

# Otmoor Lodge, Horton cum Studley planning history and status

## ANNEX 1

Application number	Date valid	Description	Red line position	Status	comments
04/02395/OUT	03.11.04	Extension to hotel to form 19 bedrooms and construction of four town houses with associated parking	Red line around dev site for houses and hotel extension but not part of hotel to front – other land outlined in blue	<b>WITHDRAWN</b> 17.11.06	Resolution to approve in May 2005 for (contrary to recommendation) subject to departure procedures and the applicants entering into a legal agreement to ensure the provision of the intended shop. The Secretary of State did not call in application. Legal agreement drafted but not completed (overtaken by next application).
06/00537/F	17.03.06	Extension to form 23 bedrooms with 4 detached houses/garages	Red line around dev site for houses and hotel extension but not part of hotel to front – other land outlined in blue	<b>APPROVED</b> 30.06.06 (Committee) <b>Permission expired on 22.12.09</b>	<b>Subject to S106</b> Legal Agreement re provision of shop was completed.  No conditions discharged
06/01927/OUT	27.09.06	Outline for 20 bedroom extension to hotel, shop/PO and 4 dwellings.	Red line around dev site for houses and hotel extension but not part of hotel to front – other land outlined in blue	<b>APPROVED</b> 22.12.06 (Committee) <b>Permission expired on 22.12.09</b>	This revised scheme had the extension and houses in a much tighter grouping near the rear of the existing hotel. Siting and means of access applied for under outline but access included in REM condition. Subject to conditions: 1. REM to be submitted – Scale, Appearance, Access and Landscaping 2. REM application submitted not later than 3 yrs (22.12.09) 3. Dev begun not later than 2 yrs of REM approval (22.12.11) 6. Completion of Legal Agreement  Legal Agreement never completed. REM relating to scale, appearance and layout of <b>hotel only</b>  No REM for landscaping or access rec'd or REM for 4 houses.  <b>25.01.12 Email from Bob Duxbury confirming start on site was incorrect as the above had not been complied with and there was no valid permission to enable start.</b>

Application number	Date valid	Description	Red position	line	Status	comments
07/02478/F	21.11.07	4 detached houses	Red line around houses only. Other land in blue line		<b>APPROVED</b> 20.05.08 (Delegated)  <b>Permission expired on 20.05.11</b>	Originally submitted as REM to 06/01927/OUT but as siting was included in O/L the repositioned houses, as proposed could not be a Reserved Matter. The Application was therefore treated as a FULL.  Conditioned: 3 yrs start; materials, landscaping and fence; <b>11/00111/DISC approved clearing conditions 2, 3 and 4</b>  Condition 7 – hotel ext 06/01927/OUT to be built concurrently and houses not occupied until hotel ext complete and ready for use.  <b>The 06/01927/OUT legal agreement (if it had been signed) should have been varied upon issuing the Decision Notice, but never was and no mention on the Decision Notice about completion of that legal agreement being necessary to implement this 07/02478/F consent.</b>
09/00549/F	23.04.09	Proposal for 5 dwellings	Redline around houses and front		<b>WITHDRAWN</b> 12.06.09	
09/00936/F	13.07.09	Single storey shop extension to front of existing building.	Red line around front of site only. Other land in blue line		<b>APPROVED</b> 23.10.09 (Committee) (expires 23.10.12)	3 yrs start (expires 23.10.12)
09/00937/OUT	13.07.09	Extension to form 23 bedrooms	Red line around hotel and car parking area only. Other land in blue line		<b>REFUSED</b> 23.10.09 (Committee)  No Appeal lodged	Amended design of hotel extension 3 extra rooms
09/01178/F	27.08.09	Variation of condition 7 of 07/02478/F re phasing of construction of shop, hotel facilities and housing.	Red line around houses only. Other land in blue line		<b>REFUSED</b> 23.10.09 (Committee)  No Appeal lodged	"The amended phasing of the provision of the hotel accommodation introduces uncertainty into the construction of the majority of the proposed hotel extension undermining the reasons for the original grant of planning permission for the houses (contrary to normal Green belt policy), which decision was taken to ensure the future long-term viability of the hotel/pub/restaurant business. The houses would therefore represent inappropriate development that is contrary to Policy CO4 of the South East Plan and Policy GB1 of the adopted Cherwell Local Plan; the previously expressed very special circumstances are diminished to the extent that they are considered to no longer outweigh the normal strong presumption against such inappropriate development".

