



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Miss Olivia Morris
Harris Lamb
75-76 Francis Road
Edgbaston
Birmingham
B16 8SP

Full Planning Determination

Date Registered: 4th November 2021

Proposal: Replan of the western part of the residential development permitted through Reserved Matters application 19/00895/REM for the delivery of 107 dwellings (an extra 23)

Location: OS Parcels 6741 And 5426 West Cricket Field North, Wykham Lane, Bodicote

Parish(es): Bodicote

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford

Assistant Director – Planning and Development

Date of Decision: 28th November 2023

Checked by: Andy Bateson

SCHEDULE OF 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:

Site Location Plan – BODRP.SLP.000

Working Planning Layout – BOD.PL.RP001 Rev E

Landscape Masterplan – 2832-5-2-1-DR-5000 Rev P2]

Landscape Proposals 1 – 2832-5-2-1-DR-5001 Rev P2

Landscape Proposals 2 – 2832-5-2-1-DR-5002 Rev P2

Landscape Proposals 3 – 2832-5-2-1-DR-5003 Rev P2

Landscape Proposals 4 – 2832-5-2-1-DR-5004 Rev P2

Landscape Proposals 5 – 2832-5-2-1-DR-5005 Rev P2

Landscape Proposals 6 – 2832-5-2-1-DR-5006 Rev P2

Typical Tree Planting Details – 2832-5-2-1-DR-55—Rev P1

Floor Plan – Ellerton & Moresby (semi-Detached) Sheet 1 of 2 – BOD.HT.050

Elevation Plan – Ellerton & Moresby (semi-Detached) Sheet 2 of 2 – BOD.HT.051

Floor Plan – Ellerton (semi-Detached) Sheet 1 of 2 – BOD.HT.056

Elevation Plan – Ellerton (semi-Detached) Sheet 2 of 2 – BOD.HT.057

Floor Plan – Ellerton & Moresby (semi-Detached) Sheet 1 of 2 – BOD.HT.050

Elevation Plan – Ellerton & Moresby (semi-Detached) Sheet 2 of 2 – BOD.HT.051

Floor Plan – Ellerton & Moresby (semi-Detached) Sheet 1 of 2 – BOD.HT.058

Elevation Plan – Ellerton & Moresby (semi-Detached) Sheet 2 of 2 – BOD.HT.059 Rev A

