

Cherwell District Council

Planning Committee

18 June 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 New Appeals

None

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

19/00831/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - OUTLINE - Residential development of up to 15 dwellings

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Key Dates:

Start Date: 03.03.2020 **Statement Due:** 09.04.2020 **Decision:** Awaited

Appeal reference – 20/00010/REF

19/02444/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - Outline planning permission for the residential

development of up to 14 dwellings - all matters save for the means of access are reserved for subsequent approval - revised scheme of 19/00831/OUT
Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Key Dates:

Start Date: 03.03.2020 **Statement Due:** 09.04.2020 **Decision:** Awaited

Appeal reference – 20/00007/REF

19/00969/F - Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00009/REF

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS - Single storey rear extension forming new Sun Room

Method of determination: Written Reps.

Key Dates:

Start Date: 20.02.2020 **Statement Due:** 26.03.2020 **Decision:** Awaited

Appeal reference – 20/00008/REF

19/01685/F – 21 Coppice Close, Banbury, OX16 9SW - Removal of dead/dying leylandii hedge approximately 20 metres. To be replaced with pressure treated close board fencing 1.8m high.

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 01.04.2020 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 20/00015/REF

19/02075/F – The Old Vicarage, Fringford Road, Caversfield, OX27 8TH - Erection of 4no dwelling houses with associated garages, access and landscaping

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 04.03.2020 **Statement Due:** 08.04.2020 **Decision:** Awaited

Appeal reference – 20/00011/REF

19/02194/F – Swallows Barn, Manor Farm Lane, Balscote, OX15 6JJ - Construction of new greenhouse (retrospective)

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 17.04.2020 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 20/00013/REF

19/02381/ADV - 10 Banbury Cross Retail Park, Lockheed Close, Banbury, OX16 1LX - Scanlite Digital Electronic LED Full Colour Ticker Display

Officer recommendation – Non-determination within prescribed period

Method of determination: Written Reps.

Key Dates:

Start Date: 27.04.2020 **Statement Due:** 08.06.2020 **Decision:** Awaited

Appeal reference – 20/00016/NON

19/02501/F – Land to the Rear of Otmoor Lodge, Horton Cum Studley -
Erection of a detached dwelling with parking, access, landscaping and associated works

Officer recommendation – Refusal (Delegated) – A decision was not issued within the prescribed time so an appeal against non-determination was submitted

Method of determination: Written Reps.

Key Dates:

Start Date: 24.04.2020 **Statement Due:** 29.05.2020 **Decision:** Awaited

Appeal reference – 20/00014/NON

19/02861/F – 2 Hudson Street, Bicester, OX26 2EP - Erection of 2no one bedroom dwellings - revised scheme of 18/02046/F

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 13.03.2020 **Statement Due:** 17.04.2020 **Decision:** Awaited

Appeal reference – 20/00012/REF

Enforcement appeals

None

2.4 Forthcoming Public Inquires and Hearings between 19 June 2020 and 16 July 2020

None

2.5 **Results**

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Mr Barnaby Hewitt for New dwelling. Plot of Land South of 1 Greystones Court, Kidlington**
Officer recommendation – Refusal (Delegated) 19/00634/F

The Inspector considered the main issue to be the proposal's effect on highway and pedestrian safety.

The Inspector noted that Greystones Court is a private road serving seven dwellings and accessed from Lyne Road, close to the traffic light controlled junction between Lyne Road and Banbury Road. The Inspector also noted that there are double yellow lines along the within the vicinity of the Greystones Court junction.

The Appellant had agreed with the Council that the required visibility splay at the junction of Greystones Court with Lyne Road should be 43 metres in each direction. The Inspector found that this could be achieved in a westerly direction, noted that part of that sight line appeared to be across private land, but was satisfied that the open nature of the verge would not change in the future and that road users travelling towards Banbury Road would be able to see a vehicle existing the access of Greystones Court.

However, the inspector agreed with the Council that, as a result of a brick wall pier and the vegetation behind on the eastern corner of the access to Greystones Court, the required visibility splay in the other direction could not be achieved, and held that,

“there is high probability that users of Lyne Road travelling west, including pedestrians, cyclists and vehicles have little advance warning of vehicles existing Greystones Court. Drivers of vehicles using the access from Greystones Court also do not have a clear view of activity on the pavement within the vicinity of the access or within the carriageway in an easterly direction, until their vehicle is within the highway. This situation and the increased use of the access as a result of the proposal is likely to result in conflict with users of the access and Lyne Road, including children and those with disabilities, and those vehicles which are likely to be travelling at speed as they pull away from the Banbury Road/Lyne Road junction, which may have to brake suddenly if a vehicle exiting Greystones Court was turning right into Lyne Road.”

The Inspector agreed with the Council that it was not appropriate for the visibility splay to measured to the centre line of the road, because there was nothing to stop vehicles crossing the centre line and in fact they did so at regular intervals to pass parked cars or vehicles exiting laybys. The Inspector also noted that a 2m x 2m pedestrian visibility splay could not be achieved.

The Inspector found that the increased use of Greystones Court and Lyne Road junction “would exacerbate an already unsatisfactory situation and would cause harm to pedestrian and highway safety in Lyne Road”. The Inspector disagreed with the Appellant that motorists in the vicinity would drive more slowly, and the Inspector made particular note that a number of Inspectors applying varying standards of visibility had reached a similar conclusion on the effect of the increased use of Greystones Court on highway safety.

The Inspector concluded that the proposal would have an unacceptable impact on highway and pedestrian safety, found there were no other issues to outweigh the harm identified, and accordingly 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,

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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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