



# **Cherwell District Council**

## **Planning Committee Review**

**27<sup>th</sup> August 2025**



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# 1. Introduction

- 1.1 The Planning Advisory Service (PAS) has been supporting Cherwell District Council (CDC) over a number of months due to issues with the quality of decision-making for Major applications. In January 2025 CDC received a letter from the Ministry for Housing, Communities and Local Government (MHCLG) providing the opportunity for CDC to outline any exceptional circumstances before the Minister considers whether CDC should be designated under section 62A of the Town and Country Planning Act 1990 as a result of performance measured against the quality of Major applications decision-making indicator. On 6<sup>th</sup> June 2025, confirmation was given to CDC that it would not be designated.
- 1.2 This Planning Committee review was carried out against a backdrop of major Planning reform announcements by MHCLG. During the time of the review the Government was undertaking a [technical consultation on reforms to Planning Committees](#) that included the following key proposals that are relevant to the outcomes from this Planning Committee review:
  - The introduction of a national scheme of delegation
  - A limit of 11 members to sit on a planning committee
  - A mandatory programme of member training
  - Changes to the performance threshold for quality of Majors
- 1.3 As the outcome of the technical consultation was unknown at the time of writing this report, the review team has not included any specific recommendations on the size of the committee or CDC's scheme of delegation, but has made reference to these matters in the text and the relevance to the likely nationally introduced changes.
- 1.4 During the review the PAS team was made to feel very welcome and was well supported. The team would like to thank all participants involved for their input.

# 2. The approach and scope of the review

- 2.1 The review was undertaken by Cllr Stuart Bray, Hinckley and Bosworth Borough Council and Martin Hutchings and Peter Ford, both Principal Consultants for the Planning Advisory Service (PAS). PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils in England.
- 2.2 The PAS team gained its evidence for the Planning Committee review from a number of different sources:
  - carrying out a desktop study of committee minutes, officer reports, and the council's scheme of delegation and codes of conduct.
  - Viewing the following planning committee meetings 1st August 2024, 10th April 2025 and 15<sup>th</sup> May 2025
  - Interviewing planning managers who are involved in the operation and overseeing planning committee
  - Interviewing other officers who support the committee or provide specialist input

- Interviewing the chair and vice-chair of planning committee as well as the portfolio holder responsible for Planning
  - Interviewing town and parish councillors alongside other lobbying groups
  - Interviewing representatives from the development community
- 2.3 The majority of the interviews took place at the CDC offices on 29<sup>th</sup> May 2025 with supplementary online meeting for participants who were unavailable on the 29<sup>th</sup> May.
- 2.4 The review team compared the operation and decision-making at CDC's planning committee with best practice from throughout the country, as well as using the team's own experiences in running and managing Planning Committees.
- 2.5 The review follows a tried and tested approach to review planning committees that PAS has adopted for a number of councils throughout England. It is focused on the management and operation of CDC's planning committee rather than a wider review of its Planning function. However, the review team inevitably heard about other related matters that impact the performance of the Planning service and, where relevant, the review has identified such matters and explained to what extent these can be addressed through the review.

### 3. The context to the planning committee review

- 3.1 There is no political party with overall control and, at the time of writing this report, the political make-up was as follows:
- Liberal Democrats – 17
  - Labour – 12
  - Conservatives – 11
  - Green – 4
  - Independents – 4
- 3.2 In the period April 2022 to March 2024 CDC determined 115 Major applications. 19 of these decisions were appealed and 12 were upheld by the Planning Inspectorate (with 2 remaining pending), including 3 that were non-determination appeals. This means that 10.43% of Major decisions were upheld at appeal against a Government-set maximum threshold of 10%.
- 3.3. From the 17 appealed decisions 11 were from officer delegated decisions, 5 of which were allowed (45%). The remaining 6 were planning committee member overturns, of which 4 were allowed (67%). Appendix 1 provides a more detailed analysis of the appeals that were upheld at appeal and some lessons that can be learnt from those appeal decisions.
- 3.4 CDC has a single planning committee with 18 members on the committee alongside other named substitutes. Over the period 6<sup>th</sup> June 2024 and 10<sup>th</sup> April 2025 there were 11 meetings considering a total of 57 items.
- 3.5 There was on average of 5 items per meeting, but the number varied considerably with 15 items on one agenda and 2 on another agenda. The total length of each committee averaged at approximately 3 hours, but this also varied considerably with one committee meeting taking 6 hours 20 minutes, whilst another was completed in 13 minutes.

