

Cherwell District Council

Planning Committee

05 November 2020

Appeal Progress Report

Report of Assistant Director Planning 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 Introduction

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress and determined appeals.

3.0 Report Details

3.1 New Appeals

19/01542/F – Aviyal, Station Road, Ardley, OX27 7PQ - Change of use from Equestrian to Dog Agility Training Centre and extension of the domestic curtilage of Aviyal to include the existing land to the north enabling the existing stable block to be used as ancillary outbuilding.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 06.10.2020 **Statement Due:** 03.11.2020 **Decision:** Awaited

Appeal reference – 20/00026/REF

19/02550/F - Land to the east of M40 and south of A4095, Chesterton, Bicester
- Redevelopment of part of golf course to provide new leisure resort (sui generis) incorporating waterpark, family entertainment centre, hotel, conferencing facilities and restaurants with associated access, parking and landscaping

Officer recommendation – Refusal (Committee)

Method of determination: Public Inquiry

Start Date: 23.10.2020 **Statement Due:** 27.11.2020 **Decision:** Awaited
Proposed Inquiry start date – Tuesday 9th February 2021
Appeal reference – 20/00030/REF

20/00675/CLUE - The Lodge, Swift House Farm, Stoke Lyne, OX27 8RS -
Certificate of Lawfulness of Existing Use for the use of the annex building as an independent, self-contained dwelling (Class C3).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 01.10.2020 **Statement Due:** 12.11.2020 **Decision:** Awaited

Appeal reference – 20/00028/REF

20/00962/F - 101 Cromwell Road, Banbury, OX16 0HF - Single storey rear extension with associated internal and external works. (Re-submission of 19/02295/F)

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 29.09.2020 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 20/00027/REF

3.2 New Enforcement Appeals

19/00128/ENFC – OS Parcel 3349, Spruce Meadows, Cropredy Lane, Williams Scot.

Appeal against the enforcement notice served for change of use of the Land to use as a caravan site accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of shipping containers, erection of a summer house/shed type wooden structure, erection of a free-standing canvas shelter and associated domestic paraphernalia

Method of determination: Hearing

Key Dates:

Start Date: 06.10.2020 **Statement Due:** 17.11.2020 **Hearing date:** TBC

Decision: Awaited

Appeal reference: 20/00019/ENF

3.3 Appeals in Progress

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 Representations

Key Dates:

Start Date: 02.03.2020 **Statement Due:** 07.04.2020 **Decision:** Awaited

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 Representations

Key Dates:

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

Appeal reference – 20/00008/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

Method of determination: Written Representations

Key Dates:

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

Appeal reference – 20/00025/REF

20/01232/DISC - Land To The Rear And North Of 29 To 33, Quarry Close, Bloxham - Discharge of condition 22 (Car Park Management Plan) of 13/00496/OUT.

Method of determination: Written Representations

Key Dates:

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

Appeal reference – 20/00024/REF

Enforcement appeals

None

3.4 Forthcoming Public Inquires and Hearings between 6th November to 10th December 2020.

None

3.5 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Mr & Mrs A Pasteur for Creation of jib door and stair, and associated works to include the removal of ceiling joists. Cedar Lodge, North Side, Steeple Aston, OX25 4SE. 19/02465/LB
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00021/REF**

Appeal decision summary to follow in next months' Appeals Progress Report

- 2. Allowed the appeal by Harcourt Deddington Limited for OUTLINE - Residential development of up to 15 dwellings. Land South Of Home Farm House, Clifton Road, Deddington. 19/00831/OUT
Officer recommendation – Refusal (Committee)
Appeal reference – 20/00007/REF
The Planning Inspectorate refused an application for costs made by the appellant regarding this application.**

The Inspector considered the main issues to be the effect of development on the character and appearance of the area, including Deddington Castle and the Deddington Conservation Area; and whether a satisfactory and executed planning obligation exists to deliver infrastructure necessary to support the development.