Floor Plan – Moresby (Detached) Sheet 1 of 2 – BOD.HT.060

Elevation Plan – Moresby (Detached) Sheet 2 of 2 – BOD.HT.061

Floor Plan – Collaton (semi-Detached) Sheet 1 of 2 – BOD.HT.062

Elevation Plan – Collaton (semi-Detached) Sheet 2 of 2 – BOD.HT.063

Floor Plan – Collaton (semi-Detached) Sheet 1 of 2 – BOD.HT.068

Elevation Plan – Collaton (semi-Detached) Sheet 2 of 2 – BOD.HT.069

Floor Plan – Kingsville (semi-Detached) Sheet 1 of 2 – BOD.HT.064

Elevation Plan – Kingsville (semi-Detached) Sheet 2 of 2 – BOD.HT.065

Floor Plan – Thornton (Detached) Sheet 1 of 2 – BOD.HT.070

Elevation Plan – Thornton (Detached) Sheet 2 of 2 – BOD.HT.071

Floor Plan – Thornton (Detached) Sheet 1 of 2 – BOD.HT.080

Elevation Plan – Thornton (Detached) Sheet 2 of 2 – BOD.HT.081

Floor Plan – Alderney (Detached) Sheet 1 of 2 – BOD.HT.052

Elevation Plan – Alderney (Detached) Sheet 2 of 2 – BOD.HT.053

Floor Plan – Alderney (Detached) Sheet 1 of 2 – BOD.HT.072

Elevation Plan – Alderney (Detached) Sheet 2 of 2 – BOD.HT.073

Floor Plan – Alderney (Detached) Sheet 1 of 2 – BOD.HT.082

Elevation Plan – Alderney (Detached) Sheet 2 of 2 – BOD.HT.083

Floor Plan – Radleigh (Detached) Sheet 1 of 2 – BOD.HT.074

Elevation Plan – Radleigh (Detached) Sheet 2 of 2 – BOD.HT.075

Floor Plan – Radleigh (Detached) Sheet 1 of 2 – BOD.HT.076

Elevation Plan – Radleigh (Detached) Sheet 2 of 2 – BOD.HT.077

Floor Plan – Radleigh (Detached) Sheet 1 of 2 – BOD.HT.084

Elevation Plan – Radleigh (Detached) Sheet 2 of 2 – BOD.HT.085

Floor Plan – Lutterworth (semi-Detached) Sheet 1 of 2 – BOD.HT.078

Elevation Plan – Lutterworth (semi-Detached) Sheet 2 of 2 – BOD.HT.079

Floor Plan – Maidstone (Terraced) Sheet 1 of 2 – BOD.HT.054

Elevation Plan – Maidstone (Terraced) Sheet 2 of 2 – BOD.HT.055

Floor Plan – Type 50 (semi-Detached) Sheet 1 of 2 – BOD.HT.066
 Elevation Plan – Type 50 (semi-Detached) Sheet 2 of 2 – BOD.HT.067
 Floor Plan – Type H470 (Detached) Sheet 1 of 2 – BOD.HT.028
 Elevation Plan – Type H470 (Detached) Sheet 2 of 2 – BOD.HT.029
 Floor Plan – Type H442 (Detached) Sheet 1 of 2 – BOD.HT.036
 Elevation Plan – Type H442 (Detached) Sheet 2 of 2 – BOD.HT.037
 Floor Plan – Type H442 (Detached) Sheet 1 of 2 – BOD.HT.038
 Elevation Plan – Type H442 (Detached) Sheet 2 of 2 – BOD.HT.039
 Floor Plan – Type H417 (Detached) Sheet 1 of 2 – BOD.HT.040
 Elevation Plan – Type H417 (Detached) Sheet 2 of 2 – BOD.HT.041
 Floor Plan – Type H417 (Detached) Sheet 1 of 2 – BOD.HT.042
 Elevation Plan – Type H417 (Detached) Sheet 2 of 2 – BOD.HT.043
 Floor Plan – Type H456 (Detached) Sheet 1 of 2 – BOD.HT.015
 Elevation Plan – Type H456 (Detached) Sheet 2 of 2 – BOD.HT.016
 Floor Plan – Type H456 (Detached) Sheet 1 of 2 – BOD.HT.044
 Elevation Plan – Type H456 (Detached) Sheet 2 of 2 – BOD.HT.045
 Floor Plan – Type H456 (Detached) Sheet 1 of 2 – BOD.HT.046
 Elevation Plan – Type H456 (Detached) Sheet 2 of 2 – BOD.HT.047
 Floor Plan – Type H456 (Detached) Sheet 1 of 2 – BOD.HT.048
 Elevation Plan – Type H456 (Detached) Sheet 2 of 2 – BOD.HT.049
 Floor Plan – Type T310 & P470 (Terraced) Sheet 1 of 2 – BOD.HT.026
 Elevation Plan – Type T310 & P470 (Terraced) Sheet 2 of 2 – BOD.HT.027
 Floor Plan 1 – Type T310 & P230 (Terraced) Sheet 1 of 3 – BOD.HT.010
 Floor Plan 2 – Type T310 & P230 (Terraced) Sheet 2 of 3 – BOD.HT.011
 Elevation Plan – Type T310 & P230 (Terraced) Sheet 3 of 3 – BOD.HT.012 Rev A