- 3.6 Over the time period that the review looked at there were a total of 8 decisions that overturned an officer recommendation and another 4 items that were deferred to a future planning committee.
- 3.7 CDC's Local Plan was adopted in July 2015 with a partial review of the Local Plan adopted in September 2020. The Local Plan is currently under review. The Regulation 19 consultation has been completed and the council will be considering submission on 21<sup>st</sup> July 2025. CDC does not have a 5-year housing land supply which currently stands at 2.3years (including for Oxford's unmet needs).

## 4. Key Recommendations

### **Recommendation 1 – Member and officer engagement prior to planning committee**

Review the way that members are involved in planning proposals both at pre-application stage and in the build-up to planning committee. This should involve a review of best practice followed by councils who engage members in pre-application discussions, using the [PAS pre-application advice and Planning Performance Agreements \(PAS\)](#) guidance. Also, a review of the way councils allow pre-planning committee developer presentations, using the [PAS Modernising Planning Committees National Survey 2025](#) to identify councils who operate this practice.

### **Recommendation 2 – Site visits procedures**

Improve awareness of the existing site visits procedure both for members and officers so that it is used consistently and effectively. The existing procedure should form part of a member training programme, along with a discussion on any further changes officers and members feel may be appropriate to ensure the efficient running of the planning committee.

### **Recommendation 3 – Managing late information received for planning committee**

Introduce a cutoff time and date for allowing late information for the planning committee. This would normally be, at the latest, 24 hours before the meeting is due to be held. This cutoff time should be specified in the planning committee protocol at the earliest opportunity to avoid any ambiguities and clearly specified on the planning committee web pages.

### **Recommendation 4 – Member engagement with appeals**

Increase member engagement with the appeals process, building upon the Informal Planning Forum meetings. This should take the form of discussing appeals during an early stage of a planning committee meeting (when appropriate), improving the training provided to members on appeals and actively encouraging members to be

involved in supporting the council position at planning appeal hearings and public inquiries.

### **Recommendation 5 – Member engagement with planning enforcement**

Improve member awareness of planning enforcement by introducing a regular item on the planning committee agenda to report planning enforcement cases opened and closed, alongside reviews of the local enforcement plan. This greater awareness should be complemented by member training on planning enforcement matters.

### **Recommendation 6 - Review of planning committee officer reports**

Review the content and structure of the officer reports that are used at planning committee. This review should reflect on the good practice currently taking place (see para. 6.7) and areas for improvement (see para. 6.8). CDC is also encouraged to use the [PAS best practice in report writing](#) guidance to assist with this review.

### **Recommendation 7 – Review the existing member training programme**

Review the training opportunities available to members to address areas for improvement identified by both officers and members. This should include training on site visits (see recommendation 2), appeals (see recommendation 4) and planning enforcement (see recommendation 5) alongside other practical training on lessons that can be learnt from decisions, both in terms of good practice and reflecting on improvements that can be made in future.

### **Recommendation 8 - Re-introduce the developers' forum**

Better engage the local development community by re-introducing the developers' forum. The council can learn from best practice from across the country on how a developer forum might work. This should also consider how members can be involved in the developer forums so that they can better understand what works and what does not from a developers' point of view when engaging with the planning service.

### **Recommendation 9 - Review the Legal representation at the planning committee meetings**

Review the current arrangements whereby a representative of Oxfordshire County Council attends the planning committee meetings (as a representative of CDC). The review should consider the areas of support that officers and members best need to make sound decisions at planning committee, particularly prior to the formal meeting, alongside the capacity and expertise within the CDC and county legal teams.

## 5. Procedural matters

### Pre committee arrangements

- 5.1 There is a comprehensive set of procedures in place for arrangements prior to committee to manage and plan for the agendas. Senior officers have an agenda setting meeting, followed by discussion on future items with relevant members and finally a meeting with the chair on the day before the meetings. All concerned seem happy with these arrangements and feel able to plan appropriately for the planning committee meetings.
- 5.2 One issue of concern identified by the review team was the amount of late information that was submitted for one of the planning committees. It was apparent that members had been given a very large amount of additional material only a few hours before the actual committee meeting and 5 minutes at the actual meeting to read the material. This would not give the viewing public confidence that the information had been fully considered. The review team identified that there is no deadline for the submission of late information, although it was also acknowledged that it was very unusual circumstances that resulted in so much late information being submitted.
- 5.3 It is normal for councils to include in their protocols a deadline for late submission of information, which is routinely 24 hours before the meeting at the latest. The review team recommends that CDC adopts a similar approach so that all participants are clear about the council's approach to receiving late information.

