



Delegated Decision Notice

This form is used to record any delegated decision which has been taken by officers under delegated authority.

Decision title	Non-defence of refusal reasons in respect of impending appeal for the East Witney allocation in the Local Plan
Decision date	7 May 2024
Decision maker	Giles Hughes, Chief Executive, in consultation with: <ul style="list-style-type: none">• Director of Governance• Director of Finance• Leader of the Council• Executive Member for Planning and Sustainable Development• Chair of Development Control Committee• Chair of Lowlands Area Planning Sub-Committee
Source of delegation (resolution or Constitution – please reference)	<p>Constitution Part 3C: Urgency and Emergency Decisions:</p> <p>The Chief Executive in consultation with the Chief Finance Officer and the Monitoring Officer, may take a decision in relation to any function of the Council, Executive or of a Committee or Sub-Committee where the matter is urgent and cannot reasonably await the next meeting of that body. In doing so, the Officer shall also consult with the Leader of the Council, or in their absence, the Deputy Leader of the Council and the Chair, or in their absence the Vice-Chair, of any relevant Committee or Sub-Committee, as the case may be.</p> <p>Any decision under the above provisions shall be recorded on an Officer Decision Notice, and published, unless exempt or confidential. The decision shall be reported to Council, the Executive or the appropriate Committee or Sub-Committee, such report to include the reasons that the powers needed to be used.</p>
Decision taken	To agree, in light of the changes made by the developer to the scheme in preparing for the upcoming Public Inquiry, that the Council join Oxfordshire County Council in deciding to no longer defend the refusal reasons that were applied when the application was determined by the Lowlands Area Planning Sub-Committee.
Reasons for the decision	When the application was determined it had followed a long period of pre application and application negotiation where officers had been seeking compliance with the policies of the



	<p>approved plan and the developer had not been prepared to deliver upon those requirements. Oxfordshire County Council (OCC) had also refused consent on highways/technical grounds. In preparing for the Inquiry the developer had adjusted his position on a number of matters and had amended the scheme to address the refusal reasons that the Council would be tabling. Separately negotiations with OCC had progressed such that they have indicated they will not be defending their refusal reason. As such the position now is very different to that which pertained at the time the application was determined such that a review of the expediency of continuing with the appeal was logical - particularly as the weakening of the Local Planning Authority position alongside the recent loss of the 5-year housing land supply had substantially increased the likelihood of an adverse award of costs should the Council continue to seek to defend a weakened case.</p> <p>It is the opinion of the Business Manager for Development and Sustainability that the clear balance of advantage now that the developer has moved towards the Council's position is to jointly agree that the Inquiry should be directed at resolving the conditions/Heads of Terms but not the principle of development. This will save the Council costs, negate the risk of an award of costs and slightly improve the Council's 5-year land supply position.</p>
Alternative options considered	Continue with the appeal – not preferred due to the reputational and financial consequences of fighting a much-weakened case when the Council has now largely secured the key elements it was looking for.
Key or non-key?	Non-key
Subject to urgency rules?	Yes
Affected wards	Witney Wards; South Leigh
Details of consultation undertaken	<p>Prior to confirming the decision the Chief Executive consulted with:</p> <ul style="list-style-type: none">• Director of Governance• Director of Finance• Leader of the Council• Executive Member for Planning and Sustainable Development• Chair of Development Control Committee• Chair of Lowlands Area Planning Sub-Committee
Lead officer	Phil Shaw, Business Manager Development and Sustainability



WEST OXFORDSHIRE
DISTRICT COUNCIL

List of documents considered	Report titled "Suggested non defence of refusal reasons in respect of impending appeal for the East Witney allocation in the Local Plan".
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