



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

Name and Address of Agent/Applicant:

Cotswold Residential Design
Mr Brendon Gilford
158 Carterton Mobile Home Park
Milestone Road
Oxfordshire
Carterton
OX18 3FW

Planning Condition(s) Determination

Date Registered: 6th November 2023

Proposal: Discharge of conditions 4 (archaeological written scheme of investigation) and 5 (archaeological archive report) of 23/01997/F

Location: Villiers Park House, School Lane, Middleton Stoney, Bicester, OX25 4AW

Parish(es): Middleton Stoney

REFUSAL OF CLEARANCE OF PLANNING CONDITION(S)

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** the clearance of the above condition(s) for the reason(s) overleaf.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and
Development

Date of Decision: 28th December 2023

Checked by: Nathanael Stock

REASONS FOR REFUSAL

Condition 4 (Written Scheme of Investigation)

The submitted Written Scheme of Investigation does not contain the required information and is therefore insufficient to discharge the condition. The applicant is required to contact Oxfordshire County Council's Archaeologist to agree a design brief before commissioning an appropriate qualified archaeologist to produce the Written Scheme of Investigation, including a timetable for the works.

In the absence of the required information, it has not been demonstrated that sufficient archaeological investigation has been provided, and the development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Condition 5 - Archaeological Archive Report

The requirements of the condition cannot be met until the investigation set out in a Written Scheme of Investigation (required by condition 4), once one has been agreed and submitted, has been completed and the reporting, archiving and publication secured.

In the absence of the required information, it has not been demonstrated that sufficient archaeological investigation has been provided, and the development is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

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>.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to approve details reserved by 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 <https://acp.planninginspectorate.gov.uk>**. 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 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 him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she 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 Council to purchase his/her 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 refused by the Secretary of State on appeal or on reference of the application to him.

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