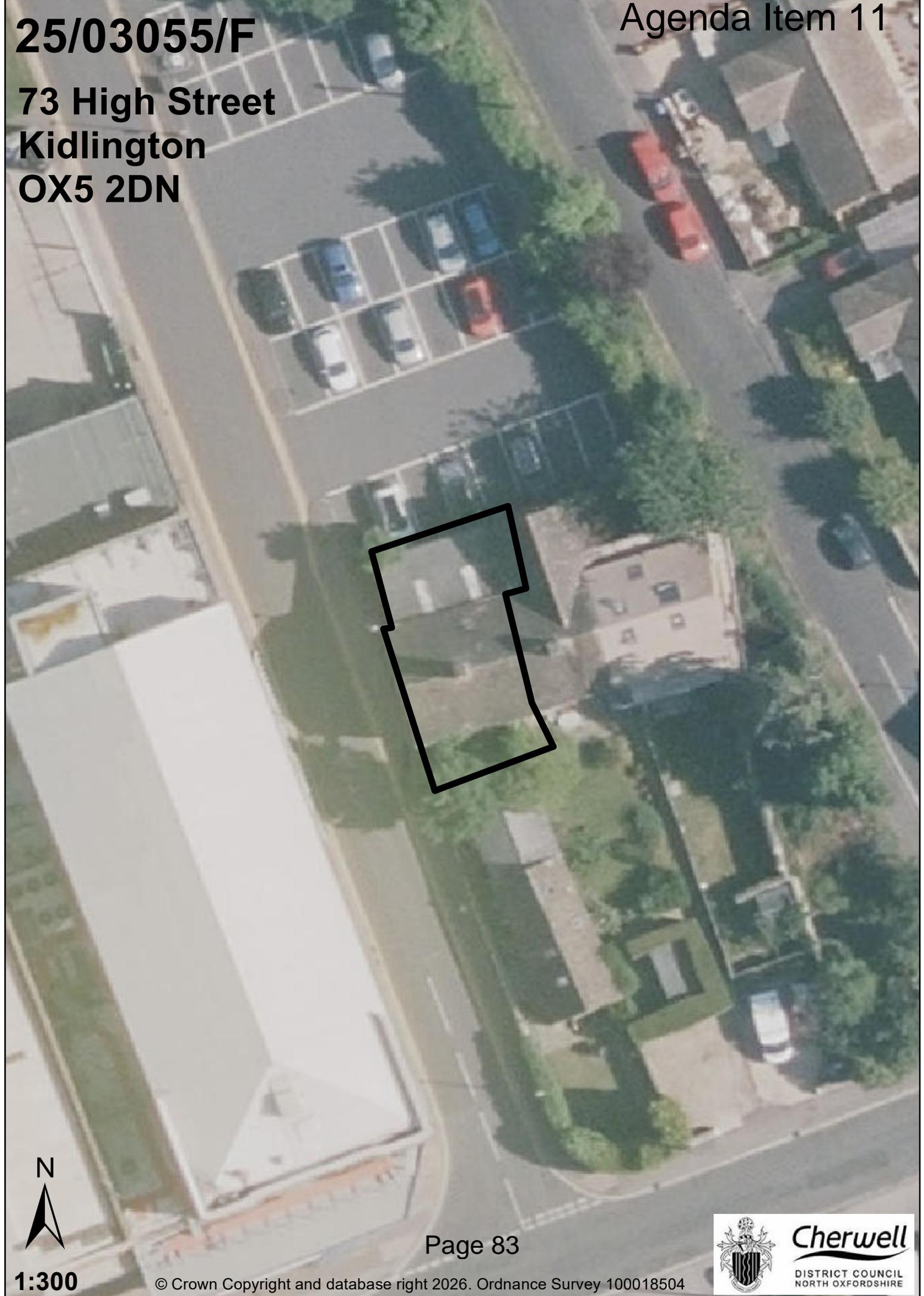
Reason: In order to safeguard the amenities and character of the area, in the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Rebekah Morgan

25/03055/F

**73 High Street
Kidlington
OX5 2DN**

Agenda Item 11



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25/03055/F

**73 High Street
Kidlington
OX5 2DN**



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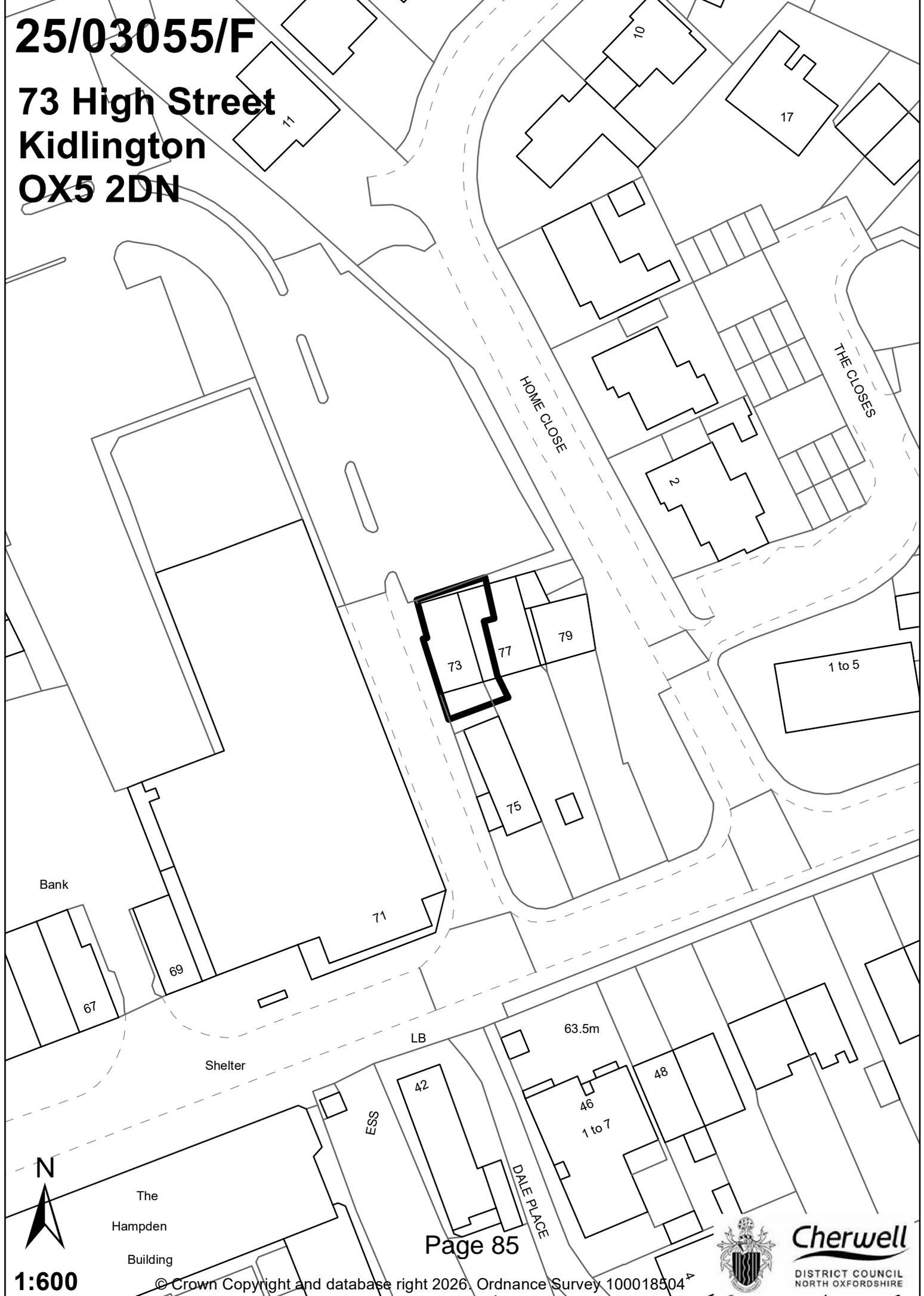


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25/03055/F

**73 High Street
Kidlington
OX5 2DN**



Case Officer: Rebekah Morgan

Applicant: Mr & Mrs Parshad

Proposal: First floor extension over an existing converted garage (part retrospective).

Ward: Kidlington West

Councillors: Cllr. Conway, Cllr. McLean and Cllr. Walker

Reason for Referral: Called in by Councillor Dorothy Walker for the following reasons: Significant impact on the visual character of the area and on a non-designated heritage asset, conflict with local and national policy, submission of successive retrospective applications for the same proposal.

