

Public Document Pack



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 24 September 2026

Time: 4.00 pm

Venue 39 Castle Quay, Banbury, OX16 5FD

Membership

Councillor Robert Parkinson (Chair)

Councillor Chris Aramini-Brant
Councillor Dr Isabel Creed
Councillor Yvonne Greene
Councillor Fiona Mawson
Councillor Dr Lisa Smith

Councillor Douglas Webb (Vice-Chair)

Councillor Besmira Brasha
Councillor Dr Faltermeyer
Councillor Ian Harwood
Councillor Rob Packard

Substitutes

Councillor Rebecca Biegel
Councillor Edward Fraser Reeves
Councillor David Hingley
Councillor David Rogers
Councillor Dr Kerrie Thornhill
Councillor John Willett

Councillor Nicola Borkmann
Councillor Mark Gorman
Councillor Lesley McLean
Councillor Rob Pattenden
Councillor Linda Ward

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 23 September 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 - 30)

To confirm as a correct record the Minutes of the meeting of the Committee held on 23 July 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 (Pages 31 - 47)

Report of Assistant Director - Planning

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. **1 Heathcote Avenue Banbury OX16 9TP** (Pages 50 - 58) **26/01243/CLUE**
- 10. **1 Heathcote Avenue Banbury OX16 9TP** (Pages 59 - 75) **26/01634/F**
- 11. **Spiceball Leisure Centre Cherwell Drive Banbury OX16 2BW** (Pages 76 - 81)
26/01423/CLUP

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.

Evacuation Procedure

If you hear the fire alarm, please leave the building via the nearest available exit. The fire assembly point is outside the Premier Inn, adjacent to the canal.

Access to Meetings

If you have any special requirements, such as a large print version of these papers or special access facilities to view a meeting online or attend a meeting in person, please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Webcasting and Broadcasting Notice

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber or joining virtually, you are consenting to being recorded and to the possible use of those images and sound recordings for webcasting and/or training purposes.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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 16 September 2026

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 23 July 2026 at 4.00 pm

Present:

Councillor Robert Parkinson (Chair)
Councillor Douglas Webb (Vice-Chair)
Councillor Chris Aramini-Brant
Councillor Besmira Brasha
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Dr Lisa Smith

Substitute Members:

Councillor Mark Gorman (In place of Councillor Yvonne Greene)
Councillor David Hingley (In place of Councillor Rob Packard)
Councillor Dr Kerrie Thornhill (In place of Councillor Dr Isabel Creed)
Councillor John Willett (In place of Councillor Jean Conway)

Apologies for absence:

Councillor Jean Conway
Councillor Dr Isabel Creed
Councillor Yvonne Greene
Councillor Rob Packard

Officers:

Paul Seckington, Head of Development Management
Shiraz Sheikh, Assistant Director Law & Governance and Monitoring Officer
Denzil Turbervill, Head of Legal Services
Rob Duckworth, Principal Planning Officer
Nicola Wheatcroft, Principal Planning Officer
Katherine Daniels, Principal Planning Officer
Lewis Knox, Senior Planning Officer
Matt Swinford, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

Declarations of Interest

11. Campsfield Immigration Removal Centre (IRC), Evenlode Crescent, Kidlington, OX5 1GN.

Councillor Fiona Mawson, Other Registerable Interest, as a member of Kidlington Town Council.

15. Part Of Os Parcels 1864 And 3655 South West Of Milestone Farm, Broughton Road, Banbury.

Councillor Chris Aramini-Brant, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Ian Harwood, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Dr Kerrie Thornhill, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

29 **Requests to Address the Meeting**

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

30 **Minutes**

The Minutes of the meeting held on 2 July 2026 were agreed as a correct record and signed by the Chair.

31 **Chair's Announcements**

1. The Chair reminded Members that should they need to leave the room for any reason, that they should be mindful of timing and endeavour to be present for officers' presentation, public addresses and participate in the debate. Members were advised that voting was ultimately a matter for their own judgment.

32 **Urgent Business**

There were no items of urgent business.

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

There were no proposed pre-committee site visits.

34 **Planning Performance Report**

The Assistant Director Planning submitted a report which detailed the Council's performance in determining planning applications for the

Government's targets on Speed and Quality, as well as general performance figures.

The Head of Development Management advised the Committee the Council went over the 10% threshold of major decisions overturned at appeal in 2024 and 2025 in the measure of quality of decisions. On 15 June 2026, the Ministry of Housing, Communities and Local Government advised that it had chosen to designate the Council as poor performing on the quality of major decisions, due to being over the 10% threshold.

The Head of Development Management explained that a comprehensive Action Plan was being prepared to support the earliest possible removal of designation. That work was being undertaken in partnership with the MHCLG and PAS, both of whom had committed to supporting the Council through the improvement process.

Resolved

- (1) That the report be noted

35 **Appeals Progress Report**

The Head of Development Management submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the report be noted.

36 **Planning Enforcement Report**

The Assistant Director Planning submitted a report that updated Members on current planning enforcement activity within the second quarter of 2026.

Resolved

- (1) That the report be noted

37 **Campsfield Immigration Removal Centre (IRC), Evenlode Crescent, Kidlington, OX5 1GN**

The Committee considered a report of the Head of Development Management which recommend the Committee authorise officers to advise the Secretary of State, the Planning Inspectorate and the Home Office that Cherwell District Council, as local planning authority, raised no objection in principle to the proposed crown development subject to:

1. The Secretary of State being satisfied that the submitted national need, operational need and security evidence justifies the proposed expansion of Campsfield Immigration Removal Centre.
2. The Secretary of State being satisfied that the proposal constitutes Grey Belt development which is not inappropriate development for the purposes of the National Planning Policy Framework, or, in the alternative, that very special circumstances exist which clearly outweigh the harm to the Green Belt and any other harm.
3. The imposition of planning conditions
4. The imposition of a legal agreement to mitigate the impact of the development

In introducing the report, the Principal Planning Officer explained that the application was made by the Home Office under the Crown development procedure. It would be determined by the Planning Inspectorate. Cherwell District Council was a consultee on the application.

The application was an outline planning application with all matters reserved (except for access) for the expansion of Campsfield Immigration Removal Centre comprising the development of new accommodation blocks and ancillary supporting accommodation, the conversion of existing site infrastructure, demolition of existing structures, creation of additional car parking, landscaping and associated site infrastructure.

It was proposed by Councillor Smith and seconded by Councillor Mawson that the Committee authorise officers, in consultation with the Portfolio Holder and Chair of the Planning Committee, to write to the Secretary of State, the Planning Inspectorate and the Home Office to advise that Cherwell District Council objects to the application subject to:

- a) The imposition of planning conditions
- b) The imposition of a legal agreement to mitigate the impact of the development
- c) Matters requiring resolution before permission could be sorted listed below:
 1. The Secretary of State must be satisfied, on complete and robust evidence, that the additional capacity is necessary; that an expanded capacity of up to 400 detained persons is justified; that the proposed scale and form of development are proportionate; and that reasonable alternative sites, configurations and less harmful means of meeting the stated need have been properly assessed.
 2. A transparent and complete Green Belt balance is required before determination as the development would cause harm to openness and to the Green Belt function of maintaining separation between settlements.
 3. A detailed operational parking justification is required due to the proposed increase from 97 parking spaces to approximately 324/325 spaces.

4. Provision of a sufficient operations detail to demonstrate how the expanded facility would safely manage a materially larger population with differing individual risk and vulnerability profiles.
5. The Council requires clear confirmation and enforceable measures to ensure that the Technology Park's present and future operation is not adversely affected.
6. Consideration of local community impact of the development and local opposition.
7. The Council requires binding and transparent arrangements to protect vulnerable people accommodated at the facility. Particular consideration must be given to LGBTQ+ persons; people with protected characteristics; victims of torture, trafficking or abuse; people with physical or mental health needs; and people detained solely under immigration powers, including those who have no criminal conviction.

Resolved

- (1) That the committee authorise officers, in consultation with the Portfolio Holder for Planning and Enforcement and Chair of the Planning Committee, to write to the Secretary of State, the Planning Inspectorate and the Home Office to advise that Cherwell District Council objects to Crown application CROWN/2026/000004/ Cherwell reference 26/01402/CROWN, unless the items that were raised and agreed by the Committee for inclusion in the officer's response have been addressed.

38

Land To The East of Claydon Road, Cropredy

The Committee considered application 25/03234/OUT, an outline planning application (with All Matters Reserved except for access) comprising a residential development of up to 74 dwellings (Use Class C3) with associated access, landscaping, amenity space, drainage and associated works at Land to the East of Claydon Road Cropredy for Obsidian Strategic Asset Management Ltd.

Geoff Scammans, on behalf of Keep Cropredy Rural and Jacqui Smith, Vice Chair of Cropredy Parish Council addressed the committee in objection to the application.

Paul Galgey, agent on behalf of the applicant, addressed the committee in support of the application.

It was proposed by Councillor Aramini-Brant and seconded by Councillor Webb that application 25/03234/OUT be refused in line with the officer recommendation for the reasons set out in their report.

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

Resolved

That, in line with officer recommendation, application 25/02895/OUT be refused for the following reasons (and any amendments to as deemed necessary), with authority delegated to officers, in consultation with the Chair of Planning Committee, to add or remove refusal reasons, in the event of an appeal being lodged against the refusal, in light of new evidence becoming available.

1. The proposal would be an urbanising form of development, would result in the permanent loss of open greenfield land at the northern edge of Cropredy and would extend built form into the Upper Cherwell Basin landscape. It fails to adequately recognise the intrinsic character and beauty of this part of the countryside, nor would it be sympathetic to the landscape setting of the northern edge of Cropredy and the Oxford Canal corridor. The proposal would adversely impact the rural setting of the village and would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character and appearance and quality of the area, and to views from sensitive public receptors, particularly users of the Oxford Canal towpath. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996, Policies SP1, CSD25, COM2, COM10, COM14, COM26 and COM27 of the draft Cherwell Local Plan 2042 and the National Planning Policy Framework including paragraphs 135 and 187.
2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future residents would be highly reliant on the private car to meet their day to day needs which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development therefore conflicts with Policies ESD1 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1, Policies CSD1, CSD22 and CSD23 of the draft Cherwell Local Plan 2042 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1, Policies COM2, COM20, COM23 and COM24 of the draft Cherwell Local Plan 2042, and Government guidance contained within the National Planning Policy Framework.

39

Land Adjoining And West Of Bloxham Recreation Ground, South Newington Road, Bloxham

The Committee considered application 25/02895/OUT, an outline application with All Matters Reserved except for access, for up to 95 dwellings (Use Class C3) with associated works at Land Adjoining And West Of Bloxham Recreation Ground, South Newington Road, Bloxham for David Wilson Homes South Midlands.

Councillor Rob Pattenden addressed the Committee as Local Ward Member.

Neil Homer, on behalf of Bloxham Parish Council, addressed the Committee in objection to the application.

Eleanor Gingell, agent on behalf of application, addressed the Committee in support of the application.

It was proposed by Councillor Hingley and seconded by Councillor Webb that application 25/02895/OUT be refused, against officer recommendation, as the proposal would result in an urbanising form of development and would be detrimental to the Slade Nature Reserve and its landscape setting and would result in a harmful visual intrusion of development into the landscape and open countryside. The proposal would also detrimentally affect the village entrance and rural setting and result in significant adverse effects to the character and appearance of the area. The proposal was not allocated for developments in the emerging Bloxham Neighbourhood Plan 2024-2042 and given its scale would be contrary to the housing strategy of the Plan. The proposal was contrary to Policies Villages 2, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C33 of the Cherwell Local Plan 1996, Policies BL1, BL3 and BL9 of the emerging Bloxham Neighbourhood Plan 2024-2042 and the National Planning Policy Framework including paragraphs 135 and 187.

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

Resolved

That, against officer recommendation, application 25/02895/OUT be refused for the reasons below.

1. The proposal would result in an urbanising form of development, and the permanent loss of open greenfield land in a prominent location at the entrance to the village of Bloxham, and would be detrimental to the Slade Nature Reserve and its landscape setting and would result in a harmful visual intrusion of development into the landscape and open countryside. The proposal would also detrimentally affect the village entrance and rural setting though the formation of a hard surfaced, three

metre wide cycleway which would result in the loss of grass verge and vegetation inappropriate to the rural context. The proposal would therefore result in significant adverse effects to the character and appearance of the area. In addition, the site is not allocated for development in the emerging Bloxham Neighbourhood Plan 2024-2042 and given its scale would be contrary to the housing strategy of the said Plan, which has now reached an advanced stage in the plan making process, and the proposal would have an adverse cumulative impact on the character of the village. The identified harm significantly and demonstrably outweighs the benefits of the proposed development. The proposal is therefore contrary to Policies Villages 2, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C33 of the Cherwell Local Plan 1996, Policies BL1, BL3 and BL9 of the emerging Bloxham Neighbourhood Plan 2024-2042 and the National Planning Policy Framework including paragraphs 135 and 187.

