

Rachel Tibbetts

From: Gemma Magnuson
Sent: 09 March 2023 09:40
To: DC Support
Subject: FW: Wroxton MotoX Ref 21/00517/F

Kind regards

Gemma Magnuson (Mrs) MRTPI MTCP
Senior Planning Officer (South)
Communities Directorate
Cherwell District Council
Tel: 01295 227006
gemma.magnuson@cherwell-dc.gov.uk
www.cherwell.gov.uk
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You will appreciate that the above views are those of Council Officers and though given in good faith, cannot prejudice any decision which the Council, as the Local Planning Authority, may make.

Please note that my usual working hours are Monday to Friday 9.00am to 3.00pm.

Planning and Development services can be contacted as follows: Development Management - planning@cherwell-dc.gov.uk; Building Control - building.control@cherwell-dc.gov.uk; Planning Policy - planning.policy@cherwell-dc.gov.uk; Conservation - design.conservation@cherwell-dc.gov.uk. For the latest information on Planning and Development please visit www.cherwell.gov.uk

-----Original Message-----

From: chair@hornton-pc.org.uk <chair@hornton-pc.org.uk>
Sent: 08 March 2023 15:21
Subject: Wroxton MotoX Ref 21/00517/F

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Hi

Further to CDC's decision to not allow us to speak in the planning committee tomorrow with regards to the above application, I attach for your careful consideration advice received as to the appropriateness of that decision.

"Town and Country Planning Act 1990
Cherwell Planning Committee – 21/00517/F

There is a legal principle of 'legitimate expectation.' I consider that objectors to the application (and the applicant) have a legitimate expectation to make an oral presentation at the Planning Committee. I say this because:

1. The applicant has submitted further information following June 2021.
2. The Council has undertaken consultation on the further information

that has been provided.

3. The guidance published by the Council on the Portal states under 'Can I attend and address Committee meetings.' It is stated:

'Addresses may be presented to all meetings of Council except Appeals, Joint Appeals, Licensing and Standards Committees and their sub-committees.'

The publication does not suggest any limitations to this opportunity for presentations to a committee.

4. Statement of Community Involvement (SCI)

The SCI, formally adopted by the Council on 18th October 2021, states at Section 5.7:

'The Planning Committee is a public meeting and both applicants and members of the public have the right to speak in relation to an application.'

This right is not qualified as to which applications this right may be exercised.

5. Officer Scheme of Delegation

In my reading of the Scheme of Delegation (attached), the Assistant Director, Planning and Economy, has no power of Delegated Authority to vary the procedures for presentations to a committee.

So I conclude the procedures in the adopted SCI are not being followed - a legitimate expectation to be heard at the Planning Committee following further consultation is unreasonably being denied. I consider such a breach of procedure has the potential for a Judicial Review."

We await your response.

John Offord

Chair Hornton PC