Expiry Date: 19 March 2026

Committee Date: 19 March 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises a two storey dwellinghouse and small garden located near the centre of Kidlington. The dwellinghouse is sited at one end of a terrace of three cottages, which are understood to have been converted from an historic barn. The row is set some 30m back from the High Street to the south, from which it is separated by gardens and parking areas as well as no.75 High Street, which is located approximately 5m from the southern elevation of no.73 and immediately adjacent to the southern site boundary.
- 1.2. The four dwellinghouses are surrounded by highways on three sides – High Street to the south, Forester’s Way to the west, and Home Close to the east – with Tesco’s car park abutting the northern elevation of nos.73 and 77. A Tesco superstore occupies a large brick building of a functional, commercial character immediately across Forester’s Way from the application site, from which it is approximately 9m distant. Tesco marks the start of the commercial stretch of the High Street, which continues to the west.
- 1.3. The site is surrounded by residential development to the east and south of varied character. Development along the southern side of High Street dates primarily from the inter and post-war periods according to historic mapping, with Home Close developed in the early 1960s. Older development runs along the northern side of High Street to the east of the application site.
- 1.4. The row made up of nos.73, 77, and 79 comprises a linear, gable-ended building with a dual-pitched roof oriented parallel to High Street. It is constructed of rubble stone with a concrete-tiled roof, although the southern elevation of the centre dwellinghouse (no.77) has been covered with white render. The dwellinghouses all have modern windows and the openings to no.73 have red brick surrounds. A number of rooflights have been inserted to both roof slopes of no.79 and a chimney stack constructed rising from the centre of the ridge of no.77. To the rear, there is a central, two storey,

gabled protrusion from no.77, with a largely red brick northern elevation and concrete-tiled roof. A catslide lean-to of rubble stone extends to the east of this, with the subject extension to no.77 adjoining it to the west.

- 1.5. The front elevation of no.73, insofar as this is where the front door is located, is the western gable end, which fronts directly onto Forester's Way. The northern elevation of the building fronts directly onto Tesco car park, which previously comprised the side elevation of a lean-to garage with doors to the western elevation. The works that are the subject of this part retrospective application altered and extended this single-storey lean-to upwards and are detailed in Section 3 of this report.

2. CONSTRAINTS

- 2.1. The application site is within an archaeological alert area related to Kidlington's historic core. It is located approximately 55m west of Kidlington High Street Conservation Area and some 67m west of the Grade II listed no.85 High Street, which is located within the Kidlington High Street Conservation Area. By virtue of its age and historic interest as a surviving – albeit converted – agricultural building associated with the rural history of the settlement, the three-dwelling terrace encompassing the application site is considered to be a non-designated heritage asset.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is part retrospective and seeks to retain a first-floor over a previously constructed lean-to garage. The proposal does not alter the footprint of the original extension. The addition of the first floor raises the eaves height to approximately 3.7m in height. The development has a dual pitched roof with a ridge height of approximately 6.9m, creating a north facing gable.
- 3.2. The extension is constructed in limestone to match the host dwelling. The application details the roofing materials as plain tiles. It has three lower floor and three upper floor windows to the northern gable and the garage door to the eastern elevation has been infilled in matching rubble stone with the brick detailing retained. The infilling of the garage door and insertion of ground floor windows facilitates the conversion of the garage to living accommodation, which could be achieved under permitted development rights.
- 3.3. This current application differs from the most recently determined application (24/03350/F) with the eaves height reduced by approximately 0.6m and the ridge height lowered by approximately 0.3m. Two of the windows on the first floor would also be reduced in size.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

24/03350/F: RETROSPECTIVE - First floor extension over an existing garage with eaves height increment to accommodate new windows. Appeal dismissed 01.09.2025.

23/03368/F: First floor extension with associated internal and external work (follow-up to 23/01073/F. Refused 19.07.2024.

23/01073/F: Proposed roof extension with associated internal and external works. Permitted 19.06.2023.

- 4.2. With regards to application 24/03350/F, the Planning Inspector concluded '*the appeal scheme results in the unacceptable erosion of the historic fabric of the NDHA. The proximity of modern development and the existence of relatively contemporary additions to the other cottages in the row, does not justify a development which results in unacceptable harm to the character and appearance of No 73. The scale of the harm caused by the appeal scheme upon the NDHA is significant and would not be justified*'.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **17 February 2026**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Three letters of objection, including one from a Ward Councillor, have been received from third parties and are summarised as follows:
- No substantial change to previously refused scheme.
 - Previous appeals and decisions are a material planning consideration.
 - The application does not address the conclusions of the previous appeal decision relating to a similar development (the Inspectors conclusions were summarised in the comments).
 - The Planning Inspector was particularly concerned with the width of the gable end.
 - Proposal remains in conflict with the NPPF, local plan policies, the Kidlington Masterplan (2016) and emerging policy COM14, in as much as they require high-quality design sympathetic to historic assets, including non-designated heritage assets.
 - The property represents an important part of Kidlington's built history.
 - The application property is a non-designated heritage asset.
 - The extension completely obscures the original malthouse. Hiding the original T-shaped building behind a massive second storey extension attacks the strong sense of distinctive architectural style that the Kidlington Masterplan seeks to protect.
 - Colour of the roof tiles (to extension and main roof) of no.73 does not match the remainder of the terrace, eroding the character of the area.
 - The application makes no attempt to make an analysis of context, to explain or justify the principle that have informed the design rationale.
 - Clearly visible from public areas (car park).
 - The proposals do affect parking with a loss of a parking space from the former garage.
 - The current enforcement notice (due to the wording) prevents the permitted development fallback position set out by the previous case officer.

- Conditions on the original consent require adherence to approved plans and should take precedence over permitted development rights.
- My understanding is that permitted development rights only apply to the original building and would not apply to any later additions.
- Work has been constructed without complying with the Party Wall Act.
- There has been a disregard to the correct planning procedure.
- Planning Practice Guidance only allows one opportunity to obtain retrospective planning permission, this development has been given multiple opportunities. There has been no reason for CDC to accept this third application.
- Inaccurate plans have been previously submitted resulting in mis-leading decision makers.
- The current plans (25-KH-3 and 25-KH-5) show boundary with neighbour in the wrong location.
- Application documents do not show the correct owner of the property.
- Existing plans show the sites current state, but this is not lawful development.
- The public have a stake in the planning process and are entitled to understand how decisions are reached.
- Ignoring the views, report and findings of the Planning Inspector would open up the Council to the risk of a legal challenge (judicial review) from the neighbours.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. KIDLINGTON TOWN COUNCIL: Advised their comments on the previous application should be taken into consideration.

Expressed concern that there appears to be no change in the submitted plans. They found the latest submission to be unclear.

Kidlington Town Council's previous objection raised the following points:

- Overdevelopment and adverse impact on the amenity of the area
- Lack of off-street parking for the property
- Another retrospective application and should be invalid
- Concern that CDC's Conservation Officer was not consulted.

7.3. CDC CONSERVATION OFFICER: Concludes that the development would result in no harm to any heritage asset

"The building that is the subject of this application is not a Listed Building and is not located within Kidlington Conservation Area. The building is now three dwellings, but the historic maps suggest that historically this was part of a larger barn likely associated with the property known as The Laurels, both of which were possibly part of the larger Manor Farm complex. The Main house that appears on historic maps and so potentially associated with Manor Farm (now believed to be 85 High Street) is

late 17th century in origin and the application building has a date stone of 1733, indicating that despite extensive alterations some historic fabric may still remain.

“The building can therefore be considered as a non-designated heritage asset taking into account the National Planning Policy Framework 2024.

“It is noted that this revised application proposes some minor changes to the windows and elevations of the property compared to the previously refused application. However, the same considerations are relevant and therefore these comments do not differ from previous comments in a significant way.

“It is accepted that the building contains some historic fabric, and from historic maps it is indicated that there were possibly other buildings attached to it or it was larger. Regardless of the changes to its plan form (as shown on historic maps) the building has been altered substantially and converted to three dwellings probably in the 1930’s (prior to the 1947 planning Act and the Planning (Listed Buildings and Conservation Areas) Act 1990). This has resulted in much of the character of the building as an agricultural building being diminished.

“In addition to the changes to the building the surroundings have been altered substantially which has resulted in the erosion of the context of the building and its relationship with surrounding properties including the Listed Building (formerly the farmhouse).

“In terms of the extension it is accepted that the two-storey gable extension is larger than the small lean to that previously existed, however there is a previously approved extension which it is argued has the same mass and prominence. The minor changes proposed in the current application are not considered to harmfully change the appearance of the building. The design, siting and materials are considered to be complementary to the building and are not considered to detract from the current character. It has been suggested that historically the building had a T shaped form, although the extension would alter this form, it is considered that existing additions throughout the whole of the building and the previously approved extension have already had an impact, it is considered that the current application will not reduce the legibility of the building further. The extension does not detract from but retains the character of the building as it appears now, which is in the form of three cottages.

“When considering the potential historic fabric that was removed to accommodate the new extension it is considered that this does not constitute a loss of significant fabric and as the building is not a Listed Building there is limited controls on the demolition of a small part of the building. Overall, the works are not considered to be harmful to the non-designated heritage asset.

“Because of the distances involved the application site is not considered to be within the setting of the designated heritage assets in the local area. Therefore, extending this building to the rear does not result in harm to the significance of a Listed Building or conservation area as a result of development within their setting.”