 Floor Plan – Type T382 (semi-Detached) Sheet 1 of 2 – BOD.HT.021
 Elevation Plan – Type T382 (semi-Detached) Sheet 2 of 2 – BOD.HT.022
 Floor Plan – Type T382 (semi-Detached) Sheet 1 of 2 – BOD.HT.032
 Elevation Plan – Type T382 (semi-Detached) Sheet 2 of 2 – BOD.HT.033
 Floor Plan – Type P341 & P382 (semi-Detached) Sheet 1 of 2 – BOD.HT.013 Rev A
 Elevation Plan – Type P341 & P382 (semi-Detached) Sheet 2 of 2 – BOD.HT.014
 Floor Plan – Type P331 (semi-Detached) Sheet 1 of 2 – BOD.HT.034
 Elevation Plan – Type P331 (semi-Detached) Sheet 2 of 2 – BOD.HT.035
 Floor Plan – Type P286 (semi-Detached) Sheet 1 of 2 – BOD.HT.017
 Elevation Plan – Type P286 (semi-Detached) Sheet 2 of 2 – BOD.HT.018
 Floor Plan – Type P286 (Terraced) Sheet 1 of 2 – BOD.HT.019
 Elevation Plan – Type P286 (Terraced) Sheet 2 of 2 – BOD.HT.020
 Floor Plan – Type P382 & Bloxham (Terraced) Sheet 1 of 3 – BOD.HT.023
 Elevation Plan 1 – Type P382 & Bloxham (Terraced) Sheet 2 of 3 – BOD.HT.024
 Elevation Plan 2 – Type P382 & Bloxham (Terraced) Sheet 3 of 3 – BOD.HT.025
 Floor Plan – Type SH52 (Terraced) Sheet 1 of 2 – BOD.HT.030 Rev C
 Elevation Plan – Type SH52 (Terraced) Sheet 2 of 2 – BOD.HT.031 Rev C
 Dual Branded Garage Plan – Type SDG2H8 Floor Plan Sheet 1 of 2 – BOD.GA.100
 Dual Branded Garage Plan – Type SDG2H8 Elevations Sheet 2 of 2 – BOD.GA.101
 Dual Branded Garage Plan – Type LSG1H8 Floor Plan Sheet 1 of 2 – BOD.GA.102
 Dual Branded Garage Plan – Type LSG1H8 Elevations Sheet 2 of 2 – BOD.GA.103
 Dual Branded Garage Plan – Type LDG2H8 Floor Plan Sheet 1 of 2 – BOD.GA.104
 Dual Branded Garage Plan – Type LSG2H8 Elevations Sheet 2 of 2 – BOD.GA.105
 Street Scenes Plan – A-A & B-B 1 of 6 – BOD.RP.ST.004
 Street Scenes Plan – C-C 2 of 6 – BOD.RP.ST.004.1
 Street Scenes Plan – D-D 3 of 6 – BOD.RP.ST.004.2
 Street Scenes Plan – E-E 4 of 6 – BOD.RP.ST.004.3
 Street Scenes Plan – F-F 5 of 6 – BOD.RP.ST.004.4
 Street Scenes Plan – G-G 6 of 6 – BOD.RP.ST.004.5
 Car Parking & Refuse Strategy – BOD.RP.CPRS.002
 Materials Plan – BOD.RP.MP.003
 Character Area Plan – BOD.RP.CAP.005
 Affordable Housing Plan – BOD.RP.HA.006
 Surface Water Layout Plan – 957-00-201
 Finished Levels Plan – 957-00-202

Refuse Vehicle Tracking Plan – 957-00-203
Preliminary Vehicle Tracking MPV – 957-00-204
Hard Surface Proposals – 2832-5-2-1 Dr-5007 Rev S4-P1

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. Notwithstanding the landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in the first planting season following occupation. The landscaping scheme shall include:
 - (i) details of proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment, i.e., depth of topsoil, mulch etc.;
 - (ii) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and any steps etc. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

4. Prior to the commencement of any development above slab level, a materials plan shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the materials plan submitted, all materials of construction relating to (i) all access roads, driveways, parking courts, parking areas and footpaths (ii) all dwellings, garages and other buildings and structures (iii) shall be in accordance with the use of materials already agreed under 18/00895/REM, unless otherwise agreed in writing. The development shall be carried out in accordance with the approved materials plan.

