

JPPC ref: NW-JK/7987/03
Portal ref:

Cherwell District Council
Planning Department
Development Management
By email

3rd March 2026

Dear Planning Team

**Variation of planning condition 8 (opening hours) of planning permission 19/00171/F (as amended by 19/00835/F and 19/02263/NMA) to allow use of building for extended hours
At: Building at Swalcliffe Park Equestrian, Park Lane, Swalcliffe, Banbury, OX15 5EU**

We write on behalf of our client to seek planning consent to vary the above-mentioned planning condition.

Site and background

The site consists of a building and parking area located on the corner of Park Lane and Grange Lane. The site is located approximately 500m from Swalcliffe and 1.1km from Sibford Ferris. Two accesses exist to the site from both Park Lane and Grange Lane. The building itself was granted planning permission in 2019 for a new veterinary building under 19/00171/F. This permission has subsequently been amended under 19/00835/F and 19/02263/NMA and built out.

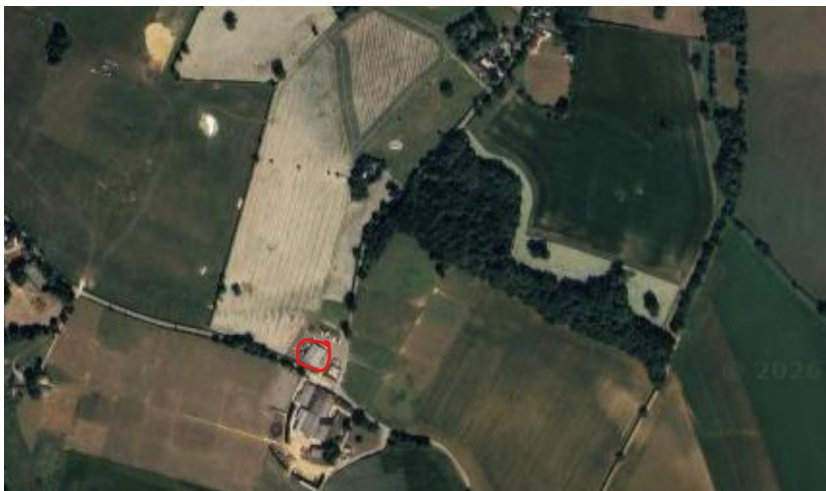


Figure 1: Site location shown red

In terms of planning constraints, the site lies outside of any nationally designated landscape and does not lie within a Conservation Area or the setting of any heritage assets. There are no national or local ecological designations on the site.

The site is located in flood zone 1, the lowest area of flood risk, and is not identified as being at risk of surface water flooding on the Gov.uk flood risk maps.

Proposal

The current application seeks permission to amend condition 8 of planning consent 19/00171/F which restricts the opening hours of the premises.

It is now proposed to use the building to provide two padel courts as the use of the building as a veterinary practice is no longer required. The current application therefore proposes to vary the wording of condition 8 to allow for extended opening hours in association with the use of the building for padel courts. The requested wording is outlined below:

The hours of opening of the premises shall be restricted to the following times:-

Monday-Friday - 8.00am to 7.00pm

Saturday - 8.00am to 1.00pm

Sunday and Public Holidays - No time whatsoever

The above restriction shall not apply to the ongoing welfare and emergency care cases in association with the use of the building for veterinary purposes.

It shall also not apply to the use of the building for indoor racket sports which shall be restricted to the following times:

7:000 am to 11:00pm everyday

Since the original consent was granted the use class order has been amended in 2020 and introduced Use Class E to simplify and modernise the use class order and make it more flexible.

In this case the originally consented use of the building for a veterinary building now falls within Use Class E(e) as it provides for medical and health services principally to visiting members of the public. The use class of veterinary uses is subject to recent planning case law. In *West Suffolk Council v Secretary of State for Levelling Up, Housing and Communities & Ors* [2025] it was established that a Planning Inspectors determination that a veterinary use falls within Use Class E(e) was lawful and correct.

The original planning permission granting consent for the building does not include any planning conditions restricting the use of the building to solely a veterinary practice and the change between uses within the same class does not constitute development and therefore does not require planning permission as outlined in the Town and Country Planning (Use Classes) Order 1987.

Given the above the building can be lawfully used for any purposes in use class E which includes E(d) for indoor sport, recreation or fitness principally to visiting members of the public.

As such the use of the building for indoor sports, such as padel courts, does not require planning permission and the current application solely seeks the permission to change opening hours of the building.

Planning Policy

Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission be determined in accordance with the development plan, including any local and neighbourhood plans that have been brought into force unless there are material considerations that indicate otherwise.

The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

The Development Plan for the area include the Saved Policies of the Cherwell Local Plan (1996) and the Cherwell Local Plan Part 1 (2015). The key policies relevant to the current proposal are outlined below:

Saved Policies of the Cherwell Local Plan 1996

ENV1 - Development likely to cause detrimental levels of pollution

Cherwell Local Plan Part 1 (2015)

ESD15 The Character of the Built and Historic Environment

There is currently no Neighbourhood Plan for Swalcliffe

Discussion

In considering the variation of the opening hours it is important to consider the reason why the planning condition was imposed on the consent in the first instance and whether it still serves a useful purpose. In this case the reason for the opening hours restriction on the original decision notice is:

Reason - In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

From reviewing the earlier applications it is somewhat unclear why the opening hours restriction was placed on the consents other than to align with the hours noted on the application form however this appears to be somewhat at odds with government guidance which requires conditions only be imposed where they are necessary to make development acceptable in planning terms. The Environmental Protection Officer did not require the opening hours restriction and it is noted within the officer reports that the site is located in a 'somewhat isolated siting'.

The immediately surrounding uses are agricultural and equestrian in nature and the proposal is located some distance from the nearest residential dwelling. It is therefore considered that the extended opening hours would not have an adverse impact on any sensitive receptors near the site in terms of noise and disturbance. The activities will take place within the building.

It is also important to note that the use of the building for padel courts would have very limited traffic impact associated with it as it is only for 2 courts which are likely to accommodate a maximum of 8 people at any one time.

Conclusion

Overall we consider that the use of the building for padel courts would fall within its existing use class and therefore not require permission. The extended opening hours sought in this application would not result in any harm to the amenity of the area or nearby uses. The proposals therefore comply with the relevant policies in the Development Plan and we respectfully request that planning permission should be granted.

Please do not hesitate to contact me if you have any questions regarding the application.

Yours faithfully

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