### Member and public involvement in pre-application and pre-committee discussions

- 5.4 The review team was unable to find any procedures in place for either member involvement in pre-application or pre committee discussions. It is common for councils to have a clear procedure in place specifying how members can become engaged in discussions with developers before an item is brought to committee through a consultation protocol and / or arrangements for developers to hold information briefings with members prior to committee. The review team discussed this matter with members, officers, developers and community interest groups and all agreed that having better engagement prior to the formal planning committee meeting would be helpful. At one interview an interest group expressed frustration that it was forced to take an adversarial approach with applicants due to not being able to engage at an early stage with developers in finding mutually agreeable design solutions to issues of concern. Developers also expressed frustration at not being able to engage with members at an early stage to identify issues of local concern; issues that might be relatively easy to address at the early design stage, but much more difficult, time consuming and expensive if only identified close to decision-making stage.

- 5.5 Councils are often nervous about member involvement at pre-application stage or for developers to present schemes to members prior to the formal planning committee due to concerns about pre-determination. However, in reality, the danger of pre-determination does not need to be a major threat provided that there are clear protocols in place and members follow these protocols. For example, it is really important that members are guided by officers and always have an officer present when meeting developers. This ensures that the meetings are centred around information gathering and questioning rather than giving a pre-determined opinion. Also, developer briefings should be run under strict rules to ensure that members do not engage in debate on the merits of an application.
- 5.6 There is some excellent best practice from councils across the country who run pre-application engagement with members and also pre-committee briefings. PAS would be happy to put CDC officers and councillors in touch with councils who operate these arrangements.

## Size of the planning committee

- 5.7 CDC currently has 18 members who sit on the planning committee. At the time of writing this planning committee review the Government is considering responses to its technical consultation exercise where it proposed to limit the size of planning committees to 11 members. If these proposals are adopted by Government through legislation then CDC will need to reduce the size of its planning committee. The review team is not including this in the recommendations as the Government proposal is subject to formal consultation. However, whilst the technical consultation response is awaited, it is important that members chosen to sit on the committee have the time and capacity to undertake the responsibilities of a planning committee member. This includes the training that the service prioritises to assist with efficient and effective debate. PAS, considers that a planning committee between 9 and 12 members is best practice for the following reasons:
- **An efficient use of time** – all members of the committee have a chance to speak without the meeting having to go on for an excessive amount of time;
  - **Better use of resources** – running, servicing and training committees takes up resources and the more members on committee, the more resources are required; and
  - **Greater flexibility and representation** – allows for a sufficient pool of councillors to focus on ward representation when needed (for example by ensuring that no more than one councillor from an individual ward is on the committee) and to provide cover as committee substitutes to reduce the chance of meeting cancellations, ensuring meetings remain quorate and decisions are made efficiently.

## Scheme of delegation

- 5.8 CDC's current scheme of delegation relies largely on ward members referring items to planning committee with the Chair and Assistant Director making the final decision on whether a matter is called-in based on set criteria. There is also the option for items to be referred to Full Council, although the review team understands that this is very rarely enacted. At the time of writing this review the Government was consulting over proposals to limit the types of applications that can be referred to planning committee and also to introduce a triage system for the chair and head of Planning to make the final decision on referrals to planning committee. As CDC currently, in effect, operates a triage system, it will be the category of applications that are referred that will be most impacted by any changes in Government legislation.
- 5.9 As the rules regarding items to be considered at planning committee are likely to be mandated through legislation, no recommendation is included in this report regarding CDC's scheme of delegation.

