



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Barwood Development Securities Ltd &
Mr M Horgan
c/o Miss Katie Gregory
Pegasus Group
1 Newhall Street
5th Floor
Birmingham
B3 3NH

Outline Planning Determination

Date Registered: 28th December 2022

Proposal: Development of up to 60 homes including open space provision, parking, landscaping, drainage and associated works, with All Matters Reserved (appearance, landscaping, layout and scale) except for Access

Location: Land Adjacent to Salt Way and West of, Bloxham Road, Banbury

Parish(es): Banbury

REFUSAL OF PERMISSION FOR DEVELOPMENT

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and Development

Date of Decision: 8th September 2023

Checked by: Andy Bateson

REASONS FOR REFUSAL

1. Cherwell District Council is able to demonstrate a five-year housing land supply meaning that relevant Development Plan policies are up to date and carry full weight. The application site is located in open countryside beyond the existing built-up limits of Banbury and is not allocated for development. Due to its location it would appear isolated and divorced. The proposal is therefore contrary to Policies PSD1, BSC1, ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved policies C8 and H18 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. By reason of its location beyond the built-up limits of Banbury and its relationship with existing and proposed built development, the proposal is considered to result in unacceptable, poorly related and isolated development that could not successfully be fully integrated with existing development contrary to Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
3. The proposal has failed to adequately demonstrate through a full and detailed Landscape and Visual Impact Assessment that the proposal would not cause harm to the landscape and important landscape features such as Crouch Hill, the visual amenities of the locality and users of the Public Right of Way network contrary to Policies ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.
4. The submitted Design and Access Statement and the accompanying parameter, layout and landscape strategy plans fail to successfully demonstrate how development could be successfully accommodated on site and deliver a locally distinctive development with sufficient open space, play space and other infrastructure as required by Policies BSC11 and ESD15 of the adopted Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996, guidance within the adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.
5. 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 would provide for appropriate on-site infrastructure or infrastructure contributions required as a result of the development and necessary to make the impacts of development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, CDC Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.
6. In the absence of a satisfactory Construction Traffic Management Plan (CTMP) including construction traffic route, the Local Planning Authority is not satisfied that the proposed development would provide an acceptable and safe construction access route that would not cause unacceptable detriment to the amenities of nearby residents contrary to Policy ESD15 of the adopted Cherwell local Plan 2011-2031, saved policy TR7 of the Cherwell local Plan 1996 and government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>



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NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse the application, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted permission or approval for the proposed development, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.