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the

'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- Kidlington Framework Masterplan (2016)
- Oxfordshire Parking Standards for New Developments (2022)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Design and impact on heritage assets
- Residential amenity
- Highway impacts
- Other matters

Design and impact on heritage assets

- 9.2. CLP 2015 Policy ESD15 seeks to secure high quality design that complements and enhances its setting. Amongst other things, it states that "*proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage assets as set out in the NPPF and NPPG*".
- 9.3. CLP 1996 Policies C28 and C30 exercise design control over new development including residential extensions, seeking to ensure that layout, design and external appearances, including the choice of external materials, are sympathetic to the context of the development, and that proposals for extensions are compatible with the scale of the existing dwelling, its curtilage, and the character of the street scene.
- 9.4. The Kidlington Framework Masterplan supports these aims. Theme 1 of the Framework seeks to 'reveal Kidlington's distinctive identity by, *inter alia*, establishing an attractive townscape character through high quality design of new buildings and public spaces. CLP 2015 Policy ESD15 and the Cherwell District Design Guide are referenced in relation to securing high quality design across all new development.
- 9.5. Section 16 of the NPPF relates to the conservation and enhancement of the historic environment. Specifically, paragraph 208 requires the LPA to "*identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise*" and taking this into account in consideration of the impact of a proposal on a heritage asset. Paragraph 216 states that: "*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated*

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

- 9.6. The Council’s ‘Home and Alterations Design Guide’ advises that “*extensions should normally match the original building in materials, proportions, roof pitch and window detailing. Ideally, the eaves and ridge lines should be lower than those of the main roof to make the extension subservient to the original building*” and “*should be designed to reflect the character of the original building in the design*” (section 5).
- 9.7. The application site is considered not to affect the setting of either Kidlington High Street Conservation Area or any nearby listed buildings by virtue of its degree of separation from these heritage assets and the presence of existing intervening development. It is over 50m from the edge of the Conservation Area, from which it is separated by the twentieth century development along Home Close. Given this, the Kidlington High Street Conservation Area Appraisal is considered not to be of relevance to the assessment of the proposal.
- 9.8. The site context is one of modern development with the twentieth century residential development to the east and south of the site and commercial development to the west and north. The extension is primarily viewed within the context of the large Tesco building located some 9m to the west and the associated car park that abuts the northern elevation of the extension.
- 9.9. Notwithstanding this, the original building (along with the attached neighbouring properties) can be regarded as a non-designated heritage asset (NDHA) by virtue of its age and historic interest in association with the farming history of the area, although it is noted that it is not identified as a locally listed buildings in the Kidlington Framework Masterplan. The original building appears to have been converted to housing prior to the introduction of The Town and Country Planning Act 1947, which first brought about the planning system in England as we know it today, and subsequent interventions have severely diminished its character and appearance such that it is no longer readily legible as a converted agricultural building. The Planning Inspector (appeal in relation to application 24/03350/F) agreed the building is a NDHA.
- 9.10. The significance of the building lies in its age, agricultural nature and the possibility that it was part of a large farm complex, which has been significantly diminished over the years with the development of Kidlington centre (notably, the substantial supermarket building, shopping centre and surrounding residential development). The original building has been subsequently divided into three properties, alterations have occurred; including the rendering of no. 77, contemporary windows, the addition of rooflights to no. 79 and the construction of a chimney stack in the centre of the building. Residential curtilages have been established with intervening boundary treatment. It is your officer’s opinion that the character, appearance and significance of the building has been severely diminished by the overall alterations to the three properties, that it is no longer readily legible as a converted agricultural building when viewed in the wider context. Whilst the appeal Inspector felt the previously proposal would remove any remaining architectural cues, this appears to focus on the t-shaped plan form of the building and did not acknowledge the lean-to garage, which, whilst not an original element, if it did not pre-date the planning system, is lawful given the passage of time.
- 9.11. The current proposal differs from the previous scheme by reducing the eaves and ridge height of the development. The outermost upper floor windows would be reduced in size so as to remain in proportion to the altered dimensions of the scheme. Whilst upper floor windows, which are of an acceptable design, were not approved as part of the 2023 permission they could, in principle, have been added a later date as

permitted development. Windows allowing, the current proposal is now as close as practicable, in terms of scale and massing to the plans approved by planning permission 23/01073/F. Likewise the works to convert the garage do not require planning permission, and the completed works are considered, in isolation, to constitute permitted development. So, whilst Inspector's decision for the 24/03350/F obviously has a bearing on this case, officers have to be mindful of the 2023 approval in respect of the fallback position as well as the applicant's permitted development rights.

- 9.12. Indeed, with regards to comments relating to the colour of the roof tiles, your officers view remains unchanged insofar that the re-roofing of the main building constitutes permitted development and is outside the control of this application. Given that the tiles used to cover the rear extension match the main roof, it would be unreasonable/undesirable to seek a different roof covering. It should be noted that the other properties that form the barn conversion could replace their roof coverings without the need for planning permission.
- 9.13. This revised scheme aligns as closely as possible in respect of scale and form with planning permission 23/01073/F. Therefore, notwithstanding the appeal decision, officers conclude that there are no substantive grounds to resist the proposal on design grounds given that the current proposal is little different in respect of its dimensions to the extant permission. The extension is therefore considered to comply with the requirements of CLP 2015 Policy ESD15, CLP 1996 Policies C28 and C30, and Section 16 of the NPPF in respect of design.

Residential amenity

- 9.14. Amongst other matters, CLP 2015 Policy ESD15 requires that new development should "*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*". Similarly, CLP 1996 Policy C30 seeks to secure acceptable standards of amenity and privacy in relation to new housing development or proposals for extension.
- 9.15. The extension proposed for retention adjoins the side elevation of an existing gabled protrusion from no.77 High Street; the northern gable ends of both structures forming a continuous building line. By virtue of the siting of the subject development, no.77 is the only nearby residential property whose amenity could be affected. Given the positioning of the development in relation to the existing built form and openings, it would not result in adverse impacts on neighbouring residential amenity having regard to privacy, outlook, natural lighting, ventilation, indoor or outdoor space, or any other material considerations in this regard. It is therefore considered to accord with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policy C30, and Section 12 of the NPPF.

Highways impact

- 9.16. CLP 2015 Policy ESD15 seeks to secure high quality design that complements and enhances the character of the area, delivering safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and promotes permeable, accessible places that are well connected and sustainable.
- 9.17. Section 9 of the NPPF promotes sustainable transport. Paragraph 109 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 116 states that "*development should only be*

prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe”.

- 9.18. The Local Highway Authority raised no objection to an earlier proposal at 73 High Street, 23/03368/F, which would have resulted in the same impacts on parking and highway safety as the current proposal, specifically insofar as both applications result in the loss of the garage for parking. A condition was requested to secure details of secure cycle storage provision, and it is considered reasonable to attach a similar condition to any forthcoming grant of permission. The application site is very close to local amenities, services, and access to public transport links, by virtue of its position adjacent to the town centre, in light of which it is considered suitable for car-free development. The same approach was taken with application 24/03350/F and highway concerns were not raised as a concern in the subsequent appeal decision. Given this, it is considered to accord with the relevant requirements of CLP 2015 Policy ESD15 and Section 9 of the NPPF.

Other matters

Applicant's personal circumstances

- 9.19. The applicant has set out confidential personal circumstances relating to health issues affecting members of the household currently residing at the property. This has been provided in the form of a statutory declaration and supported by letters from relevant professions. The documents set out the need for additional bedrooms at the property to accommodate the applicant's family. Whilst officers are sympathetic to the welfare of the applicant's dependents, little weight can be attributed in the decision making process as there is alternative accommodation, within the area, that would be available to meet their needs.

Party Wall Act and third party rights

- 9.20. Third party comments have raised concerns relating to a lack of adherence to the Party Wall Act when previous works has been carried out. The Party Wall Act 1996 is a legal framework in England and Wales for managing building work on or near shared boundaries, entirely separate from planning permission. You do not need an agreement in place to secure planning permission and the granting of planning permission does not exempt a property owner from the requirements of the Act.

Determination of subsequent planning application

- 9.21. Third party comments have highlighted planning guidance and questioned why the application was accepted by the local planning authority following the dismissal of the recent planning appeal.
- 9.22. Planning Practice Guidance 'Making an application' states *“An application can be made for a development which has already been refused. However local planning authorities have the power to decline an application for planning permission which is similar to an application that, within the last 2 years, has been dismissed by the Secretary of State on appeal or refused following call-in. A local planning authority may also decline to determine an application for planning permission if it has refused more than one similar application within the last 2 years and there has been no appeal to the Secretary of State. In declining to determine an application, a local planning authority must be of the view that there has been no significant change in the development plan (so far as relevant to the application) and any other material considerations since the similar application was refused, or dismissed on appeal”.*

9.23. In this case it was determined that as the current application, in terms of its form, is now very similar to the previously approved scheme 23/01073/F having been further scaled back from the previously refused schemes. As the applicant has been willing to work with officers to amend the design of the building, it was therefore considered appropriate for the local planning authority to determine the application.

Accuracy of plans

9.24. Third party comments have raised concerns with the accuracy of the boundary line on drawing numbers 25-KH-3 and 25-KH-5 (which are the existing and proposed elevations). The application site has a small dog leg along the boundary with the neighbouring property, and this is clearly and accurately shown on the site location plan and block plan, and the floor plans accurately reflect this in the layout. The elevation plans have included a red dotted line which appears to show the extent of the detailed drawings; it is unfortunate indicated in red (the colour required to denote the extent of the application site on site and block plans), however, officers have not considered this as indicate the boundary and have relied upon the site location and block plans. The site location and block plans align with land registry documents provided by the applicant.

