

Your ref: 18/01894/OUT  
3/12/2024

Shona King  
Cherwell District Council  
Bodicote House,  
Banbury,  
OX15 4AA

**OS Parcel 4300 North of Shortlands and South of High Rock, Hook Norton  
Road, Sibford Ferris, Oxfordshire OX15 5QW  
Variation of condition 4 (drawings) of 18/01894/OUT (Appeal Ref: APP/C3105/W/19/3229631) in terms of  
Section 73 of TCPA 1990**

Dear Shona,

Further to the approval of 18/01894/OUT at appeal, Deanfield Homes hereby propose to amend the approved drawings by omitting the allotments from the drawings listed in Condition 4.

Outline Application 18/01894/OUT was submitted on 1<sup>st</sup> November 2018 and presented at the Planning Committee of 18<sup>th</sup> April 2019, with the following recommendation:

RECOMMENDATION: DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION SUBJECT TO NO OBJECTIONS FROM COUNTY COUNCIL'S ARCHAEOLOGIST AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of 35% affordable housing together with 70/30 tenure split between social rented and shared ownership or other low cost home ownership which shall be agreed with CDC;
- b) Provision of public open amenity space and future maintenance arrangements;
- c) Provision of a combined on-site LAP together with future maintenance arrangements;
- d) Maintenance arrangements for on-site trees, hedgerows, and drainage features;
- e) Payment of a financial contribution towards the provision of refuse/recycling bins for the development.
- f) Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- g) Financial contribution towards the provision of new community hall facilities or the improvement/expansion of existing facilities where there is not enough space capacity in existing appropriate facilities.
- h) Public Transport Infrastructure Financial Contribution of £20,000 towards a new bus shelter and hardstanding for the existing bus stop on Main Street, Sibford Ferris;
- i) Traffic Regulation Order Financial Contribution of £4,850 towards the alteration of the speed limit TRO on Hook Norton Road, and provision of a gateway feature and highway markings
- j) To secure entry into a S278 agreement (Highways Act 1980) to secure mitigation/improvement works, including: Formation of a new site access and provision of a footway from the pedestrian access on Hook Norton Road to the existing footway network

The Outline application included the drawings below, which indicated the principle of including allotments in the

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development, but despite this, the recommendation by the officer made no reference to securing the provision and/or any contributions for the future maintenance of the allotments.

- Concept Schematic by BHP Harwood Architects
- 6426/ASP3/PP- Rev E Parameter Plan by Aspect Landscape Planning
- 6426/ASP4/LSP-Rev A-Landscape Strategy Plan by Aspect Landscape Planning

Following the refusal by the Planning Committee, against the officer's recommendation to approve, the above drawings are listed in condition 4 of the appeal decision notice. There are however no conditions referencing the allotments and no requirement in the Section 106 to deliver or make a contribution to the future maintenance of the allotments. As you will be aware, the allotments have been offered to the Parish Council (PC) and the offer to take ownership was rejected. It is not clear if the PC requested the provision of the allotments during the public engagement, because of a local need or whether it was offered by the applicant, without any need being demonstrated. This must be considered in light of the Council's threshold for on-site allotment provision of 275 dwellings, which is considerably more than our development for 25 dwellings and it should therefore not have been included in the Outline proposal. The Committee Report only lists the provision of the allotments amongst other benefits of the development. In the subsequent appeal decision notice, the Inspector also makes no specific reference to the allotments. It is therefore concluded that the provision of the allotments in the Outline application is neither a requirement in terms of the Development Plan nor did the inclusion have any bearing on the determination of the application. It is therefore considered that its removal would not be contrary to the any Development Plan Policy.

In terms of the Section 106 dated 25 September 2019, it considered that the removal of the allotments would not need a Deed of Variation, because the Third Schedule deals with Public Open Space, but only from the perspective of the open space, SUDS and LAP. It is silent in terms of the allotments, but it would be necessary to re-discharge the Open Space Scheme, which was approved on 2<sup>nd</sup> July 2024 under reference 24/00130/OB.

I trust the above is in order, but if you have any questions, please do not hesitate to contact me.

Yours sincerely,



Wesley Mc Carthy  
Senior Planning Manager  
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