

# **Cherwell District Council**

## **Planning Committee**

**13 January 2022**

### **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) 21/01180/F - OS Parcel 2172 SE Of Vicarage Lane, Piddington**

Siting of timber cabin for occupation by a rural worker

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – date to be confirmed

Start Date: 09.12.2021

Statement due: 113.01.2022

Decision: Awaited

Appeal reference 21/00045/REF

###### **b) 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS**

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)

Method of determination: Hearing – date to be confirmed

Start Date: 30.11.2021

Statement due: 19.02.2022

Decision: Awaited

Appeal reference 21/00037/REF

**c) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS**

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation – Refused (Delegated)  
Method of determination: Hearing – date to be confirmed  
Start Date: 30.11.2021  
Statement due: 19.02.2022  
Decision: Awaited  
Appeal reference 21/00036/REF

**d) 20/02446/F – Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD**

Formation of inland waterways marina with ancillary facilities building, car parking, access and associated landscaping including the construction of a new lake - re-submission of 18/00904/F

Officer Recommendation – Approval (Committee)  
Method of determination: Written Representations  
Start Date: 09.12.2021  
Statement due: 13.01.2022  
Decision: Awaited  
Appeal reference 21/00046/REF

**e) 20/03406/F – The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA**

Erection of a two-bedroom bungalow (C3) to the rear of the existing public house (Sui Generis), with a new access created off Westlands Avenue following the partial demolition of the boundary wall, and associated parking and landscaping.

Officer Recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 02.12.2021  
Statement due: 06.01.2022  
Decision: Awaited  
Appeal reference 21/00038/REF

**f) 20/03407/LB - The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA**

Partial demolition of the boundary wall to create access for new dwelling proposed under 20/03406/F

Officer Recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 02.12.2021  
Statement due: 06.01.2022  
Decision: Awaited  
Appeal reference 21/00039/REF

**g) 20/03635/F – Land Adjacent to 1 Coleridge Close, Bicester, OX26 2XR**

Erection of one bedroom bungalow and associated works

Officer Recommendation – Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 07.12.2021  
Statement due: 11.01.2022  
Decision: Awaited  
Appeal reference 21/00043/REF

**h) 21/00500/OUT – Land North of Railway House, Station Road, Hook Norton**

Erection of up to 43 new homes, access from Station Road and associated works including attenuation pond

Officer Recommendation – Approval (Committee)  
Method of determination: Hearing – date to be confirmed  
Start Date: 09.12.2021  
Statement due: 13.01.2022  
Decision: Awaited  
Appeal reference 21/00044/REF

**i) 21/01056/F – Mayford, Brick Hill, Hook Norton, OX15 5QA**

RETROSPECTIVE - Erection of 1m high fence adjacent to the highway

Officer Recommendation – Refusal (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 03.12.2021  
Statement due: N/A  
Decision: Awaited  
Appeal reference 21/00041/REF

**j) 21/02173/F – The Old Cottage, Wigginton, OX15 4JZ**

Insertion of new window to front elevation at ground floor and two number conservation type rooflights to the rear roof slope. Addition of two hipped dormers to rear roof slope to provide additional bedroom at first floor and new window and patio doors at ground floor to rear elevation. Flat rooflight added to area of flat roof above kitchen at rear - re-submission of 20/03299/F

Officer Recommendation – Refusal (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 02.12.2021  
Statement due: N/A  
Decision: Awaited  
Appeal reference 21/00040/REF

**k) 21/02883/F – The Bungalow, White Post Road, Bodicote, OX15 4BN**

Flat roofed single garage

Officer Recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)  
Start Date: 04.12.2021  
Statement due: N/A  
Decision: Awaited  
Appeal reference 21/00042/REF

**I) 20/01984/F – 98 Hazel Crescent, Kidlington, OX5 1EL**

Single storey extension to the front and side (resubmission of 19/02605/F)

Officer Recommendation – Refusal (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 04.01.2022  
Statement due: N/A  
Decision: Awaited  
Appeal reference 22/00001/REF

**3.2 New Enforcement Appeals**

None

**3.3 Appeals in Progress**

**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 to be confirmed  
Start Date: 08.10.2021  
Statement Due: 26.11.2021  
Decision: Awaited  
Appeal reference – 21/00033/REF

**b) 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

**c) 21/02075/F – 50 Spruce Drive, Bicester, OX26 3YN**

First floor extension and partial garage conversion

Officer recommendation - Refused (Delegated)

Method of determination: Householder (Fast Track)  
Start Date: 25.10.2021  
Statement Due: N/A  
Decision: Awaited  
Appeal reference – 21/00035/REF

### 3.4 Enforcement Appeals in Progress

None

### 3.5 Forthcoming Public Inquiries and Hearings between 13<sup>th</sup> January 2022 and 10<sup>th</sup> February 2022

None

### 3.6 Appeal Results

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

- a) 21/01199/HPA – Dismissed the appeal by Mr N Singh against refusal of householder prior approval for 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. 43 Kingsway, Banbury, OX16 9NX**

Officer recommendation - Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference – 21/00032/REF

The Inspector noted the main issue to be the effect of the development upon the living conditions of the occupiers of 45 Kingsway, with particular reference to outlook and light. He noted that the appeal dwelling projected further into the rear garden than the rear elevation of the neighbouring dwelling, and that the appeal proposal would result in an increase in built form in proximity to the shared boundary between the appellant's property and the neighbour.