10. PLANNING BALANCE AND CONCLUSION

10.1. This revised scheme aligns as closely as possible with the scale and form of the extension approved under planning permission 23/01073/F. Therefore, notwithstanding the recent appeal decision for a slightly larger extension, officers conclude that given this fallback position, the proposal is acceptable in design, neighbour amenity and highways safety terms and the other material planning matters dealt with above.

10.2. The development as a result complies with CLP 2015 Policy ESD15, CLP 1996 Policies C28 and C30 and government guidance contained within the NPPF. As such, the extension is considered to represent sustainable development in accordance with paragraph 11 of the NPPF and permission should therefore be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans:

- Site Location Plan
- Block Plan
- Drawing number 25-KH-4 – [Proposed Floor Plans]
- Drawing number 25-KH-5 – [Proposed Elevations]

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. Prior to the first use or occupation of the development hereby permitted, access to covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

3. Within 6 months of the date of this decision, the approved replacement first floor windows shall be installed. The windows shall match the other existing windows in this elevation of the property in respect of colour and design.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

4. The natural stone to be used for the remedial stonework around the window openings shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Planning Informative

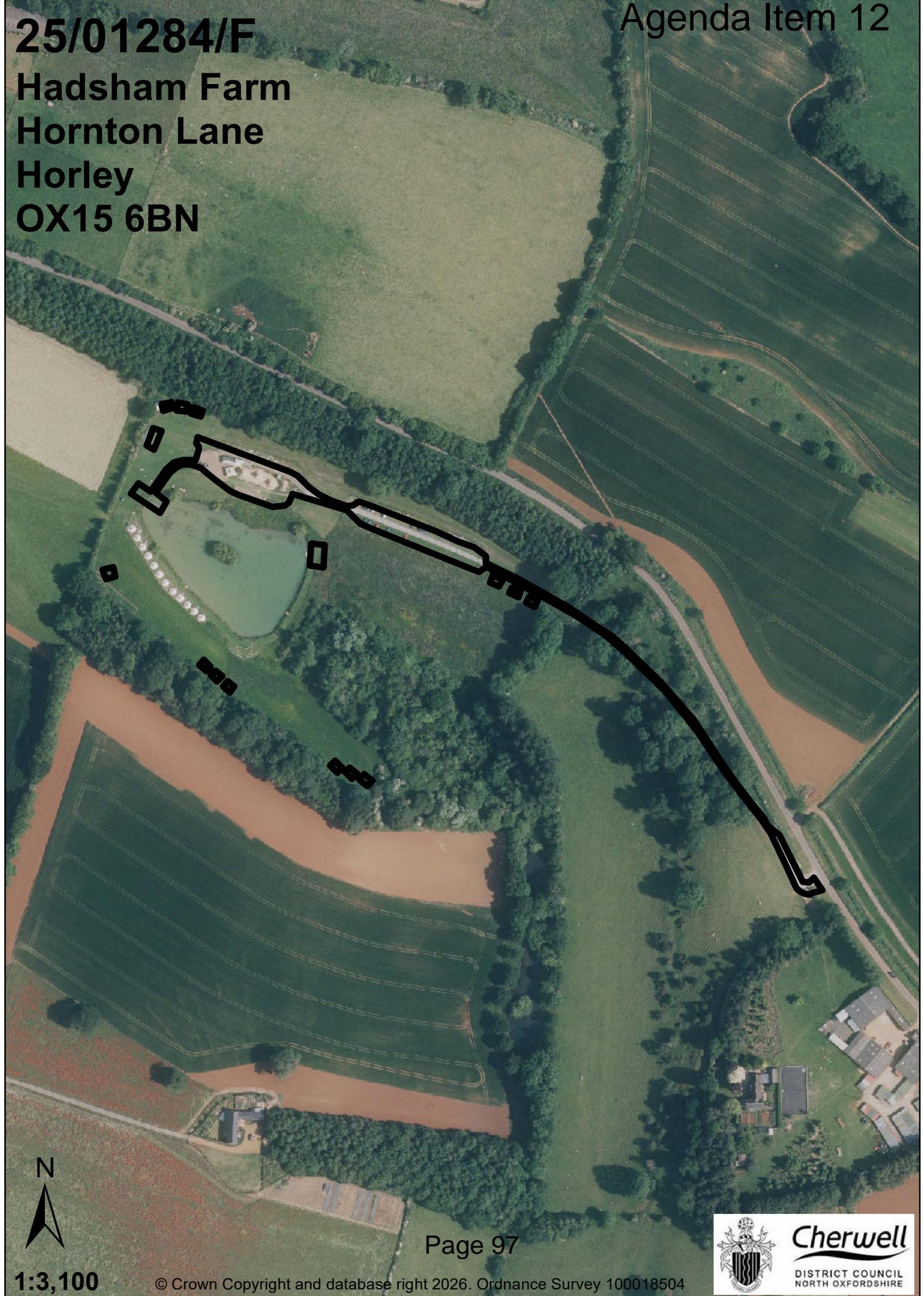
1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

