



**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:

Fiona Darey  
Unit 14, 14 Fountain Buildings  
Lansdown Mews  
Bath  
BA1 5DX

### Listed Building Determination

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**Date Registered:** 18th February 2021

**Proposal:** Works to the Main House include: - making good and restoration to the roof, chimneys and gutters / downpipes - making good and restoration to the external pointing, - repairs and changing deteriorated windows and external doors with new double-glazed to match - restoration works to lintels. Works to the Garage include: - incorporating solar thermal panels under slate tiles for solar-thermal power - install new garage doors -changing deteriorated windows with new double-glazed to match the Main House. Works to the Log Store/Garden Room: - demolish the dilapidated Log Store and replace it with a Garden Room. Works to the boundaries: - maintenance work to the existing stone walls - new timber entrance gates to the driveway

**Location:** 7 The Colony, Colony Road, Sibford Gower, OX15 5RY

**Parish(es):** Sibford Gower

### 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: 9th September 2021**

**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: 120 001, 010, 011, 012, 013A, 021, 022, 031, 110C, 111D, 112C, 113C, 121C, 122C, 131C

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

3. Prior to the installation of any new doors and windows hereby approved, full details of the doors and windows, at a scale of 1:20 including a cross section, cill, lintel and recess detail, ironmongery and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall not be installed within the building other than 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 ESD 15 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.

4. Prior to the repair of any windows and doors hereby approved, a schedule of the repairs for each window or door shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be repaired strictly 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 ESD 15 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.

5. Prior to the construction of the garden room above slab level samples of the timber cladding and corrugated roofing to be used in the construction of the garden room shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to safeguard 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.

6. Prior to the installation of the solar thermal panels on the garage roof details of the panels including ridge/verge/eaves details shall be submitted to and approved in writing the by the Local Planning Authority. The development shall not be carried out other than in accordance with the details so approved.

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 ESD 15 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.

7. Prior to the construction of the garden room above slab level, a stone sample panel (minimum 1m2 in size) shall be constructed on site in natural ironstone to match the stonework on the existing building/boundary wall, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to safeguard 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.

8. All mortar used in the new works and those of making good must be lime mortar.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the significance of heritage assets and 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.

9. Prior to the installation of the new gates details of the gates and gate posts shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the details so approved.

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 ESD 15 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.

## 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](mailto: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.

## 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.

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. 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>.



## NOTICE OF DECISION

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

#### 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](mailto: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](mailto: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.