



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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Name and date of Committee	<b>LOWLANDS AREA PLANNING SUB-COMMITTEE - MONDAY 16 DECEMBER 2019</b>
Report Number	<b>AGENDA ITEM No. 6</b>
Subject	<b>BUILDING OPERATIONS TO FACILITATE THE RESIDENTIAL USE OF MODERN BARN BUILDING – CHIMNEY FARM BARNS, CHIMNEY, BAMPTON, - APPLICATION NO 19/01878/FUL</b>
Wards affected	Standlake, Aston and Stanton Harcourt
Accountable member	Members of the Area Planning Sub-Committee <a href="https://www.westoxon.gov.uk/media/1597902/membership-and-dates-of-area-planning-sub-committees.pdf">https://www.westoxon.gov.uk/media/1597902/membership-and-dates-of-area-planning-sub-committees.pdf</a>
Accountable officer Author	Business Manager – Development Management Stuart Mciver Tel: 01993 861663 Email: <a href="mailto:stuart.mciver@publicagroup.uk">stuart.mciver@publicagroup.uk</a>
Summary/Purpose	To clarify the reasons for refusal with regards to the above application
Annexes	None
Recommendation/s	That the Sub-Committee confirms the reason for refusal as being as follows:-  By reason of the number of windows and rooflights, the scheme is considered overly domestic and would have a detrimental impact on the character and appearance of the building and as such is contrary to policy OS4 of the adopted West Oxfordshire Local Plan.
Corporate priorities	To maintain and enhance West Oxfordshire as one of the best places to live, work and visit in Great Britain.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A

## **1. BACKGROUND**

1.1. Members will recall that at the last meeting they considered the above application and resolved to refuse planning permission against officer recommendation.

1.2. In so doing no specific refusal reasons or planning policies were cited as to why the scheme should be refused but the draft minutes record that it was:

“The number of windows and rooflights was excessive and would lead to light pollution, resulting in a detrimental impact on the dark, night sky;

The use class of the property needed to be restricted to private use, to avoid the property being used as a holiday let;

The application needed a design plan for the garden to ensure that appropriate trees were retained.”

## **2. MAIN POINTS**

2.1. Subsequent to the resolution the applicants have been in contact with Officers raising a series of planning and procedural issues regarding the resolution (e.g. no technical basis regarding design for refusal, no policies stated regarding refusal).

2.1.1. Officers are thus seeking clarity from members regarding exactly what the putative refusal reasons are.

## **3. FINANCIAL IMPLICATIONS**

3.1. The refusal reason needs to address matters that are properly the remit of the Full application. The above refusal reason seeks to follow the principles established in the debate that led to the refusal but restricting the reasons to matters that relate to the application and that do not relate to matters where there is no technical support or which relate to the use – which already has permission by reason of the extant prior approval permission. Departing from this would substantially increase the likelihood and size of costs being awarded were the applicants to appeal the decision to refuse consent.

## **4. LEGAL IMPLICATIONS**

4.1. None applicable

## **5. RISK ASSESSMENT**

5.1. The costs regime is intended by Government as a mechanism to ensure that planning decisions are evidenced based and that decisions are made in accordance with relevant technical advice. Departing from those principles would open up the risk of substantial costs being awarded against the Council.

## **6. ALTERNATIVE OPTIONS**

6.1. Members may determine the application as they see fit within the constraints of planning legislation. However, should Members decide to include unsubstantiated refusal reasons this would significantly increase the likelihood of losing any subsequent appeal and of costs being awarded for unreasonable behaviour.

## **7. BACKGROUND PAPERS**

7.1. None