CASE OFFICER: Rebekah Morgan

25/01284/F

Agenda Item 12

Hadsham Farm
Hornton Lane
Horley
OX15 6BN



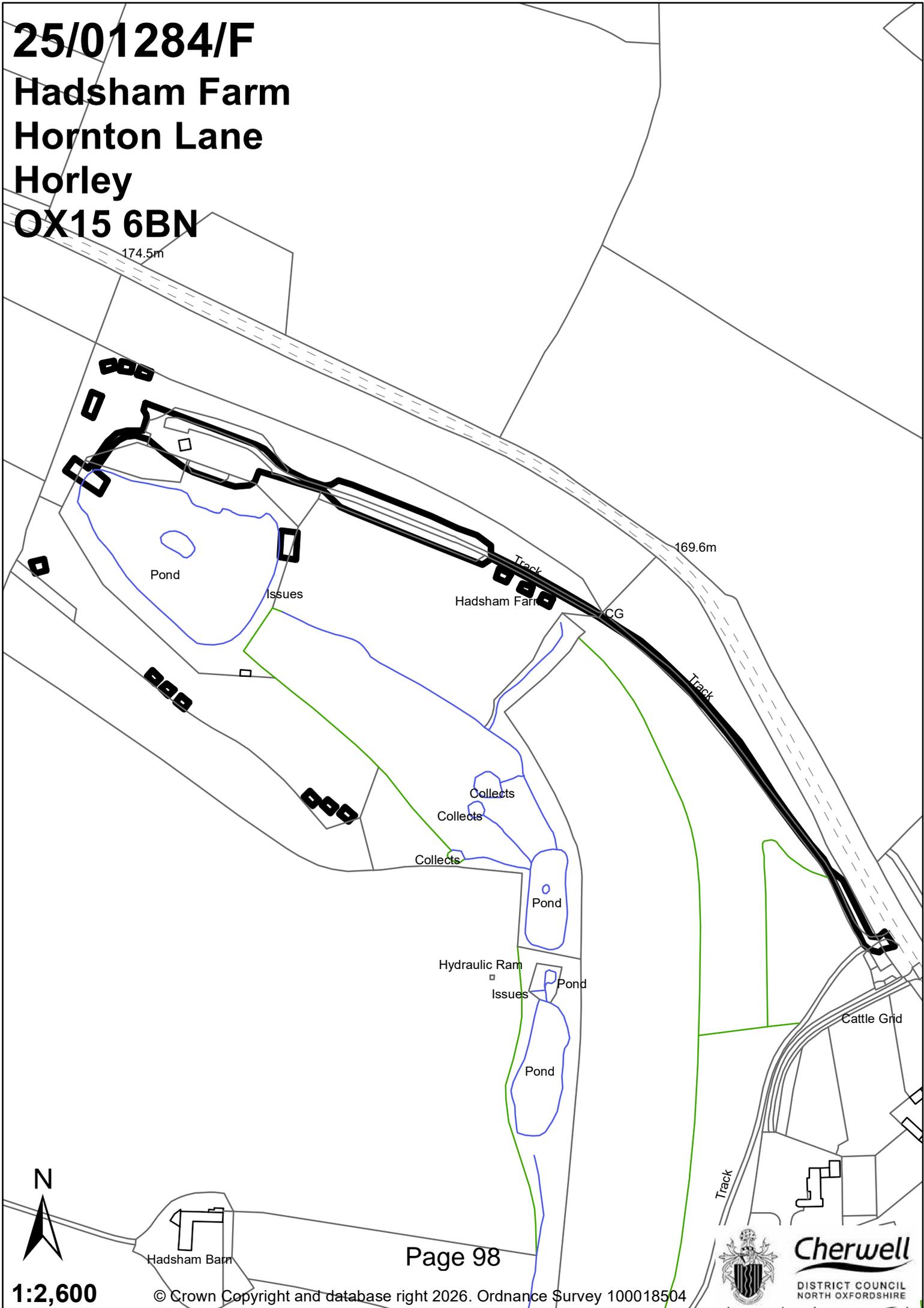
1:3,100



25/01284/F
Hadsham Farm
Hornton Lane
Horley
OX15 6BN

174.5m

169.6m

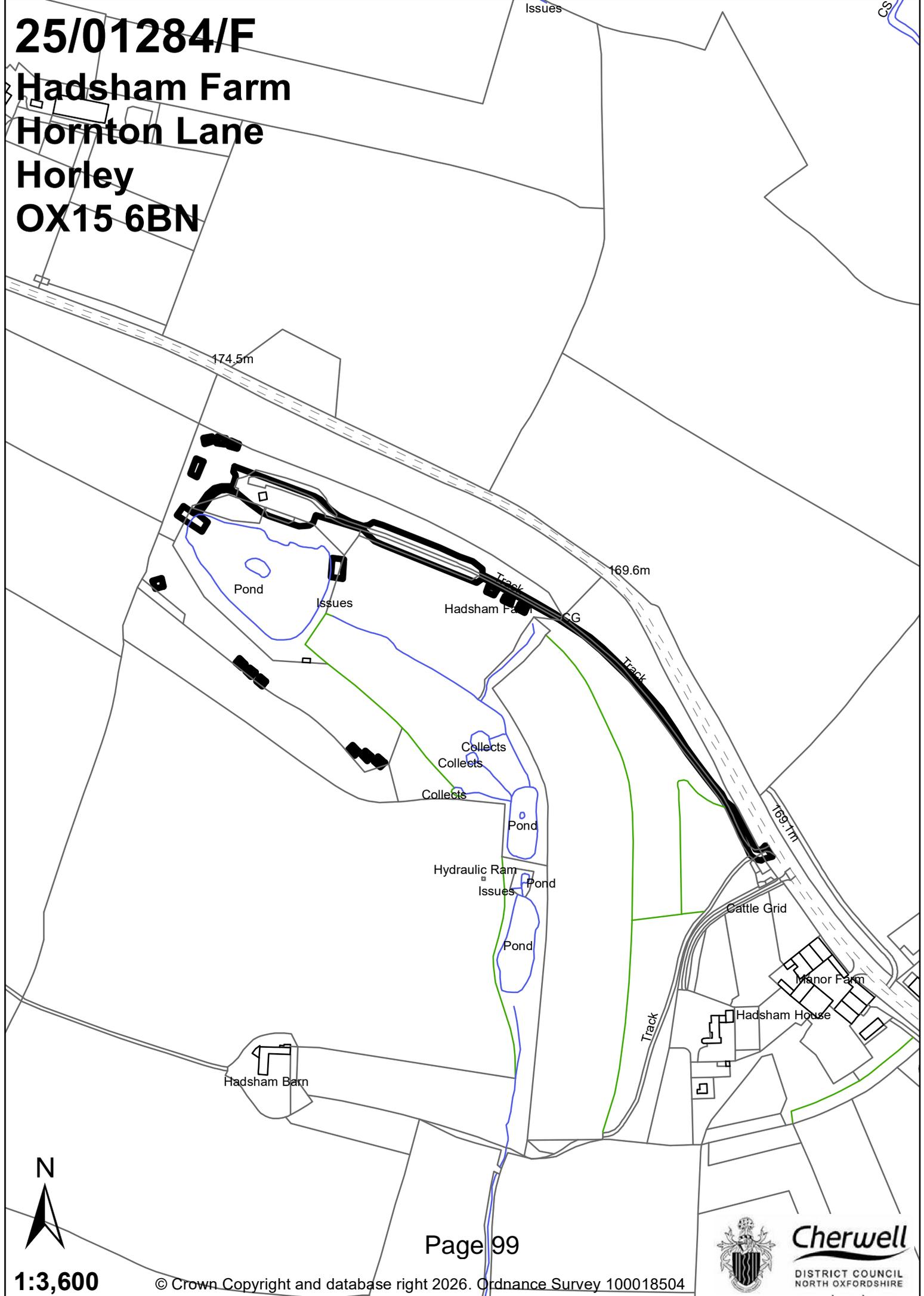


Hadsham Barn



25/01284/F

Hadsham Farm Hornton Lane Horley OX15 6BN



1:3,600



Case Officer: Nicola Wheatcroft

Applicant: Hadsham Farm Weddings

Proposal: Erection of venue buildings including an events barn, marriage ceremony barn, wedding suite, sauna cabin, guest eco cabins and associated landscaping

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillors Chris Brant, Phil Chapman and Douglas Webb

Reason for Referral: Major development

Expiry Date: 7 November 2025

Committee Date: 19 March 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND S.106 LEGAL AGREEMENT

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a wedding venue located at Hadsham Farm to the north of the village of Horley. The site comprises a number of temporary structures and Tipis located around a lake, used predominantly for hosting weddings. On the south-western side of the lake are a row of 'glamping' Bell tents.
- 1.2. Access is from Horton Lane via a private track. A linear parking area is provided for wedding guests.

2. CONSTRAINTS

- 2.1. The application site is within the Northern Valleys Conservation Target Area. The site is not in a Conservation Area and there are no listed buildings within the vicinity.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal looks to replace the existing temporary wedding venue, which is removed in the winter months, with a permanent facility. The main elements are:
- The events building would be located on the north of the lake and replace the existing tipi and function buildings. It would comprise the kitchen, dining and gathering area together with toilets and offices with an overall approximate floor area of 475 sq m. The building has been designed with a series of pitched roofs with a timber finish.
 - A permanent ceremony barn would be located on the western side of the lake. The timber building with an overall floor area of 138.3 sqm would have a pitched roof and a glazed eastern elevation overlooking the lake. The eastern part of the building would be on stilts in the lake.

- A sauna building is proposed on the eastern edge of the lake containing a wellness cabin, a sauna and changing facilities, with two plunge pools adjacent to the lake.
- Thirteen cabins are proposed to replace the bell tents and will be located across the site. These range in size from 19.2 sqm to 34.4sqm and are simple single storey cabins with beds to allow wedding guests to stay on the site. Each cabin would have a small balcony area and would be constructed from corrugated sheeting and timber panels.
- Paths will be provided around the lake and to the buildings and cabins. No alterations are proposed to the parking area.

3.2. The proposal would result in increase in floor area from 512 sq m of temporary structures to 1085 sq m of permanent buildings. The venue currently can host 2 weddings/events a week all year round (although events cease in the winter months). The applicant would like this to increase to a maximum of 3 weddings a week. There would be no increase in the number of people attending each event.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application: 14/02136/F Permitted 11 March 2015

Change of use from field to wedding/party venue from May to September with associated parking. Use of temporary structure/Marquee erected in field when required

Application: 18/01415/F Permitted 17 October 2018

Increase the number of events the temporary venue can hold by extending the operating season from May through to October (previously September) and to allow two events per week (previously one).

Application: 19/00040/F Permitted 11 March 2019

New wooden decking area of 24m x 4.8m overlooking the lake on land at Hadsham Farm - its purpose is to support and protect the continued successful operation of the event business, Hadsham Farm Weddings

Application: 20/01135/F Permitted 23 June 2020

Increase the number of events the temporary venue can host by extending the operating season from April the 1st (currently May 1st) through to October the 30th and to continue to allow two events per week. (Revised scheme of 18/01415/F)

Application 20/02733/F Permitted 18 December 2020

Increase the number of events the venue can host by extending operations to a year-round basis and to continue to allow up to two events per week

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

24/01656/PREAPP August 2024

- 5.2. Advice was sought on the possible enhancement of the existing events business. It was advised that any future application(s) would need to demonstrate whether there would be an increase in business activity and trips to and from the site. In addition, consideration should be given to the siting, massing and roof form and materials prior to the submission of an application. If the current design cannot be altered, justification should be provided for the design approach employed and that wider visual impact can be minimised (or, where that is not possible, mitigated).