## Planning protocols

- 5.10 CDC has a very clear set of protocols that are set out for officers and members in the form of "golden rules" and a set of "dos" and "don'ts". There is also very clear guidance on public speaking and site visits that show clear best practice in their clarity and comprehensiveness.
- 5.11 However, it was clear from speaking to both officers and members that the written guidance on site visits is both poorly understood and rarely implemented in practice in the way that the protocol states. Officers told the review team that site visits were carried out in an ad hoc manner with items being deferred for a site visit at planning committee, even though the protocol states very clearly the very specific criteria that need to be met to warrant a site visit. Furthermore, the review team was advised that site visits are often poorly attended, even by members who have voted for a site visit. The review team considers that this is an area for improvement that could be undertaken through better training for both officers and members of the requirements for site visits as already stated in the council's constitution.
- 5.12 The protocols are also silent on member involvement in pre-application discussions and involvement in appeals. Some of the best performing councils provide clarity to members on how they should engage with officers on pre-application matters and also their responsibilities with regard to supporting officers in the defence of the council's position at appeals.

## Layout of the room and accessibility for those viewing online

- 5.13 The layout for the planning committee is quite common to many committees with members clearly identified and the lead officer sitting close to the case

officer and committee chair. This arrangement appears to work well and the review team saw clear evidence of the chair being able to communicate with the officers and lead officer being able to communicate with the case officer and other specialist officers.

- 5.14 The review team found it straightforward to access the planning committee agendas on the council's website and the webpage that shows the meetings online. The camera positioning is good with the person speaking being clearly identified on screen. There is also clear signing on screen to identify to the viewer which item is being considered.

### Speaking arrangements

- 5.15 There is a clear protocol in place for speaking at committee and this seems to be understood by all participants attending the planning committee meetings. It also largely follows best practice that the review team has found throughout the country. Speakers are allowed 5 minutes with one speaker for the objectors and supporters. Speakers need to have lodged a letter of representation or be the applicant to speak. Ward members are allowed 10 minutes to speak; it is not uncommon for ward members to be allowed longer to speak than other speakers (the [PAS modernising planning committees national survey 2025](#) found that 32% of councils allowed 5 minutes for speakers and approximately half allowed ward members additional time to speak). Speakers are not permitted to speak following a deferred item unless the chair considers that there are significant material changes. This approach appears to work well and avoids unnecessary repetition of previous issues when a matter is deferred.
- 5.16 Members are not permitted to ask questions directly to speakers, but can only ask questions to officers. This causes some frustration to speakers and members, but is quite a common approach taken by planning committees.

### Length of meetings and number of items

- 5.17 The review team looked at agendas between June 2024 and April 2025 and during this time the average number of items on the agenda was 5, but it varied enormously with one committee having 15 items and another only 2. As the types of applications brought to committee also varied greatly it is probably more useful to consider the length of time each committee took. Again, this varied greatly (from 6 hours 20 minutes to 13 minutes), but averaged at approximately 3 hours. The [PAS modernising planning committees national survey 2025](#) found that 78% of planning committees considered 2-4 items per meeting and the majority averaged between 1 and 3 hours in length.

## 6. Officer and Member behaviours

### Chairing skills

- 6.1 The Chair of the planning committee is very experienced in his role and carries out the chairing of the meetings very well, allowing members to voice their opinions, but also confident enough to avoid points being laboured and repeated. Similar to many other planning committees, the questioning of officers sometimes merge into debate and the chair is quick to remind members that questions should precede debate. Many councils have dispensed with the questions stage before a debate and CDC will need to consider whether it should do the same or continue with the current arrangements.
- 6.2 The chair is also very competent in ensuring that members clearly articulate any reasons to propose motions contrary to an officer recommendation and will ensure that a vote is not taken before the reasons are clear to all participants and officers have had an opportunity to comment on an alternative proposal.

### Officer / member relations

- 6.3 The officer / member relationships appear very positive. No issues of note were raised by either members or officers in this regard and the review team found during the viewing of committees that members generally listened to officer advice and took it on board. Representatives from the development community were also, generally, very positive about their relations with officers and members with one developer saying that CDC was “a good council to do business with”.
- 6.4 The review team did note a few exceptions to this good relationship and this generally occurred during the discussion on very contentious applications. However, in these cases the review team felt that members were challenging the balance of the material considerations rather than the professionalism of the officers.
- 6.5 From the observations made by the review team, officers gave good, solid advice on planning matters with the lead officer playing an important role in backing up the advice given by case officers. Comments were made to the review team that officers could be more assertive in bringing members back to the key planning issues and the recommendation made by officers. Whilst the review team did not consider this a major issue, it could be an area of discussion between the chair and lead officer to help to reduce the length of the meetings and the tendency for some members to stray off the key issues of the application.