2. In the absence of the completion of a satisfactory Section 106 Agreement, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the Cherwell Local Plan 2011-2031 Part 1, Policies COM2, COM20, COM23 and COM24 of the draft Cherwell Local Plan 2042, and the National Planning Policy Framework.

40

Land At Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchingdon Road, Islip

The Committee considered application 25/02918/OUT, an outline application (All Matters Reserved except for Access) for the development of up to 150 homes (Class C3), up to 70-bed care home (Class C2), up to 65 no. retirement/assisted living units (Class C2/C3) and associated facilities, car parking associated with the neighbouring land use (sui generis), public open space, pedestrian and cycle links, play area, drainage, landscaping, and all other related works including the removal of fuel storage tanks and associated engineering/remediation works and demolition of associated structures and buildings at Land At Islip Fuel Depot, Adjoining Oxford to Bicester Railway, Bletchingdon Road, Islip for Barwood Development Securities Ltd and NCM Real Returns Property GP Ltd.

Dennis Price and Andrew Smith on behalf of Islip Parish Council addressed the Committee in objection to the application.

Sarah Butterfield, agent on behalf of the application, addressed the Committee in support of the application.

It was proposed by Councillor Dr Thornhill and seconded by Councillor Brasha that application 25/02918/OUT be approved in line with officer recommendation.

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

Resolved

- (1) That, in line with officer recommendation, authority be delegated to the Assistant Director - Planning to grant permission for application 25/02918/OUT 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):
 - Expansion and efficiency improvements of Household Waste Recycling Centre. £22,253.
 - Increase Capacity and Stock at Kidlington Library Service: £23,844
 - £258,264 towards creation of additional clinical capacity at Islip Medical Practice or an identified primary care estates project in the local area to serve the development.
 - The Recreation and Leisure Team at Cherwell District Council have requested the following contributions towards:
 - Enhancement of Community Hall Facilities in the locality based on 2.4 person per dwelling = £165,301.20
 - Outdoor Sport provision based on £585,650.00. This contribution is considered to accord with policy BSC11 and the CDC Playing Pitch Strategy which identifies the need for improved pitches at Islip or Kidlington sports facilities.
 - Indoor Sports provision contribution £219,882.00. This contribution will go towards improving indoor sport provision.
 - Community Development Worker contribution of £37,449.61. The Community Development Worker would help integrate residents into the community and wider area.
 - Community Development Fund. £12,825.00. This contribution is considered to accord with the aims of Chapter 8 of the NPPF and promoting health and safe communities, specifically the aim of promoting social interaction.
 - Public Art. A contribution of £250 per dwelling plus 5% management and 7% maintenance has been requested towards public art. Based on the above this would amount to £73,870.00 No details have been provided on what public art this will be used to fund so I do not consider that it would meet the three tests contained within paragraph 58 of the NPPF. The applicant has

however agreed to pay this contribution, so this is a benefit in the planning balance.

- Oxfordshire County Council has requested the following financial contributions:
 - £5,000 Highway works for Kidlington Road signage
 - £5,933.60 towards wayfinding
 - £388,740 towards public transport services
 - £100,000 towards bus stop improvements
 - £3,840 towards Traffic Reg Order
 - £4,070 towards travel plan monitoring
 - £1,465, 914 towards Primary education
 - £1,453,680 towards Secondary education
 - £101,556 towards costs of acquiring a new secondary school site
 - £129,842 towards special education
 - TVP has requested £30,521 for a contribution towards additional staff, vehicles, premises, equipment, APNR cameras.
- TVP has requested £30,521 for a contribution towards additional staff, vehicles, premises, equipment, APNR cameras.

Conditions

1. 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 three years 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 (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

3. 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 (Titled: 4274 01 Rev D)
- Islip Access Plan (Titled: 08756-0101 Rev J)
- Bletchington Road Plan (Titled: 08756-0111 Rev P03)
- Swept Path Analysis Plan (Titled: 08756-0102 Rev P01)
- High Street Crossing Point (Titled: 08756-0112 P02)

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.

4. No development shall commence until a phasing plan covering the entire application site shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved phasing plan, and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD16, ESD17 and SLE4 of the Cherwell Local Plan 2011/2031 Part 1 and Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework

5. Prior to the submission of any reserved matters application, a Design Code to include the distribution of land uses, form of buildings, street frontage, materials, servicing, parking and sustainability features shall be submitted to and approved in writing by the local planning authority. Thereafter, each reserved matters application shall be submitted in accordance with the approved Design Code.

Reason: To ensure a high quality development and appropriate infrastructure in accordance with Policies BSC8, BSC9, BSC10, BSC11, BSC12, ESD1, ESD2, ESD3, ESD5, ESD6, ESD7, ESD8, ESD10, ESD13, ESD15, ESD17 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

6. No development shall commence until details of the existing and proposed ground levels and finished floor levels of the development in relation to the adjacent buildings have been submitted to and approved in writing by the local planning authority. The development hereby

permitted shall be constructed in accordance with the approved levels and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities 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.

7. 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 strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety 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.

8. No development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:
 - a) Details of wheel cleaning/wash facilities, to prevent mud from being carried onto the adjacent highway by vehicles.
 - b) Contact details of the Project Manager and Site Supervisor responsible for on-site works.
 - c) Details of how appropriately trained banksmen will be used for guiding vehicles and unloading.
 - d) Details of where staff and visitors to the construction site will park.
 - e) Details of times for deliveries to and the removal of materials from the site.
 - f) Layout plan of the site that shows haul roads, site storage, compound and pedestrian routes.
 - g) Measures to control the emission of dust and dirt during construction

The development shall then be undertaken in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of any residential dwelling, a Residential Travel Plan meeting the requirements set out in the Oxfordshire County

Council guidance document, Transport for New Developments; Transport Assessments and Travel Plans (March 2014) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Residential Travel Plan.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

10. Prior to the first occupation of the care home, a Care Home Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans (March 2014)" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved care home Travel Plan.

Reason: To encourage occupiers of the new dwellings to use sustainable modes of transport in accordance with the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the site shall be managed in accordance with the details of 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.

12. No development shall take place (including demolition, ground works, vegetation clearance) 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:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'Biodiversity Protection Zones';
- c) 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);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;

- h) Use of protective fences, exclusion barriers and warning signs i)
Badger surveys
- i) Soft felling measures for trees with bat roost potential

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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.

13. 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 or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties 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 development do not adversely impact the amenities of existing residents in the locality in accordance with saved Policies ENV1 and C30 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.

14. No occupation shall take place on any phase of the development until a detailed lighting strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- a) Lighting for play
- b) Lighting for public realm and walking and cycling routes
- c) Landscape and ecological areas where lighting will be prohibited.
- d) A strategy for roads and development parcels.
- e) A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance with Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 Part 1 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

15. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- a) A site investigation scheme, based on the Desk Study, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- b) The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with government guidance contained within the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

17. Construction shall not begin until 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 subsequently be 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 the development is served by sustainable arrangements for the disposal of surface water, 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

18. 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.pdf 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 the development/site is served by sustainable arrangements for the disposal of surface water, 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.

19. The development shall not be occupied until confirmation is provided that either:

1. All necessary upgrades to the foul water network to accommodate additional flows from the development have been completed; or
2. A phasing plan for development and infrastructure, agreed with Thames Water and the Local Planning Authority, is in place. Where such a plan exists, no occupation shall occur other than in accordance with the approved phasing schedule.

Reason: Network reinforcement is likely to be required to support the proposed development. These upgrades are essential to avoid the risk of sewer flooding and pollution incidents.

20. No development shall be occupied until confirmation has been provided that either: all water treatment upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no water and treatment upgrade works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid no water incidents.

- (1) It was further resolved that when the statutory determination period for this application expired on 12 June 2026, if the section 106 agreement/undertaking was not completed and the permission was not able to be issued and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director - Planning to refuse the application for the following reason:
1. 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, SLE4 INF1 of the Cherwell Local Plan 2011-2031 Part 1 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.

41

Part Of Os Parcels 1864 And 3655 South West Of Milestone Farm, Broughton Road, Banbury

The Committee considered application 25/02863/OUT, an outline application for the development of up to 76 dwellings, green and blue infrastructure, open space and associated works, with All Matters Reserved apart from access at Part Of Os Parcels 1864 And 3655 South West Of Milestone Farm Broughton Road Banbury for Kler Group.

Councillor Kieron Mallon addressed the Committee as Local Ward Member.

Richard West, agent on behalf of the applicant, addressed the Committee in support of the applicant.

It was proposed by Councillor Dr Thornhill and seconded by Councillor Brasha that application 25/02863/OUT be approved in line with officer recommendation.

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

Resolved

- (1) That, in line with officer recommendation, authority be delegated to the Assistant Director for Planning to grant permission for application 25/02863/OUT 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 - £83,742.68
 - c) contribution to CDC towards outdoor sport provision - £214,237.00
 - d) contribution to CDC towards indoor sport at Woodgreen Leisure Centre or a new indoor sport facility in the locality - £81,171.00
 - e) contribution to CDC towards public art within the vicinity - £21,280
 - f) payment of the District Council's monitoring costs of £5,000
 - g) contribution to OCC of £120,000 for Highway Works
 - h) contribution to OCC of £103,664 for enhanced public transport services
 - i) contribution to OCC of £14,864 for enhanced public transport infrastructure
 - j) contribution to OCC of £4,224 for Traffic Regulation Order
 - k) contribution to OCC of £750,186 for secondary education provision
 - l) contribution to OCC of £72,468 for secondary education land
 - m) contribution to OCC of £70,823 for special education needs
 - n) contribution to OCC of £7,866 for household waste and recycling centres
 - o) payment of the County Council's monitoring costs – TBC and
 - p) contribution to BOBICB for health care enhancements – £68,870

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.

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 TBC

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.

Highways

5. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing prior to the first trench being dug by the Local Planning Authority including the swept paths of the refuse vehicle covering all manoeuvres and all ancillary works

therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

Reason: To ensure a safe and adequate access.

6. Visibility splays shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.6 metres above the level of the access they are provided for.

Reason: In the interests of road safety.

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 and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- 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.
- Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- 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 other part of the development shall be occupied until the offsite highway works have been laid out and constructed in accordance with details to be submitted to and first approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall include:
 - Proposed site access arrangements, pedestrian infrastructure and new bus stops (eastbound/westbound) as shown in principle on Drawing no. 3794-ADC-HGN-XX-DR-CH-0100-S1-Rev P04 including the provision of signalised pedestrian crossing connecting the two new bus stops (eastbound/westbound) located on Broughton Road.

Reason: To ensure a safe and adequate access to the site for all use

9. Prior to the first use or occupation of the development hereby approved, details including exact locations of the proposed two new bus stops (eastbound and westbound) 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: In the interests of safety and convenience of users of the public transport services.

10. Prior to occupation of the development details shall be submitted for the approval of the Local Planning Authority for a scheme for parking, garaging and manoeuvring in accordance with Oxfordshire's "Parking Standards for New Developments". The approved scheme shall be implemented and made available for use before the development hereby permitted is occupied and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

11. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with details to be submitted and approved by the Local Planning Authority and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway.

12. Prior to the first occupation of the development hereby approved, a Residential Travel Information Pack shall be prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", and submitted to and

approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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

13. Full specification details of an all-weather surfaced pedestrian path linking the residential footways within the site to the northeastern boundary via the existing public right of way including the connection point into the adjacent site (located to the east) and the proposed delivery timescales for this pathway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All associated works therein specified shall be undertaken in accordance with the approved timeframe before first occupation of the dwellings hereby approved.

Reason: To ensure a safe and adequate pedestrian connectivity to the adjacent site.

Archaeology

14. 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).

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, 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 staged programme of archaeological evaluation and 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).

Drainage

16. 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.

Ecology

17. 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.

18. 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.

19. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

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.

20. No development shall commence above slab level until a method statement for enhancing ecology including at least one bird/bat box per dwelling and all enhancement measures in the Ecological Appraisal report 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.

21. A revised ecological survey shall be undertaken prior to the submission of any reserved matters application if the baseline data as submitted in this application is out of date. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local planning authority. Thereafter, the development shall be carried out in full 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

22. 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.

23. 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.

24. No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

25. No development shall be occupied until confirmation has been provided that either:-

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or

- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

- (2) It was further resolved that when the statutory determination period for this application expired on 24 July 2026 if the section 106 agreement/undertaking was not completed and the permission was not able to be issued by this date and no extension of time had been agreed between the parties, authority be delegated to the Assistant Director - Planning 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.