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **21 July 2025**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. HORLEY PARISH COUNCIL: **No comment.**
- 7.3. OCC HIGHWAYS: **No objection** subject to conditions.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **Object**, The submitted strategy states that "Surface water from the buildings will be directed towards the lake. The lake is drained by a stream to the east of the site and runs to other lakes on the farm and then beyond. The proposals do not increase the risk of any flooding downstream." LLFA have required details of how the proposed site will not increase flood risk on site.
- 7.5. CDC ECOLOGY: **No objection** subject to S.106 to secure offsite BNG and relevant conditions.
- 7.6. CDC BUILDING CONTROL: **No objection.**
- 7.7. CDC ENVIRONMENTAL HEALTH: **No objection.**
- 7.8. THAMES VALLEY POLICE: **No objection.**
- 7.9. CPRE: **comments** that share concerns about the lighting plan and raises concerns about the lack of archaeology response.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- EDS1 – Sustainable Development
- ESD6 – Flooding and Drainage
- ESD7 – Flooding and Drainage
- ESD15 - The Character of the Built and Historic Environment
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- SLE3: Tourism and Economy

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Ecology impact
- Highway matters
- Drainage and flooding matters

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015'), the saved policies of the Cherwell Local Plan 1996 ('CLP 1996'). Assessment.
- 9.3. Policy SLE3 of the CLP 2015 supports proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan. Policy ESD1, which seeks to distribute growth to the most sustainable locations as defined in the Local Plan and supports development that seeks to reduce the need to travel and which encourages sustainable travel options to reduce dependence on private cars.
- 9.4. The site is in an isolated location in the open countryside and is not a sustainable location and therefore does not find support from Policies SLE3 or ESD1. However, the site benefits from an existing planning permission for the use as a wedding/events venue. The business is looking to expand by introducing permanent buildings to the site which would potentially allow events year round. The applicant is also looking to increase the number of weddings from 2 a week to 3. It should be noted that the prime part of the business is as a wedding venue which naturally peaks in the spring and summer months. It is anticipated that whilst there may be some winter weddings the demand would not be significant. The rural location and the distribution of the buildings across the site means most weddings and events would continue to be held in the summer months.
- 9.5. During the peak times, the applicant would like to have the option of up to 3 weddings a week. This would consist of 1no Saturday wedding and 2no during the week. Therefore, there would be more events at the venue but they would be spaced out over the week. The number of guests attending each wedding would not increase. Therefore, there would be no additional pressure on the highway network or parking facilities; this is discussed in more depth below.
- 9.6. Overall, whilst the proposal would allow an expansion of an existing rural business. There would be more activity at the site but spread throughout the week and as a result the intensification would be limited.

Design, and impact on the character of the area

- 9.7. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.8. Policy ESD15 of the CLP 2015 advises that: "New development proposals should: Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting."
- 9.9. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 9.10. The application site is located remotely in the open countryside, on a hillside adjacent to an existing fishing lake. There is some natural screening provided to the site by way of the topography of the land and existing mature tree and hedgerow planting to the north and south of the site. This context has not changed since previous consents at the site.
- 9.11. Whilst the use of the site for a wedding/party is extant, the proposal would result in significant changes to the site with permanent buildings being introduced. The largest building would be located to the north of the lake and would function as the events building where all dining and entertaining would occur. The building is functional in appearance with the roof broken up into a number of gables, which serves to keep the mass and bulk of the building to a minimum, and is important to the proposal's acceptability.
- 9.12. The materials for the larger building would be predominantly timber and corrugated metal, which reflect the rural location and would blend in the countryside. Large expanses of glazing are proposed on the southern elevation to ensure maximum opportunity for overlooking of the lake.
- 9.13. The design and form of the other buildings reflect the same design principles with simple pitched roofs and use of timber and corrugated metal. The buildings are all relatively low-key, designed to blend in with the rural environment and not make an architectural statement, and landscaping – a significant part of the scheme – is proposed in order to help soften the built development, and includes native planting.
- 9.14. Discrete groups of timber cabins are proposed across the site. These would replace the line of bell tents along the southern side of the lake which can appear quite intrusive. Smaller groups of cabins provide better opportunities for landscaping and utilising the natural topography of the site, ensuring that they would fit in with the rural context. In addition, the simple design and use of timber for the cabins is considered appropriate for the rural location.
- 9.15. Views of the site from the public domain are very limited; the site is screened from Horton Lane by a substantial hedge. No changes are proposed to the entrance or parking area. Additional landscaping including the provision of a wildflower meadow and enhancement of the tree planting would help to mitigate the impact of the development.
- 9.16. Overall, while the proposal would result in a changes to the appearance of the site, the appearance and siting of the buildings due to their scale and appearance and subject to the landscaping proposed would ensure that the proposal would not adversely impact the rural landscape character and that the proposal thus accords with Policies ESD13 and ESD15 of CLP 2015.

Residential amenity

- 9.17. Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.18. While there are no immediate neighbouring properties to the application site, the access to the site is located approximately 0.65km to the northwest of residential properties in Horley. The use of the site including amplified music/entertainment, a bar and vehicles attending and leaving an event at the site are likely to travel through Horley and have the potential to impact on local residents.

- 9.19. The use of permanent buildings in place of the tepees used previously should ensure better noise insulation and control from amplified music in the events building. However, there would still be the potential for noise and disturbance from general activity and comings and goings especially as this permission would allow extra events to be held in the week. The use of an Event Management Plan (EMP) which sets out controls and the monitoring of the events such as ensuring that all music/entertainment ceases at midnight on the day of any event and guests not staying on site vacate the site by 12:30am has been used in other instances to help control the use of the site. A condition is proposed requiring the submission and approval of an EMP prior to any event commencing.
- 9.20. The Council's Environmental Protection Officer (EPO) has raised no objections to the proposal and it is also noted that the local Parish Council supports the current proposals. This is an indication that the existing wedding business functions acceptably. The introduction of a further EMP should help to protect further the amenities of the site and surrounding area, in line with Policy ESD 15 of the CLP 2015.

Highway safety

- 9.21. Policy ESD15 of CLP 2015 requires new development be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 9.22. The proposals would not increase capacity at weddings or events at the site or result in a significant increase in the number of vehicles attending each even. However, there would likely be an increase in the number of events that would be taking place over the course of the year.
- 9.23. The LHA has assessed the proposals and notes three potential improvements to the site operations:
- Permanent buildings thereby reducing seasonal transport of temporary structures and equipment.
 - Opportunities for in-house service provision, reducing third-party supplier traffic.
 - Sustainable transport initiatives including EV charging points, secure cycle storage for staff, and a designated taxi/turning area.
- 9.24. As a result, the LHA raises no objections subject to conditions requiring cycle parking provision, electric vehicle charging points, designated taxi service turning area, travel information pack, a limit on the weekly number of events. These conditions are reasonable and should ensure that there would be no adverse impact on the free flow of traffic or highway safety.
- 9.25. It is therefore considered that the proposals would not result in any significant detrimental impacts on the safety and convenience of highway users and as such are therefore considered acceptable in terms of highway safety, in line with Policy ESD of CLP 2015.

Ecology Impact

Legislative context

- 9.26. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent

amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

- 9.27. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.28. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.29. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.30. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.31. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.32. Paragraph 186 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to

biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.33. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.34. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.35. Policy ESD11, concerned with Conservation Target Areas (CTAs), requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.36. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.37. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.38. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.39. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of mainly poor, semi-improved grassland, which had been mown for amenity in the areas immediately surrounding the wedding venue. A small bank of wildflowers had been planted along the access drive. Woodlands had been planted along the southern and northern boundaries of the site. A large lake was situated within the centre of the site, which contained a population of carp. This drained into an area of wet woodland. The application was accompanied by a Preliminary Ecological Appraisal which concluded that the site was of low wildlife value.
- 9.40. Having considered Natural England's Standing Advice and given the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 9.41. The application is accompanied by a Biodiversity Net Gain scheme which demonstrates a 10%+ gain in each habitat type (area, linear, and watercourse). Due to the significance of the post-development habitats and the need for long-term monitoring, the Council's Ecologist has confirmed that a Habitat Management and Monitoring Plan (HMMP) will need to be secured along with associated monitoring fees, through a legal agreement. This is necessary because several of the proposed habitats are of medium to high distinctiveness, and many are being enhanced to improve their condition. These habitats contribute substantially to the overall net gain for the site, and their success will depend on effective management over time. We will need to monitor these habitats for 30 years, which will require a financial contribution to cover monitoring costs.
- 9.42. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flood Risk and drainage

Policy Context

- 9.43. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments towards areas at lower risk of flooding.
- 9.44. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in Cherwell.

Assessment

- 9.45. OCC as LLFA raised an objection as whilst the drainage strategy submitted with the application states that *"Surface water from the buildings will be directed towards the lake. The lake is drained by a stream to the east of the site and runs to other lakes on the farm and then beyond. The proposals do not increase the risk of any flooding*

downstream.”, the LLFA have required details of how the proposed site will not increase flood risk on site

- 9.46. The applicant has submitted details of this to address the LLFA’s concerns and confirmation is awaited from the LLFA that the submitted details are now acceptable.

Conclusion

- 9.47. Subject to the LFFA confirming no objection on the amended drainage details and the Flood Risk Assessment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed development would help to support a local business, allowing the modest expansion of an established rural company, thereby helping to support economic growth and productivity, in line with section 6 of the NPPF, as well as supporting the local communities’ social and cultural well-being.
- 10.2 The introduction of permanent buildings on the existing wedding venue site would result in physical alterations to the site and are only justified for what is an existing local business. However, the buildings have been sensitively designed to ensure the bulk and mass is minimised and, subject to landscaping measures, the proposed development would not adversely affect the character or appearance of the area.
- 10.3 Overall, the application is recommended for approval subject to conditions, ;egal agreement and overcoming the LLFA objection

1. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO

- i. THE LLFA REMOVING THEIR OBJECTION**
- ii. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- iii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) The submission and approval of a Habitat Management and Monitoring Plan on land outside the red line boundary.**
 - b) Payment of the Council’s monitoring costs**

CONDITIONS/REASONS FOR REFUSAL

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents: 03 152 P1, 03 200 P1, 03 300 P1, 03 301 P1, 03 302 P1 (X2), 03 303 P1, 03 304 P1, 03 305 P1, 03 306 P1, 05 303 P1, 05 304 P1, 05 301 P1, 05 305 P1, 03 150 P1, 03 151 P3, 03 160 P2

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

Events

3. The number of events per week shall not exceed three.

Reason: In the interests of visual amenity and to ensure the transport impact remains as assessed and does not increase without further consideration.

