

## Sharon Lowin

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**From:** Hannah Leary  
**Sent:** 30 January 2023 12:02  
**To:** caroline.ford@cherwell-dc.gov.uk  
**Cc:** pmartin@firethorntrust.com; Eleanor Musgrove; rb@reviewpartners.uk.com  
**Subject:** 31036-A3-NW Bicester-Application ref. 21/01630/OUT-Planning Committee (Without prejudice)

Caroline,

As you are aware, on Monday 16<sup>th</sup> January we lodged a Notice of our intent to Appeal in respect of our Client's application (21/01630/OUT) at North West Bicester. It is our intention to proceed to submit that appeal formally tomorrow.

The appeal is being submitted against the failure of Cherwell District Council to make a decision in respect of the application, this despite the presentation of an Officers Report to the 12<sup>th</sup> January Planning Committee with a recommendation that the application be approved subject to the resolution of the outstanding matters via Officers' delegated powers. At the Committee meeting on the 12<sup>th</sup> January, and in advance of any discussion or debate in respect of my Client's application, Cllr Pratt proposed a motion that the application be deferred on the basis that Members had not had sufficient time to consider the contents of the Late Sheet issued by Officers earlier that day. In addition, Cllr Pratt also referred in her comments to the fact that the Applicant had advised that a more detailed scheme could not be provided at this stage, and that in her opinion 'more detail' was required. Cllr Pratt recommended that the application be deferred until the information in the Late Sheet could be incorporated into the Officers Report, and until the Applicant submitted a full application (as opposed to the outline planning application submitted and before the Committee for determination, which was considered by her Officers to be acceptable and was therefore recommended for approval). In recommending the deferral, Cllr Pratt did not seek to propose a long-stop date by on/by which the application should be presented to the Committee again. The motion of deferral was seconded and supported by other Members.

In the face of this deferral, with no long-stop date identified by Members, and faced with the risk that Members could seek to defer the application again, our Client feels that they have no choice but to lodge an appeal. They have an urgent imperative to obtain permission such that development can proceed without further delay, and having lodged the application with your Council in May 2021 (on what is an allocated site within your development plan), and waited over 18 months to get to Committee – being subject to a deferral in the face of an Officers recommendation for approval is particularly frustrating.

You have indicated that you are proposing to take the application back to Committee on 9<sup>th</sup> February. Whilst Members will no longer have the ability to make a decision themselves in respect of the application, we believe that they still have a valuable opportunity to give their view on how they would have considered and determined the application. We respectfully ask that the application indeed be placed on the Agenda, and that if necessary a short supplementary report be prepared once the appeal has been lodged, informing the Committee of that fact such that the Committee is able to determine what its position on the application would have been were it not to have been appealed, which should serve to narrow the issues for the purposes of the appeal process.

**Hannah Leary**  
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