

Cherwell District Council

Planning Committee

15 July 2021

Appeal Progress Report

This report is public

Report of Assistant Director - Planning and Development

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

20/01902/Q56 – Barns, Crockwell House Farm, Manor Road, Great Bourton - Change of use of existing farm buildings into a single residential dwelling (use class C3).

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 10.06.2021

Statement Due: 15.07.2021

Decision: Awaited

Appeal reference – 21/00018/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

19/00934/F - Bicester Sports Association, The Tudor Jones Building, Akeman Street, Chesterton, Bicester, OX26 1TH - Change of Use of Agricultural land and extension of the existing Bicester Sports Association facilities for enhanced sports facilities including relocation and reorientation of existing pitches and archery zone, 2 No training pitches with floodlighting, 2 No match pitches, new flexible sports pitch, new rugby training grids, new clubhouse with events space, new rifle and shooting range, cricket scorers building, storage and maintenance buildings and provision of associated car parking, amended access, landscaping and other associated works

Officer recommendation – Refusal (Committee)

Method of determination: Public Inquiry

Start Date of Inquiry – Tuesday 29 June – Inquiry adjourned until 13 July for closing submissions

Start Date: 31.03.2021 **Statement Due:** 07.05.2021 **Decision:** Awaited

Appeal reference – 21/00012/REF

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 – Tuesday 22nd June 2021

Appeal reference – 21/00004/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

20/00871/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

20/00964/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

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

Appeal reference – 20/00037/REF

20/01650/TPO - Pendula House, 9 Old School End, Hook Norton, OX15 5QU –

Application for works to a Tree Preservation Order - T1-3 (Silver Birch) - Removal of trees to prevent damage to drains running under the property and to the property itself - Subject to TPO 07/1991

Officer recommendation – Refusal (Delegated)

Method of determination: Fast Track

Start Date: 16.03.2021 **LPA Questionnaire Due:** 30.03.2021 **Decision:** Awaited

Appeal reference – 21/00010/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

20/01891/F - Land North East Of Fringford Study Centre Adjoining, Rectory Lane, Fringford, OX27 8DD - Erection of a 4 bedroom detached dwelling with garage and access.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 21.04.2021 **Statement Due:** 26.05.2021 **Decision:** Awaited

Appeal reference – 21/00015/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

20/02669/F - Moorlands Farm, Murcott, OX5 2RE - Demolition of existing agricultural buildings and erection of three dwellings.

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Start Date: 06.04.2021 **Statement Due:** 11.05.2021 **Decision:** Awaited

Appeal reference – 21/00013/REF

20/03542/F – 91 Mallards Way, Bicester, OX26 6WT - Single storey extension at principal elevation

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 18.05.2021 **Statement Due:** N/A **Decision:** Awaited

Appeal reference – 21/00017/REF

3.4 Enforcement Appeals in Progress

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: Tuesday 16 November 2021

Decision: Awaited

Appeal reference: 21/00008/ENF

3.5 Forthcoming Public Inquires and Hearings between 16 July 2021 and 12 August 2021

None

3.6 Results

Inspectors appointed by the Secretary of State have:

1. **20/02717/HPA – Dismissed the appeal by Mr A Speight against the refusal of Householder Prior Approval for Demolition of existing conservatory and erection of lounge dining room extension, kitchen extension to form utility room - length 4.2m, height to eaves 2.7m, overall height 3.8m. 4 Summer Ley, Barford St Michael, Banbury, OX15 0RG.**
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00014/REF

The Inspector considered the main issue to be whether the development would accord with the provisions of Part 1, Class A of the above Order with regard to the requirement in criterion (j).

The Inspector agreed with the Council that the proposed extension would be attached to a previous side extension and as such would not constitute permitted development, and accordingly dismissed the appeal.

2. **20/02504/F – Dismissed the appeal by Mrs N Locke against the refusal of Planning Permission for Single storey front extension. 11 The Holt, Mollington, OX17 1BE.**
Officer recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference – 21/00016/REF

The main issue, identified by the Inspector, was the impact the single storey extension would have on the street scene.

