

Cherwell District Council

Planning Committee

8 October 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

20/00674/F - Land Adjoining And West Of The Kings Head, Banbury, Road Finmere - Erection of 5no dwellings, formation of new vehicular access and associated hardstanding for parking

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 18.09.2020 **Statement Due:** 23.10.2020 **Decision:** Awaited

Appeal reference – 20/00025/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

19/02465/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

2.4 Enforcement appeals

None

2.5 Forthcoming Public Inquiries and Hearings between 9th October 2020 and 5th November 2020.

None

2.6 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Euro Garages for RETROSPECTIVE - to retain storage container to rear of petrol filling station kiosk. Esso, Banbury Service Station, Oxford Road, Bodicote, OX15 4AB
Officer recommendation – Refusal (Delegated) 20/00167/F
Appeal reference – 20/00023/REF**

The Inspector considered the main issue to be the proposal's effect on the character and appearance of the area.

The Inspector held that the storage container has a boxlike and utilitarian form, with its limited openings, lack of detailing and grey finish results in a bland and unattractive structure. Furthermore, that the difference in height and proximity to the kiosk has a negative overall appearance of the site, through a cluttered and disjointed appearance. The Inspector concluded that the proposal failed to comply with Policy ESD15 or Paragraph 127 of the NPPF, in that it does not make a positive contribution to improving the surrounding character and appearance.

The Inspector observed that the character of the area is mixed, with commercial, but not industrial elements, and that storage containers are also not commonplace in the area. The Inspector noted that the text for Policy ESD15 holds design standards for new development, whether housing or commercial, in equal regard.

Overall, the Inspector found that the proposal would result in harm to the character and appearance of the area and would not complement the character of its context, contrary to Policy ESD15, as well as saved Policy C28 of the 1996 Plan, which requires development to have standards of design and external appearance sympathetic to its context.

Accordingly, the Inspector dismissed the appeal.

- 2. Dismissed the appeal by Mr K Bishop for 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). Barn, Folly Farm, Grange Lane, Sibford Ferris, OX15 5EY
Officer recommendation – Refusal (Delegated) 20/00174/Q56**

Appeal reference – 20/00022/REF

The Inspector considered the main issues to be whether the proposal was permitted development (“PD”), with particular regard to whether the requirements of Class Q(b) would be met, and whether the requirements of Q(a) would be met having particular regard to the proposed curtilage of the dwellinghouse and the provisions Paragraph X to Part 3 of the General Permitted Development Order (“GPDO”).

The Inspector noted that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.

The Inspector also noted the PPG advice that the Class Q ‘PD’ right assumes the agricultural building is capable of functioning as a dwelling and that it is not the intention of the PD right in Class Q(b) to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use.

The Inspector held that the works proposed amounted to extensive building operations, largely replacing all the external facing materials, and she was not assured that further works would not be required. The Inspector concluded that the works proposed would go beyond what might reasonably be described as a conversion and were therefore not permitted development.

In addition, the Inspector found that the curtilage shown on the approved plans exceeded the definition given in paragraph X of the GPDO. Although she agreed that it could have been resolved through imposition of a condition of any permission given, the proposal fell outside the extent of the Class Q(a) PD right.

Accordingly, the Inspector dismissed the appeal.

3. Dismissed the appeal by Mr A Baker for First floor side extension. Single storey rear extension. 1 Beechfield Crescent, Banbury, OX16 9AR Officer recommendation – Refusal (Delegated) 19/02267/F Appeal reference – 20/00017/REF

The Inspector identified the impact on the character and appearance of the area, in respect of the first floor side extension, as the key issue in this case.

The Inspector agreed with the Council that the lack of subservience to the existing building would appear incongruous, as the surrounding area is characterised by a ‘notable degree of symmetry’. This harm was exacerbated by the ‘angled’ nature of the side elevation and the fact that the site is visibly prominent in the street scene. The Inspector dismissed the appellant’s assertion that there were a number of similar examples, to that of the appeal proposal, in the vicinity. Whilst the nature of the developments identified were

similar, it was concluded that there were significant differences with the appellant's scheme.

On the basis of this assessment, the Inspector dismissed the appeal.

**4. Allowed the appeal by Ultranz Ltd for Redevelopment of site; demolition of existing buildings and erection of building for B8 use. Cowpastures Farm, Arncott Road, Piddington, OX25 1AE
Officer recommendation – Refusal (Delegated) 19/02399/F
Appeal reference – 20/00020/REF**

The Inspector considered the main issues to be the principle of a new Class B8 building in this location, and the effect of the scale of the proposed building on the character and appearance of the area.

The Inspector held that since the two existing buildings had been converted and were being used for B8 purposes, and the proposal was therefore not for a new Class B8 use, it was less relevant than would normally be the case that the site was not an environmentally sustainable one or that the appellant had not demonstrated having explored the availability of other existing employment sites; the Inspector thus concluded the proposal was acceptable in principle.

Although agreeing with the Council that the proposed building would have a large physical mass and would be noticeably larger than the existing buildings, the Inspector was satisfied that the proposal “in effect would fill-in the present gap” and this reduced its overall visual impact. He also noted that the building was sited away from the public realm and that “large utilitarian buildings” were not unusual features in the local area, including buildings in institutional and military use.

Overall, subject to a condition to control the treatment of the external appearance of the building (which it is noted he did not impose) and conditions requiring a landscaping scheme and restricting the use, the Inspector concluded that the proposal would not adversely affect the character or appearance of the area, and accordingly allowed 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:

Karen Dickson, Strategic Business Partner, 01295 221900,
karen.dickson@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:

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
matthew.barrett@cherwell-dc.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	:
Background Papers	: None
Report Author	: Sarah Stevens, Interim Senior Manager,

Development Management

Contact Information: sarah.stevens@cherwell-dc.gov.uk