

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA SUB COMMITTEE

8 JANUARY 2018

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

**CONCERN RAISED IN RESPECT OF THE DETERMINATION OF
APPLICATION NO. 17/00642/OUT (LAND EAST OF BARNS LANE,
BURFORD) AT THE UPLANDS MEETING OF 6 DECEMBER 2017**

(Contact: Phil Shaw, Tel: (01993 861687)

(The decision on this matter will be a resolution)

1. PURPOSE

To advise Members of an issue raised and to ask Members to have particular regard to the minutes as they apply to application ref 17/00642/OUT (Land East of Barns Lane, Burford).

2. RECOMMENDATION

That Members confirm the minutes of the meeting held on 6 December 2017 as a correct record.

3. BACKGROUND

- 3.1. Members will recall that at the additional Uplands meeting held on 6 December 2017 the above application was determined against officer recommendation and that as such the formal refusal reasons were not set out as part of the papers before Members. In proposing refusal Councillor Beaney made reference to the impact on both the landscape and the heritage assets of the town. As the debate moved on it focussed increasingly on the requirements of paragraph 115 of the NPPF and the tests set out in paragraph 116 of the NPPF as to whether the scheme had demonstrated “public interest” and “exceptional circumstances” to be acceptable in the AONB and the decision to refuse the application was taken with this element at the forefront of the debate.
- 3.2. However, following the decision to refuse but before the next item was introduced, Officers sought clarification as to whether the proposition made by Mr Beaney and which included Heritage Asset as well as Landscape harms reflected Members’ wishes as to what they wanted to be included in the refusal reasons. Members agreed that this was the case.
- 3.3. Following the meeting, Officers have received a number of e-mails on behalf of the applicants expressing concern, inter alia, that the debate was “re-opened” after they had left the room and requesting that the application be referred to the Development Control Committee for formal determination.

3.4. Officers do not consider that the debate was re-opened but rather that what was sought was clarification rather than debate, but in the interests of natural justice have put this report before Members such that they can explicitly determine whether they consider the minutes reflect the debate and accurately capture what they wished to be included in the refusal reasons. It will also give the applicants the opportunity to put a counter case forward before any decision is finalised and issued.

4. ALTERNATIVES/OPTIONS

Members could decide that the minutes are not an accurate reflection of their intention or that only one refusal reason should be imposed.

5. FINANCIAL IMPLICATIONS

None arising directly from this report.

6. REASONS

To ensure that the refusal reasons accurately reflect Members' intentions in proposing refusal of and then refusing the application.

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Background Papers:

None