The meeting ended at 8.30 pm

Chair:

Date:

This report is Public.	
Appeals Progress Report	
Committee	Planning Committee
Date of Committee	24 September 2026
Portfolio Holder	Portfolio Holder for Planning and Development, Councillor Chris Aramini-Brant.
Date Portfolio Holder agreed report.	16 September 2026
Report of	Assistant Director Planning, David Peckford

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	There are no direct financial implications arising from this report. The council is aware that there are appeals in the system where the costs are unclear during this moment of time however, the council has taken action to minimise the cost of appeals where it can, but it's not clear what the costs associated with these appeals will be yet. It should be noted that if future appeal costs were to exceed core budget and if the service is unable to absorb these costs, then a

	request for use of reserves will be necessary, the position will be closely monitored by the council.			Kimberley Digweed, Finance Business Partner: 16 September 2026
Legal	As this report is purely for information there are no legal implications arising.			Denzil Turbervill Law & Governance Legal Services:
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:
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.
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

Written Representations

4.1 New Appeals

Written Representations	Informal Hearing	Public Inquiry
9	0	0

4.1.1 The new Written Representation appeals are:

- **2 appeals relating to Permission in Principle**
 - Land East of the Willows, Adjacent to Blacklocks Hill, Nethercote, OX17 2BN - Application for Permission in Principle for the proposed development of between 5-9 self- or custom-made dwellings

- Land East of Moorlands Farm, Fencott Road, Murcott, OX5 2RE – Permission in Principle for 2 or 3 dwellings
- **1 appeal relating to change of use of amenity land**
 - 6 Dryden Avenue, Bicester, Oxfordshire, OX26 2NJ – Change of use of amenity land to domestic use and the erection of a fence
- **1 appeal relating to self-build**
 - Land adjacent to 71 Wear Road, Bicester, OX26 2FF - Proposed dwelling and access including dropped kerb (self-build)
 - Brook Court, Fencott, Kidlington, OX5 2RD – Single storey extension x2
- **1 appeal relating to a TPO**
 - Tinkle Cottage, The Green, Adderbury, OX17 3NG - T1, T2, T3, T4 - Yew Trees - To fell all four trees and replace with Laburnum, Silver Birch and Dogwood/Rowan trees - subject to TPO 7/1995
- **1 appeal relating to change of use**
 - 81 North Street, Fritwell, OX27 7QR – Change of use of redundant agricultural land to the northeast to residential garden and a new farm access
- **1 appeal relating to removal of boundary wall**
 - Treetops, 28 Dashwood Road, Banbury, Oxfordshire, OX16 5HD – Removal of part of front boundary wall and extension of existing dropped kerb

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

In Progress/Awaiting Decision

Written Representations	Informal Hearing	Public Inquiry
6	0	4 (3 as 1 event)

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

Enforcement Appeals

4.2 New Appeals

4.2.1 There are 2 new enforcement appeals:

- OS Parcel 5987 Adjacent River Cherwell and part of A34, By Hampton Gay and Poyle, Hampton Gay and Poyle, Oxfordshire, OX15 8AS - Without planning permission, the importation and storage of waste, formation of hard surfaces and raising ground levels beyond the natural level, and the use of The Land for the storage/processing of motor vehicles. ("Kidlington Bicester Road Waste Site") SOUTH SITE
- Cropredy Lawn, Cropredy Lawn Road, Cropredy, Banbury, OX17 1DR – Unauthorised change of use of agricultural land (Us Class sui generis) to camping site and the installation of 2 NO. glamping pods

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

4.3.1 There are 0 new Public Inquiries:

4.3.2 There are 4 Public Inquiries waiting to be heard

4.4 Award of costs

4.4.1 There are no award of costs

4.4.2 There is 1 new Appellant's Award of Costs Application:

- The Bell Inn Public House, Manor Road, Great Bourton, OX17 1QP - Change of use from public house (sui generis) to a Class C3 dwellinghouse without planning permission.

4.5 Appeals Results

4.5.1 25/03055/F – 73 High Street, Kidlington, OX5 2DN

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

Appeal Dismissed

The Planning Inspector dismissed the appeal and upheld the Council's refusal of retrospective planning permission. The Inspector accepted that the building forms part of a Non-Designated Heritage Asset (NDHA) and found no evidence to

challenge that designation. He placed significant weight on the planning history, noting that the development carried out did not follow the original 2023 planning permission and that a previous appeal relating to similar works had already been dismissed. The Inspector concluded that what was built was substantially different from the approved scheme, transforming a modest extension into a much larger dwelling.

The Inspector found that the extension's scale, massing, window design and roof treatment harmed the character and significance of the heritage asset. Although the harm was assessed as "less than substantial," no public benefits were identified to outweigh it. The amendments made since the previous appeal were considered minor and insufficient to address earlier concerns. Personal and health circumstances were given little weight because supporting evidence was not submitted to the appeal. As a result, the proposal was found to conflict with local planning policies protecting heritage assets and promoting good design, and the appeal was therefore dismissed.

4.5.2 26/03055/F – Land west of Foxden Way, Great Bourton, Banbury, Oxfordshire, OX17 1QY

Outline planning application with All Matters Reserved save for access for up to 5 age-restricted (over 55) self/custom-build single-storey bungalows at land west of Foxden Way, Great Bourton

Appeal Dismissed

The Planning Inspector dismissed the appeal for five self-build bungalows on land at Great Bourton. The Inspector found that the site lies outside the village's built-up area and forms part of the surrounding countryside. Due to its rural setting and separation from the main village, the proposed development would represent an unwelcome encroachment into the countryside, harming the character, appearance and rural setting of Great Bourton. The proposed layout was also considered suburban in nature and out of keeping with the village's more organic pattern of development.

The Inspector also concluded that the site is not a sustainable location for housing. Great Bourton has very limited services and public transport, while essential facilities are located in nearby settlements and are not easily accessible on foot or by bicycle. Future residents would therefore be heavily dependent on private cars, contrary to local planning policies that seek to direct housing to more sustainable locations. In addition, the proposal failed to demonstrate that it could achieve the required Biodiversity Net Gain because the necessary legal agreements and evidence had not been secured.

Although the scheme would have provided five additional homes and some economic benefits during construction, these advantages were not considered sufficient to outweigh the identified harms. The Inspector found that the adverse impacts on the countryside, the unsustainable location of the development and the lack of evidence regarding biodiversity enhancement significantly outweighed the benefits, and the appeal was therefore dismissed.

4.5.3 Land to the Rear of Mole End, Main Street, Great Bourton, Oxfordshire,

OX17 1QU

Permission in principle – development of between 8 no and 9 no residential dwellings

Appeal Dismissed

The Planning Inspector dismissed the appeal for permission in principle for 8 to 9 homes on land behind Mole End in Great Bourton. The main reason was that the proposal would not make efficient use of the site, contrary to Local Plan Policy BSC2, which expects residential development to achieve a density of at least 30 dwellings per hectare unless there are clear planning reasons for a lower density. The Inspector found that the proposal would deliver only around 14 to 16 dwellings per hectare, and the appellant had not demonstrated sufficient justification for such a low-density scheme. The Inspector considered that the site's size, shape and characteristics would allow a more efficient form of development without harming the character of the village or nearby heritage assets.

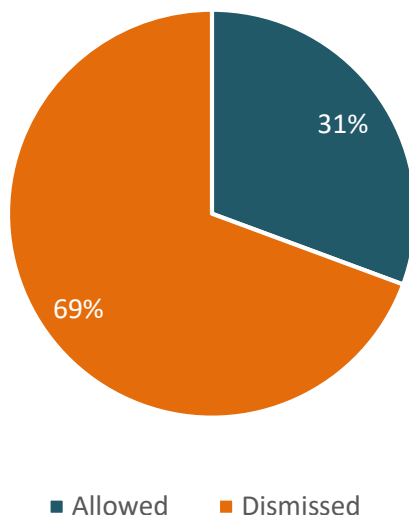
While the Inspector acknowledged that Great Bourton contains a mix of housing styles and densities, there was no evidence that a higher-density scheme would be out of keeping with the local area. The appeal also benefited from being in a district with a significant housing land supply shortfall, meaning that additional homes would help meet local housing needs and provide economic benefits through construction and future resident spending. However, the Inspector noted that an existing permission in principle already exists for 8 or 9 dwellings on a smaller site area, which would make more efficient use of the land.

In balancing the benefits against the harm, the Inspector concluded that the proposal conflicted with both local and national policies that promote efficient land use, particularly in areas experiencing housing shortages. Although the development would deliver new homes and other modest benefits, these were outweighed by the failure to optimise the site's development potential. As a result, the appeal was dismissed and permission in principle was refused

4.6 Appeal Decision Data

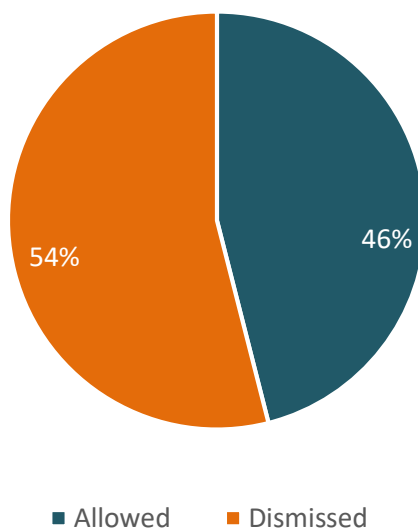
4.6.1 So far in 2026 there have been 31 appeal decisions, 9 allowed, 1 part allowed/part dismissed and 21 dismissed making a total of 9.5 allowed and 21.5 dismissed.

Appeal Decisions 2026 (so far)



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

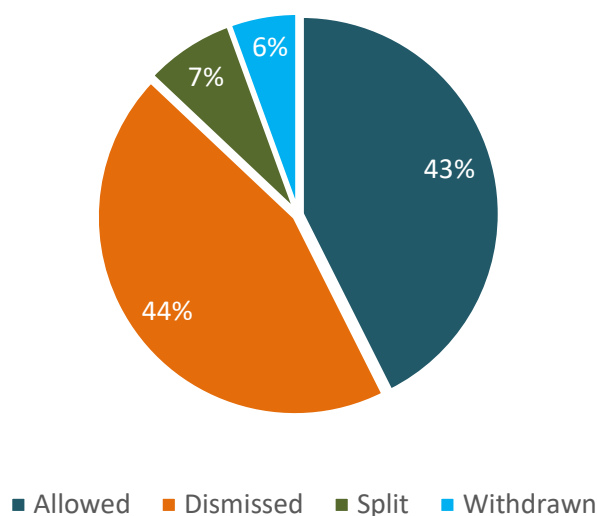
Appeal Decisions 2025



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

and 3 withdrawn.

Appeals Decisions 2024



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 30 appeal decisions following delegated decisions, and 1 following a committee decision (The Bell Inn, Great Bourton, a committee overturn) Cherwell District Council.

