

Cherwell District Council

Planning Committee

14 January 2021

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

To keep Members informed about planning appeal progress including the scheduling of public inquiries and hearings and decisions received.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

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

19/00290/F - Hebborns Yard, Bicester Road, Kidlington, OX5 2LD - Use of land for the storage of (non-residential) portable fairground rides and equipment in connection with, and strictly ancillary to, the authorised use of Hebborn's Yard, Kidlington as Showmen's Permanent Quarters (existing unauthorised)

Method of determination: Written Representations

Key Dates:

Start Date: 01.12.2020 **Statement Due:** 05.01.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00031/REF

19/01715/F – Land To East Of Webbs Way, Mill Street, Kidlington - Restoration of building to be used for storing ground maintenance equipment

Method of determination: Written Representations

Key Dates:

Start Date: 01.12.2020 **Statement Due:** 05.01.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00032/REF

20/01517/F – Manor Farm Cottage, Church Lane, Charlton On Otmoor, OX5 2UA – Erection of a one bedroom studio dwelling and conversion of existing outbuilding; associated works (Resubmission of 20/00311/F)

Method of determination: Written Representations

Key Dates:

Start Date: 01.12.2020 **Statement Due:** 05.01.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00033/REF

20/00789/CLUE – Belmont, 8 Foxglove Road, Begbroke, Kidlington, OX5 1SB - Certificate of Lawful Use Existing for amenity land to west of dwelling at no. 8 Foxglove Road as a domestic garden, with the introduction of boundary fence and hedge on the western and northern boundaries.

Method of determination: Written Representations

Key Dates:

Start Date: 11.12.2020 **Statement Due:** 22.01.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00035/REF

20/02498/F – Esso, Banbury Service Station, Oxford Road, Bodicote, OX15 4AB - Single storey rear extension

Method of determination: Written Representations

Key Dates:

Start Date: 14.12.2020 **Statement Due:** 18.01.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00036/REF

20/00805/F – Highway House, Park Road, Hook Norton, OX15 5LR - Demolition of existing dwelling, demolition of existing outbuildings/structures, erection of replacement dwelling and new outbuilding containing a garage, residential annexe and associated landscaping.

Method of determination: Written Representations

Key Dates:

Start Date: 16.12.2020 **Statement Due:** 13.01.2020 **Decision:** Awaited

Officer recommendation – Refusal (Delegated)

Appeal reference – 20/00034/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

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 opens – Tuesday 9 February 2021 and anticipated to run for 10 to 14 sitting days

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

Enforcement appeals

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

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

3.4 Forthcoming Public Inquiries and Hearings between 14 January and 11 February

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

Online Public Inquiry Start Date: Tuesday 9 February. 10am start

Details on how to attend the online Public Inquiry will be published on the appeal record on the Council's online planning register

3.5 Results

Inspectors appointed by the Secretary of State have:

- 1. Dismissed the appeal by Montpelier Estates for Erection of 5no dwellings, formation of new vehicular access and associated hardstanding for parking. Land Adjoining And West Of The Kings Head, Banbury Road, Finmere. 20/00674/F
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00025/REF**

The appeal site comprises land that is understood to have once been part of an outdoor space associated with a public house. The Inspector noted that the appeal site is in a sensitive location close to the settlement edge, fronting the highway and open land, close to public rights of way from which there would be some filtered views of the proposed dwellings. He considered that the main issue was the effect of the proposed development upon the character and appearance of the area. Notwithstanding the potential modest benefits of the proposal, the Inspector concluded that the development would be significantly harmful to the character and appearance of the area including by reason of its effect on the undeveloped gap which contributes in maintaining the loose-knit settlement structure along Banbury Road.

- 2. Dismissed the appeal by Mrs S Liebrecht for Single storey rear extension forming new Sun Room. Bowler House, New Street, Deddington, Banbury, OX15 0SS. 19/00969/F & 19/00970/LB.
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00008/REF & 20/00009/REF**

The main issues identified by the Inspector, were whether the proposed development would preserve the Grade II listed building and also the setting of the adjacent listed building and the extent to which it would preserve or enhance the Deddington Conservation Area.

The Inspector upheld the Council assessment, finding that the harm to the plan form of the proposed single storey extension would '*significantly diminish the legibility of the historic layout of the building*' and that the removal of a section of wall and two windows would result in '*the loss of historic openings, the associated pattern of fenestration and a significant area of historic fabric*'. The Inspector also concluded that the development would result in harm to the setting of the adjacent Grove Lodge due to the disruption in the built-form of the L-shaped plan. The Inspector reasoned that there would be no harm to the Deddington Conservation Area given the development would be to the rear of the property and would therefore not be in the public domain and that the impact on the private domain would be limited.

No public benefits were offered in mitigation of the less than substantial harm identified and the Inspector therefore dismissed the appeal.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The report provides the current position on planning appeals which Members are invited to note.

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7.0 Implications

Financial and Resource Implications

7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:

Karen Dickson, Strategic Business Partner, 01295 221900,
karen.dickson@cherwell-dc.gov.uk

Legal Implications

7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Matthew Barrett, Planning Solicitor, 01295 753798
matthew.barrett@cherwell-dc.gov.uk

Risk Implications

7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786
louise.tustian@cherwell-dc.gov.uk

Equality & Diversity Implications

7.4 The recommendation does not raise equality implications.

Comments checked by:

Robin Rogers, Head of Strategy, Policy, Communications & Insight, 07789 923206
Robin.Rogers@Cherwell-DC.gov.uk

8.0 Decision Information

Key Decision:

Financial Threshold Met

No

Community Impact Threshold Met

No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Seeking to uphold the Council's planning decisions is in the interest of meeting the strategic priorities from the Business Plan 2020/21:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Lead Councillor

Councillor Colin Clarke, Lead Member for Planning

Document Information

None

Background papers

None

Report Author and contact details

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