



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### Name and Address of Agent/Applicant:

Abbeymill Homes  
Mr Tim Northey  
Market House  
Silver Street  
Olney  
MK46 4AL

### Full Planning Determination

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**Date Registered:** 19th September 2023

**Proposal:** Erection of 14 two storey dwellings and upgrading of existing access onto the Heyford Road, together with garaging and parking, footpath link, the removal and re-instatement of a section of existing wall and its repair along the Heyford Road frontage, and landscaping and all enabling development

**Location:** OS Parcel 0622 South Of Jersey Cottages And East Of Heyford Road, Kirtlington

**Parish(es):** Kirtlington

### REFUSAL OF PERMISSION FOR DEVELOPMENT

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: 14th December 2023**

**Checked by: Paul Ihringer**

## REASONS FOR REFUSAL

1. By virtue of its siting, scale, size, layout and form the proposal fails to respect the traditional settlement pattern of Kirtlington, extending beyond its built up limits to the east into countryside and into Kirtlington Park, resulting in an incongruous, contrived and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. Therefore, the proposal is contrary to Policies PSD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C8, C28 and C30 of the Cherwell Local Plan 1996, Policies PD1, PD4, PD5 and PD6 of the Mid-Cherwell Neighbourhood Plan 2018-2031, Government guidance contained within the National Planning Policy Framework and the National Design Guide.
2. The proposed development would, by reason of its location, scale, layout and form, cause considerable harm to the character and significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Park and Garden at Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings, in particular Grade II Home Farm, Grade II 3-4 Foxtownsend Cottages and the wider setting of Grade I Kirtlington Park house. Therefore, the proposal is contrary to Policies PSD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD1 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government advice within the National Planning Policy Framework.
3. The proposed development would fail to achieve a satisfactory standard of development on highway grounds due to the inability to achieve a satisfactory visibility splay to the north and the inability of a refuse collection vehicle to achieve satisfactory tracking within the site. In addition, in the absence of the failure to submit a Stage 1 Road Safety Audit, these three concerns would result in the potential for highway safety to be compromised. The development therefore conflicts with Policies PSD1, ESD15 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD1 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance contained within the National Planning Policy Framework.
4. The proposed development fails to address the need for a safe layout to prevent the risk of crime and disorder occurring. The proposal would therefore fail to comply with Policies PSD1, ESD15 and BSC11 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD5 of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance contained within the National Planning Policy Framework.
5. The proposed development would occur on land classified as Grade 2 BMV agricultural land, in conflict Policy Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, Policy PD1 of the of the Mid-Cherwell Neighbourhood Plan 2018-2031 and Government guidance contained within the National Planning Policy Framework.
6. 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 infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to Policy INF1 of the Cherwell Local Plan 2011-2031 Part 1, CDC's Planning Obligations SPD 2018 and Government guidance 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 to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision  
Here: <https://www.gov.uk/appeal-householder-planning-decision>
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision  
Here: <https://www.gov.uk/appeal-planning-decision>
- For **all other types** of planning applications, you must do so within **6 Months** of the date of the decision

##### Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000. Or online at <https://acp.planninginspectorate.gov.uk>**. 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 permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, 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.