4.6.6 Of the 30 delegated decisions, 9.5 were allowed (31%) and 20.5 (66%) were dismissed. The 1 committee decision (3%) 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
Appendix 2	Enforcement Appeal
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 for Place and Regeneration, Ian Boll 16 September 2026

Appendix 1 - Planning Appeals

New Written Reps Appeals Received: 9

Application Number	Location	Description (summary)	LPA Decision:	Start Date
26/01010/PIP	Land East of the Willows, Adjacent to Blacklocks Hill, Nethercote, OX17 2BN	Application for Permission in Principle for the proposed development of between 5-9 self or custom made dwellings	Delegated Non - Determination	23/06/2026
26/00405/F	6 Dryden Avenue Bicester Oxfordshire OX26 2NJ	Change of use of amenity land to domestic use and the erection of a fence	Delegated Refused	08/07/2026
26/00413/TPO	Tinkle Cottage, The Green, Adderbury, OX17 3NG	T1, T2, T3, T4 - Yew Trees - To fell all four trees and replace with Laburnum, Silver Birch and Dogwood/Rowan trees - subject to TPO 7/1995	Delegated Refused	08/07/2026
25/03337/F	Land adjacent to 71 Wear Road, Bicester, OX26 2FF	Proposed dwelling and access including dropped kerb (self-build)	Delegated Refused	13/07/2026
26/01462/PIP	Land East of Moorlands Farm, Fencott Road, Murcott, OX5 2RE	Permission in Principle for 2 or 3 dwellings	Delegated Refused	28/07/2026
26/00247/LB	Brook Court, Fencott, Kidlington, OX5 2RD	Single storey extension	Delegated Refused	06/08/2026

26/00246/F	Brook Court, Fencott, Kidlington, OX5 2RD	Single storey extension	Delegated Refused	06/08/2026
26/00090/F	81 North Street, Fritwell, OX27 7QR	Change of use of redundant agricultural land to the northeast to residential garden and a new farm access	Delegated Refused	10/08/2026
26/00015/F	Treetops, 28 Dashwood Road, Banbury, Oxfordshire, OX16 5HD	Removal of part of front boundary wall and extension of existing dropped kerb	Delegated Refused	13/08/2026

Written Reps Appeals Outstanding : 6

Application Number	Location	Description (summary)	LPA Decision:	Start Date
24/00379/TPO	Rectory Farm, Mill Lane, Upper Heyford, OX25 5LH	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

24/01646/ 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	27/03/205
25/00794/TPO	4 Paxmans Place, Banbury, Oxon, OX15 5EU	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
26/00019/F	Manor Court, North Side, Steeple Aston, Oxfordshire, OX25 4SE	Two storey rear extension to replace existing single storey extension; window replacement; associated internal refurbishment.	Non-determination Delegated	28/04/2026
26/02893/PIP	Plot 1, F I M Renewable Energy Farm, Mill Lane, Kirtlington, Kidlington, OX5 3HW	Permission in Principle - Proposed conversion of existing building to form 2 no. dwellinghouses	Refused Delegated	15/04/2026
25/03350/F	Land 7608 adjacent to Crowcastle Lane, North of Kirtlington Allotments, Kirtlington, Oxfordshire, OX5 3HP	RETROSPECTIVE - Retention and re-location of an existing storage container, which is to be timber clad, and retention of existing permeable hardstanding.	Refused Delegated	12/06/2026

New Informal Hearing Appeals Received: 0

New Public Inquiry Appeals Received: 0

Application Number	Location	Description (summary)	LPA Decision:	Start Date

Public Inquiry Appeals Waiting to be Heard: 4

Application Number	Location	Description (summary)	LPA Decision:	Start Date
22/01340/OUT	OS Parcel 6124, East of Baynards Green Farm, Street to Horwell Farm, Baynards Green, Oxfordshire, OX27 7RD	Application for outline planning permission (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)(ii) 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	Refused Committee	16/04/2026

21/03627/OUT	OS Parcel 0006, South East of Baynards House, adjoining A43 Baynards Green, Ardley, Oxfordshire, OX27 7RD	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	Refused Committee	16/04/2026
21/03628/OUT	OS Parcel 2636, NW of Baynards House, Ardley, OX27 7SQ	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; 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	Refused Committee	16/04/2026
25/01346/OUT	Part OS Parcel 0006, North of the Moors, Kidlington, Oxfordshire, OX5 2AG	Outline planning 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 access	Refused Committee	29/06/2026

Appendix 2 – Enforcement Appeal

New Enforcement Appeals Received: 2

Application Number	Location	Description (summary)	LPA Decision:	Start Date
21/00377/ENF	OS Parcel 5987, Adjacent River Cherwell and Part of A34, by Hampton Gay and Poyle, Hampton Gay and Poyle, Oxfordshire, OX15 8AS	Outline planning 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 access	Enforcement Notice	18/06/2026
21/00413/ENF	Cropredy Lawn, Cropredy Lawn Road, Cropredy, Banbury, OX17 1DR	Unauthorised change of use of agricultural land (Use sui generis) to camping site and the installation of 2 No. glamping pods	Enforcement Notice	07/08/2026

Enforcement Appeals Outstanding: 3

Application Number	Location	Description (summary)	LPA Decision:	Start Date
23/00001/ENF	Ashberry Cottage, Duns Tew, Bicester, OX25 6JS	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

25-11-ENF 22/00012/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington, Banbury, OX17 1QE	Erection of barn and use as an indoor riding arena, pilates studio and chiropractors and associated hard standing.	Enforcement Notice	08/09/2025 On hold waiting for further instruction from PINs.
25-11-ENF 22/00527/ENF	Point to Point Farm, Street from Claydon to Southam Road, Mollington Banbury, OX17 1QE	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'. 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 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.	Enforcement Notice	08/09/2025 On hold waiting for further instruction from PINs (Planning Inspectorate).

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 24 September 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	1 Heathcote Avenue Banbury OX16 9TP	26/01243/CLUE	Banbury Calthorpe And Easington	Approval*	Daisy Kay-Taylor / Nathanael Stock
10	1 Heathcote Avenue Banbury OX16 9TP	26/01634/F	Banbury Calthorpe And Easington	Approval*	Daisy Kay-Taylor / Nathanael Stock
11	Spiceball Leisure Centre Cherwell Drive Banbury OX16 2BW	26/01423/CLUP	Banbury Cross And Neithrop	Approval*	Michael Sackey

*Subject to conditions

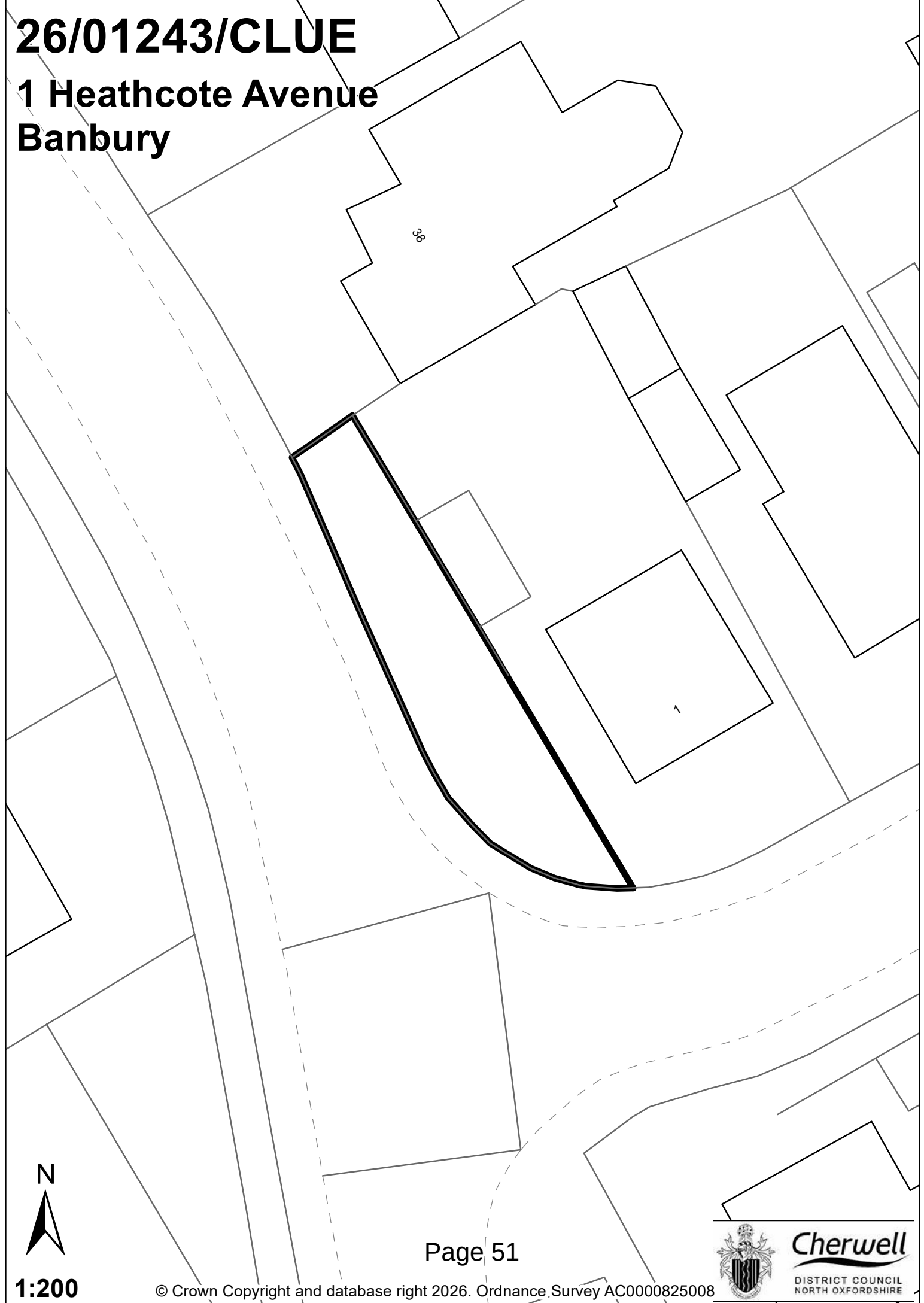
Cherwell District Council Democratic and Elections Team, 39 Castle Quay, Banbury, OX16 5FD

Agenda Item 9
26/01243/CLUE

**1 Heathcote Avenue
Banbury**



26/01243/CLUE
1 Heathcote Avenue
Banbury



1:200



26/01243/CLUE

**1 Heathcote Avenue
Banbury**



Case Officer: Daisy Kay-Taylor / Nathanael Stock

Applicant: Mrs Nuzhat Asma Chaudhry

Proposal: Certificate of lawfulness existing - Use of amenity land as residential garden/domestic curtilage

Ward: Banbury Calthorpe And Easington

Councillors: Councillors John Brown, Ian Harwood, Kieron Mallon

Reason for Referral: Called in by Councillor Mallon for the following reasons:

- No evidence is submitted to support that this land has been used for private amenity land at any time

- The planning history of this site (1 Heathcote Avenue)

Also mentions detrimental impact of any hedge/fence on highway safety; loss of public amenity land to residents, loss of a shared space; and landscape impact on openness of the area.

Expiry Date: 28 September 2026

Committee Date: 24 September 2026

SUMMARY OF RECOMMENDATION: GRANT THE LAWFUL DEVELOPMENT CERTIFICATE

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of land to the west / south-west of 1 Heathcote Avenue, a detached, two-storey dwelling, occupying a corner plot position facing Heathcote Avenue and with its side elevation being adjacent to Elton Road. The land in question is between the dwelling/its garden and Elton Road.

2. CONSTRAINTS

- 2.1. The application site is within the built limits of Banbury and is bounded by residential properties to its north and east. The site is not within a designated conservation area and there are no other significant constraints e.g. footpaths, contamination, flood risk or records of protected species that may impact assessment of the planning application. The property's permitted development rights have been removed in respect of any gate, fence, wall or other means of enclosure.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks to demonstrate that an area of land has been used continuously as part of the residential garden of 1 Heathcote Avenue for a period of time exceeding ten years, and that the use of land is lawful through the passage of time.

- 3.2. The application is accompanied by a Design and Access Statement and a Land Registry title plan.
- 3.3. If this use can be demonstrated, a Lawful Development Certificate could be issued and the use of the land as part of the garden of 1 Heathcote Avenue would become immune from enforcement action.

4. RELEVANT PLANNING HISTORY

- 4.1. The site has the following planning history, albeit none of it is considered relevant to the current proposal:

26/01634/F - Demolition of garage and erection of single storey extensions to side and rear and addition of box dormer to side roof slope (revised scheme of 25/02081/F to amend the roof of the rear extension from a flat roof to a pitched roof and to make changes to fenestration) – under consideration

25/02081/F - Demolition of part garage and erection of single storey extensions to side and rear and addition of box dormer to side roof slope – granted with conditions, 21.01.2026

B.21/71 - Erection of 119 bungalows and houses with roads and sewers. Permitted 13 April 1971

10/00901/F - New dormer windows, granny annex and garage. Application withdrawn 03 August 2010

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 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 **25 June 2026**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Objections have been received from 2 households. The comments raised by third parties are summarised as follows:

- Deficiencies in evidence – lack of objective primary evidence; evidence is inconsistent and does not demonstrate uninterrupted use for the required statutory period; no utility records, tenancy agreements, independent statements and reliable dated material; the evidence is patchy, ambiguous and insufficient to establish continuous use by the applicant; no evidence that the land has been “off-limits” to the general public
- Inconsistency with established facts and local knowledge – based on local residents’ “direct and longstanding” knowledge of the site the use has not been continuous and differs materially from historic use; the applicant’s evidence focuses on historic periods rather than proving unbroken continuity
- Material change and intensification – the current use appears materially different from any alleged historic baseline; impact on immunity period

- Reliance on historic rather than current evidence – insufficient information re continuity up to the date of the application; certificates cannot be approved or granted if the evidence to support its application is not sufficiently met.
- No evidence that the site has been regularly maintained
- Scope of any certificate granted – any certificate should be strictly to the use proven and must not authorise fencing of further development affecting visibility, and must prohibit the continual or any future extensions of the dwelling
- Non-material considerations – site condition; lack of consistent maintenance; highway safety; absence of boundary fence; any activity has been limited to routine maintenance rather than operational development; potential HMO use; timing of the application; the withdrawn planning application; the applicant's intention to build on the land subject of the application, and to submit a new planning application should the LDC be issued.