Application number	Date valid	Description	Red line position	Status	comments
11/00111/DISC	26.04.11	Conditions 2, 3 and 4 of 07/02478/F		<b>APPROVED</b> 04.08.11 Fee to be returned	<i>The application related to the 06/01927/OUT that lapsed on 22<sup>nd</sup> December 2009 and therefore should not have been accepted</i>
11/00402/F	10.03.11	Variation of condition 1 of 07/02478/F to bring time limit in line with 10/01318/F	Red line only around much smaller part of site, other land in blue. (question redline?)	Not valid and no longer proceeded with. Application returned 26.10.12  Fee to be returned	DN not issued, no legal agreement completed  <i>The application related to the 06/01927/OUT that lapsed on 22<sup>nd</sup> December 2009 and therefore should not have been accepted</i>
11/01663/OUT	01.11.11	Extension of time limit of 06/01927/OUT	Red line same as 06/01927/OUT	Not valid and no longer proceeded with. Application returned 26.10.12  Fee to be returned	<i>The application related to the 06/01927/OUT that lapsed on 22<sup>nd</sup> December 2009 and therefore should not have been accepted</i>  <i>An extension of time limit application should have been made before 22.12.09 to keep this permission live</i>
11/01664/F	02.11.11	Remove condition 5 of 06/01927/OUT	Redline around whole site	<b>REFUSED</b> (Committee) 27.01.12  No Appeal lodged	<i>The application related to the 06/01927/OUT that lapsed on 22<sup>nd</sup> December 2009 and therefore should not have been accepted</i>
11/01720/F	14.11.11	COU bar/restaurant to form shop	Around hotel section only	<b>Undetermined</b> (Delegated matter) To be Determined with recom of Approval.	

Application number	Date valid	Description	Red line position	Status	comments
09/01697/REM	24.11.09	Reserved matters approval given to design of extension to form 20 bedrooms and ancillary facilities, shop and post office and 4 dwellings.	Red line around hotel extension only. Other land in blue	<b>APPROVED</b> 15.02.10  <b>EXPIRED</b>	REM submitted for appearance, layout and scale approved for hotel extension only.  Conditioned: 1. materials for hotel extension. 2. levels for hotel extension  <b>THESE CONDITIONS WERE NEVER DISCHARGED</b>  No further REM for houses including, scale, appearance, access and landscaping was submitted, even though it is on the Decision Notice Description.  <i>Planning note included reminder of landscape and legal agreement to be submitted.</i>  <b>As outline was never fully complied with (ie legal agreement not completed and REM matters not submitted in time) the consent lapsed on 22<sup>nd</sup> December 2009)</b>
10/01021/F	05.07.10	Variation of condition 7 of 07/02478/F to permit project to be completed in two phases	Red line only around 4 houses site, other land in blue	<b>APPROVED</b> (Committee)  Not valid and no longer proceeded with. Application returned 26.10.12  Fee to be returned	<b>subject to S106</b>  Members at the 07.10.10 cttee resolved to approve subject to the completion of a S106  Red line does not correspond with O/L application redline – would only have granted consent for 4 houses.  <b>The application related to the 06/01927/OUT that lapsed on 22<sup>nd</sup> December 2009 and therefore should not have been accepted</b>
10/01318/F	26.08.10	3 detached houses and garages	Red line only around 4 houses site, other land in blue	Not valid and no longer proceeded with. Application returned 26.10.12 Fee to be returned	Revised design and siting including garages  DN not issued, no legal agreement completed  <b>The application related to the 06/01927/OUT that lapsed on 22<sup>nd</sup> December 2009 and therefore should not have been accepted</b>

Application number	Date valid	Description	Red line position	Status	comments
12/01000/F	12.07.12	Refurb hotel bar and restaurant to form public house, with shop and form 5 no. dwellings and construction of 4 detached dwellings, garages and access	Redline around whole site	<b>Refused</b>	Reasons for refusal:  1. The proposal constitutes inappropriate development within the Green Belt in that the use of the land for residential purposes with associated access road and car parking for residential and public house use, will not maintain the open and rural character of the Green Belt and will conflict with the purposes of including land within it. The very special circumstances advanced do not outweigh the harm caused to the Green Belt and the proposals are therefore contrary to the National Planning Policy Framework, Policy GB1 of the adopted Cherwell Local Plan and Policies GB1 and GB1a of the Non-Statutory Cherwell Local Plan 2011 and Policies CO4 and SP5 of the South East Plan 2009.  2. The proposed new build element of the development by virtue of its siting, design, layout, building height and scales are considered to be out of keeping with the local vernacular and would form a conspicuous and incongruous form of development to the detriment of the character and appearance of the locality and furthermore the development as a whole, fails to demonstrate an acceptable layout that provides sufficient amenity and parking space and delivery arrangements. The development is therefore contrary to the National Planning Policy Framework and Policies C4, CC6, H4, H5, T4 and BE5 of the South East Plan 2009 and Policies C7, C8, C28 and C30 of the adopted Cherwell Local Plan and Policies D1, D3 and D5 of the Non-Statutory Cherwell Local Plan 2011.
14/00430/F	18.03.14	COU of existing buildings to four dwellings	Redline around buildings, gardens & parking	<b>Approved.</b>	
14/00522/CLUE	31.03.14	Certificate of Lawful Use Existing – self-contained residential flat	Redline around building	<b>Refused</b>	Significant contradictory evidence. Enforcement action necessary

