



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

MR Andrew Rockett
THE POUND
MILL LANE
SHENINGTON
Oxfordshire
OX15 6NB

Listed Building Determination

Date Registered: 10th November 2022

Proposal: Internal and external alterations to facilitate the change of use from public house to one dwelling (associated with approval 22/00256/F) and conversion of existing outbuilding to ground floor garage with first floor ancillary accommodation

Location: North Arms House and Outbuilding, Mills Lane, Wroxton, OX15 6PY

Parish(es): Banbury

LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** listed building consent for the works 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: 8th November 2023

Checked by: Nathanael Stock

SCHEDULE OF CONDITIONS

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 information contained within the application form and the following approved plans:
 - 22070 SLP1
 - 22070 P01 Rev B
 - 22070 P02 Rev A
 - 22070 P11 Rev B
 - 22070 P12 Rev B
 - 22070 P13 Rev A
 - 22070 P14 Rev B
 - 22070 P15 Rev B
 - Email from Andrew Rockett to the local planning authority dated 14.09.2023 at 1355 hours.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and significance of the heritage asset and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the excavations to form an access to cellar with new stone steps that part of the building shall be recorded and that recording and a method statement for those works of this element shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Notwithstanding the details submitted, prior to the works proposed in the areas annotated Areas C, C1, D and D1 structural and joinery details and a method statement for these works including joinery details for stairs and doors (as applicable) at area C1 and D1 at a scale of 1:20 unless an alternative scale is agreed in writing by the local planning authority, shall be submitted to and approved in writing by the Local Planning Authority. This shall be informed by an independent damp and decay specialist. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details submitted, prior to the works proposed in the area annotated B2, structural and joinery details and a method statement for these works at a scale of 1:20 unless an alternative scale is agreed in writing by the local planning authority, shall be submitted to and approved in writing by the Local Planning Authority. This shall be informed by an independent damp and decay specialist. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the works proposed in the dining/sitting room, annotated Area B, a method statement for those works shall be submitted to and approved in writing by the Local Planning Authority. The method statement must include details of fixing the steels into the masonry and details of encasing the steel. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the installation of windows and doors hereby approved, full details of all doors and windows at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding the details provided, no repairs to stone or replacement/repair of the roof of the outbuilding shall commence unless and until (a) a stone sample panel (minimum 1m² in size and using lime based mortar with brushed or rubbed joints) has been constructed on site in natural ironstone and has been inspected and approved in writing by the Local Planning Authority (b) a slate sample or full specification of the natural slate to be used has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved schedule and the external walls of the development shall not be laid, dressed, coursed and pointed other than in accordance with the approved stone sample panel and the development shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the installation of the new stud partition with high level borrowed light screen annotated Area B.2, details of the partition and borrowed light screen shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Notwithstanding the details submitted, prior to the removal of any lime plaster a schedule of works to show extent of removal of the original lime plaster must be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Any new pipes and/or rain water goods shall be cast iron.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Details of any new mechanical vents proposed including their locations shall be submitted to and approved in writing by the Local Planning Authority before any such mechanical vents are installed. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Upon the completion of the removal of timber staircase, partitions and ceiling beam in Area B1, and the removal of existing stud walls and plaster boards at Area C1 and prior to the first occupation of these parts of the development for the purposes subject of this application, record photos of these areas shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Details of skirting moulding must be submitted to and approved in writing by the local planning authority prior to the commencement of those works. The development shall not be carried out other than in full accordance with the approved details.

Reason - To safeguard the character and significance of the heritage asset and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the details submitted, the development shall be constructed using traditional eaves and verge details with no fascias or barge boards.

Reason - To ensure that the completed development is in keeping with and safeguards the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Any new floorboards must match original boards in terms of species/grain/dimension and sawing.

Note to Applicant - The applicant is advised to refer to SPAB guidance on old timber floors.

Reason - To safeguard the character and significance of the heritage asset and to comply with saved Policy C18 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. Plaster casings must not be repaired other than on a like for like basis.

Reason - To safeguard the character and significance of the heritage asset and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Joinery and ceilings shall not be decorated or painted other than with breathable paint.

Reason – To safeguard the character and significance of the heritage asset and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

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.

You can apply to discharge more than one condition at the same time. 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.

3. **Listed buildings** - The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character of the building may be carried out without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of, Listed Building Consent). This consent gives approval only for those works shown on the plans and details submitted and approved in relation to this application. Additionally the applicant shall carry out the approved works in such a manner as to ensure that the existing building(s) is/are preserved and not structurally or superficially altered in any way whatsoever save in accordance with the approved plans the subject of this consent and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

4. The applicant is reminded that the carrying out of any unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

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

TIME LIMITS FOR APPLICATIONS

By virtue of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 12 and Schedule 3 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, listed building and conservation area consents are subject to time limits. If a condition imposing a time limit has been expressly included as part of the consent, then that condition must be observed.

If listed building consent or conservation area consent is granted without such a condition, then it shall be deemed to have been granted subject to the condition that the works to which it relates shall be begun not later than the expiration of three years from the date on which consent was granted.

This does not apply to any consent for the retention of works granted under Section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which authorises such works only from the date of the grant of that consent.

OTHER NECESSARY CONSENTS

This document only conveys listed building consent or conservation area consent for the works the subject of the application, 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 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain planning permission for the proposed works.
- 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 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 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 his/her development requires any of the above consents or approvals.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant consent subject to conditions, you can appeal to the First Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) 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.

PURCHASE NOTICES

If listed building consent or conservation area consent is granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on the District Council a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) 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 him.

These circumstances are set out in the Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.