4. No wedding or event shall take place until a Event Management Plan has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character of the area and the amenities of residential properties in the local area in accordance with saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Materials

5. No development shall commence above slab level until details of the external materials have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Cycle Parking

6. Prior to the first use of the development, covered and secure cycle parking shall be provided in accordance with the approved plans and thereafter permanently retained.

Reason: To promote sustainable transport in accordance with NPPF and Local Plan Policy SLE4.

Electric Vehicles

7. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the

first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points and shall comply with OCC's Electrical Vehicle Infrastructure Strategy - Policy EVI 8. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 117(e) of the National Planning Policy Framework.

Taxi Parking

8. Prior to the first use of the development, a designated taxi and service vehicle turning area shall be provided and retained thereafter.

Reason: In the interest of highway safety and the free flow of traffic, and to ensure safe on-site vehicle manoeuvring

Travel Information Pack

9. A Travel Information Pack for event guests and staff shall be submitted to and approved by the Local Planning Authority prior to first occupation. It shall include details of public transport, walking, cycling routes, taxi services, and car-sharing options.

Reason: To encourage sustainable travel in accordance with Local Plan Policy SLE4.

Ecology

10. No development shall commence (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include as a minimum:
 - Risk assessment and mitigation of potentially damaging construction activities
 - Identification of 'Biodiversity Protection Zones'
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - The location and timing of sensitive works to avoid harm to biodiversity features
 - The times during construction when specialist ecologists need to be present on site to oversee works
 - Responsible persons and lines of communication
 - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - 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.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

11. An updated badger survey, which should take place no earlier than 6 weeks prior to commencement shall be submitted to and approved by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

12. No wedding or event shall take place until a detailed lighting plan which includes a lux contour plan, to demonstrate that key habitats for bats such as the woodland, lake, and hedgerows will not be subject to lighting above recommended thresholds has been submitted to and approved by the local planning authority. This should follow the guidance set out in the BCT/ILP document Bats and Artificial Lighting in the UK (ILP, 2023). The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

13. No development shall commence above slab level until a method statement for enhancing the bat and bird boxes, hedgehog highways, hibernacula has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

Landscaping

14. No development shall commence above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard landscaping including hard surface areas, pavements,

pedestrian areas and steps.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Informatives

1. The applicants are advised to consult the guidance provided by Secured by Design – Non Residential and Residential 2025, and follow the guidance provided within these documents to ensure the development is specified and constructed to protect against the risk of crime and antisocial behaviour.

2. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers. Routing agreements etc

CASE OFFICER: Nicola Wheatcroft

25/03139/F

Dashwood Apartments

Dashwood Road

Banbury

OX16 5HA



1:500

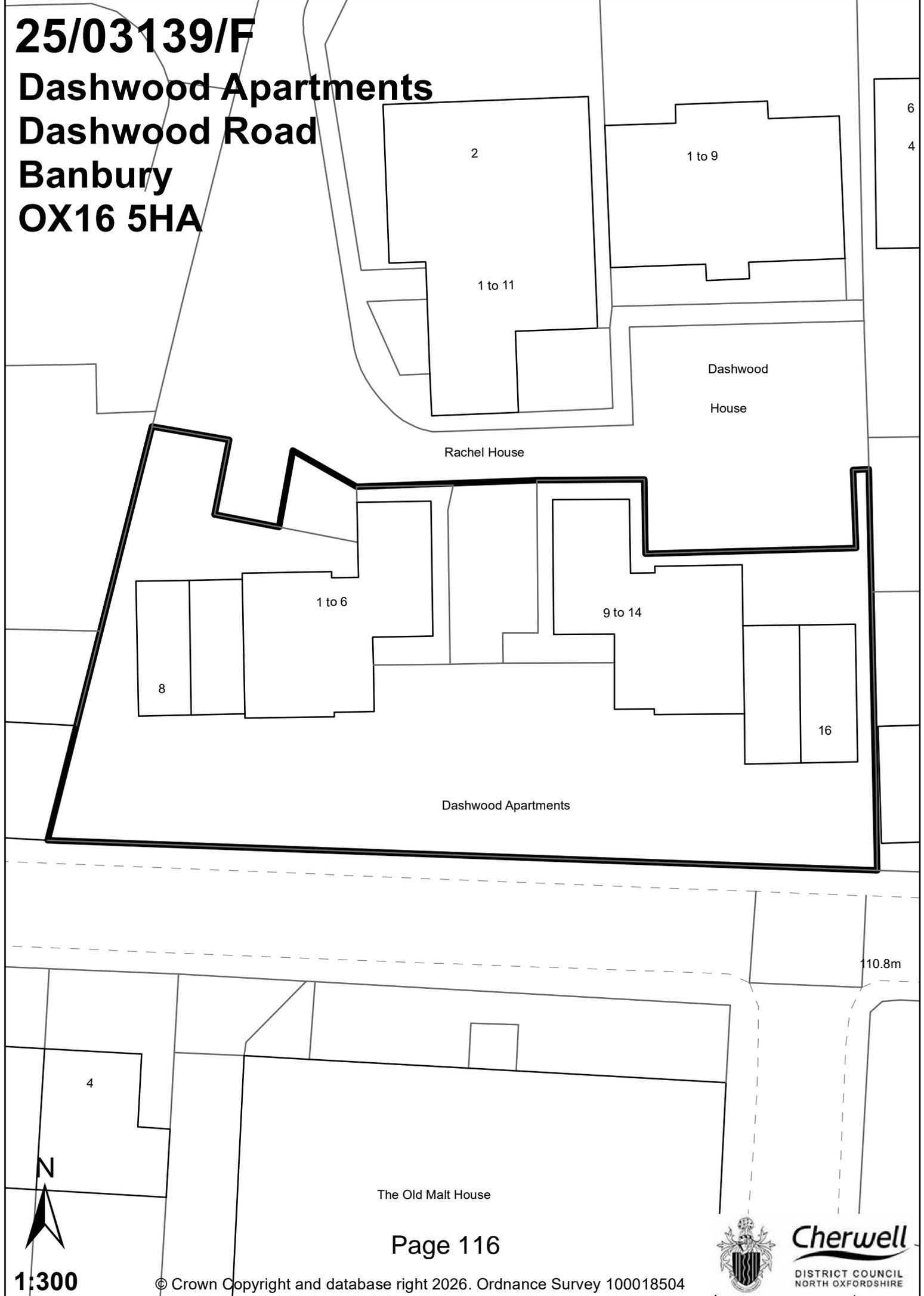


Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

25/03139/F

**Dashwood Apartments
Dashwood Road
Banbury
OX16 5HA**



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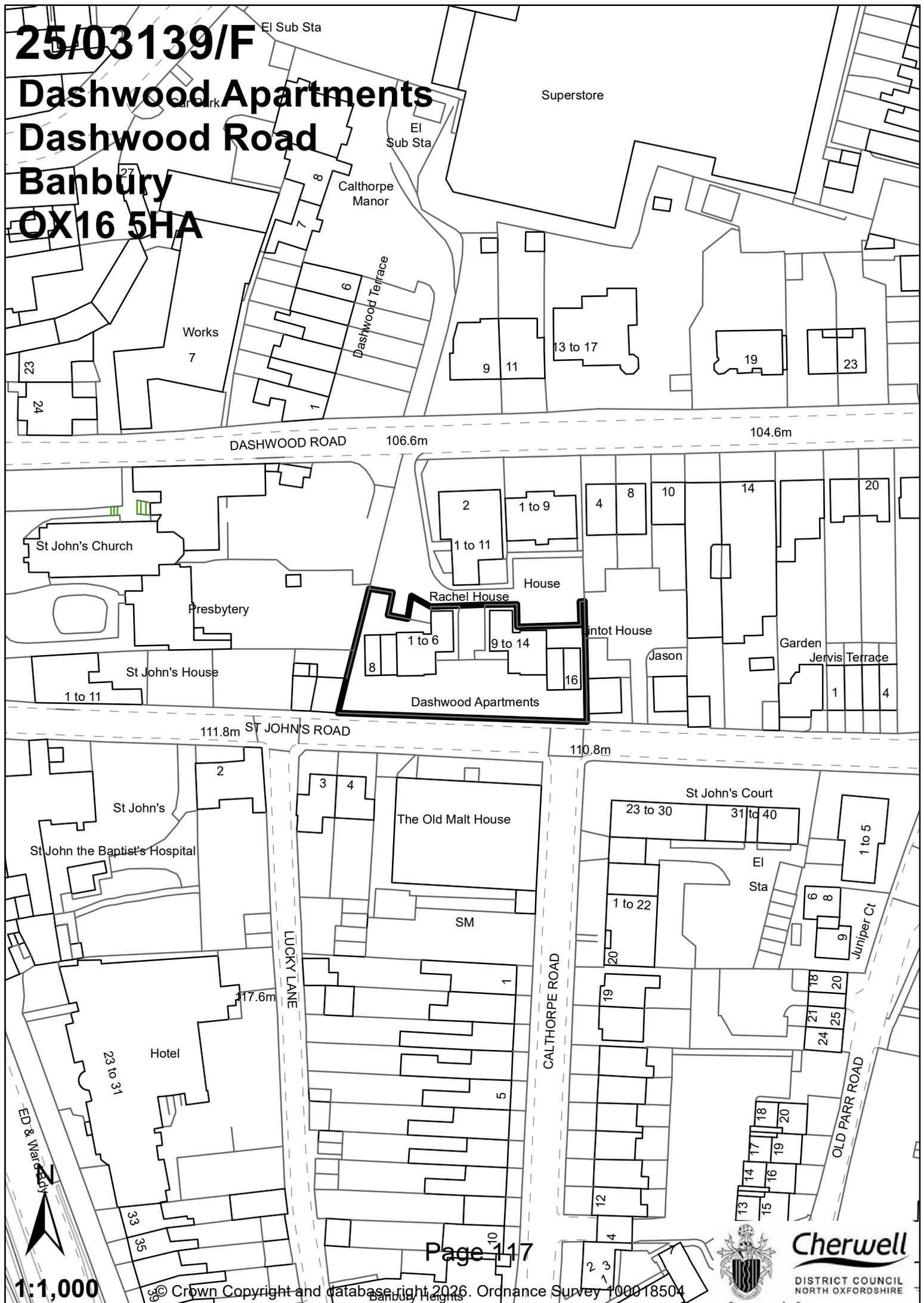


