

Cherwell District Council

Planning Committee

10 December 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

None

3.2 New Enforcement Appeals

None

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

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 Representations

Key Dates:

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

Appeal reference – 20/00008/REF

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

Inquiry start date – Tuesday 9th February 2021

Appeal reference – 20/00030/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

20/00675/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

Enforcement appeals

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

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: Monday 25th January 2021

Decision: Awaited

Appeal reference: 20/00019/ENF

3.4 **Forthcoming Public Inquiries and Hearings between 11th December to 14th January 2021**

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**

The Inspector identified the main issue as being whether the proposal would preserve Cedar Lodge, a Grade II Listed Building, and any features of special architectural or historic interest it possesses.

The Inspector agreed that the main listed building comprises of two elements, the 'main range' or 'principal house, which is taller in height, and the 'service wing' which is lower in height and positioned to the side of the 'principal house'. It was considered that the differing scale and stature of the two elements of the building is indicative as to how it was previously used, with the 'principal house' comprising larger, grander rooms with high ceilings, as opposed to the smaller rooms and lower ceiling heights within the former 'service wing'. The Inspector considered that the significance and special interest of the building derives from its hierarchical plan form and architectural composition, which reflects the historic use and evolution of the listed building and social functions of its internal spaces.

The proposed works would require a significant alteration to accommodate the change in levels between the two rooms, including an increase in ceiling height of the smaller room. The Inspector considered that this work would substantially erode the physical and historic functional separation between the two elements of the building, and would alter its historic plan form. As a result, the social function of the building's spaces and their physical separation, would be obscured, impairing the understanding and appreciation of the building's historic evolution and use. In addition, the work would involve the loss of historic fabric through the removal of an area of lath and plaster ceiling and a number of ceiling joists. The fact that the works were wholly internal was not considered to diminish the harm to the significance of the building that would be caused by the proposal.

The Inspector concluded that the proposed works would result in less than substantial harm to the significance of Grade II Listed Cedar Lodge, and that it

would not result in the optimum viable use of the building and there would be no public benefits. The appeal was therefore dismissed.

- 2. Allowed the appeal by Miller Homes Ltd for Discharge of condition 22 (Car Park Management Plan) of 13/00496/OUT. Land To The Rear And North Of 29 To 33, Quarry Close, Bloxham. 20/01232/DISC
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00024/REF**

The Inspector considered the main issue to be whether the demarcation of the spaces and hoggin gravel finish would be suitable for the safe operation of the car park, and whether the surface would discourage public use.

The Inspector noted the spaces in the car park had been demarcated at each corner with block pavers, and that at the time of his visit the parking appeared orderly and to be following the demarcation. The Inspector considered that the car park surface was firm and would not damage cars. He noted the surface was permeable and that the car park is drained by a significant slope. The Inspector concluded the surface finish and demarcation of spaces was acceptable in terms of highway safety and visual amenity, and accordingly allowed the appeal.

- 3. Dismissed the appeal by Mr J Drown for Single storey rear extension with associated internal and external works. (Re-submission of 19/02295/F). 101 Cromwell Road, Banbury, OX16 0HF. 20/00962/F
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00027/REF**

The main issue, identified by the Inspector, was the impact of the proposal upon the living conditions of no. 99 and no. 103 Cromwell Road in relation to an overbearing form, overshadowing, loss of light and loss of outlook.

The proposal was for a single storey rear and side extension to a semi-detached dwelling. The Council considered that the harm to the unattached neighbouring property was sufficiently harmful to the living conditions of the residents in terms of outlook from the rear of the dwelling and also to the outdoor living space to warrant refusal the application. The harm to the attached neighbour was also considered to be harmful – though not as bad as to the unattached dwelling. This was in spite of the fallback position of a householder prior approval of similar impact, having been secured before determination of the application.

The Inspector found that the proposals would appear as an 8m deep extension and that the impact would be heightened by the change in height of the land of 0.5m and the orientation of the development site to the south of the neighbouring property. The Inspector found that, in spite of the large garden and having given 'strong weight' to the fallback scheme, this did not warrant the additional harm they identified stating 'the increased height, both adjacent to the boundary and overall, as proposed within this appeal I find would result in a worse impact for neighbouring residents that that of the fallback'. As a result of this assessment, the appeal was therefore dismissed.

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,

karen.dickson@cherwell-dc.gov.uk

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

matthew.barrett@cherwell-dc.gov.uk

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

matthew.barrett@cherwell-dc.gov.uk

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

Sarah Stevens, Interim Senior Manager, Development Management

Sarah.stevens@cherwell-dc.gov.uk