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: **Objects**, commenting - There seems to be no evidence submitted to support the assertion that this land has been used for private amenity land. As such the application does not meet the requirements of the Act. The land contributes to the open and spacious nature of this part of the estate and any intention to fence the area and incorporate it into the rear garden would be detrimental to the character and amenity of the area.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- Town and Country Planning Act 1990 (as amended)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

9. APPRAISAL

9.1. The application seeks a Lawful Development Certificate for the use of the land at the application site for residential garden in accordance with S191 of the TCPA 1990 and seeks to demonstrate that the unauthorised use has been taking place as such for a continuous ten year period of time as required by Section 171(B).

9.2. A Lawfulness Development Certificate can only be granted under section 191 of the Town and Country Planning Act 1990 (as amended), if the applicant can demonstrate, on the balance of probability, that the use, operation or other matter is lawful because no enforcement action can be taken against it (either because it does not involve development or require planning permission or because the time for the enforcement action has expired or for any other reason), and because it does not constitute a contravention of any of the requirements of any enforcement notice currently in force.

- 9.3. Government guidance states that the applicant is responsible for providing sufficient information to support an application, and goes on to state that, *‘in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability’*.

Applicant’s Evidence

- 9.4. The Land Registry title plan provides evidence of ownership by the applicant of the ‘amenity’ land and the house and its curtilage since 2010.

- 9.5. In the Design and Access Statement (DAS), it states:

- The land has been used for purposes incidental to the enjoyment of the dwellinghouse including general garden maintenance, landscaping, planting and cultivation, domestic recreation, and parking and amenity use (Section 2)
- The land has remained in uninterrupted domestic use for a period exceeding ten years (Section 3)

- 9.6. The DAS also includes aerial photographs and a street view image, and a copy of a letter to the Council from Johnson & Gaunt solicitors. The letter is dated 27 August 2010 and states the following:

- a substantial hedge, which...has been in place for many years
- Mr S Chaudhry purchased the land in April 2010.
- is of the opinion that any Planning Designation as amenity space would have long since fallen into disuse and abandonment

- 9.7. Section 5 of the DAS states that the applicant relies upon (1) a Statutory Declaration, (2) historical aerial imagery, (3) “evidence of enclosure and maintenance of the land”, (4) “landscaping or garden maintenance and receipts”, (5) “title plans and supporting documentation” and (6) “any additional supporting documents enclosed with the application”.

- 9.8. Although referred to in the DAS, there is no statutory declaration with this application and no evidence of (3) or (4) has been submitted.

- 9.9. Overall, the applicant’s evidence is considered to be light. However, the aerial imagery provided in the DAS, alongside the letter dated August 2010, which advised that at that time the area of land in question had been enclosed for many years and be used as part of the garden, does demonstrate that the land had been enclosed over 10 years ago and became part of the curtilage/garden of No. 1 Heathcote Avenue.

Council’s Evidence

- 9.10. Turning to what evidence the Council has as its disposal, it has aerial photography for the years 1999, 2004-5, 2006, 2009, 2014-15, 2019 and 2022. Street view imagery is also publicly available for the years 2009, 2022 and 2025.

- 9.11. The 1999 aerial photograph shows the land enclosed by planting and appears to show the majority of the land laid to hardstanding. There appears to be a large

shrub on the and just forward of the garage and to its side. The 2004-5 aerial photograph shows the same.

- 9.12. The 2006 aerial photograph is clearer; it appears to show a maintained hedge or row of shrubs that enclose the land; it shows the land is mainly laid to hardstanding and it shows the aforementioned large shrub.
- 9.13. The 2009 aerial photograph shows the same green enclosure of the land and the same aforementioned large shrub but also shows other shrubs/plants.
- 9.14. The 2014-5 aerial photograph is grainier than those of 2006 and 2009 but appears to show the land is clearer of planting than in 2009 particularly the part of the site forward of the front building line of the garage; the large shrub appears not to be present; the enclosing hedge appears to be thicker/more continuous than in earlier aerial photographs; the majority of the land is laid to hardstanding.
- 9.15. All of the foregoing is reflected in the 2019 aerial photograph, although a smaller shrub has appeared, in line with the rear building line of the garage.
- 9.16. The 2022 aerial photograph shows similar to the 2019 one, with the addition of another small shrub close to where the larger one was in earlier years.
- 9.17. The street views from 2009, 2022 and 2025 all show the land to be laid to hardstanding and not separated from the applicant's driveway. In all of the street views, but especially in those of 2022 and 2025, the front part of the land appears as capable of being used as the applicant's driveway or in use for car parking, e.g. in the 2025 street view there is a car straddling the applicant's driveway and the site.
- 9.18. All of the street views, when looking eastward from Elton Road into the side, corroborate what is evident from the aerial photography.
- 9.19. In all of the street views, 2009, 2022 and 2025, it is clear that the rear part of the site is separated from the applicant's rear garden by a brick wall and the side wall of the applicant's garage. In none of the street views is there an active use of the space as garden land or enjoyment of the land as part of the applicant's rear garden.
- 9.20. However, it is also the case that the site was all laid to hardstanding, that this took place no later than 1999 i.e. well over ten years ago, that other than the aforementioned shrubs there is no clear separation between the two parts of the site, and that all of the land has had a residential character throughout this time.
- 9.21. Overall, the evidence available to the Council would lead to the conclusion that the land has been used for residential purposes ancillary to the dwelling currently known as 1 Heathcote Avenue for a period well exceeding ten years.

Evidence from consultees/Third Parties

- 9.22. The representations of the town council and objectors are noted. Both the town council and objectors refer to the applicant's lack of evidence. Both the town council and objectors refer to the value of the land to local visual amenity and impact of a change of use of the land and erection of a fence on the character and appearance of the area. However, this application does not relate to the planning merits of a change of use of land but whether or not the available evidence leads to a conclusion that the land has been used for domestic purposes.

10. CONCLUSION

10.1. On the balance of probabilities, the Council concludes that a lawful development certificate should be issued in relation to the land.

11. RECOMMENDATION

FIRST SCHEDULE

Use of land for purposes ancillary to the enjoyment of the dwellinghouse.

SECOND SCHEDULE

1 Heathcote Avenue, Banbury, OX16 9TP

THIRD SCHEDULE

On the balance of probabilities, the Local Planning Authority is satisfied from the available evidence that the land has been used for purposes ancillary to the enjoyment of the dwellinghouse currently known as 1 Heathcote Avenue for a period of time exceeding ten years.

