|  |  |
| --- | --- |
|  | NOTICE OF DECISION |
| TOWN AND COUNTRY PLANNING ACT 1990(AS AMENDED) |
| Name and Address of Agent/Applicant:The Vanbrugh Trust And Pye Homes Ltdc/o West Waddy ADPMs Debbie JonesThe Malthouse60 East St. Helen StreetAbingdonOX14 5EB |  |
| **Date Registered:** 9th December 2014 |
|  |
| **Proposal:** | Outline planning application (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to 120 unit care village (C2) with associated publically accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publically accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works. |
| **Location:** | Land South Of Perdiswell Farm Shipton Road Shipton On Cherwell  |
| **Parish(es):** |  Shipton On Cherwell And Thrupp  |
|  |  |

### REFUSAL OF PERMISSION FOR DEVELOPMENT

|  |
| --- |
| The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Cherwell District CouncilBodicote HouseBodicoteBanburyOxonOX15 4AA |

|  |
| --- |
| **Cherwell District Council** |
| Certified a true copyHead of Public Protection & Development Management |

 |  |

 |  |

|  |  |
| --- | --- |
| **Date of Decision: 2nd October 2015** | **Head of Public Protection** **& Development Management** |

|  |
| --- |
| REASONS FOR REFUSAL |

 1 The proposed development would result in unnecessary and undesirable new housing development in open countryside in that the application site is not allocated for development in either the adopted Cherwell Local Plan 2011-2031, the West Oxfordshire Local Plan 2011, or the Submission West Oxfordshire Local Plan 2031 . Cherwell District Council is able to demonstrate that it has a 5 year supply of deliverable housing land and the development of land at Woodstock does not accord with the Council's development strategy of focussing development at Banbury and Bicester and allowing only limited development in rural areas, and therefore the proposal is contrary to Policies BSC 1 and Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Policy H18 of the saved policies of the Cherwell Local Plan (1996).

 2 This substantial development proposal would result in a significant loss of open countryside and have a substantial and adverse impact upon the character and appearance of that countryside and therefore be contrary to Policy ESD13 of the Cherwell Local Plan 2011-2031.

 3 It has not been demonstrated that the development, by reason of its siting, size, and height of buildings, will not have a significant and adverse detrimental impact upon the Blenheim Palace and Park World Heritage Site, the Grade 1 listed building, and the Listed Garden, or the Blenheim Villa Scheduled Ancient Monument, which would impact upon the setting of these assets and visitors experience of the WHS and other heritage assets both on their approach to it from the south along the A44, and whilst within the park, and would therefore be contrary to Policy ESD16 of the Cherwell Local Plan 2011-2031. It is considered that the evidence to support the applicant’s case for securing the future of the World Heritage site is not sufficient to outweigh this concern.

 4 The proposed development would be poorly connected to the existing facilities offered by Woodstock, with the principle effective pedestrian/ cycle route being along the A44. Additional proposed connections through existing housing estates are considered to be indirect and of lesser attraction to users as they do not lead to the facilities sought. Given the size of the site walking and cycling distances from the southern/eastern extremities of the site are excessive. The proposal is therefore considered to contrary to Policy SLE 4 of Cherwell Local Plan 2011-2031.

 5 Given the refusal of planning permission by West Oxfordshire District Council for their part of the site the remaining development would result in an unconnected and isolated community in an unsustainable location poorly related to either Woodstock or Bladon, and it has not been demonstrated that the necessary facilities for the community could be provided in a satisfactory manner within the remaining area, and therefore the proposal would be contrary to Policies PSD1, Policy Villages 1 and 2, and Policy INF 1.

 6 The transport interchange (formerly Link & Ride) car park is contrary to transport strategy as set out in the Oxford Transport Strategy that forms part of the adopted Oxfordshire County Council Local Transport Plan 4, 2015-2031.

 7 The provision of employment development of the scale proposed is inconsistent with the Cherwell Local Plan strategy which focusses employment development at Banbury and Bicester or on existing employment sites elsewhere. No attempt has been made to address the criteria set out in Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 and therefore the proposal is contrary to that Policy.

 8 It has not been demonstrated to the satisfaction of either the Local Planning Authority or Sport England that the proposed sports facilities have been planned in a positive and integrated way in accordance with Paragraph 70 of the NPPF and may not therefore be fit for purpose, accessible and sustainable, and therefore the proposal is contrary to Policies BSC10 AND BSC 11 of the adopted Cherwell Local Plan 2011-2031.

 9 By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. Consequently the proposals conflict with the requirements of Policies BSC3 and INF1 of the Cherwell Submission Local Plan as well as paragraphs 17, 203 and 204 of the National Planning Policy Framework.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

|  |  |
| --- | --- |
|  | 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 grant planning permission or grant planning permission subject to 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** applicationsyou 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 which ever 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 www.planningportal.gov.uk/pcs.** 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.