Reason: In the interests of the visual appearance of the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031. The Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

5. If alternative materials to those in condition 4 above are proposed, prior to the commencement of any dwelling or garage above slab level, samples of any alternative roofing materials and sample panels (minimum size 1m²) of the alternative bricks/natural ironstone shall be constructed on site to be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the relevant dwellings, garages and boundary walls shall be constructed in accordance with the approved sample panels. The sample panels shall be retained on site for the duration of the construction of the development.

Reason: In the interests of the visual appearance of the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

6. No dwellings shall be constructed above slab level until details of a site-wide biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the provision of habitat boxes/bricks for bats, swifts and other birds; the provision of hedgehog passages; the provision of boundary treatments to facilitate the movement of wildlife; and a timetable for the enhancements to take place. The development shall be carried out in accordance with the approved details and timetable and thereafter maintained in accordance with this condition.

Reason: To enhance biodiversity in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

7. Prior to commencing any works in respect of landscaping, final details, locations, specifications and construction methods for all purpose-built tree pits and above ground features, to include the installation of below ground, load bearing cell structured root trenches, rot barriers, irrigation systems and a stated volume of suitable growing medium to promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and specifications.

Reason: In the interests of the visual amenities of the development, the long-term survival of the trees, to ensure the creation of a pleasant environment, and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. Prior to the first occupation of any dwelling on the site, a Travel Plan. Prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans' and its subsequent amendments. shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to accord with Government guidance within the National Planning Policy Framework.

9. No development shall be occupied until confirmation has been provided that:-
- (i) Foul Water Capacity exists off-site to serve the development; or,
 - (ii) A Development and Infrastructure Phasing Plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or,
 - (iii) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

10. No development shall be occupied until confirmation has been provided that either:-
- (i) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or,
 - (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

11. The drainage strategy for the site shall be carried out in accordance with the drainage report dated 25.03,2022 and drawing number 957-00-001 Rev A.

Reason: To ensure the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

12. Prior to the commencement of any development hereby approved, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how each dwelling hereby approved, will achieve a 19% reduction in carbon emissions above 2013 Building regulations and a water efficiency of not more than 110 litres/person/day. The development shall thereafter be carried out in accordance with the approved energy strategy.

Reason: In the interests of creating sustainable new development in accordance with the requirements of Policies ESD1, ESD2, ESD£, ESD4 and ESD5 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. That prior to the occupation of any dwelling, it shall be provided with an electric vehicle charging point.

Reason: in the interests of sustainability and reducing carbon footprints and to accord with Policy ESD3 of the adopted Cherwell Local Plan 2011-32031 and Government guidance within the National Planning Policy Framework.

14. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, wall, fence or other means of enclosure shall be erected or constructed or placed between any dwelling and the highway or within the curtilages of dwellings if forward of a principal elevation without the prior express consent of the Local Planning Authority.

Reason: To retain the character and appearance of the development and in the interests of highway safety, to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning policy Framework.

15. Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments the garages, car ports and drive-throughs serving parking areas shown on the approved plans shall be retained and maintained for the parking and manoeuvring of vehicles and storage of cycles at all times and shall not be converted to provide additional living accommodation without the express planning permission of the Local Planning Authority.

Reason: To ensure that satisfactory provision is made for parking and access, and the parking of safe undercover storage of cycles clear of the highway, in accordance with Government guidance within the National Planning Policy Framework.

16. Notwithstanding the information shown on the approved plans, all casement windows to be installed on the dwellings and garages within the development shall be side hung, balanced casements of equal proportions unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

17. All windows and doors to be installed within the development shall be recessed a minimum of 75mm within the window and door surrounds, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

18. All dwellings and garages shall be constructed using simple mortared edges to roof edges and no overhang, and clipped eaves and gutters fitted tight to the walls or brackets or sprockets, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

PLANNING NOTES

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

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, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

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

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 (as amended), or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

- It is the responsibility of the applicant to ascertain whether their development affects any public right of way, highway or listed building.

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
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the 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 www.planningportal.gov.uk/pcs**. 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 them 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 them.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that they 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 District Council to purchase their 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 granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.