# Ten errors in the officer's report

Christ's College Library, 26/02109/FUL · Planning Committee, Wednesday 7 October 2026, item 6 · From Christ's Lane Action Group (CLAG)

**The Council and the College have signed a draft consent order agreeing that the Council's 2025 permission for this same design be quashed on four grounds. At least one of the four errors has recurred, and a new set of errors has been introduced.**

### 1 Members cannot be asked to vote on a report that the Council itself describes differently to the Court.

**Rule:** A decision taken on a report that materially misleads members is unlawful (Mansell [2017] EWCA Civ 1314 at [42]). **To the Court:** The Council's skeleton argument says this report "does not rely upon the proposal helping to secure the "optimum viable use" of any listed buildings" (paragraph 35). **To members:** The report says the library "would help to sustain the ongoing use of the Grade I listed College buildings" and that "this is a public benefit of the scheme" (16.39), and counts that benefit in the planning balance (26.25). The "optimum viable use" in the court case is that same ongoing use.

**Ask: Does the Council's skeleton argument to the Court differ from the officer's report?**

### 2 The continued use of the listed buildings is weighed as a public benefit again.

**Rule:** The third of the four grounds against the 2025 permission is that an existing use "cannot lawfully be elevated into a distinct public benefit capable of outweighing heritage harm" (1.11). **Report:** Paragraph 26.25 lists among the benefits that the library "would help to support and sustain the ongoing use of the Grade I listed College buildings", and paragraph 26.26 gives those benefits "significant weight".

**Ask: Does the report weigh the continued use of the listed buildings as a public benefit?**

### 3 There is no justification for the harm from the stair tower: no document states a requirement.

**Rule:** National policy requires "a clear and convincing justification" for harm to a listed building (HE4(2)). **Report:** The report's reason for the harm from the stair tower is that the tower "provides a form of fire escape … and therefore has a minimum height requirement" (26.7). It names no document for that requirement. Paragraph 16.34 says the applicant "has chosen to retain the current height of the proposed staircase tower".

**Ask: Which document states the minimum height?**

### 4 The harm could have been avoided, and the applicant chose to proceed.

**Rule:** National policy puts avoiding harm first: "Avoid (or if that is not possible, minimise) harm" (HE4(1)(b)). **Amendment Sheet:** "The applicant was given advice to mitigate/ avoid harm to the Bodley Library during pre-application discussions. The applicants have chosen to proceed with the scheme in front of members." (item 1).

**Ask: Where does the report find that avoiding the harm "is not possible"?**

### 5 Historic England found harm from the bulk of the whole building, and the report confines it to one stair tower.

**Rule:** A departure from Historic England, a statutory consultee, requires "cogent and compelling reasons" (Shadwell [2013] EWHC 12 (Admin) at [72]). **Report:** Historic England found harm "primarily arising from the bulk of the proposed building, which would detract from the setting of the surrounding buildings" (1.8). The report finds harm from "the scale and siting of the proposed replacement library, specifically the staircase tower" (26.5), "restricted to the setting of the Bodley Library" (16.36).

**Ask: What are the reasons for departing from Historic England?**

## Ten errors in the officer's report (continued)

**6** **The tall buildings policy is declared "not engaged", when the report's own words meet it.**

**Rule:** Policy 60 of the Local Plan applies to any structure that "breaks the existing skyline". Whether a policy applies depends on its words. **Report:** The report says the building "could be seen to break the immediate skyline", and then that "Policy 60 is not engaged" (13.20).

**Ask: If the building breaks the skyline, how is Policy 60 not engaged?**

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**7** **The report never decides whether the proposal accords with the development plan as a whole.**

**Rule:** The law requires that decision (section 38(6) of the Planning and Compulsory Purchase Act 2004). **Report:** The report finds "conflict with criteria (c) of Policy 10" (13.4), and says "the application would be in conflict with Policy 61 of the Local Plan" (16.75). Its summary says "compliant with the criteria of Policy 10" (1.23). No paragraph says whether the proposal accords with the plan as a whole.

**Ask: Where does the report decide whether the proposal accords with the plan as a whole?**

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**8** **The daylight of the shops opposite is not assessed.**

**Rule:** National policy protects the daylight of "neighbouring residents and occupiers" (P3(2)(b)). **Report:** The report says of the shops: "It is therefore not considered to be reasonable to apply the BRE guidelines and to assess the impact of the proposed development upon these units." (22.16). It then tells members "the harm to their occupants is limited" (26.16).

**Ask: With no assessment, how is the harm known to be "limited"?**

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**9** **The temporary building in Second Court has been assessed by no officer and no consultee.**

**Rule:** The effect on listed buildings has to be considered before the decision (section 66(1) of the Listed Buildings Act). **Report:** The building has two storeys, and stands among Grade I listed ranges. The report says: "No details of this are required or to be secured as part of this application." (Table 3). The details are left to a condition after permission. The conservation officer's comments and Historic England's letters do not assess the building.

**Ask: Who has assessed its effect on the Grade I listed ranges?**

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**10** **The report was written without CLAG's seventeen documents.**

**Rule:** The law requires regard to all material considerations, which include representations (section 70(2) of the Town and Country Planning Act 1990). **Amendment Sheet:** CLAG filed the documents on 25 September 2026. The sheet says: "It has not therefore been possible to consider these representations in the report itself." (item 1).

**Ask: Which finding in the report has changed in answer to them?**

**CLAG asks the Committee to defer item 6, and to ask the applicant to come back with a design that avoids the harm.** The deferral should run until the High Court has heard the case on the 2025 permission for the same design, on Tuesday 20 October 2026, and until the errors in the report have been corrected. If the Committee will not defer, CLAG asks it to refuse, and to ask the applicant to come back with a better application.