

**Cherwell District Council
Planning Committee**

11 March 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. Recommendations

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

2. 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. Report Details

3.1 New Appeals

19/00963/OUT - OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road Adderbury - Resubmission of application 17/02394/OUT – Outline application for permission for up to 40 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road (all matters reserved other than access)
Officer recommendation – Refused (Committee)

Method of determination: Hearing

Start Date: 12.02.2021 **Statement Due:** 19.03.2021 **Decision:** Awaited

Hearing date – Wednesday 5th May 2021

Appeal reference – 21/00004/REF

20/00871/F - OS Parcel 3300 North Of Railway Line Adjoining, Palmer Avenue, Lower Arcott - Erection of a free range egg production unit, gatehouse and agricultural workers dwelling including all associated works - re-submission of 19/00644/F

Officer recommendation – Refused (Committee)

Method of determination: Written Representations

Start Date: 26.02.2021 **Statement Due:** 02.04.2021 **Decision:** Awaited

Appeal reference – 21/00007/REF

20/01747/F - Land South Side Of, Widnell Lane, Piddington - Change of Use of land to a 6no pitch Gypsy and Traveller site to include 6no mobiles, 6no tourers and associated operational development including hardstanding and fencing.

Officer recommendation – Refused (Committee)

Method of determination: Written Representations

Start Date: 12.02.2021 **Statement Due:** 19.03.2021 **Decision:** Awaited

Appeal reference – 21/00003/REF

20/01905/F - 110 Lyneham Road, Bicester, OX26 4FD - Formation of access and associated dropped kerb

Officer recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 15.02.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00005/REF

20/02592/F - 28 The Moors, Kidlington, OX5 2AJ - Variation of Condition 2 (plans) of 20/01170/F to allow for amendments to the layout of bin and cycle stores, the relocation of the second parking space to Plot 1, amendments to landscaping, alterations to fenestration, and alterations to the externally facing materials of the dwellings.

Reason for Appeal - Appeal made against conditions imposed on the approval decision notice.

Officer recommendation – Approved (Delegated)

Method of determination: Written Representations

Start Date: 11.02.2021 **Statement Due:** 18.03.2021 **Decision:** Awaited

Appeal reference – 21/00002/CON

20/03191/F - Keepers Cover, Weston-On-The-Green, BICESTER, OX25 3QU - Single storey residential extension - re-submission of 20/01265/F.

Officer recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 23.02.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00006/REF

3.2 New Enforcement Appeals

18/00059/ENFB - Land at The Digs and The Studio, Heathfield, OX5 3DX – Appeal against the enforcement notice served for Without the benefit of planning permission the erection of two units of residential accommodation with associated residential curtilages.

Method of determination: Written Representations

Key Dates:

Start Date: 01.02.2021 **Statement Due:** 15.03.2021

Decision: Awaited

Appeal reference: 21/00001/ENF

20/00419/ENF - The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire, OX17 1QU

Appeal against the enforcement notice served for without planning permission the change of use of the land to use as a caravan site currently accommodating one mobile home type caravan designed and used for human habitation together with associated parking and storage of motor vehicles and trailer, storage of touring caravans and associated domestic paraphernalia.

Method of determination: Hearing

Key Dates:

Start Date: 24.02.2021 **Statement Due:** 07.04.2021

Hearing date: TBC

Decision: Awaited

Appeal reference: 21/00008/ENF

3.3 Appeals in Progress

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).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 01.12.2020 **Statement Due:** 05.01.2021 **Decision:** Awaited

Appeal reference – 20/00031/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

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

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 01.12.2020 **Statement Due:** 05.01.2021 **Decision:** Awaited

Appeal reference – 20/00032/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 13 sitting days

Appeal reference – 20/00030/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.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 11.12.2020 **Statement Due:** 22.01.2021 **Decision:** Awaited

Appeal reference – 20/00035/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.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 16.12.2020 **Statement Due:** 13.01.2021 **Decision:** Awaited

Appeal reference – 20/00034/REF

20/00841/F - Barn And Land South West Of Cotefield Farm, Church Street, Bodicote -
Erection of garage adjacent to approved dwelling and change of use of agricultural land to residential use

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 26.01.2021 **Statement Due:** 02.03.2021 **Decision:** Awaited

Appeal reference – 20/00039/REF

20/00878/F - Ashfield House, Alkerton Road, Balscote, OX15 6JR - Detached Dwelling
(Re-submission of Planning Application 19/00550/F).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 15.01.2021 **Statement Due:** 19.02.2021 **Decision:** Awaited

Appeal reference – 20/00038/REF

20/00964/OUT – The Beeches, Heyford Road, Steeple Aston, OX25 4SN - Erection of
up to 8 dwellings with all matters reserved except the means of access on to Heyford Road

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 07.01.2021 **Statement Due:** 11.02.2021 **Decision:** Awaited

Appeal reference – 20/00037/REF

20/01230/TPO - The Brambles, Somerton Road, Upper Heyford, Bicester, OX25 5LB -
T1 (Horse Chestnut) - fell. Tree subject to TPO 4/88

Officer recommendation – Refusal (Delegated)

Method of determination: Fast Track

Key Dates:

Start Date: 27.01.2021 **LPA Questionnaire Due:** 10.02.2021 **Decision:** Awaited

Appeal reference – 20/00040/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)

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 01.12.2020 **Statement Due:** 05.01.2021 **Decision:** Awaited

Appeal reference – 20/00033/REF

Enforcement appeals

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

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: Tuesday 20th April 2021

Decision: Awaited

Appeal reference: 20/00019/ENF

3.4 Forthcoming Public Inquires and Hearings between 12 March 2021 and 15 April 2021

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 and Days of the Inquiry: Tuesday 9 February. 10am start. 9th Feb – 12th Feb, 16th Feb – 19th Feb, 1st March – 5th March 2021.

Details on how to live stream the online Public Inquiry will be are on the Council's online planning register.

3.5 Results

Inspectors appointed by the Secretary of State have:

1. **Dismissed the appeal by EG Group for Single storey rear extension. Esso, Banbury Service Station, Oxford Road, Bodicote, OX15 4AB – 20/02298/F**
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00036/REF

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

The existing storage container, already subject of one dismissed appeal for its retention, was now proposed to be finished with brick slips, with a white fascia and grey roof to broadly match the kiosk building.

The Inspector considered that the cladded container would retain its standardised box-like dimensions and would have a rudimentary connection with the main kiosk building, and found that there would be a height difference with both components of the existing kiosk building. The Inspector held that in combination these factors amounted to a harmful disjointed and cluttered appearance, and that the addition of the white fascia would draw the eye and emphasise the negative impact.

The Inspector concluded that the proposal would have a "small but noticeable harmful effect" on the character and appearance of the area and would thus be contrary to policy ESD15 and saved policy C28 of the CLP and that, while this harm would not be significant, the proposal would be harmful nonetheless. The Inspector stated that the modest scale of the development did not justify this harm, otherwise this argument could be repeated over time to amount to considerable cumulative harm.

The Inspector disagreed with the appellant's contention that the flat roofed kiosk extension provided a precedent for the appeal proposal, attaching to it limited weight. The Inspector was not persuaded that there were no alternative approaches to designing an extension to the building.

Accordingly the Inspector dismissed the appeal.

4. Conclusion and Reasons for Recommendations

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

5. Consultation

5.1 None.

6. 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:

Jennifer Crouch, Principal Solicitor

jennifer.crouch@oxfordshire.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

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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

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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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