## Officer reports and presentations

- 6.6 The review team was impressed by the quality of the presentations given by officers. They were, in general, very clear, not too long and well received by members. It was apparent to the review team that officers had thoroughly prepared for the meetings and focused on the key issues that they felt that were most relevant for members.
- 6.7 The officer reports are also very competently written with the following being their key strengths:
- There is a location plan, context plan and aerial photo at start of report that really helps members focus in on the site and its location;
  - The report gives clear reasons for referral and officer recommendation;
  - The reports are generally well laid out with paragraph numbers;
  - There is clear reference to policies and other material considerations;
  - The analysis follows a logical sequence and starts with the principle of development;
  - There is a good structure for each section – starting policy / legal context, then assessment and then a conclusion; and
  - The reports end with a section on the planning balance and conclusions so members are clear as to how the officer reached their recommendation.
- 6.8 The review team did identify some areas for improvement, none of which require urgent action. These are outlined below:
- There are no sections on equalities, human rights or financial considerations even though these matters must be considered as part of any planning decision. Councils have been legally challenged on these matters and so it is important that CDC is clear that these matters have been considered;
  - Pre-application discussions are sometimes referred to in reports, but not consistently. Pre-application discussions are relevant to the debate at planning committee and if there have been no discussions then it is important that members are aware of this;
  - Sometimes conditions are separated under pre-commencement, pre-occupation etc, but this discipline is not consistently used; and
  - A summary might be helpful for longer reports to help members digest very long reports.

## Member questions and debate

- 6.9 At the meetings viewed by the review team Members, in the main, were disciplined to separate the questioning of officers from the debate on the merits of the case and, if they strayed into debate during questions, then the Chair was quick to correct this.

- 6.10 Members also appeared to have prepared well for the meetings and were ready to ask questions about issues they did not understand in the report or issues where they did not initially agree with the officer view.
- 6.11 Members appeared to the review team to understand the importance of material planning considerations and the weight to be given to the Local Plan and the absence of a 5-year housing land supply. Members are clearly frustrated by the National Planning Policy Framework (NPPF) requirement for a presumption in favour of sustainable development and, at times would “play to the gallery” in making their frustrations known. However, members appeared very aware of the importance of policy and 5-year housing supply.
- 6.12 The review team did observe that members were being swayed more strongly to local objections rather than evidence presented to them. For example, members were sceptical of advice given by transport officers without having evidence to the contrary given by objectors. Therefore, the review team would recommend that any further training considered the importance of looking for evidence to support issues raised by objectors.
- 6.13 The chair allowed officers to comment on members’ reasons to overturn an officer recommendation which demonstrates good practice. Officers were, in these cases, given the opportunity to suggest appropriate wording and references to policy.

### Legal involvement in meetings

- 6.14 The review team understands that the legal support at planning committee comes from Oxfordshire County Council (OCC). The OCC legal representative attends committee meetings as a representative of CDC to ensure that the committee process and protocols are followed rather than provide a legal view on specific applications. This is welcomed by the council and provides an important legal backup to officers during the committee meetings. The review team is not clear on the process for ensuring that planning and CDC legal team liaise on upcoming applications. OCC mentioned that the CDC legal team does alert them to any issues with applications, however others involved in the process indicated that this did not always happen and that a more formal process might need establishing to ensure that reports get to the CDC legal team prior to the pre-agenda planning meeting so that issues can be resolved as soon as possible. It is also unclear how any potential legal issues are properly addressed or resolved, during and after the meetings. CDC may want to more formally set out a clear process for the legal involvement in the whole committee process and also reconsider the role of the legal officer either through an enhanced role of the existing representative presence from County Council, or the involvement of one of CDC’s legal officers directly.

