

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

**Appeal Reference: APP/C3105/W/24/3338211**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Ms Ella Hammond

Company/Group Name

Vistry Homes Ltd

Address

Cleeve Hall  
Cheltenham Road  
Bishops Cleeve  
GL52 8GD

Preferred contact method

Email



Post



#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mrs Karen Barnes

Company/Group Name

Turley

Address

The Pinnacle  
20 Tudor Road  
20 Tudor Roa  
Reading  
RG1 1NH

Phone number

01189022830

Email

karen.barnes@turley.co.uk

Your reference

BOVS3002

Preferred contact method

Email



Post



#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Cherwell District Council

LPA reference number	23/00853/OUT		
Date of the application	29/03/2023		
Did the LPA validate and register your application?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Did the LPA issue a decision?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Date of LPA's decision	11/08/2023		

#### D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Address	Land east of Warwick Road Banbury Grid Ref Easting: 433313 Grid Ref Northing: 243119		
Is the appeal site within a Green Belt?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

#### E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.			
Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury. All matters reserved except for access.			
Area (in hectares) of the whole appeal site [e.g. 1234.56]	12.63 hectare(s)		
Does the proposal include demolition of non-listed buildings within a conservation area?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>

#### F. REASON FOR THE APPEAL

**The reason for the appeal is that the LPA has:**

1. Refused planning permission for the development.	<input checked="" type="checkbox"/>
2. Refused permission to vary or remove a condition(s).	<input type="checkbox"/>
3. Refused prior approval of permitted development rights.	<input type="checkbox"/>
4. Granted planning permission for the development subject to conditions to which you object.	<input type="checkbox"/>
5. Refused approval of the matters reserved under an outline planning permission.	<input type="checkbox"/>
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.	<input type="checkbox"/>
7. Refused to approve any matter required by a condition on a previous planning permission (other	<input type="checkbox"/>

than those specified above).

8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

### G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

[see 'Appeal Documents' section](#)

(a) How many witnesses do you intend to call?

(b) How long do they need to give their evidence?

(c) How long do you estimate the inquiry will last?

### H. FULL STATEMENT OF CASE

[see 'Appeal Documents' section](#)

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

[see 'Appeal Documents' section](#)

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? (Please attach draft version if available) Yes  No

(b) Have you made a costs application with this appeal? Yes  No

### I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

**I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any part of the land to which the appeal relates;**

CERTIFICATE B

**I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:**

**Owner's Name:**

William Herbrand Sackville Earl De La Warr of Buckhurst Park

**Address at which notice was served:**

Buckhurst Park, Withyham, Hartfield, East Sussex, TN7 4BL

**Date the notice was served:**

05/02/2024

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

## I. (part two) AGRICULTURAL HOLDINGS

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

**Tenant's Name:** John Elliott  
**Address at which notice was served:** Waterhead of Dryfe Ltd Barton Lodge, Oxford Road, Steeple Aston, Bicester, OX6 3QH  
**Date the notice was served:** 05/02/2024

## J. SUPPORTING DOCUMENTS

01. A copy of the original application form sent to the LPA.

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (if these did not form part of the LPA's planning application form).

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application.

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

07. A copy of the design and access statement sent to the LPA (if required).

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

- (a) the relevant outline application;
- (b) all plans sent at outline application stage;
- (c) the original outline planning permission.

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

### K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No

### L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature** Mrs Karen Barnes

**Date** 05/02/2024 15:23:23

**Name** Mrs Karen Barnes

**On behalf of** Ms Ella Hammond

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

### M. NOW SEND

#### Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>

- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. Please ensure that any correspondence you send to us is clearly marked with the appeal reference number.

**You will not be sent any further reminders.**

### The documents listed below were uploaded with this form:

<b>Relates to Section:</b>	CHOICE OF PROCEDURE
<b>Document Description:</b>	Document containing detailed reasons why an inquiry is necessary.
<b>File name:</b>	Land East of Warwick Road Banbury - Statement of Case.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A copy of the full statement of case.
<b>File name:</b>	Land East of Warwick Road Banbury - Statement of Case.pdf
<b>Relates to Section:</b>	FULL STATEMENT OF CASE
<b>Document Description:</b>	A separate list of appendices to accompany your full statement of case
<b>File name:</b>	SoC Appendix 1 - Site Boundary Plan.pdf
<b>File name:</b>	SoC Appendix 2 - Decision Notice.pdf
<b>File name:</b>	SoC Appendix 3 - Planning Policy Context.pdf
<b>File name:</b>	SoC Appendix 4 - Historic England correspondence.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	01. A copy of the original application sent to the LPA.
<b>File name:</b>	ApplicationForm.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
<b>File name:</b>	ApplicationForm.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
<b>File name:</b>	Decision Notice_2300853OUT.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
<b>File name:</b>	edp3253_d045-B-Site Boundary Plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
<b>File name:</b>	Land east of Warwick Road - Banbury (Covering Letter).pdf
<b>File name:</b>	edp3253_d007-E-Site Location Plan.pdf
<b>File name:</b>	edp3253_d031-D-Land Use Amount and Access Parameter Plan.pdf
<b>File name:</b>	9717 Warwick Road Banbury Agricultural Land Quality.pdf

