

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on  
14 January 2021 at 4.00 pm

Present:

Councillor James Macnamara (Chairman)

Councillor Andrew Beere  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Chris Heath  
Councillor Simon Holland  
Councillor David Hughes  
Councillor Mike Kerford-Byrnes  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor George Reynolds  
Councillor Barry Richards  
Councillor Les Sibley  
Councillor Katherine Tyson

Substitute Members:

Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington

Officers:

David Peckford, Assistant Director: Planning and Development  
Alex Chrusciak, Senior Manager - Development Management  
Nat Stock, Minors Team Leader  
Matt Chadwick, Senior Planning Officer  
Emma Whitley, Planning Officer  
Amy Sedman, Enforcement Team Leader  
Karen Jordan, Deputy Principal Solicitor  
Natasha Clark, Governance and Elections Manager  
Lesley Farrell, Democratic and Elections Officer

109 **Declarations of Interest**

**8. 24 Cheney Road, Banbury, OX16 3HS.**

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and he was related to the objector and would leave the meeting for the duration of the item.

**11. Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury.**

Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Colin Clarke, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

110 **Requests to Address the Meeting**

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

111 **Minutes**

The Minutes of the meeting held on 10 December 2020 were agreed as a correct record and signed by the Chairman.

112 **Chairman's Announcements**

The Chairman made the following announcement:

1. The Chairman welcomed Mr Alex Chrusciak – Senior Manager – Development Management who joined Cherwell District Council on 14 January 2021.
2. The Chairman reminded Members that they had voted for a change in speaking procedure at Council on 14 December 2020. Limits per application were now 10 minutes for Local Ward Members, unchanged at 5 minutes for Public Speakers and Committee Members limited to 3

minutes unless proposing a motion when they were limited to 5 minutes.

113 **Urgent Business**

There were no items of urgent business.

114 **Barn In OS Parcel 0545, West of Withycombe Farm, Wigginton**

The Committee considered application 20/01933/F for the erection of one residential dwelling for multi-generational living, landscape enhancements and associated works at Barn in OS Parcel 0545 West of Withycombe Farm, Wigginton for Virginia Sweetingham.

It was proposed by Councillor Hugo Brown and seconded by Councillor Mike Kerford-Byrnes that application 20/01933/F be deferred to allow for a virtual site visit to take place.

**Resolved**

- (1) That application 20/01933/F be deferred to allow for a virtual site visit.

115 **24 Cheney Road, Banbury, OX16 3HS**

The Committee considered application 20/02298/F for a single storey front, side & rear extension including new porch to front. Double storey side extension, and new outbuilding to rear of garden at 24 Cheney Road, Banbury OX16 3HS for Mr Asif Elahi.

Mr Tony Mephram, local resident addressed the Committee in objection to the application.

In reaching its decision the Committee considered the officer's report and presentation and the address of the public speaker.

**Resolved**

- (1) That permission be granted for application 20/02298/F subject to the following conditions:
  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. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Drawing Numbers:

00-PR-02 Rev A

00-PR-04 Rev A

00-PR-01 Rev A

00-PR-03 Rev A

00-OB-PR-02 Rev A

00-OB-PR-01 Rev A

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

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply 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.

4. The first floor window in the first floor southern elevation shall be obscure glazed, using manufactured obscure glass that is impenetrable to sight, (not an applied adhesive film) before the extension is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring 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.

5. The outbuilding hereby permitted shall be used solely as ancillary accommodation to the existing dwellinghouse, currently known as 24 Cheney Road, and as such shall not be sold, leased, let, sub-let or used as an independent dwelling unit.

Reason : The site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjoining dwelling 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 Government guidance contained within the National Planning Policy Framework.

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**Swerbrook Farm, Hook Norton Road, Wigginton, OX15 4LH**

The Committee considered application 20/02389/OUT for the erection of an indoor horse training arena at Swerbrook Farm, Hook Norton Road, Wigginton, OX15 4LH for Mr J Dunkley.

Caroline Mills, local resident addressed the Committee in objection to the application.

It was proposed by Councillor Hugo Brown and seconded by Councillor Mike Kerford-Byrnes that application 20/02389/OUT be approved subject to an extra condition regarding a suitable lighting scheme.

In reaching its decision the Committee considered the officer's report and presentation and the address of the public speaker.

**Resolved**

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/02389/OUT subject to the following conditions (and any amendments to those conditions as deemed necessary):

**CONDITIONS**

**Submission of Reserved Matters**

1. No development shall commence until full details of the landscaping (hereafter referred to as reserved matters) of the hereby approved development have been submitted to and approved in writing by the Local Planning Authority.

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, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

**Time Limit**

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years 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, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

#### **Plans**

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and drawings numbered L0006A, PP0051, PP0053B, PP0130D and PP0131A.

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.

#### **Access and Manoeuvring Area**

5. The access and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 16047 - L0006 - B) prior to the first use/of the development hereby approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The access and manoeuvring areas shall be retained in accordance with the approved details thereafter and shall be unobstructed except for the access and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Retention of Hedgerow**

6. The existing hedgerow along the northern and eastern boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development 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.