CASE OFFICER: Nathanael Stock

26/01634/F

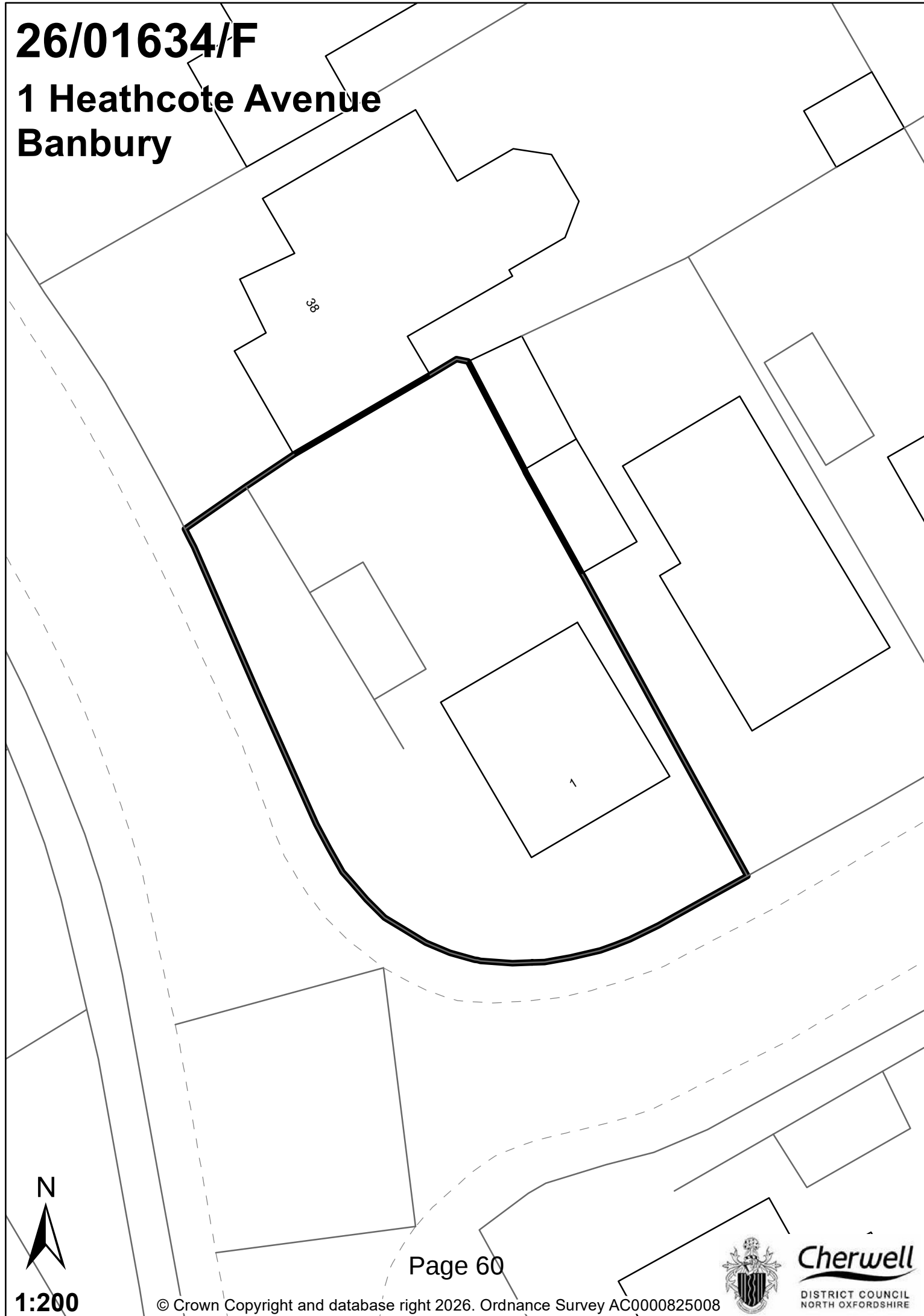
Agenda Item 10

**1 Heathcote Avenue
Banbury**

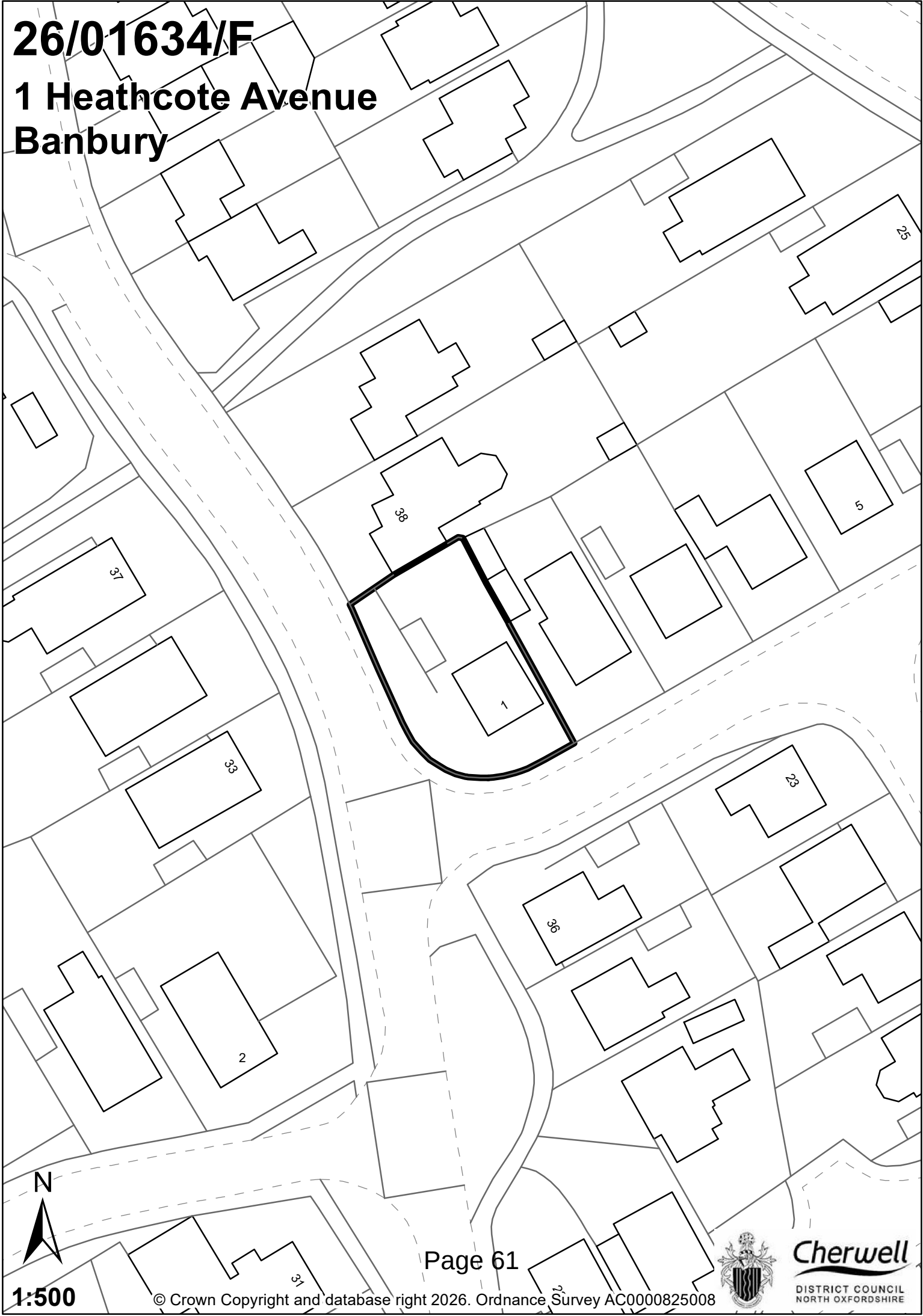


26/01634/F

**1 Heathcote Avenue
Banbury**



26/01634/F
1 Heathcote Avenue
Banbury



N



1:500



Case Officer: Daisy Kay-Taylor / Nathanael Stock

Applicant: Mrs Nuzhat Asma Chaudhry

Proposal: Demolition of garage and erection of single storey extensions to side and rear and addition of box dormer to side roof slope (revised scheme of 25/02081/F to amend the roof of the rear extension from a flat roof to a pitched roof and to make changes to fenestration).

Ward: Banbury Calthorpe And Easington

Councillors: Councillors John Brown, Ian Harwood, Kieron Mallon

Reason for Referral: Called in by Councillor Mallon for the following reasons:

- The scale of the extension is disproportionate to the dwelling, out of keeping with the street scene and would be harmful to the character of the area
- By reason of the inappropriate materials used the design and appearance is out of keeping with the street scene and would be harmful to the character of the area
- The proximity of the extension to the road would be detrimental to the openness of the area and to the safety of pedestrian and highway safety
- Loss of privacy to neighbours
- The site's planning history including the number of objections

Expiry Date: 28 September 2026

Committee Date: 24 September 2026

SUMMARY OF RECOMMENDATION: Approval subject to conditions

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a detached, two-storey dwelling, occupying a corner plot position facing Heathcote Avenue and with its side elevation being adjacent to Elton Road. The area is characterised by detached dwellings on similar-sized plots.
- 1.2. The dwelling is one of several of the same or similar character in the locality with a single wide ground floor window on the front elevation and the same at first floor level, an external chimney on the front elevation, cladding below and above the aforesaid first floor window, and a side-facing dormer window.
- 1.3. Several dwellings in the vicinity, including the immediate neighbour to the east (No. 2 Heathcote) benefit from extended dormers to one or both sides (both sides in the case of No. 2 Heathcote).
- 1.4. The residential garden of the dwelling is bounded by a brick wall to its west and north. To the west (between the dwelling and the highway) is an area of land

enclosed by a low hedgerow and partly in use for car parking. There are no changes in levels across the site which impact the application's assessment.

2. CONSTRAINTS

- 2.1. The application site is within the built limits of Banbury and is bounded by residential properties to its north and east. The site is not within a designated conservation area and there are no other significant constraints e.g. footpaths, contamination, flood risk or records of protected species that may impact assessment of the planning application. The property's permitted development rights have been removed in respect of any gate, fence, wall or other means of enclosure.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application relates to the proposed demolition of the garage and erection of single storey extensions to the side and rear and the addition of a box dormer to the side roof slope.
- 3.2. This is a revised scheme of planning permission ref. 25/02081/F. The principal change is to amend the roof of the rear extension from a flat roof to a pitched roof. On its eastern elevation the pitched roof would include a rooflight. Other changes are also proposed – (a) patio doors replaced with window on the rear elevation, (b) window replaced with door on the rear elevation, (c.) size of window reduced on the front elevation of the extension, (d) one additional window on the western side elevation and another window moved.
- 3.3. Officers noted that, as submitted, the description of development did not refer to these additional changes. Objectors noted this deficiency in the description of development and officers agree. The words “and to make changes to fenestration” have been added to the description of development. These changes were shown on the submitted drawings and various third parties have commented on them; as such there is no need to carry out additional publicity.
- 3.4. Officers also noted that the plans originally submitted with this application do not accurately reflect the development currently being undertaken; accordingly amended plans were sought and have been received which reflect the development under construction, and also show two off-road car parking spaces.

4. RELEVANT PLANNING HISTORY

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

25/02081/F - Demolition of part garage and erection of single storey extensions to side and rear and addition of box dormer to side roof slope – granted with conditions, 21.01.2026

- 4.2. The site also has the following planning history not of relevance to the current proposal:

B.21/71 - Erection of 119 bungalows and houses with roads and sewers. Permitted 13 April 1971

10/00901/E - New dormer windows, granny annex and garage. Application withdrawn 03 August 2010

26/01243/CLUE – Use of amenity land as residential garden – under consideration

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 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 **10 August 2026**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Objections have been received from 17 households, a petition with names from 27 households (15 of those 27 having sent individual objections) and one further letter of comment. The comments raised by third parties are summarised as follows:

- Impact on residential amenity – the dormer(s) would adversely affect the privacy of neighbours unless the windows are obscurely glazed and fitted with restricted opening mechanisms; the condition applied to 25/02081/F needs to be reimposed; the dormer windows must be amended from the plan drawings to include outward-opening top-hung upper elements.
- Impact on highway safety – the extensions would increase occupancy potential, which massively impact the available space for parking; may place additional pressure on on-street parking, which could reduce visibility for drivers and pedestrians; the proposals increase the property's capacity with the potential for additional vehicle ownership and for additional vehicles to park around blindly around a bend; CDC's duty under section 130 of the Highways Act 1980. Any planning permission granted must be subject to strict parking conditions including to eliminate the risk of vehicles blocking or overhanging neighbouring driveway entrances.
- Description of development – it does not include some of the proposed changes i.e. an additional window, alterations to window and door positions, modifications to internal layouts, changes to the height and appearance of extensions, and introduction of a side access door [on the south-east / front elevation] onto adjacent communal land, which "compromises the safety and privacy of adjacent properties by introducing uncontrolled thoroughfares" and which should be removed. Objectors also mention changes to internal layout, an additional window on the existing dwelling, and a deviation in height for the rear extension in relation to the brickwork. Some objectors say the omission of certain of these changes means the LPA cannot properly assess the true scale of the amendments. The development exceeds the height of the approval by three layers of brick; question as to whether this can still be deemed a single storey.
- Compliance with previously imposed planning conditions, in relation to dormer window privacy, boundary hedge maintenance, occupancy restrictions. Any breaches should be fully investigated before any further consent is granted. The "applicant has demonstrated a continuous failure to comply with established planning conditions, raising serious concerns regarding future adherence and community safety".
- Conditions should be imposed to require adequate on-site parking provision, prohibition of parking arrangements that obstruct neighbouring accesses, maintenance of visibility splays and restrictions preventing overspill parking associated with intensified occupation.

- Permitted development rights should be removed for extensions, enlargements, roof alterations, and any further alterations to certain elevations

6.3. Other issues raised that are not material considerations:

- The hedgerow adjacent to the footpath is overgrown and restricts the effective width of the footpath, creating difficulties for pedestrians. The overgrown hedge blocks the footpath by more than 62% and has been a topic of complaint by local residents historically. The applicant has in the past not consistently refused requests for the hedgerow to be maintained.
- The development requires a drainage strategy to be approved by the Council, with no uncontrolled discharge onto communal land; evidence needs to be provided to demonstrate the development would not increase flood risk; the Council should commission an independent hydrological report proving the efficacy of the new drainage system and should issue a stop notice on construction until a compliant, council-approved drainage scheme is fully installed.
- No need for the extension – the dwelling has been a rental property for 7+ years and there is no need to extend the property for any personal reasons; please can a valid reason / purpose be established for this extension
- The LPA should initiate enforcement action to secure the removal of some of the unapproved works and the restoration of the property to the exact specifications of the approved drawings in particular the reversion from a door to a window in the south-west elevation of the garage, the permanent blocking up of the door on the south-east elevation
- An investigation should be carried out as to how the development has been allowed to be carried out without regular checks to make sure the terms of the planning permission are being complied with
- Suggestion that the full demolition was intentional with a view to increase the depth of the foundations to plan ahead for future planning applications for a second storey of development – can this be investigated
- The established pattern of non-compliance should be heavily weighed in the evaluation of the current planning application
- The development has changed considerably from the earlier approval; the way in which the development has evolved is concerning and rather shift
- Unapproved internal structural alterations. Strong indication that internal walls have been removed; concern that the original external boundary wall of the main house has been removed where it meets the new side extension.
- This property is likely to be made into an HMO to house illegal immigrants. If it becomes an HMO, where would all the cars park and who would manage the safety of children and other residents in the area. It cannot be ignored that this property is intended for a low-grade rental HMO property nor that this and the property subject of planning application 26/00560/F are being extended for financial gain.
- Concern that a company in Cirencester has been notified of the current planning application; one objector questions why the Council is actively

accepting or prioritising the views of this company whose business model is offering rooms for rent as a service, while refusing to consider the deeply held concerns of local residents that this property is being physically prepared for commercial rental/HMO use. The inclusion of this specific rental business corroborates the community's suspicions regarding the intended commercial exploitation of the site.

- Transparency of the application process
- The applicant has also submitted a planning application to extend a dwelling on Chatsworth Drive
- Sufficient space for waste management, refuse and recycling bins
- No active garden waste or brown bin subscription for the application property, raising serious operational concerns as to how the required landscaping maintenance would realistically be managed
- The applicant states they have lived at the application property but it is common knowledge that it has been rented out for many years

6.4. 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: **Objects**, commenting that "the Town Council note the level of concern that this proposal is causing to nearby local residents and I note that Cllr Mallon has requested that this application be determined by your Planning Committee. We are happy to endorse the numerous concerns of the local residents and local member and also object to the proposal."

7.3. OCC HIGHWAYS: **No objection** - comments as follows –

Following a review of the revised Site & Location Plan (Drawing with ref.: 00-ST-01 Rev.03, dated 03.09.26), submitted in support of the planning application for the demolition of the existing garage and the erection of a single-storey side and rear extension to an existing 4-bedroom dwelling, the Local Highway Authority (LHA) is satisfied that sufficient off-street parking can be provided within the site.

The proposed vehicular parking arrangement is not considered ideal, as the spaces will be positioned at right angles to one another and as a result, vehicles manoeuvring, particularly for the parking space located adjacent to Heathcote Avenue, may be somewhat constrained when entering/leaving the site. However, these constraints are relatively minor and are not considered likely to result in an unacceptable impact on highway safety or severe adverse impact on the operation of the local highway network.

Policy TR6(4) of the National Planning Policy Framework states that development should be refused on highway grounds where they would have a severe adverse impact on the transport network or an unacceptable impact on highway safety. The LHA does not consider that this threshold is met in this instance. Accordingly, the LHA raises no objection to the proposed development.

OCC Highways had initially commented as follows:

Insufficient information has been provided to demonstrate that adequate off-street parking provision can be retained following demolition of the existing garage and construction of the proposed extension. In the absence of a parking layout, the Local Highway Authority cannot be satisfied that the proposal complies with Oxfordshire County Council's Parking Standards and Paragraph 115 (c) of National Planning Policy Framework.

Please Note: The applicant may be able to overcome this objection by the submission of additional information which adequately addresses the [LHA's concerns, the full content of which may be viewed on the electronic file and which is discussed in the officer report below].