Application number	Date valid	Description	Red position	line	Status	comments
14/01153/F	08.07.14	COU from C1 into 4 no. dwellings (C3)	Redline hotel building and land to front and rear	around	Pending determination	Out with the Council's external consultation regarding the viability information received from the applicant
14/01180/F	10.07.14	COU to a public house and two dwellings and the erection of 4 no. new dwellings	Redline whole site	around	Pending determination	Out with the Council's external consultation regarding the viability information received from the applicant

**Conclusion:** On the basis that, not all reserved matters were submitted in time (December 2009) the 06/01927/OUT consent expired and all subsequent applications made should not have been accepted. The 07/02478/F gave consent for a stand alone 4 houses scheme not secured by a Legal Agreement, but referred to the 06/01927/OUT in condition no. 7, but as that consent expired in December 2009, the 07/02478/F consent was worthless as of December 2009.

All applications received after 22<sup>nd</sup> December 2009 were invalid and should not have been accepted by this Authority

Our Ref: HS/8428

6<sup>th</sup> February 2015

Mr B Duxbury & Ms T Morrissey  
Cherwell District Council  
Planning Services  
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Dear Bob & Tracey,

**Re: Otmoor Lodge Hotel, Horton-Cum-Studley**

Thank you for providing me with a copy of the hotel viability assessment produced by Mr Keane.

Having now had the opportunity to consider the comments and, in particular, the conclusion of the report, I would like to present you with our interpretation of the document and reiterate my client's proposals.

Paragraph 27.1 concludes that *the Otmoor Lodge as proposed would be a viable business but I think it unlikely that a competent operator would be willing to take on the property (meaning the hotel) as it is currently laid out and configured.*

In other words, the Otmoor Lodge (as a hotel) will not operate notwithstanding the fact it requires a significant amount of time and money to be invested in it in order to bring it up to an acceptable trading position.

In the current market and economic climate, as established by my client's marketing campaign and Mr Keane's supporting comments at paragraphs 27.1 and 27.4, of his report, there is not a competent buyer that would be willing to risk the capital required to purchase and refurbish the property (as a hotel) in the hope that the pub aspect of the hotel might make a viable return on investment.

In light of these findings, it is abundantly clear that the Otmoor Lodge as a hotel, in its current condition, is not a viable prospect and consequently it therefore cannot amount to an essential village facility. Policy S26 of the Non-Statutory Plan states; the loss of an existing village service which serves the basic needs of the local community will not be permitted unless there is conclusive evidence that the provision of the service is no longer viable and it "cannot be made viable". In context, I would therefore like to reiterate my client's proposals:

1. To convert the existing vacant hotel building into four dwellings. – The loss of the pub element within the current hotel building is justified in accordance with policy requirements of the Council as it has been found to be unviable.
2. Refurbishment/conversion of the existing vacant hotel building into a public house including two dwellings, and to erect four new building plots – this

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planning permission is required in order to raise enough capital to bring the public house back into beneficial use whilst generating a reasonable uplift in land value for my client. The Viability in Planning report produced in October 2014 by Kemp and Kemp explores this in more detail.

Based on Mr Keane's report, we see no reason why scheme no. 1 should be refused based on the loss of the Otmoor Lodge hotel. This building is proven not to be a need as a village facility and is likely to remain derelict should planning permission not be granted.

With respect to scheme no. 2, as discussed above, there is not a competent operator in the market willing to take on the hotel as it is currently laid out and configured, however my client would be willing to reinvest in bringing the bar area of the hotel back into use as a pub and into a tradable condition if planning permission is granted for the required development.

I trust my client's position and Mr Keane's report now sets the position very clear for you to recommend approval in respect of both applications to the forthcoming committee.

I would also like to remind you of our discussions during our meeting (insert date), with yourself, Bob Duxbury and (insert housing attendee), with our client's solicitors. You will recall it was agreed by Bob Duxbury that he had no issue to recommend approval of the both schemes subject to viability. I trust this now can be moved forward accordingly.

Both Huw Mellor and I are both happy to talk this through further.

I look forward to hearing from you.

Yours sincerely,

**Henry Swailes**  
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On behalf of Kemp & Kemp LLP

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