The Inspector found that the positioning of the proposed extension combined with its height / depth "would result in a significant enclosing effect upon the rear elevation windows and garden of the neighbouring dwelling. This would result in a diminished level of outlook to the occupiers of No. 45". He also concluded that the loss of outlook to the outlook of the neighbouring properties "would result in a notable erosion of living conditions" and that the proposal would result in a loss of light to No. 45 and that although this would only be for a part of the day the loss would be so significant during this time that the neighbour's living conditions would be substantially eroded. Accordingly he dismissed the appeal.

- b) 21/01756/F – Allowed the appeal by Mr S Bannister against refusal of planning permission for Single storey side and rear extension including demolition of existing conservatory. 25 Broad Close, Barford St Michael, OX15 0RW**

Officer recommendation - Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Appeal reference – 21/00031/REF

The Inspector identified the main issue of the appeal to be the effect of the development upon the character and appearance of the surrounding area.

It was concluded that whilst the side extension was large, it would not result in an overdevelopment of the site, particularly given that it would require the removal of an existing outbuilding and conservatory. Broad Close, the Inspector also decided, does not have a particularly open feel and as such the extension would not erode the existing character of the area. It was also noted that other similar developments are visible within the vicinity of the site.

Based on this assessment, the appeal was allowed.

- c) 20/00419/ENF – Quashed the enforcement notice and planning permission in regards the appeal made by Mr P Doran against the enforcement notice served at The Stables, Main Street, Great Bourton, Cropredy, OX17 1QU 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  
Appeal reference: 21/00008/ENF

The Inspector considered the main issues to be: (1) the effect on the character and appearance of the area/natural environment; (2) whether there would be any unacceptable noise disturbance to occupiers of the site; (3) whether there would be an unacceptable risk of flooding; (4) whether the site is sustainably located; and (5) the provision of and need for gypsy and traveller sites in the area.

In respect of the first issue, the Inspector noted that while the site and its surrounds had a rural character, the proposal was at the smallest scale of traveller site provision and the position of the caravans could be controlled through planning condition and that as such there would only be a limited degree of harm to the character and appearance of the area and that the harm would not be significant.

The Inspector found there would “no unacceptable noise disturbance to occupiers of the caravans” and that the proposal “would not result in any significant harm in terms of flood risk” subject to an appropriately worded condition requiring approval of the site layout including caravan positions.

On the fourth issue the Inspector held that the site was not away from existing settlements and “very close” in distance to Cropredy with a public footpath running along the northern side of Main Street into the village.

Lastly, the Inspector noted the current under-supply of sites for gypsies and travellers. The Council contended the shortfall was 7 pitches, while the appellant contended a greater shortfall. The Inspector held that it was unnecessary for him to examine the conflicting views on the available evidence given his view that a shortfall of 7 pitches represented “an urgent and pressing current need for further pitches to be delivered” and neither party could identify alternative available sites.

Accordingly, and subject to various conditions, the Inspector allowed the appeal.

Although finding against the Council on the appeal, the Inspector allowed the Council’s application for costs against the appellant. The appellant had withdrawn part of his case at the start of the hearing. The Inspector found that the appellant’s

evidence to be inconsistent, contradictory and 'lacking in credibility' and that the Council's PCN evidence had given a "torpedo blow" to the appellant's case. The Inspector concluded that, "Submission of information in an appeal that is manifestly inaccurate or untrue amounts to unreasonable behaviour and in the circumstances of this case it resulted in unnecessary expense to the Council in preparing their case" and awarded costs to the Council in respect of the appellant's ground (d) appeal.

**d) 20/02826/F – Allowed the appeal by Mr K Wright against non-determination of the planning application for Erection of gates, pillars and boundary wall with railings above. Southcroft House, Southrop Road, Hook Norton, OX15 5PP**

Officer recommendation – No decision. Appeal against non-determination

Method of determination: Written Representations

Appeal reference – 21/00030/NON

The Inspector identified the main issues of the proposal on the character and appearance of the area, including the Hook Norton Conservation Area and the setting of the listed South Hill House.

The Inspector found that the proposed wall and railings, to one side of South Hill House, would not impinge on its setting. Equally the proposal would not detract from its character and concluded that the development would be an appropriate boundary treatment which defines the extent of the garden. The Inspector further reasoned that the variety of boundary treatments, within this part of the Conservation Area, meant that the proposal would not appear to be particularly incongruous.

The Inspector therefore concluded that the development would not cause harm to the character and appearance of the area, the character of Hook Norton Conservation Area or the setting of the listed South Hill House and so the appeal was allowed.

**e) 20/01387/F – Dismissed the appeal by Mr A Allen against refusal of planning permission for Increase dropped kerb outside of residential property (6 kerb stones to be replaced)**

Officer recommendation - Refused (Delegated)

Method of determination: Written Representations

Appeal reference – 21/00034/REF

The Inspector for this case identified the main issue to be the impact on highway safety.

The Inspector considered that the forecourt would be of inadequate depth and thus result in a parked vehicle projecting at least 1 metre over the pavement. The Inspector therefore concluded that the proposed development would compromise the safety of both drivers and pedestrians.

The Inspector 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**

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, Service Accountant, 01295 221606

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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, Planning 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:

Louise Tustian, Head of Insight and Corporate Programmes, 01295 221786

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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:

Emily Schofield, Acting Head of Strategy, 07881 311707

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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**

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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