

Cherwell District Council

Planning Committee

12 March 2020

Appeals Progress Report

Report of Assistant Director Planning and Development

This report is public

Purpose of Report

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled, or appeal results achieved.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

2.1.1 New Appeals

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room
Officer recommendation – Refusal (Delegated)

19/01913/F – Rose Cottage, Woodstock Road, Kidlington, OX20 1QE – Two storey side extension
Officer recommendation – Refusal (Delegated)

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

18/01332/F - Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton – Appeal by Mr C Smith and Mr R Butcher - Change of use of land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund

Method of determination: Public Inquiry

Key Dates:

Start Date: 29.01.2019 **Inquiry date:** 15.10.2019 **Decision:** Awaited
Officer recommendation – Refusal (Committee)

19/00464/F - Land OS Parcel 8751 South West Of Moorlands Farm, Murcott - Change of use of land for the siting of a mobile home (log cabin)

Method of determination: Hearing – 26th February 2020

Key Dates:

Start Date: 11.12.2019 **Statement Due:** 15.01.2019 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/00621/F – Huckleberry Farm, Heathfield, Kidlington, OC5 3DU - Continued use of transportable building to be made permanent (Retrospective)

Method of determination: Hearing – 11th February 2020

Key Dates:

Start Date: 08.11.2019 **Statement Due:** 13.12.2019 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/00634/F – Plot of Land South of 1 Greystones Court, Kidlington – New dwelling

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/01214/F – Old Forge, Wroxton Lane, Horley, OX15 6BB - Change of Use from an office to a one-bedroom bungalow

Method of determination: Written Reps.

Key Dates:

Start Date: 22.01.2020 **Statement Due:** 26.02.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/01623/F – 30 Somerville Drive, Bicester, OX26 4TU - Erection of new two storey dwelling including new vehicle access

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

19/02020/F – 2 Springfield Avenue, Banbury, OX16 9HT - Two storey extension to front of property

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 24.12.2020 **Statement Due:** N/A **Decision:** Awaited
Officer recommendation – Refusal (Delegated)

Enforcement appeals

18/00057/ENFB – The Kings Head, 92 East Street, Fritwell, OX27 7QF.
Appeal against the enforcement notice served for change of use to residential.
Method of determination: Written Reps.

Key Dates:

Start Date: 08.01.2020 **Statement Due:** 19.02.2020 **Decision:** Awaited

2.4 Forthcoming Public Inquires and Hearings between 13th March 2020 and 16th April 2020

None

2.5 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Mr M Banks for OUTLINE - New dwellings, garaging, access and external works. Land And Buildings, The Junction Of Spring Lane, Chapel Lane, Little Bourton (19/00301/OUT)
Officer recommendation – Refusal (Delegated)**

The Inspector considered the main issues to be the principle of development, the impact on the character and appearance of the area and whether the development would provide a safe and suitable access.

The Inspector agreed with the Council that the development site was located outside of the built-limits of the village and that Policy Villages 1 did not therefore apply, and that the proposal also conflicted with Policy H18 as no essential need had been provided. The Inspector therefore held that the principle of development was not acceptable. The Inspector added that even if the site was to be classed as within the built up limits, its surrounds were rural and the site related more to the countryside than the village. He did not agree with the appellant that the footpath marked the edge to the village or that the proposals were backland development or that the site was previously developed land but, he opined, even it was, those attributes in themselves would not justify allowing the appeal.

The appeal site is currently an undeveloped field with a verdant character. The Inspector agreed with the Council that the proposal would result in an urbanising encroachment that would be highly visible and harmful to the character and appearance of the area and would reduce the openness of the countryside. The Inspector held that the harm could be adequately overcome at the reserved matters stage through its design.

The red line on the submitted plans did not extend to the highway. The Local Highway Authority had objected to the application as the proposal would be effectively marooned from the highway with no possible access. The Inspector found that it was not clear that a vehicular access could be gained to the site and that, as a result, residents would have to park on the public highway which would cause harm to the safety of the local highway network.

Accordingly, the Inspector upheld the Council's decision and dismissed the appeal.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

5.1 The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.

Comments checked by:

Kelly Wheeler, Business Partner, 01295 225170,
Kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

Risk Management

5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
David.Mytton@Oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
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