



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

Name and Address of Agent/Applicant:

Howkins & Harrison
98a Watling Street
Towcester
Northants
NN12 6BT

Agricultural to Flexible Uses "Prior Approval" Determination

Date Registered: 25th July 2022

Proposal: Change of Use of one agricultural building to B8 use

Location: Elm Tree Farm, Main Street, Wendlebury, OX25 2QA

Parish(es): Wendlebury

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council as Local Planning Authority has determined on the basis of the information submitted that its **Prior Approval is required and is hereby granted for the proposal specified above SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The proposed development must only be carried out in strict accordance with the details submitted with the application and, notwithstanding this decision, be in compliance with all other conditions and limitations set out in Part 3, Class R of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

A handwritten signature in black ink, appearing to read "D.P.", positioned above the name and title of the Assistant Director.

David Peckford
Assistant Director – Planning and
Development

Date of Decision: 16th September 2022

Checked by: Paul Ihringer

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 application form and the following plans and documents: Application Description, Site Location Plan

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, to ensure that the development is acceptable in respect of highway safety and to accord with Government guidance contained within the National Planning Policy Framework.

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.
2. Schedule 2, Part 3, Class R of The Town and Country Planning (General Permitted Development) (England) Order 2015 only allows for the change of use of all, or part of a building and a planning application must be submitted for any associated operational development.

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 provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



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NOTES TO THE APPLICANT

OTHER NECESSARY CONSENTS

Notwithstanding this decision, it is the responsibility of the developer to ensure that the development is carried out in accordance with all of the conditions and limitations set out within Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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. You are therefore advised to contact the District Council's Building Control Manager before considering work on site. The BCM can be contacted on 01295 227006 or E-mail at 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.
- 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 1SD.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant prior approval for the proposed development subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

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 the Local Planning Authority could not have granted prior approval for the proposed development without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.