

Cherwell District Council

Planning Committee

10 September 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

20/01232/DISC - Land to the South West of Tadmarton Road, Bloxham, Oxfordshire OX15 4HP- Discharge of condition 22 (Car Park Management Plan) of 13/00496/OUT

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 26.08.2020 **Statement Due:** 30.09.2020 **Decision:** Awaited

Appeal reference – 20/00024/REF

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
Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 20.02.2020 **Statement Due:** 26.03.2020 **Decision:** Awaited
Appeal reference – 20/00008/REF

19/02267/F – 1 Beechfield Crescent, Banbury, OX16 9AR - First floor side extension. Single storey rear extension.
Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 27.06.2020 **Statement Due:** N/A **Decision:** Awaited
Appeal reference – 20/00017/REF

19/02399/F – Cowpastures Farm, Arcott Road, Piddington, OX25 1AE - Redevelopment of site; demolition of existing buildings and erection of building for B8 use.
Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 18.06.2020 **Statement Due:** 23.07.2020 **Decision:** Awaited
Appeal reference – 20/00020/REF

19/02465/LB – Cedar Lodge, North Side, Steeple Aston, OX25 4SE -
Creation of jib door and stair, and associated works to include the removal of ceiling joists

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 09.07.2020 **Statement Due:** 13.08.2020 **Decision:** Awaited

Appeal reference – 20/00021/REF

20/00167/F – Esso, Banbury Service Station, Oxford Road, Bodicote, OX15 4AB - RETROSPECTIVE - to retain storage container to rear of petrol filling station kiosk

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 07.07.2020 **Statement Due:** 11.08.2020 **Decision:** Awaited

Appeal reference – 20/00023/REF

20/00174/Q56 – Barn, Folly Farm, Grange Lane, Sibford Ferris, OX15 5EY - Change of Use and conversion of 1no agricultural building into 1no self-contained dwellinghouse (Use Class C3) including associated operational development under Part 3 Class Q (a) and (b)

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 01.07.2020 **Statement Due:** 05.08.2020 **Decision:** Awaited

Appeal reference – 20/00022/REF

Enforcement appeals

None

- 2.4 Forthcoming Public Inquires and Hearings between 11th September 2020 and 8th October 2020

None

2.5 Results

Inspectors appointed by the Secretary of State have:

Dismissed the appeal by Mrs V Cherry for Removal of dead/dying leylandii hedge approximately 20 metres. To be replaced with pressure treated close board fencing 1.8m high. 21 Coppice Close, Banbury, OX16 9SW

Officer recommendation – Refusal (Delegated) 19/01685/F

Appeal reference – 20/00015/REF

The application was for the removal of a dead/dying leylandii hedge along the front and side boundary of the application property and replacement with a pressure treated close board fence at 1.8m in height. The council refused the

application on the basis of the impact on the character and appearance of the street scene as the fence would represent an overly prominent and incongruous feature at odds with the open and spacious character of the area. The inspector agreed that due to its positioning and the topography of the locality, the fence would appear to be a strident and incongruous addition and would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) and Policy C28 of the Local Plan.

Dismissed the appeal by Mr V Fas for Retrospective - Replace existing part fence (6 ft 6" high x 17 ft long), part hedge (7-8 ft high) boundary on Dryden Avenue, with new 5 ft high x 6 ft wide wooden fence panels and 1 ft high concrete gravel boards and concrete posts. 1 Derwent Road, Bicester, OX26 2JA

Officer recommendation – Refusal (Delegated) 19/01621/F

Appeal reference – 20/00018/REF

The retrospective proposal was for the erection of a 2m high boundary fence on amenity land. The Inspector considered the main issues to be the proposal's impact on the character and appearance of the area and the loss of open amenity space. The Inspector concluded that the fence appeared 'stark and prominent' in contrast to the well landscaped amenity area which is a feature of this part of Bicester. In respect of the loss of the open amenity space, it was determined that the narrow strip of land had little amenity value other than enabling vegetation for screening. Whilst acknowledging that the appearance of the area could be compromised as a result of the land not being maintained, the Inspector reasoned that this did not outweigh the visual harm caused. The appeal was therefore dismissed.

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:
Karen Dickson, Strategic Business Partner, 01295 221900,
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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:
Matthew Barrett, Planning Solicitor 01295 753798
matthew.barrett@cherwell-dc.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:
Matthew Barrett, Planning Solicitor 01295 753798
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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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