<b>File name:</b>	AIA with BN appended.pdf
<b>File name:</b>	Noise Impact Assessment.pdf
<b>File name:</b>	Land east of Warwick Road Banbury - Planning Statement (March 2023).pdf
<b>File name:</b>	AQA.pdf
<b>File name:</b>	DAS Part1.pdf
<b>File name:</b>	DAS Part3.pdf
<b>File name:</b>	Ecological Appraisal reduced.pdf
<b>File name:</b>	Utilities Assessment reduced.pdf
<b>File name:</b>	Framework Travel Plan.pdf
<b>File name:</b>	Phase 1 Desk Study Reduced 2.pdf
<b>File name:</b>	Lighting report.pdf
<b>File name:</b>	DAS Part2.pdf
<b>File name:</b>	Energy And Sustainability Statement - 26.01.2023.pdf
<b>File name:</b>	Phase 1 Desk Study Reduced 1.pdf
<b>File name:</b>	Banbury - Statement of Community Engagement.pdf
<b>File name:</b>	Transport Assessment.pdf
<b>File name:</b>	edp3253_d038-D-Illustrative Masterplan.pdf
<b>File name:</b>	FRA and Drainage Strategy reduced.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
<b>File name:</b>	5B - list of original application.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.
<b>File name:</b>	5C - list of plans in the decision.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
<b>File name:</b>	edp3253_d045-B-Site Boundary Plan.pdf
<b>File name:</b>	17279 Land East of Warwick Road Banbury - Technical Note 03 R.pdf
<b>File name:</b>	4410L-AER-v1.10.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.
<b>File name:</b>	6B - list of amended submission.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	07. A copy of the design and access statement sent to the LPA.
<b>File name:</b>	DAS Part3.pdf
<b>File name:</b>	DAS Part2.pdf
<b>File name:</b>	DAS Part1.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	08. A copy of a draft statement of common ground.
<b>File name:</b>	Land East of Warwick Road Banbury - Draft Statement of Common Ground.pdf
<b>File name:</b>	SoCG Appendix 1 - Site Boundary Plan.pdf
<b>Relates to Section:</b>	SUPPORTING DOCUMENTS
<b>Document Description:</b>	13. A copy of any Environmental Statement plus certificate and notices relating to publicity (if one was sent with the application, or required by the LPA).
<b>File name:</b>	ES Appendix 1.1 Statement of Technical Competence.pdf



**File name:** BOVS3002 ES V1 Chapter 1 Introduction.pdf  
**File name:** BOVS3002 ES V1 Chapter 3 Site Context.pdf  
**File name:** BOVS3002 ES V1 Chapter 4 Development Specification.pdf  
**File name:** BOVS3002 ES V1 Chapter 5 Consideration of Alternatives.pdf  
**File name:** BOVS3002 ES V3 Environmental Management Plan.pdf  
**File name:** BOVS3002 ES V1 Chapter 2 Approach to EIA.pdf  
**File name:** BOVS3002 ES V1 Contents Page.pdf  
**File name:** BOVS3002 ES V1 Chapter 6 Built Heritage and Archaeology.pdf  
**File name:** Appendix 2.1 EIA Scoping Report.pdf  
**File name:** Appendix 7.4 Representative Night Photoviewpoints.pdf  
**File name:** Figure 1.1 Site Location Plan.pdf  
**File name:** Figure 7.4 Findings of EDP's Visual Appraisal.pdf  
**File name:** Figure 7.3 Published Landscape Character and Context Appraisal.pdf  
**File name:** Figure 7.1 Site Character and Local Context.pdf  
**File name:** BOVS3002 ES V1 Chapter 7 Landscape and Visual.pdf  
**File name:** Figure 4.2 Illustrative Landscape Strategy.pdf  
**File name:** ES Appendix 6.3 Archaeological Evaluation Report.pdf  
**File name:** Figure 8.1 Approved Projects Plan.pdf  
**File name:** BOVS3002 ES V2 Contents Page.pdf  
**File name:** Appendix 6.2 Archaeological Geophysical Survey.pdf  
**File name:** Appendix 7.3 Representative Photoviewpoints.pdf  
**File name:** Appendix 2.2 EIA Scoping Opinion.pdf  
**File name:** BOVS3002 ES V4 Non-Technical Summary.pdf  
**File name:** BOVS3002 ES V1 Chapter 9 Summary.pdf  
**File name:** Figure 7.2 Relevant Planning Designations and Considerations.pdf  
**File name:** BOVS3002 ES V1 Chapter 8 Assessment of Cumulative Effects.pdf  
**File name:** Figure 4.1 Parameter Plan.pdf  
**File name:** Appendix 7.2 Arboricultural Impact Assessment\_Part3.pdf  
**File name:** Appendix 6.1 Archaeological and Heritage Assessment\_Part2.pdf  
**File name:** Appendix 6.1 Archaeological and Heritage Assessment\_Part1.pdf  
**File name:** Appendix 7.1 Landscape and Visual Appraisal\_Part2.pdf  
**File name:** Appendix 7.1 Landscape and Visual Appraisal\_Part3.pdf  
**File name:** Appendix 7.1 Landscape and Visual Appraisal\_Part1.pdf  
**File name:** Appendix 7.2 Arboricultural Impact Assessment\_Part1.pdf  
**File name:** Appendix 7.2 Arboricultural Impact Assessment\_Part2.pdf

**Completed by**

MRS KAREN BARNES

**Date**

05/02/2024 15:23:23