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25/03139/F

Dashwood Apartments
Dashwood Road
Banbury
OX16 5HA



1:1,000



Case Officer: Nicola Wheatcroft

Applicant: Stepper Point

Proposal: Change of Use from serviced apartments (Use Class C1) to their original use (Use Class C3) and as specialist supported accommodation

Ward: Banbury Cross And Neithrop

Councillors: Councillors Fiaz Ahmed, Becky Clarke, Chukwudi Okeke

Reason for Referral: Major development

Expiry Date: 4 March 2026

Committee Date: 19 March 2026

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of two relatively modern blocks of three storey flats located to the south of Dashwood Road. The buildings are sited back from the highway behind Rachel House Supported living accommodation. The rear elevation of the buildings abuts St Johns Road. The site slopes down to Dashwood Road.
- 1.2. The units currently operate as serviced apartments. With parking available around the buildings.

2. CONSTRAINTS

- 2.1. The application site is located within Banbury Conservation Area with a number of listed buildings located to the south and west.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought to change the use from serviced apartments (Use Class C1) to supported living accommodation (Use Class C3b). One block will be adapted for tenants with Learning Disabilities, with 1no. 1-bed flat used as staff sleeping support with shower room and lounge and kitchen for communal use. The other building will be used as accommodation for residents with mental health needs and will also have a staff flat for waking support with shower room, along with a small studio flat with kitchen/lounge/bedroom and shower room for emergency referrals.
- 3.2. No external changes are proposed to the buildings. The number of parking spaces will be reduced to allow for amenity space to be introduced for the residents to use. Eleven car parking spaces will be provided, resulting in a loss of 5 spaces.

3.3. A bike shed with space for up to 6 bikes is proposed adjacent to the parking area and amenity space.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application no	Proposal	Decision
03/01836/F	Erection of 2 No. two/three storey blocks of flats. 16 No. flats in total (as amended by plans received 09/12/03).	Approved January 2004
05/00040/F	Change Of Use - From 16 No. 1 and 2 bedroom flats to serviced apartments	Approved, March 2005
14/00272/F	Variation of condition 2 of 05/00040/F - That the apartments shall be used as self-catering apartments and for no other purposes within Class C1	Approved April 2014

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **2 February 2026**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

7.2. BANBURY TOWN COUNCIL: **no objection**, support this form of needed accommodation.

7.3. OCC EDUCATION: **no observations**.

7.4. CDC ENVIRONMENTAL PROTECTION: **no observations**.

7.5. CDC BUILDING CONTROL: **no objections**.

7.6. CDC STRATEGIC HOUSING: no response received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in favour of Sustainable Development
- BSC 2: The Effective and Efficient Use of Land - Brownfield Land and Housing Density
- BSC 3: Affordable Housing
- BSC 4: Housing Mix
- ESD 1: Mitigating and Adapting to Climate Change
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development

DRAFT CHERWELL LOCAL PLAN (DCLP 2042)

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM 26 Historic Environment.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)

- Cherwell Home Extensions and Alterations Design Guide (2007)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, impact on the character of the area and residential amenity
- Heritage impact
- Parking impact
- Affordable Housing

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (‘CLP 2015’) and the saved policies of the Cherwell Local Plan 1996 (‘CLP 1996’).
- 9.3. Policy PSD1 of the CLP 2015 emphasises the importance of sustainable development. The provision of a mix of homes to meet current and expected future requirements in order to meet housing need and creating socially mixed and inclusive communities is one of the requirements of Policy BSC4 of CLP 2015. The policy goes on to state that specialist housing for people with a range of issues including those with mental health needs and other supported housing for those with specific living needs will be encouraged in suitable locations close to services and facilities.
- 9.4. The introduction of fourteen flats (plus two for support workers) for supported living for residents with learning difficulties and mental health needs would provide specialist accommodation for people with identified needs. The accommodation would allow residents to live with some independence but with support available if necessary.
- 9.5. The site is in a sustainable location within proximity to public transport, shops, medical facilities and services without the need for car use. Overall, the proposal would provide accommodation for an identified housing need in a sustainable location in line with Policy BSC4 of CLP 2015.

Design, impact on the character of the area and residential amenity

- 9.6. Policy ESD15 of the CLP 2015 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.

- 9.7. The proposal involves primarily a change of use of the two buildings; there would be no alterations to the external appearance of the buildings. Changes are, however, proposed to the parking area with a reduction in the number of spaces. The introduction of additional amenity space in the form of grass and planting would provide outside areas for the residents to use and enjoy. It would also help to improve the appearance of the built environment by introducing greenery and 'softening' the rather stark external areas. This would help to improve the appearance of the site and enhance the Conservation Area.
- 9.8. With regard to residential amenity, the proposal would not result in any significant changes and thus no significant or adverse impact; the authorised use is residential and the proposed use would too albeit as supported living. The most noticeable change would be that the flats would be occupied by specific groups of residents probably on a longer term basis, rather than the generally shorter term serviced flats. At least two support workers would be at the premises at all times and would be able to give help to the residents if required.
- 9.9. The impact on the character of the area would not be significant as a result of the proposed development; the external changes to the appearance of the car park would enhance the appearance of the area; the proposal is therefore in line with policy ESD15 of CLP2015.

Heritage Impact

- 9.10. The site is within a Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.11. Conservation Areas are designated heritage assets, and Paragraph 205 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.12. As discussed above, the proposed external changes are limited with no alterations to the buildings. However, the introduction of grass and planting to provide an amenity space would provide a more attractive setting to the buildings by breaking up the hardstanding. This is an improvement to the appearance of the site and would enhance the appearance of the Conservation Area in line with Policy ESD15 of the CLP 2015.

Highway Matters

- 9.13. Policy ESD15 of the CLP 2015 states that new development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Policy SLE4 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 9.14. The serviced apartments currently have on-site parking, which would be reduced as a result of this proposal to 11 spaces. Car ownership is likely to be low amongst the

residents' groups, but the provision of 11 spaces would provide parking for any car owners plus the support staff and visitors. Furthermore, the site is in a sustainable location with access to public transport and facilities. Therefore, it is considered that the proposal would provide adequate parking for use proposed in a sustainable location in line with Policy ESD15.

Affordable Housing

- 9.15. Policy BSC3 of CLP 2015 requires that schemes of 11 or more new dwellings in Banbury should provide 30% affordable housing. In this case, the proposal does not involve the creation of new dwellings the units are already in a residential use. Furthermore, the proposal would provide specialist residential accommodation on behalf of the Council.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in accordance with the application form and the following plans and documents:

Site Location Plan: Ra 3546 s3 001

Existing Site Plan Ra 3546 s3 002

Existing Floor Plans – Block 1 Ra 3546 s3 040

Existing Floor Plans – Block 2 Ra 3546 s3 045

Proposed Site Plan Ra 3546 s3 200

Proposed Floor Plans – Block 1 Ra 3546 s3 400

Proposed Floor Plans – Block 2 Ra 3546 s3 450

Existing and Proposed Elevations Ra 3546 s3 300

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the local planning authority and comply with government guidance contained within the National Planning Policy Framework.

Use

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders, with or without modification), the apartments shall be used as supported living accommodation falling within Class C3(b) and for no other purpose.

Reason: The Local Planning Authority wishes to retain control over the use of the premises in the interests of residential amenity, heritage and highway safety and in accordance with Policy ESD15 of the Cherwell Local Plan 2015.

Landscaping

4. No development shall commence until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

Cycle Parking

5. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have first been submitted to and approved in writing by the Local planning authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in

accordance with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Nicola Wheatcroft