

PLANNING

ELECTRONIC
VERSION

Planning Decision

P17/S2268/O

IPE Orchestra Land Ltd
c/o PRP-London
10 Lindsey Street
LONDON
EC1A 9HP

REFUSAL OF PLANNING PERMISSION

Application No : **P17/S2268/O**

Application proposal, including any amendments :

The erection of up to 59 dwellings together with vehicular access from High Road, a local area for play, landscaping including an orchard, footpath links, sustainable drainage and other related infrastructure.

(As clarified by flood risk assessment received 15 August 2017, applicant's response to urban design comments received 12 September 2017 and response to landscape comments received 19 September 2017, and ecology and biodiversity report received 4 October 2017).

Site Location : **Sotwell Manor Fruit Farm High Road Brightwell-Cum-Sotwell OX10 0PS**

South Oxfordshire District Council hereby gives notice that **planning permission is REFUSED** for the carrying out of the development referred to above for the following reason(s) :

1. The application site lies outside the defined settlement boundary of Brightwell-cum-Sotwell (a smaller village) and is not a site allocated for development in the Brightwell-cum-Sotwell Neighbourhood Plan. The development would extend beyond the settlement edge, into open undeveloped land, in a manner that does not accord with the District's strategy for growth. The neighbourhood plan proactively plans for growth of the village in a manner that meets the needs of the local community. Further expansion of the village beyond the settlement boundary would result in a disproportionate level of development, beyond that identified in the Neighbourhood Plan, and an over-reliance on private transport to access local services.



As such, the development would be contrary to the National Planning Policy Framework, policies CS1, CSS1, CSR1 and CSQ3 of the South Oxfordshire Core Strategy, policies G2, G4 and D1 of the South Oxfordshire Local Plan 2011 and policies BCS1 of the Brightwell-Cum-Sotwell Neighbourhood Plan.

2. Insufficient ecological information has been provided to demonstrate that the development would not have an adverse impact on great crested newts, which are reasonably likely to be present on the application site. As such, the development is contrary to Paragraph 109 of the NPPF, Policy CSB1 of the South Oxfordshire Core Strategy, Policies C6 and C8 of the South Oxfordshire Local Plan 2011 and Policy BCS12 of the Brightwell-Cum-Sotwell Neighbourhood Plan.
3. In the absence of a completed Section 106 legal agreement, the proposal fails to secure infrastructure necessary to meet the needs of the development. As such, the development would be contrary to the National Planning Policy Framework, policy CSI1 and CSM2 of the South Oxfordshire Core Strategy and policies R2, R6, R8 and T1 of the South Oxfordshire Local Plan 2011.
4. In the absence of a completed Section 106 legal agreement, the proposal fails to secure affordable housing to meet the needs of the District. As such, the development would be contrary to the National Planning Policy Framework and policy CSH3 of the South Oxfordshire Core Strategy.

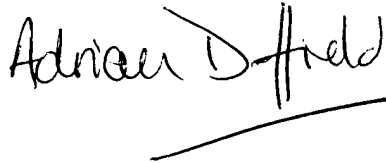
NB: The plans being refused are:

40016-5501-001D
05-704-01-A
05-704-100-06-A
05-704-100-07-A
05-704-100-08-B
05-704-100-09-A
05-704-100-10
05-704-700-11-A

NB: The type of development to which this permission relates is liable to pay the Community Infrastructure Levy as set out in the South Oxfordshire Charging Schedule. Please refer to the CIL Regulations 2010 (as amended). If planning permission is granted following a successful appeal against this refusal, the developer is advised that a Liability Notice will be issued to the relevant person on granting of permission of reserved matters. Detailed guidance and the CIL Process is available on the planning portal website <http://www.planningportal.co.uk/cil> or our website <http://www.southoxon.gov.uk/cil>

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council takes a positive and proactive approach to development

proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems. The applicant/agent was advised why the proposal does not accord with the development plan and that there are no other material considerations to outweigh those objections before the application was determined.

A handwritten signature in black ink, reading "Adrian D. Field". The signature is written in a cursive style with a long horizontal stroke underneath.

Head of Planning
25th October 2017

STATUTORY INFORMATIVE

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
Telephone : 0303 444 5000
www.planningportal.gov.uk
email: enquiries@pins.gsi.gov.uk.

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 the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, 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 Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he 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 Council

(District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter 1 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 or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

OTHER INFORMATION

The Planning Portal contains a wide range of helpful planning-related guidance and services. You may wish to view their website (www.planningportal.gov.uk).