## 7. Training and performance monitoring

### Member training

- 7.1 The review team heard that CDC has a positive approach to member training and there is regular training being undertaken by officers, particularly for new members of the planning committee. In addition, CDC has asked PAS to undertake defensible decision-making training with members to allow an independent perspective to be given to members on the key skills they need to sit on the planning committee. However, the review team did still find evidence of members not fully understanding the options open to them in making decisions. For example, at one committee meeting the review team saw evidence that members were not fully aware of the options available to them to address harm through conditions.
- 7.2 The council has recently introduced the Informal Planning Forum. Only two meetings have so far been held, but the forum has proved very popular with officers and members and shows a proactive approach by the council to improve ongoing member training and member oversight on planning performance. The forum is an opportunity for members and officers to learn from appeal decisions as well as reflect upon planning performance, both to celebrate good performance and address performance issues. This forum shows great promise and is good practice and, therefore, PAS strongly encourages CDC to continue with the Informal Planning Forum and to encourage as many members and officers as possible to participate in these meetings.
- 7.3 The review team also notes that an Overview and Scrutiny Working Group has been established for planning appeals which demonstrates the seriousness that the council is taking with addressing poor performance in planning appeals. Again, this is good practice and is strongly supported by PAS.
- 7.4 Notwithstanding the good work CDC is undertaking in making members aware of decision-making issues through the Informal Planning Forum and Overview and Scrutiny Working Group, the review team was advised that members have little knowledge of the appeals process and in how they can become actively involved in an appeal hearing or public inquiry. It would be helpful that, as part of the member training programme, members are provided training on the appeals process and ways that they can engage to support the council's position. This is particularly relevant to CDC due to Government's concerns on its record on successfully defending appeals.

## Performance monitoring

- 7.5 To assist with performance monitoring the review team heard about improvements that are being made to improvement performance management monitoring and the use of shared data.
- 7.6 The portfolio holder is keen that enough time and focus is given to performance management of the planning team and that all tasks and are recorded with specific timings agreed and acted upon before each performance review. The portfolio holder is also keen to see planning performance agreements more closely monitored in terms of time and outcomes and the performance of partners in contributing to the process.
- 7.7 The review team heard from officers that they felt well supported by managers throughout the planning committee process. There are weekly catchups where staff can discuss a range of issues affecting the planning teams and this includes a chance to reflect on the planning committee meetings, celebrating good performance and addressing any issues that might have arisen.
- 7.8 There is a regular item at planning committee meetings to report appeal decisions and this is good practice. However, the appeals item is at the end of the agenda and the review team noted that there is rarely a discussion on appeals, particularly after a long meeting. As appeals performance has brought the council to the attention of Government over potential designation, PAS would advise that CDC brings this appeals item to the front of the agenda, particularly if there are lessons to be learnt from an appeal that is upheld or costs have been awarded against the council. In this way, members will have a greater awareness of appeal decisions and can reflect on actions that might need to take place. Admittedly, the Informal Planning Forum and Overview and Scrutiny Working Group will be the places for detailed discussion, but the planning committee is the public forum for members and officers to acknowledge appeal performance.

## 8. Other matters

### Officer resources

- 8.1 An issue raised from different sources during the review was the limited officer resources available that is causing a strain on the speed of decision-making, the robustness of monitoring and the ability for officers to resource the appeals process. The review team saw no direct evidence that lack of resources was impacting on the robustness of decision-making at planning committee and the

review is limited to the planning committee only rather than a wider planning service review. However, the review team was made aware of a wider corporate transformation programme that is being undertaken at CDC that would be looking at resourcing and processes across the council.

- 8.2 One of the indicators that PAS uses to indicate a potential crisis in resourcing is the number of non-determination appeals that are lodged. In CDC's case it is clear that the non-determination appeals were not a direct result of lack of resources within the planning team, but from actions that the developer chose to take as a result of negotiations with the planning team. However, the review team was told about issues with lack of business support to processes followed in the planning service and therefore there is concern amongst staff at the inefficient processes currently being used to administer the planning functions and to monitor performance. The review team has no evidence of this as it only looked at the planning committee processes and did not look at the processes used in the day-to-day operations within the planning service
- 8.3 There was not time to carry out a review into how well the service is resourced. It was suggested, anecdotally, that there are resource issues within the service and at a managerial level. PAS would stress the importance of this planning committee review and the recommendations that need to be implemented to ensure the effective running of the planning committee. To do this may require a review of resources and should be tied together with any plans the council has to review resources more generally.