The Inspector noted that there were commercial operations and several residential dwellings in the vicinity, and that the site was of similar depth to its neighbours. He

found that these existing uses form “a cluster of development peripheral to Deddington’s central village core”. The Inspector considered that the dwellings and commercial operations close to the site were not separate from the built form of Deddington but formed part of the village’s “wider pattern of development and identity”, and that the site was “well related to its neighbours” and not detached from the village or in an isolated rural context. He held that development of the site would “avoid harmful effects on the open countryside”.

The Inspector disagreed with the Council that the differentiation of this local development cluster from the village was dependent on the existence of undeveloped field parcels within the peripheral cluster, but conceded that “the visual differentiation is important to preserve, and the high density nature of the village core should not be allowed to sprawl outward to lower density locations such as the peripheral cluster”. He agreed with the Council that ribbon development should be avoided but disagreed with the Council that the proposal would itself result in ribbon development, noting that there would remain other field parcels interspersed with development along Clifton Road. He placed importance on the proportion of unbuilt v built form on the Clifton Road, on density remaining low and was concerned that allowing the appeal should not set a precedent, stating that “any future development proposals would need to account for the subsequent and cumulative loss of any field parcels and any consequential effects.”

The Inspector held that while development of the site was acceptable in principle, it may be that 15 dwellings could not be achieved, that scale and landscaping were key to the appropriateness of any development of the site, that the peripheral nature of the site’s location should be preserved and that the layout, which he noted was a reserved matter, should preserve gaps and views through the site. The Inspector disagreed with the Council that the access design would dictate the configuration of development, noting again that layout was a reserved matter and the positions of “buildings, routes and open spaces”, and their relationship to each other and to buildings and spaces outside the site was yet to be determined. In essence, the Inspector placed great importance on the Reserved Matters application.

The Inspector held that Deddington Castle could not be appreciated from the site. He accepted that views of the site may be available from the castle itself and from footpaths close to it but held that in these views the proposed development would be seen in the context of the substantial commercial operation directly to the north. He disagreed with the objection from Historic England and found no harm to the settings of either the Deddington Conservation Area or Deddington Castle. His conclusion on this matter disagrees sharply with the conclusion of another Inspector in dismissing an appeal relating to a smaller site to the other side of the castle, closer to the village. The Inspector had found that site to be open and isolated. This Inspector held the appeal site was not in an open or isolated location. There is a level of undesirable inconsistency between the two decisions.

The Inspector noted that a Section 106 agreement had been signed and agreed by the Appellant and the Council. He agreed that affordable housing provision was policy compliant and necessary because it contributed to the proposal’s social sustainability. He found acceptable all of the other provisions in the agreement, including contributions towards open space, a local area of play, indoor and outdoor sports facilities, community hall facilities, refuse and recycling, education, libraries and highways infrastructure. He found that other contributions, e.g. to Holly Tree

Club, were not appropriate and would fail legal tests. The Inspector agreed with all of the Council's suggested conditions.

The Inspector dismissed the Appellant's application for award of costs against the Council. The Appellant contended that the Council had not engaged proactively, and that having to address issues at appeal rather than during the planning application was more onerous. The Inspector found no evidence of either, or any evidence of unnecessary expense or unreasonable behaviour.



3. **Allowed the appeal by Harcourt Deddington Limited for 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. Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP. 19/02444/OUT
Officer recommendation – Refusal (Committee)
Appeal reference – 20/00010/REF**

See Appeal Summary above for Application Ref: 19/00831/OUT

4.0 Conclusion and Reasons for Recommendations

4.1 Members are asked to note the report.

5.0 Consultation

None

6.0 Alternative Options and Reasons for Rejection

- 6.1 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.

7.0 Implications

Financial and Resource Implications

- 7.1 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

- 7.2 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

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Risk Implications

- 7.3 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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8.0 Decision Information

Key Decision

N/A

Financial Threshold Met:

N/A

Community Impact Threshold Met:

N/A

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke, Lead member for Planning

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

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