

Briefing Note following the announcement on 15 June 2026 about CDC's Planning Considerations

1. Summary

The Secretary of State has designated Cherwell District Council under Section 62A of the Town and Country Planning Act 1990. This means that developers of major planning applications may now choose to submit their applications directly to the Planning Inspectorate (PINS) instead of Cherwell District Council.

Cherwell remains the Local Planning Authority, but it no longer has exclusive control over determining major applications.

Parish councils will continue to be consultees, but the decision-maker may now be PINS rather than Cherwell. While the Government has stated that it will not make a difference in the process, it may have implications for Parish Council engagement and influence.

2. What counts as "major development"?

Under national definitions, this includes:

- 10 or more dwellings, or sites of 0.5 ha or more
- Commercial development of 1,000 m² floorspace or more
- Sites of 1 ha or more for other uses

These are typically the most significant and impactful applications affecting parishes.

3. What the designation means in practice

3.1. Developers can bypass Cherwell

Applicants for major development may now choose:

- Route A: Submit to Cherwell District Council (as before)
- Route B: Submit directly to the Planning Inspectorate for determination

This is at the developer's discretion.

3.2. Local democratic oversight is reduced

If a developer chooses the PINS route:

- There is no Planning Committee meeting
- There are severe limitations to the extent to which parish councils and residents can address elected members

- Decisions are made by a Planning Inspector, not local councillors

Local views can still be submitted, but the process is likely to be more formal and less locally responsive.

3.3. Local policies still apply

Inspectors must still consider:

- The Cherwell Local Plan
- The Emerging Local Plan (with appropriate weight)
- The National Planning Policy Framework (NPPF)
- Parish-level evidence (Neighbourhood Plans, where applicable)

However, Inspectors may interpret policies and other material considerations differently from Cherwell's Planning Committee.

3.4. Section 106 and mitigation

PINS can secure S106 obligations, but:

- Negotiations are typically less flexible
- Parish-specific mitigation (traffic calming, community facilities, open space) may be harder to secure

4. Implications for Parish Councils

4.1. Consultation still occurs

Parishes remain consultees whether the application goes to Cherwell or PINS.

However, when PINS is the decision-maker:

- Consultation processes including timescales may be less flexible
- Engagement is more procedural
- There is no local committee to influence

4.2. Representations must be more formal and evidence-based

Inspectors place particular weight on:

- Policy references
- Technical evidence
- Clear material considerations

It is important, therefore, that Parish comments should be:

- Structured
- Policy-linked

- Supported by local data where possible (traffic counts, photos, flooding records, etc.)

4.3. Reduced ability to influence design and negotiation

Cherwell officers often negotiate improvements with developers.

PINS processes are more rigid, meaning, generally:

- Less iterative design improvement
- Fewer opportunities for local compromise, input and responsiveness
- Greater risk of “take-it-or-leave-it” outcomes

4.4. Potential increase in speculative applications

Developers may see PINS as:

- Faster
- Simpler
- Less politically constrained
- More likely to approve borderline schemes

This may increase pressure on rural parishes.

5. Implications for Cherwell’s Local Plan

Designation can undermine plan-making because:

- Inspectors may approve schemes not aligned with the emerging spatial strategy
- Decisions may create precedents affecting settlement boundaries

This may affect long-term growth patterns in parishes.

6. What parish councils should do now

6.1. Strengthen the quality of consultation responses

Focus on:

- Material considerations
- Local Plan policies
- Neighbourhood Plan policies
- Evidence (traffic, drainage, heritage, landscape, amenity)

6.2. Monitor major applications closely

Parishes should track:

- Applications submitted to Cherwell
- Applications submitted directly to PINS
- Appeals and decisions affecting nearby settlements

6.3. Engage early with developers

Where possible:

- Request pre-application engagement
- Highlight local constraints early
- Encourage alignment with parish priorities

6.4. Maintain strong working relationships with Cherwell officers

Even when PINS determines an application, Cherwell:

- Provides local knowledge
- Advises Inspectors
- May still negotiate S106 obligations
- Remains responsible for enforcement

7. Conclusion

Cherwell's designation under Section 62A represents a significant shift in how major planning applications may be determined. While parish councils retain their consultee role, the practical influence of local democratic processes is reduced when developers choose to bypass the district council.

Parishes will need to adapt by:

- Strengthening evidence-based representations
- Engaging proactively with developers
- Monitoring applications more closely
- Ensuring local policies and community impacts are clearly articulated

This briefing is intended to support the Parish Council in understanding the change and preparing for its practical implications.

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