### Planning enforcement

- 8.4 The limitations of the planning committee review meant that the review team was not able to look in any detail into the way that CDC operates its planning enforcement service or how members engage with enforcement. Although planning enforcement is not normally a matter for planning committee to make decisions, it is an area of particular member interest and is likely to take up a considerable amount of members' time following up on enquiries.
- 8.5 Many councils will provide a regular report to their planning committee on planning enforcement cases that have been opened, closed and followed up with formal action. This gives members the opportunity to ask questions of officers when appropriate and to have a better understanding of workloads and the reasons for action taken. It is also common for the planning committee to scrutinise a local enforcement plan to help officers decide on what types of enforcement casework should be prioritised. The review team therefore recommends that CDC follows this practice so that members have a greater awareness of planning enforcement and can raise questions if appropriate. Planning committee, along with other councillors will also benefit from training as part of the annual member training programme.

## 9. Conclusions

- 9.1 CDC runs an effective planning committee with professional, knowledgeable officers and members who understand planning issues and the importance of following officer advice. However, the council does not have an up-to-date Local Plan or a 5-year housing land supply. It has also seen a recent change in political control with no political party having overall control. As Cherwell is in an area of high housing demand it has faced, in recent years, a high number of contentious housing proposals that have led to a number of appeals where the Planning Inspectorate has not always agreed with the council's position. As a consequence, the council is not performing to the minimum quality of decision-making standards set by Government.
- 9.2 There are many things that the council is doing well with regard to Planning Committee and it is generally well respected by both the development industry and the local community. However, there are areas of improvement that the review team has identified and these relate to issues of procedure, behaviours, training and communication. None of these are critical to the council operating a planning committee, but they are all important if CDC's planning committee is going to ensure that it makes robust and defensible decisions in the future.
- 9.3 Finally, the council should reflect on the current changes being consulted on by Government with respect to Planning Committees. These changes are likely to impose mandatory requirements on all councils on the scheme of delegation, size of planning committees and member training. Therefore, the council will need to make changes in its current operation of planning committee as a consequence of legislation that will be shortly passed through Parliament.

## 10. Next steps

- 10.1 PAS currently receives a grant from the Ministry of Housing, Communities and Local Government (MHCLG) to support councils under threat of designation. Whilst CDC is now not under immediate threat of designation PAS will be able to continue supporting CDC by monitoring performance and providing advice on how it implements the recommendations set out in this report.
- 10.2 PAS would also be happy to undertake a progress review in due course to assist the council in evaluating the progress being made on its planning committee performance. The main contact at PAS is Peter Ford, Principal Consultant, [peter.ford@local.gov.uk](mailto:peter.ford@local.gov.uk).

## Appendix 1 – appeals analysis

Address	Proposal	Member overturn?	Synopsis	PAS comment
Former Buzz Bingo, Bolton Road, Banbury	Redevelopment for 80 retirement apartments	Non determination	Inspector considered that the development impacted on the setting of a listed building and conservation area, but, on balance, the design acceptable.	Not tested at planning committee, but an avoidable overturn as a non-determination appeal.
Land NW of Station Road, Launton	Outline 65 dwellings	Yes	Inspector considered there was some limited harm to the character and appearance of the village and rural setting. The site was an inappropriate location due to limited access to facilities. There was also harm to the listed farmhouse. However, on balance the Inspector considered that the benefits of market and affordable housing and live-work units outweighed the harm.	The weight given by members on lack of 5 year housing land supply (5YHLS) was insufficient and officer judgement was correct.
Land at NW Bicester, Charlotte Ave	Outline for 530 dwellings as part of planned eco town	Non determination	Conditions and a legal agreement was secured between the council and the	Not tested at planning committee, but an avoidable overturn as

Address	Proposal	Member overturn?	Synopsis	PAS comment
			applicant to achieve zero carbon and affordable reduced to 10%. The Inspector considered that these benefits outweighed the harm on the heritage assets.	a non-determination appeal
West of Chilgrove Drive and North of Camp Road, Heyford Park	Outline for 230 dwellings	Yes	The proposal is outside the settlement boundary, but abutting the planned 1600 dwellings at a former RAF base. Changes to the NPPF (Dec 23) meant the council's housing calculations were incorrect due to unmet need in Oxford. The Inspector agreed with officers that the benefits of housing delivery outweighed the harm.	Officers found the development acceptable even with the council having a 5YHLS, which was found incorrect by Inspector. Therefore, the 5YHLS was not the issue for members but the issue of harm being outside the settlement boundary.
Land off Ploughley Road, Ambrosden	Outline for 120 dwellings	No	The Inspector considered that the development would not lead to significant impacts on the character and appearance of the area	Judgement on whether Inspector felt harm on character and appearance was sufficient to refuse.
Land East of Warwick	Outline for 170 dwellings	No	The Inspector considered that the need for housing,	Judgement on whether Inspector felt harm on character and

