



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

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

Name and Address of Agent/Applicant:

Mr Stephen Hopkins
Austin Grounds Farm
Hook Norton Road
Sibford Ferris
Banbury
Oxfordshire
OX15 5QR

Agricultural to Residential (C3) "Prior Approval" Determination

Date Registered: 21st June 2024

Proposal: Prior Approval application for Change of Use from agricultural to residential by temporary transitional provisions that, until 20 May 2025, allow applicants to use rights as they stood prior to May 2024

Location: Austin Grounds Farm, Hook Norton Road, Sibford Ferris, OX15 5QR

Parish(es): Sibford Ferris

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council as Local Planning Authority has determined on the basis of the information submitted that **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, notwithstanding this decision, must be in compliance with all other conditions and limitations set out in Part 3, Class Q of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and
Development

Date of Decision: 16th August 2024

Checked by: Paul Ihringer

SCHEDULE OF CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: HOP/01, HOP/02, and HOP/03 and the residential curtilage of the dwelling shall be restricted to that area within and defined by the red line on drawing HOP/03; the supporting note dated 20 June 2024; the structural assessment report dated May 2015 and accompanying letter dated May 2017.

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.

2. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the local planning authority before the first occupation of the dwelling hereby approved and such means of enclosure shall be erected prior to the first occupation of the dwelling and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

3. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the site plan (HOP/03) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring area shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

4. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development of the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained 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 £43 per request for householder development and £145 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.

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.

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 Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 (as amended).

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.