### **Ecology**

7. No development shall commence, including any works of site clearance, unless and until a method statement for enhancing the habitat for bats, birds and polecats and the aims of the Conservation Target Area shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter. The method statement shall include locations and types of bat and bird boxes (along with some integrated into the new building where possible) and additional planting with details of the management of the hedgerow, surrounding vegetation and benefits to wildlife of the scheme.

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.

### **Restriction of Use**

8. The horse training area hereby permitted shall be used for private recreation only, by the occupants of Swerbrook Farm, and shall not be used for any commercial equestrian purpose whatsoever including riding lessons, tuition, livery or competitions.

Reason - In order to maintain the rural character of the area in the interests of sustainability and highway safety, 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.

### **Lighting**

9. No lighting shall be installed at the site unless and until full details of that external lighting have been submitted to and approved in writing by the Local planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the development does not cause harm to any protected species or their habitats and to safeguard the character and appearance of the area in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

117 **Glebe Farm, Boddington Road, Claydon, Banbury OX17 1TD**

The Committee considered application 20/02446/F for the formation of an inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake at Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD for W A Adams Partnership (This was a re-submission of application 18/00904/F).

Councillor Douglas Webb, Local Ward Member addressed the Committee in support of the application.

Jenny Jones, Local resident addressed the Committee in objection to the application.

Mr Stephen Rice, Agent for the applicant addressed the Committee in support of the application.

It was proposed by Councillor George Reynolds and seconded by Councillor Phil Chapman that application 20/02446/F be refused contrary to officer recommendation due to unsustainability, effects on Heritage Assets (Policy ESD 15) and impact on Highway safety.

In reaching its decision the Committee considered the officers report and presentation, the addresses of the public speakers and the written updates.

**Resolved**

- (1) That application 20/02446/F be refused contrary to the officer's recommendation (with the exact wording of the reasons delegated to the Assistant Director Planning and Development).

118 **Land North and West of Bretch Hill Reservoir, Adj to Balmoral Avenue, Banbury**

The Committee considered application 20/01643/OUT for the erection of up to 49 homes, public open space and other infrastructure, with all matters reserved except access at Land North and West of Bretch Hill Reservoir Adj to Balmoral Avenue Banbury for Lone Star Land Limited. This was a revised scheme of application 19/01811/OUT.

Councillor Kieron Mallon, Local Ward Member addressed the Committee in objection to the application

Andy Fathers, local resident addressed the Committee in objection to the application.

Jerry Cahill addressed the Committee on behalf of the applicant in support of the application.



It was proposed by Councillor Colin Clarke and seconded by Councillor Barry Richards that application 20/01643/OUT be refused contrary to officer recommendations on the grounds of harm to the character and appearance of the area through development of a greenfield site and the Council having a 4.8 year housing land supply, impact on highway safety through additional traffic and an unsuitable junction, poor standard of amenity for future occupiers and insufficient biodiversity gain.

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

**Resolved**

- (1) That application 20/01643/OUT be refused contrary to the officer's recommendations (with the exact wording of the reasons delegated to the Assistant Director Planning and Development).

119 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public inquiries/hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted.

120 **Enforcement Report**

The Assistant Director Planning and Development submitted a report which updated Members on current planning enforcement activity following the last report in October 2020.

**Resolved**

- (1) That the contents of the report be noted.

The meeting ended at 7.03 pm

Chairman:

Date:



**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# NOTICE OF DECISION

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

**Name and Address of Agent/Applicant:**

Mr Stephen Rice  
Treach  
Trewartha Road  
Praa Sands  
Penzance  
TR20 9ST

**Full Planning Determination**

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**Date Registered:** 24th September 2020

**Proposal:** Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re-submission of 18/00904/F

**Location:** Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD

**Parish(es):** Claydon With Clattercote

### 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: 12th February 2021**

**Checked by: Nathanael Stock**

## REASONS FOR REFUSAL

1. The proposed development, by reason of its nature, size and scale combined with its isolated location away from settlements, established moorings and existing popular destinations and with poor alternative transport links, would be an unsustainable insertion into the open countryside. Future users of and visitors to the development would have no realistic choice of transport other than the private car, and the proposal would result in an unsustainable form of development. The proposal would therefore be contrary to Policies SLE1, ESD1, ESD16 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.
2. By virtue of its scale and location, the proposed development would result in a significant increase in traffic on the surrounding road network, and it has not been demonstrated that the access to the development or the visibility over bridges in the local area would be adequate for the scale of development proposed. The proposal would therefore be to the detriment of local highway safety and contrary to Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies TR1, TR7 and TR10 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. By virtue of its scale and siting, the proposed development would fail to preserve the character and appearance of the Oxford Canal Conservation Area. This harm, which would be less than the substantial, would significantly and demonstrably outweigh the benefits of the proposed development. The proposed development would therefore be contrary to Policies ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
4. 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 footpath improvements and off-site highway improvement works 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 contrary to Policies SLE4, ESD1, ESD15 and ESD16 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy TR1 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>



## NOTICE OF DECISION

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

#### 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 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.