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)

- ESD10 – Biodiversity
- 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)

9. APPRAISAL

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

- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology impact

Design and impact on the character of the area

- 9.2. Extensions on the same footprint and of generally the same scale were granted planning permission earlier this year (ref. 25/02081/F). Under that application a much larger, two-storey extension had originally been proposed, but officers made clear to the applicant that such a proposal would not be supported and that only a single storey addition to the side would be considered favourably, and one that did not project any further towards the road than the existing garage. The deep set back is considered necessary to maintain the open, verdant character of the area, and the existing hedge helps to offset the visual impact of the extension.
- 9.3. The height and footprint of the side extension now proposed is identical to the approved scheme. The only changes to the side extension are to its fenestration as described in paragraph 3.2 of this report; these changes do not have any additional impact on the character or appearance of the area compared to the approved scheme.
- 9.4. The proposed single storey rear extension would have a depth of 4.0 metres, which if not attached to the sideward element would render it permitted development. It is of the same depth and footprint as previously approved.
- 9.5. The proposed rear extension would now have a pitched roof as opposed to a flat roof. The roof would have a low gradient, to ensure it does not affect the existing first floor window on the rear elevation. Its eaves would be lower than that of the approved scheme. At the time of the original application officers had discussed with the agent the potential for revised plans to give the rear extension a pitched roof rather than a flat roof but ultimately amended plans were not submitted and the rear extension was approved with a flat roof.
- 9.6. The rear extension would be single storey, set down in height and would have no impact on the character or appearance of the area.
- 9.7. The proposed dormer to the north-east elevation is large and not in keeping with the host dwelling. However, there are multiple examples of similar dormers in the neighbourhood, including to the neighbouring dwelling (No. 2 Heathcote Avenue) and it is acknowledged that a very similar dormer could be achieved under the property's permitted development rights, to which significant weight must be afforded. Also, it is identical to that approved under the last planning application.
- 9.8. The submitted plans show the creation of a separate annexe, with a shared porch with the host dwelling. There is no objection to this in principle; however, a condition should be imposed ensuring purposes ancillary to 1 Heathcote Avenue.
- 9.9. The existing boundary treatment of low mixed evergreens is integral to the verdant feel of the locality and the established character of the area. It would help screen the proposed development and should be maintained.

Residential amenity

- 9.10. The extensions proposed under planning application 25/02081/F were adjudged to be acceptable in this regard. None of the changes proposed here would justify a different conclusion.
- 9.11. The only two neighbours that may experience impact from the properties are to the north (38 Elton Road) and east (2 Heathcote Avenue). The rear extension would have a similar impact on these neighbours to the rear extension at no. 2 Heathcote Avenue. Its eaves height as currently proposed would be lower than as approved, reducing its impact on the neighbours.

- 9.12. Having regard to its scale and siting, the proposed single storey extensions would not adversely affect the amenities of any neighbouring residents, either through loss of light, privacy or outlook or through an imposing or overbearing form of development.
- 9.13. The proposed dormer is identical to that approved under planning application 25/02081/F. The dormer would have some impact on the amenities of no. 2 Heathcote Avenue. The dormer requires planning permission because it includes upper floor side facing windows (and if clear glazed the windows would not conform to the conditions of the General Permitted Development Order). If clear glazed it is considered that these windows would cause overlooking and loss of privacy to the occupiers of no. 2 Heathcote Avenue. It is noted that these windows are not the primary or only windows serving the upper floor rooms i.e. those rooms are served by other (front and rear-facing) windows. It is therefore considered reasonable and necessary to impose a condition that these windows be obscure glazed and fixed shut, or with a high-level opening (above 1.7m of the finished floor level). For the avoidance of doubt, without this condition this application would have been refused on this basis.
- 9.14. It is noted some objectors state that the dormer windows must be amended from the plan drawings to include outward-opening top-hung upper elements. However, this only needs to happen if the applicant wants the windows to have opening elements – if the applicant is content for the windows to be fixed shut then the currently proposed design may be used.

Highway safety

- 9.15. There is existing hardstanding providing off-street parking for two vehicles and this is adequate for a dwelling of this size.
- 9.16. OCC as local highway authority ('the LHA') raised no objection to the last application subject to a condition to ensure the proposed annexe remains ancillary to the existing dwelling and is not sold or leased as a separate dwelling; officers consider such a condition would meet the government's tests for conditions.
- 9.17. The LHA initially objected to the current application on the grounds of displacement of existing car parking caused by the side extension, and it is noted that whereas the last application included a parking plan such a plan did not accompany the current application. The LHA commented: "the applicant is required to submit a revised site layout plan demonstrating that a minimum of 2 off-street vehicular parking spaces can be accommodated and retained within the curtilage of the property".
- 9.18. The applicant's agent subsequently submitted the said parking plan, very similar to that which formed part of the earlier approval. The LHA was reconsulted and confirms it has no objection, advising that the proposal would not result in an unacceptable impact on highway safety.
- 9.19. We have also given consideration to matters of access and parking, in the interests of highway safety, including adequate and safe visibility splays at the Elton Road/Heathcote Avenue junction. In light of which, the planting along Elton Road to be maintained at a maximum height of 1m; this should be secured by condition.

Ecology Impact

- 9.20. 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.

- 9.21. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and their existence on the site is unlikely. As such no formal survey is required and the absence of which this does not result in a reason to withhold permission.
- 9.22. Nevertheless, at least one bird box and/or integrated bee brick should be provided to deliver biodiversity net gain in line with NPPF and the local plan; this should be conditioned. In addition, an informative note reminding the applicant of their duty to protected species should be included on the decision notice and is considered sufficient to address the risk of any residual harm.

Comments on issues raised by third parties

- 9.23. Various comments have been made by third parties; officer responses to these comments form the rest of this report.

The amenity land between the application site and Elton Road

- 9.24. The area of land between the existing garage/wall and Elton Road has formed part of the application property since the parcel of land was purchased in 1991. Originally amenity land, no formal application appears to have been made for a change of use. Documentation and aerial photographs would indicate that this part has been in domestic use continually for ten (10) years. There is a separate lawful development certificate application relating to this land.

Description of development

- 9.25. Internal changes do not of themselves constitute development and do not need to be referenced in the description of development. Various objectors mention the introduction of a side access door onto adjacent communal land. There is no such door. The submitted plans show three ground floor doors. The door to the south-east, front elevation, would be the front door to the dwelling, was approved under 25/02081/F, and opens out onto land which is within the residential curtilage of the dwelling and private land not communal land. There are two doors shown to the north-west, rear elevation. One of those two is additional to that approved under 25/02081/F. Both of these windows would open out onto land which is within the residential curtilage of the dwelling and is private land not communal land.
- 9.26. The objectors may instead be referring to an *entrance way* on to the *south-west* elevation. Given the site is not in a Conservation Area, any such alteration constitutes permitted development under Part 2 of Schedule 1 of the General Permitted Development Order ("the GPDO").

Additional window on the existing dwelling

- 9.27. This constitutes permitted development, does not require planning permission and does not form part of the current planning application.

Change to height of rear extension

- 9.28. Officers agree. There is a discrepancy in the eaves height between the submitted plans and what has been constructed. This has been queried with the applicant's planning agent and amended plans submitted.

Potential future use as a House of Multiple Occupation ('HMO')

- 9.29. Officers note concerns raised that the property could or would be used as an HMO. However, the submitted plans do not indicate such use and the current application is made as a householder extension for extensions to a residential dwelling and must be assessed as such and determined on this basis.

Increased occupancy potential

- 9.30. Concerns are raised that the extensions would increase occupancy potential, that there would be additional vehicle ownership and potentially additional pressure on on-street parking, which could reduce visibility for drivers and pedestrians. The proposals would result in one additional bedroom, from three (existing) to four (as proposed). Two off-road parking spaces would be sufficient for a four-bedroom dwelling. A site layout plan showing two off-road parking spaces was part of the approved planning application, which satisfied the concerns of CDC planning officers and OCC highways officers.

Condition to require on-site car parking provision

- 9.31. Officers agree.

Conditions relating to parking on the highway

- 9.32. Such conditions would be not be reasonable and would not pass the government's tests for conditions.

Conditions to remove permitted development rights

- 9.33. These should only be imposed if they relate to the development subject of the planning application. The approved extension (and that currently proposed) is a wrap-around extension and therefore under criterion A.1 (j) any further extension would require planning permission. Even if A.1 (j) is removed or amended in future iterations of the GPDO, other parts of Class A would continue to apply. In relation to roof alterations (Classes B and C), the recommended condition imposes restrictions on the dormer addition subject of the planning application. Any additional restriction is not reasonable or necessary. The approved developments do not preclude Classes D – H of the GPDO. In short, it would not be reasonable or necessary to remove permitted development rights beyond the condition recommended.

Compliance with conditions

- 9.34. Third parties' concerns are noted in relation to the applicant's non-compliance with conditions. The particular concerns regarding occupancy restrictions relate to what may or may not happen in the future and are not material to consideration of this application. The development is currently under construction and the dormers not yet used/occupied and therefore the condition in relation to obscure glazing has not been breached. It needs to be complied with in order for the development to be acceptable, and the Council's planning enforcement team will continue to monitor this aspect of the development.

Requirement for drainage strategy

- 9.35. Officers consider that it would be disproportionate to require a drainage strategy in relation to this development, that it is not necessary to make the development acceptable.

Sufficient space for waste management, refuse and recycling bins

- 9.36. The same is true in this regard. It must be borne in mind that the application relates to single storey extensions to a residential dwelling.

Need for the extension

- 9.37. This is not a material consideration. It is inappropriate to opine as to the personal reasons for the application.

Enforcement action

- 9.38. The door on the south-east elevation has been approved and may be carried out whether or not the current application is approved; it would therefore be wholly inappropriate to require its blocking up. Officers consider that the door on the rear elevation of the dwelling results in no harm and that any refusal on the basis of this opening being a door rather than a window would be unreasonable behaviour on the part of the local planning authority.

Internal alterations

- 9.39. These do not constitute development and do not require planning permission unless they lead to a material change of use. No change of use is proposed here and a condition to require the extension to be used for ancillary purposes would make the development acceptable.

The notification of a Cirencester company of the current planning application

- 9.40. The Council is certainly not prioritising any views above any others and has regard to all representations making comments on substantive planning matters. One of those who commented on the previous planning application (25/02081/F) did so from an address in Cirencester. The Council's long-established protocol is to send notification letters to all third parties who commented on a previous related application. As far as officers are aware the Cirencester company is nothing to do with the applicant and in any case it is not a material consideration; and it would be inappropriate to notify some third parties and not others.

The applicant has also submitted a planning application to extend a dwelling on Chatsworth Drive

- 9.41. This is not a material consideration.

The applicant states they have lived at the application property but it is common knowledge that it has been rented out for many years

- 9.42. This is not a material consideration. It is not relevant whether or not the applicant lives at the application address, and nowhere in the application submission does the applicant say they live at the application address. All applicants are required to complete an ownership certificate on the application form, but this is not the same as whether they live at the application site.

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 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)

CONDITION

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 strictly in accordance with the application form and the drawings numbered 00-ST-01 P03, 00-PR-EL-01 P03, 00-PR-FP-01 P03, and 00-PR-RF-01 P02.

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, within three months of the date of this decision a method statement for biodiversity enhancement, to full details of bee bricks and the type and location of at least one bird box or owl box or bat box shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to the first use or occupation of the development 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.

4. The external materials to be used for the walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on 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.

5. The parking area for two vehicles shown in the drawing numbered 00-ST-01 Site & Location Plan shall be laid out and completed prior to the first use or occupation of the development hereby permitted and the car parking spaces shall be retained for the parking of vehicles at all times thereafter.

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.

6. Prior to the first occupation of the development hereby approved the first floor dormer windows in the north-eastern side elevation of the development shown on drawing no. 00-PR-EL-01 P02 to serve 1x bathroom and 2x bedrooms shall be obscurely glazed using manufactured obscure glass that is impenetrable to sight (Level 3 or above and not an applied adhesive film) and shall be permanently retained as such thereafter. The said openings shall also be fixed shut and non-opening unless (a) those parts which can be opened are more than 1.7 metres above the floor of the room in which it is/they are installed or (b) an alternative means of restricted opening has first been submitted to and approved in writing by the local planning authority and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjacent properties and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the details submitted, the existing hedgerow/planting along the site's boundary with Elton Road shall be retained and maintained in perpetuity and shall be maintained at a maximum height of one metre above adjacent ground level. 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.

Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and in the interests of local highway safety and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as 1 Heathcote Avenue, Banbury, OX16 9TP and as such shall not be sold, leased, let or sub-let as a separate unit of accommodation.

Reason: To safeguard the character and appearance of the area and the living conditions of existing and future occupiers and because of the basis on which the current application has been submitted, and in order to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and comply with Government guidance contained within the National Planning Policy Framework.

9. The external materials to be used for the walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on 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.

10. The parking area for two vehicles shown in the drawing numbered 00-ST-01 Site & Location Plan shall be laid out and completed prior to the first use or occupation of the development hereby permitted and the car parking spaces shall be retained

for the parking of vehicles at all times thereafter.

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.

