



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Coleman Hicks Architects
Mr Steven Wakefield
Coleman Hicks Architects
Marlborough House
69 High Street
Kidlington
Oxfordshire
OX5 2DN

Full Planning Determination

Date Registered: 23rd November 2023

Proposal: New detached two storey house with detached garage - Re-submission of 23/01365/F

Location: Stable Lodge, Middleton Stoney House, Oxford Road, Middleton Stoney, Bicester, OX25 4TE

Parish(es): Middleton Stoney

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: 22nd March 2024

Checked by: Paul Ihringer

REASONS FOR REFUSAL

1. The proposal constitutes residential development in the open countryside, beyond the built-up limits of a settlement, for which it has not been demonstrated that there is an essential need. The dwelling would therefore be an unjustified and unsustainable form of development. The proposed development is therefore contrary to Policies ESD1, BSC1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Policy H18 of Cherwell Local Plan 1996, and Government guidance within the National Planning Policy Framework.
2. The proposed development by virtue of the loss of open nature of the land and the design of the dwelling, will have a harmful impact on the setting of a Grade II Listed Building and the setting of a Grade II Registered Park and Garden resulting in less than substantial harm. The application lacks a heritage assessment and provides no exceptional justification for the harm to the significance of the heritage assets. The public benefits of the proposal do not outweigh the harm identified and the proposed development is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
3. The application does not include sufficient ecological information to allow the Council to adequately assess the proposal and therefore the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats and Species Regulations 2017 cannot be met or discharged. The proposal is likely to have a detrimental impact on ecology and biodiversity contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

PLANNING NOTES

1. The application was submitted with the following drawing and documents:
 - Drawing number 100 – [Site Location Plan]
 - Drawing number 101 – [Existing Site Layout]
 - Drawing number 105 Rev B – [Proposed Site Layout]
 - Drawing number 110 – [Proposed Ground Floor Plan]
 - Drawing number 111 – [Proposed First Floor Plan]
 - Drawing number 112 – [Proposed Roof Plan]
 - Drawing number 115 – [Proposed Front & Rear Elevations]
 - Drawing number 116 – [Proposed Side Elevations]
 - Drawing number 117 Rev A – [Proposed Site Elevation]
 - Drawing number 118 – [Proposed Additional Side Elevations]
 - Design and Access Statement Version 2 dated 23rd November 2023
 - Supporting letter dated 23rd November 2023

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 provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



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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.