Address	Proposal	Member overturn?	Synopsis	PAS comment
Road, Banbury			particularly affordable housing outweighed impact on landscape, listed buildings / conservation area and loss of agricultural land. Changes to NPPF (Dec 23) meant council's housing calculations were incorrect due to unmet need in Oxford.	appearance was sufficient to refuse against a lack of 5YHLS.
Land West of Bloxham Road	Outline for 60 dwellings	No	The council could demonstrate a 5YHLS, but the Inspector felt the weight of housing need, particularly affordable, was greater than the visual intrusion into the countryside. The council removed its objection before the hearing, but the hearing still went ahead with 3rd party objections.	Even though the council withdrew the objections, the hearing still went ahead due to 3 <sup>rd</sup> party objections and the appeal went against council.
Land South of Green Lane, Cheserton	Outline for 147 dwellings	No	The Inspector considered that the edge of village development had good public transport and local facilities and didn't unduly harm the character and appearance of the area. The 5YHLS issue was	Inspector felt the development was in a sustainable location and not unduly impact on the village character regardless of the issues over the 5YHLS.

Address	Proposal	Member overturn?	Synopsis	PAS comment
			not relevant in this case.	
Land adjoining and West of 161 Rutten Lane, Yarnton	540 homes and up to 9,000 square metres of elderly extra care residential floorspace	Non-determination	<p>If the council had determined the application it would have been refused on 5 reasons: concerning the delivery of informal parkland; ecological mitigation and biodiversity gain; the provision of access to new playing fields for a primary school; affordable housing; and on-site infrastructure and infrastructure contributions.</p> <p>However, it withdrew reasons at the inquiry. The Inspector felt the development largely met the allocation requirements. Costs were awarded against the council and county council.</p>	There was significant damage to the council both in terms of decision-making and costs award (£400k)
Ells Lane, Bloxham	Outline for 30 dwellings	No	The Inspector considered the development was sustainable organic growth despite the high number of objections. It would not harm the	The judgement considered the impact on the rural / village setting. The Inspector awarded costs against the council (not have

Address	Proposal	Member overturn?	Synopsis	PAS comment
			housing strategy or rural character or village setting. There are accessible local facilities and it would not harm agricultural land.	information on reason for costs)
Land West of Howes Lane, Bicester	Employment land B2 and / or B8	Yes	The site is allocated for housing and green infrastructure in the SPD masterplan, but mixed use in Local Plan. The Inspector gave more weight to the Local Plan and housing was considered undeliverable.	Member misinterpretation of the weight given to the Local Plan against the SPD.

## Lessons to learn from appeal decisions

1. Non-determination appeals are very damaging to the council in terms of performance and loss of decision-making powers. Greater attention is needed to avoid non-determination appeals.
2. Member overturns are partly to blame for poor performance, but a greater number of appeals have been allowed following officer decisions and therefore it is important that officers reflect particularly on their interpretation of the NPPF.
3. Changes in the 5YHLS calculations are partly responsible for overturns, but in some cases the council has misjudged the harm caused on the character and appearance of the development on existing settlements and rural setting. The council should reflect on whether sufficient weight is being given to the overriding need for housing, particularly affordable housing,
4. The council has been penalised both in terms of decision-making and costs as a result of withdrawing refusing reasons. Further work is needed in understanding why it has been necessary to withdraw refusal reasons and the timing of the withdrawal of refusal reasons.

5. The council is taking insufficient account of the sustainability of developments, particularly in respect to sustainable transport. It is important that proper consideration is being given to transport solutions, particularly in discussions with Oxfordshire CC.
  
6. The appeal at Land adjoining and West of 161 Rutten Lane, Yarnton was particularly damaging to the council and needs to be reviewed in detail. In particular the need to look at: could it have avoided a non-determination appeal?; relationships with Oxfordshire County Council; and the late withdrawal of refusal reasons.