11. Prior to the first occupation of the development hereby approved the first floor dormer windows in the north-eastern side elevation of the development shown on drawing no. 00-PR-EL-01 P02 to serve 1x bathroom and 2x bedrooms shall be obscurely glazed using manufactured obscure glass that is impenetrable to sight (Level 3 or above and not an applied adhesive film) and shall be permanently retained as such thereafter. The said openings shall also be fixed shut and non-opening unless (a) those parts which can be opened are more than 1.7 metres above the floor of the room in which it is/they are installed or (b) an alternative means of restricted opening has first been submitted to and approved in writing by the local planning authority and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjacent properties and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

12. Notwithstanding the details submitted, the existing hedgerow/planting along the site's boundary with Elton Road shall be retained and maintained in perpetuity and shall be maintained at a maximum height of one metre above adjacent ground level. 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.

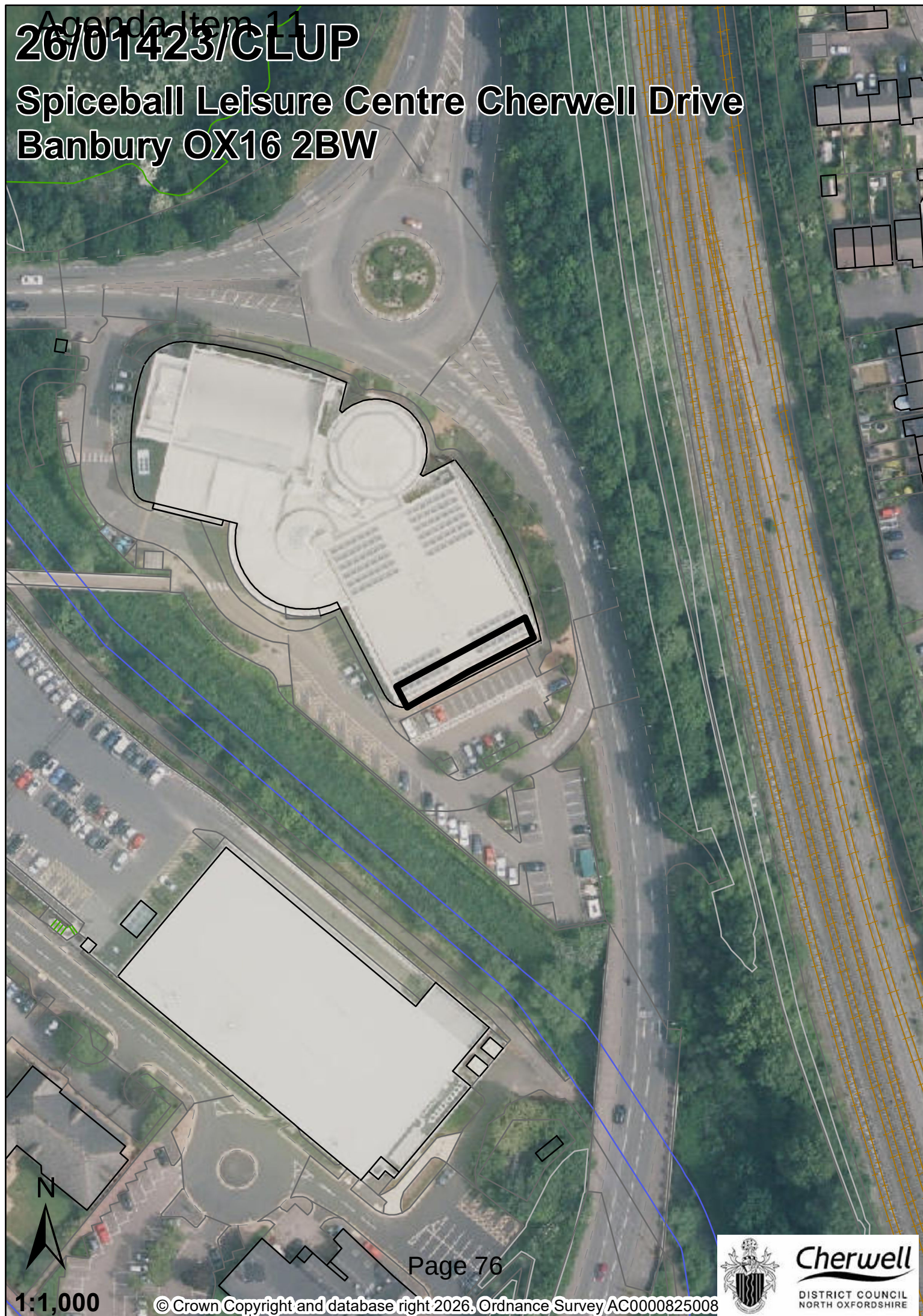
Reason: To ensure the satisfactory appearance of the completed development and to safeguard the character and appearance of the area and in the interests of local highway safety and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as 1 Heathcote Avenue, Banbury, OX16 9TP and as such shall not be sold, leased, let or sub-let as a separate unit of accommodation.

Reason: To safeguard the character and appearance of the area and the living conditions of existing and future occupiers and because of the basis on which the current application has been submitted, and in order to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and comply with Government guidance contained within the National Planning Policy Framework.

Agenda Item 11
26/01423/CLUP

**Spiceball Leisure Centre Cherwell Drive
Banbury OX16 2BW**



26/01423/CLUP

Spiceball Leisure Centre Cherwell Drive Banbury OX16 2BW

Spiceball
Leisure
Centre

Car Park

ONCORDE AVENUE



1:500

Page 77

Spiceball

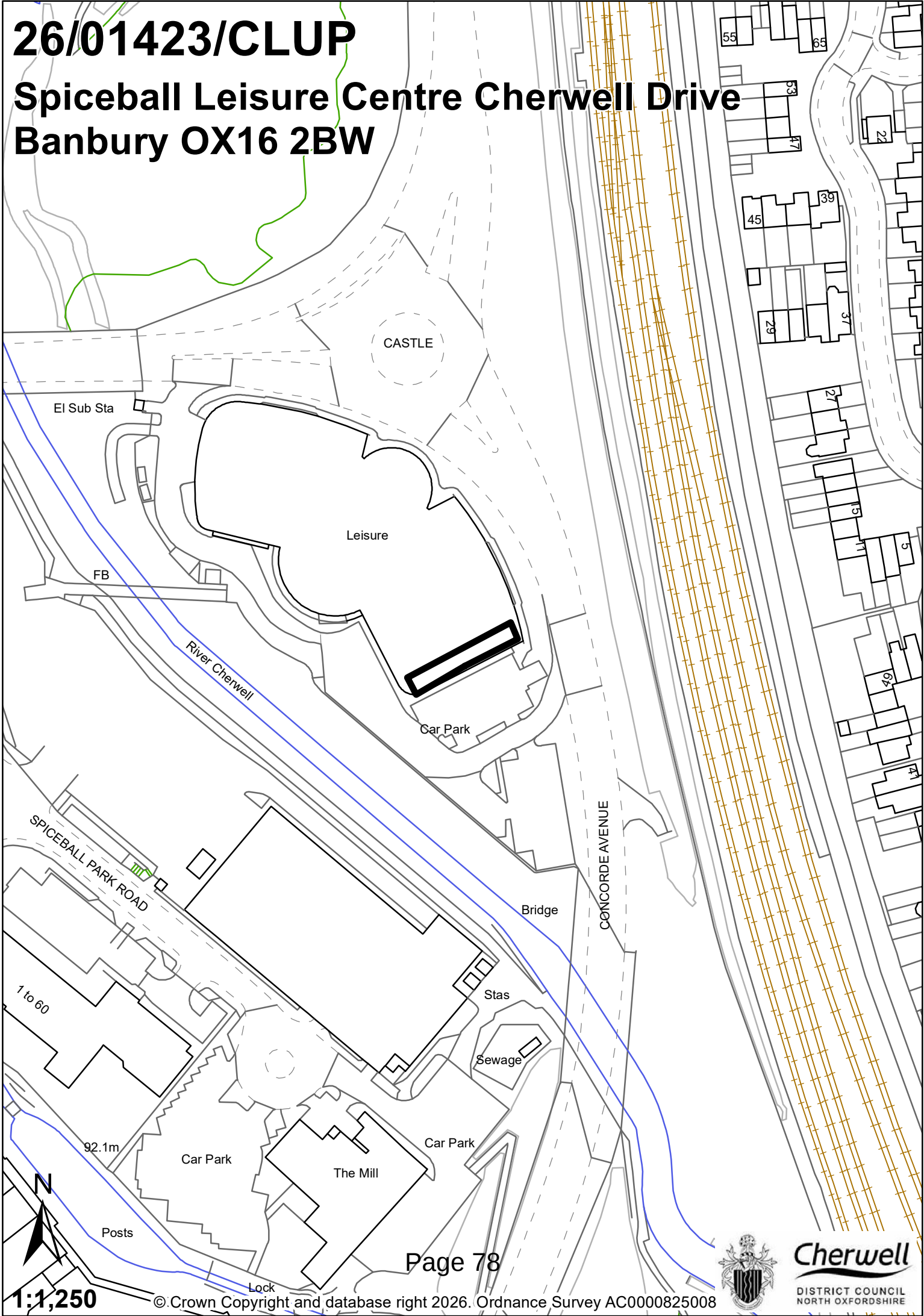
Bridge



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

26/01423/CLUP

Spiceball Leisure Centre Cherwell Drive
Banbury OX16 2BW



Case Officer: Michael Sackey

Applicant: Cherwell District Council

Proposal: Installation of 84no 450W Photovoltaic Panels to the southeast side elevation

Ward: Banbury Cross And Neithrop

Councillors: Councillor Becky Clarke MBE, Councillor Fiaz Ahmed and Councillor Yvonne Greene

Reason for Referral: Application submitted by a member of staff acting as agent, Application affects Council's own land, and the Council is the applicant.

Expiry Date: 4 September 2026

Committee Date: 3 September 2026

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the Spiceball Leisure Centre off Cherwell Drive, an indoor leisure facility. The site lies on the junction of Concorde Avenue/Cherwell Drive and is a large flat roofed modern development that comprises two rectangular wings centred off the main circular atrium in the Banbury Town Centre.

2. CONSTRAINTS

- 2.1. The application site is partly within Flood Zones 2 and 3

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This certificate of lawfulness application (proposed development) seeks the Local Planning Authority's opinion as to whether the proposals for the Installation of 84no 450W Photovoltaic Panels to the southeast side elevation
- 3.2. This application is before Planning Committee for determination as the proposal is located on Council owned land and the applicant in Cherwell District Council.
- 3.3. The application relates to the email received on (03.08.2026) at 15:23hrs confirming that the proposed PV Panels would not protrude more than 0.2 meters from the wall.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning relates to the site:
- 4.2. **09/01265/ADV** - 2 No fascia signs and 5 No hanging signs (As amended by revised illustrative Banner/hanging signs rec'd 6.11.09) – granted, 19.11.2009
- 4.3. **11/01810/CDC** - Installation of 240 solar PV panels on existing building roof – granted, 27.01.2012

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. No publicity has been undertaken as consultation is not required for Lawful Development Certificate applications.

7. RESPONSE TO PUBLICITY

7.1 No consultations have taken place in regard to this application

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. The application seeks confirmation that the proposed development would represent Permitted Development under Class J, Part 14, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

8.2. Schedule 2, Part 14, Class J of the GPDO relates to the installation or alteration of solar equipment on non-domestic premises subject to certain criteria being met.

9. APPRAISAL

9.1. The key issue for consideration is whether the proposal complies with Schedule 2, Part 14, Schedule 2 of the GPDO relating to the installation or alteration or replacement microgeneration solar PV equipment on a building (J (b))

9.2. J2 (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would not protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

9.3. J2 (b) The solar equipment would not be installed on a roof

9.4. J2 (c) The building is not located on Article 2(3) land

10. PLANNING BALANCE AND CONCLUSION

10.1. The proposal, as detailed in the information submitted with the application is considered to be permitted development under Schedule 2, Part 14, Class J of the GPDO (as outlined above) as the proposal complies with the restrictions set out in Class J. In addition, there are no permitted development restrictions by condition related to the proposal and no other restrictive designations affecting the building.

11. RECOMMENDATION

TO ISSUE A CERTIFICATE TO CONFIRM THE LAWFULNESS OF THE SPECIFIED WORKS SUBJECT TO THE SCHEDULES BELOW

First Schedule

Installation of 84no 450W Photovoltaic Panels to the southeast side elevation in accordance with the application form, the Site Location Plan 1:1250, Block Plan 1:750 (Spiceball Centre Block Plan PV Panels) and drawing ref. SBLS-PV-R01.

Second Schedule

Spiceball Leisure Centre Cherwell Drive Banbury OX16 2BW

Third Schedule

The proposal is permitted development under Schedule 2, Part 14, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015.).

CASE OFFICER: Michael Sackey