The Inspector observed that the properties on Chestnut Road and The Holt “are in general harmony with each other and have a homogenous architectural design, which contributes positively to the local distinctiveness of the area”. The Inspector concluded that the proposal would result in a prominent incongruous feature that would cause significant harm to the character and appearance of the area.

The Inspector was not convinced by the appellant’s argument that the topography of the site meant that the extension would not be overly prominent or that there were other front extensions within the vicinity that created a precedent. The porches and garage extensions identified were not of a similar scale to what has been proposed and therefore not as conspicuous or harmful.

Based on this assessment, the appeal was therefore dismissed.

3. **20/00805/F – Dismissed the appeal by Mr and Mrs Holdsworth against refusal of Planning Permission for Demolition of existing dwelling, demolition of existing outbuildings/structures, erection of replacement dwelling and new outbuilding containing a garage, residential annexe and associated landscaping. Highway House, Park Road, Hook Norton, OX15 5LR**
Officer recommendation – Refusal (Delegated)
Method of determination: Written Representations
Appeal reference – 20/00034/REF

The appeal relates to a proposal for the demolition of existing dwelling (Highway House), demolition of existing outbuildings/structures, erection of replacement dwelling and new

outbuilding containing a garage, residential annexe and associated landscaping. The appeal proposal is identical to an approved proposal, but for the increase in footprint and massing of the outbuilding, now proposed as a residential annexe together with garaging.

The Inspector noted the main issue as the effect of the appeal proposal on the character, appearance and landscape of the surrounding area, including whether the development would preserve or enhance the character or appearance of the Hook Norton Conservation Area.

The Inspector made a judgement, contrary to the view of Officers, that the site is within the built limits of the village, albeit on its edge. This was based on the nearness of Highway House to its neighbours, its position between the properties to the north and south and the shared access along the lane.

In determining whether the size of the annexe is appropriate, the Inspector compared it to Rose Cottage to the west. The Inspector noted that the annexe would be deeper and wider than Rose Cottage and the new dwelling and annexe when viewed together would be significantly larger than most other properties in the locality. The Inspector considered that the size of the annexe, its relationship with the approved house and their combined prominence would appear incongruous and out of character.

In assessing the landscape impact, the Inspector considered that the relationship of the scheme and the landscape would be little changed from the previous, due the similar locations of the buildings (inferred as the proposed dwelling and proposed outbuilding) within the appeal site. Therefore in this regard no conflict with CLP Policies ESD13, ESD15 (in part), saved LP Policy C28 and Policy CC1 of the Hook Norton Neighbourhood Plan (2015) (NP) was considered.

Despite the absence of landscape harm, the Inspector concludes that the overall size and location of the annexe together with the approved dwelling would not conform to the pattern of development in the locality, would not reinforce local distinctiveness, nor respect the overall character of the conservation area. She adds that this would lead to less than substantial harm to its significance.

The demolition of the existing outbuildings was not previously proposed. The Inspector considered that the demolition of existing outbuildings – which was not previously proposed – would to a degree offset the impact of the additional volume of the enlarged annexe and would remove unsightly development. However, she noted that they are seen as impermanent garden structures and are not as prominent from public areas as the outbuilding would be. She added that the annexe would be a significantly more substantial structure in an open area of the site that would be clearly visible from the public domain and the open land beyond the dwelling – thus failing to preserve the visual amenities of the conservation area, without public benefit. The Inspector therefore concluded that the proposal would conflict in part with CLP Policy ESD15 and Policy CC2 of the HNNP.

The appeal was subsequently dismissed.

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

None.

6. Alternative Options and Reasons for Rejection

6.1 None. The report is presented for information.

7. 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,

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Legal Implications

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

Comments checked by:

Matthew Barrett, Solicitor, 01295 753798

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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:

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Equality & Diversity Implications

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

Comments checked by:

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8. 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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