

# **Cherwell District Council**

## **Planning Committee**

**4 November 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 decisions received and the scheduling of public inquiries and hearings for new and current appeals.

#### **1.0 Recommendations**

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**

**a) 20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington**

Material Change of Use of land to use as a residential caravan site for 12no gypsy / traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation – Refused (Committee)

Method of determination: Hearing (Date not arranged)

Start Date: 08.10.2021

Statement Due: 12.11.2021

Decision: Awaited

Appeal reference – 21/00033/REF

**b) 20/02826/F - Southcroft House, Southrop Road, Hook Norton, OX15 5PP**

Erection of gates, pillars and boundary wall with railings above.

Officer recommendation – No decision. Appeal against non-determination

Method of determination: Written Representations  
Start Date: 01.10.2021  
Statement Due: 05.11.2021  
Decision: Awaited  
Appeal reference – 21/00030/NON

**c) 21/01199/HPA – 43 Kingsway, Banbury, OX16 9NX**

Proposed demolition of existing extension and rebuild extension with a dual pitched roof - height to eaves 2.75m, overall height 3.79m, length 4.1m.

Officer recommendation - Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 01.10.2021  
Statement Due: N/A  
Decision: Awaited  
Appeal reference – 21/00032/REF

**d) 21/01756/F – 25 Broad Close, Barford St Michael, OX15 0RW**

Single storey side and rear extension including demolition of existing conservatory.

Officer recommendation - Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 01.10.2021  
Statement Due: N/A  
Decision: Awaited  
Appeal reference – 21/00031/REF

**3.2 New Enforcement Appeals**

None

**3.3 Appeals in Progress**

**a) 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

**b) 20/00871/F - OS Parcel 3300 north of railway line adjoining Palmer Avenue, Lower Arccott**

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

**c) 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

**d) 20/03327/F - Land SW of Coleridge Close and Rear 6, Chaucer Close, Bicester, OX26 2XB**

Development of a detached dwelling with new access onto Howes Lane - Resubmission of 20/00138/F.

Officer recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 13.07.2021  
Statement Due: 17.08.2021  
Decision: Awaited  
Appeal reference – 21/00021/REF

**e) 20/03419/F – 18 Boxhedge Road, Banbury, OX16 0BP**

Retrospective – uPVC rear conservatory.

Officer recommendation - Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 10.09.2021  
Statement Due: 15.10.2021  
Decision: Awaited  
Appeal reference – 21/00028/REF

**f) 20/03420/LB – 18 Boxhedge Road, Banbury, OX16 0BP**

Retrospective – uPVC rear conservatory.

Officer recommendation - Refused (Delegated)

Method of determination: Written Representations  
Start Date: 10.09.2021  
Statement Due: 15.10.2021  
Decision: Awaited  
Appeal reference – 21/00029/REF

**g) 21/01057/F – 177 Warwick Road, Banbury, OX16 1AS**

Variation of Condition 2 (openingtimes) of 03/00144/F - amendment of opening hours at the store, trading hours for Monday-Saturday 11.00am - 12.00am and Sunday 12.00 noon - 11.00pm

Officer recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 26.07.2021  
Statement Due: 02.08.2021  
Decision: Awaited  
Appeal reference – 21/00022/REF

**h) 21/01083/F - Wykham House, Wykham Lane, Broughton, OX15 5DS**

Creation of new driveway from Wykham Lane to existing car parking area of Wykham House - Removal of 4m of brick wall and build pillars to exposed ends. Remove grass bank from brick wall to road, install Marshalls permeable paving - scoop/blend edges of grass bank into permeable driveway - install cobble setts to join Wykham Lane to Marshalls permeable paving.

Officer recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 04.08.2021  
Statement Due: 08.09.2021  
Decision: Awaited  
Appeal reference – 21/00023/REF

### 3.4 Enforcement Appeals in Progress

**a) 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  
Start Date: 24.02.2021  
Statement Due: 07.04.2021  
Decision: Awaited

Hearing date: Tuesday 16 and Wednesday 17 November 2021

Hearing venue: The Pavilion, Banbury Cricket Club, White Post Road, Bodicote, OX15 4BN

Appeal reference: 21/00008/ENF

### 3.5 **Forthcoming Public Inquiries and Hearings between 5 November 2021 and 2 December 2021**

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

Appeal against the enforcement notice served.

Hearing date: Tuesday 16 and Wednesday 17 November 2021. Start time: 10.00

Hearing venue: The Pavilion, Banbury Cricket Club, White Post Road, Bodicote, OX15 4BN

### 3.6 **Appeal Results**

Inspectors appointed by the Secretary of State have issued the following decisions:

#### a) **19/00963/OUT – Allowed the appeal by Hollins Strategic Land LLP against the refusal of planning permission for 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). OS Parcel 9100 Adjoining and East of last house adjoining and North of Berry Hill Road, Adderbury**

Officer recommendation – Refused (Committee)

Method of determination: Hearing

Appeal reference – 21/00004/REF

The appeal was heard by Hearing on 22 June and decisions were issued by PINS on 10 September.

The appeal was allowed but the appellants' application for costs against the Council for maintaining its objection, notwithstanding the lack of a 5-year housing land supply and bearing in mind this was a site on the edge of a Category-A settlement, was dismissed.

Inspector William Copper deemed that, given a 'tilted balance' in favour of residential development combined with the completion of an acceptable s.106 agreement that detailed affordable housing provision, highway improvement works to Berry Hill, sustainable drainage, waste bins and landscaped open space provision, plus financial contribution obligations for community hall, healthcare, off-site sports, education, training and apprenticeships, public transport and public rights of way enhancements, the balance of planning benefits demonstrably outweighed any harmful impacts in terms of Development Plan policy conflict and landscape harm.

Adderbury generally and the site specifically were considered sustainable locations for the scale of development proposed. The site was deemed reasonably well contained such that the visual impacts of development on the rural character of the

site and its surroundings could be adequately mitigated, with views maintained across the site towards the spire of the listed Church of St Mary.

**b) 20/3210/F – Dismissed the appeal by Mrs L Guo against the refusal of planning permission for Formation of means of access and associated dropped kerb. 113 Cromwell Road, Banbury, OX16 0HF.**

Officer recommendation – Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference – 21/00027/REF

The Inspector identified two main issues - the effect of the proposed development on the character and appearance of the area and the effect of the proposed development on highway safety.

The Inspector found that the proposed dropped kerb would not be detrimental to the local highway network from a traffic and safety point of view. However, the proposal would harm the character and appearance of the area. The Inspector also found that the removal of one, possibly two, mature trees that positively contribute to the character and appearance of the area would be contrary to Local Plan Policy ESD15. The inspector also added that amongst other things, that new development respects local landscape features, such as significant trees.

The appeal was dismissed.

#### **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**

5.1 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:  
Janet Du Preez, Principal Accountant, 01295 221606  
janet.du-preez@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](mailto: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:  
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01295 221786  
[louise.tustian@cherwell-dc.gov.uk](mailto:louise.tustian@cherwell-dc.gov.uk)

## **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:  
Emily Schofield, Acting Head of Strategy,  
07881 311707  
[Emily.Schofield@oxfordshire.gov.uk](mailto:Emily.Schofield@oxfordshire.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**

Business Plan Priorities 2021-2022:

- 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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