

# **Cherwell District Council**

## **Planning Committee**

**10 February 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) 20/01762/OUT - Land To Rear Of Home Farm Close, Ambrosden, OX25 2NP**

Outline planning application for five dwellings, with all matters reserved except means of access

Officer Recommendation – Non-Determination (appeal to be contested by the Council)

Method of determination: Written Representations

Start Date: 05.01.2022

Statement due: 09.02.2022

Decision: Awaited

Appeal reference 22/00002/NON

##### **b) 21/02608/F – 26 Grebe Road, Bicester, OX26 6EL**

Rear two storey and single storey rear extension. Extend front entrance roof to form covered canopy, insertion of new window and doors to front and side elevations.

Officer Recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 07.01.2022

Statement due: N/A  
Decision: Awaited  
Appeal reference 22/00004/REF

**c) 21/00923/F – 43 Oxford Road, Kidlington, OX5 2BP**

Demolition of bungalow and replace with 5 no apartments (Re-submission of and amendments to 17/00917/F)

Officer Recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 13.01.2022  
Statement due: 17.02.2022  
Decision: Awaited  
Appeal reference 22/00005/REF

**d) 21/02477/F – The Gables, 93 Mallards Way, Bicester, OX26 6WT**

Proposed single storey rear part side and front extensions with associated internal and external works

Officer Recommendation – Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 21.01.2022  
Statement due: N/A  
Decision: Awaited  
Appeal reference 22/00006/REF

**e) 21/00824/OUT – Land Adjacent to Allotments Off Duns Tew Road, Hempton, OX15 0QZ**

Outline application for the erection of a detached dwelling (3-bed) & associated works

Officer Recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 24.01.2022  
Statement due: 28.02.2022  
Decision: Awaited  
Appeal reference 22/00007/REF

**f) 21/01488/F – The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN**

Single storey extensions and conversion of garage to habitable accommodation

Officer Recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 25.01.2022  
Statement due: 01.03.2022  
Decision: Awaited  
Appeal reference 22/00008/REF

**g) 21/01489/LB - The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN**

Single storey extensions and garage conversion  
Officer Recommendation – Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 25.01.2022  
Statement due: 01.03.2022  
Decision: Awaited  
Appeal reference 22/00009/REF

**h) 21/02867/F – Barton House, 62 Mallards Way, Bicester, OX26 6WT**

RETROSPECTIVE: Erection of a timber pergola  
  
Officer Recommendation – Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 25.01.2022  
Statement due: N/A  
Decision: Awaited  
Appeal reference 22/00010/REF

**3.2 New Enforcement Appeals**

**a) 21/00215/ENF – Land Adjacent To 1 Coleridge Close, Bicester, OX26 6XR**

Appeal against the enforcement notice served for 'Without planning permission, the erection of a timber fence above 1 metre in height and adjacent to a highway'

Method of determination: Written Representations  
Start Date: 26.01.2022  
Statement due: 09.03.2022  
Decision: Awaited  
Appeal reference 22/00011/ENF

**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) 20/01180/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

**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) 20/01984/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

**e) 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

**f) 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

**g) 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

**h) 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

**i) 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

**j) 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

**k) 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

**l) 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

**3.4 Enforcement Appeals in Progress**

None

**3.5 Forthcoming Public Inquiries and Hearings between 11 February 2022 and 10 March 2022**

None

**3.6 Appeal Results**

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

**a) 21/02075/F – Dismissed the appeal by Mr and Mrs Trafford against refusal of planning permission for First floor extension and partial garage conversion. 50 Spruce Drive, Bicester, OX26 3YN**

The Inspector identified the main issues of the appeal to be the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

It was concluded that the proposal would not result in harm to the living conditions of neighbouring occupiers, the proposal however would harm the character and appearance of the area. The Inspector decided the added bulk and mass at first floor level would exacerbate the building's prominent position in the street, creating a dwelling that would appear unduly dominant and incongruous. The Inspector also found that the grey window frames and a projecting porch would reinforce the

incongruity of the dwelling.

The Inspector dismissed the appeal.

**b) 21/01056/F – Dismissed the appeal by Mrs S Wassell against refusal of retrospective planning permission for Erection of 1m high fence adjacent to the highway. Mayford, Brick Hill, Hook Norton, OX15 5QA**

The Inspector considered the key issue in this case to be the impact of the timber fence on the character and appearance of the area and the Hook Norton Conservation Area.

The Inspector observed that the fence was a stark visual barrier to the edge of the street and its overall length and light timber material harm the street scene and are at odds with the general character of traditional means of enclosure. Given its relationship to the road, the Inspector reasoned that there wasn't an opportunity to mitigate the harm identified.

The Inspector afforded limited weight to the appellant's arguments that the fence had some local support and provided them privacy and security. The Inspector noted that there were other more appropriate boundary solutions which would not harm the character and appearance of the Conservation Area.

Based on this assessment the Inspector dismissed the appeal.

**c) 21/02173/F – Part allowed and part dismissed the appeal by Dr H Slim against refusal of planning permission for 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. The Old Cottage, Wigginton, OX15 4JZ**

The inspector identified the main issue as being the effect of the proposed development on the character and appearance of the host property, the character of the Wigginton Conservation Area, and the setting of the adjacent listed building of Glebe Cottage.

The inspector found that proposed hipped dormers had little in common with the original dwelling and the locality which has a strong gabled character. The addition would harm the property itself and the contribution it makes to the Conservation Area as well as spoil the setting of Glebe Cottage causing "less than substantial harm" with no public benefits to outweigh the harm caused.

The inspectorate agreed with the Council that the other aspects of the proposals were acceptable and issued a split decision.

## **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  
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

### **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 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

## **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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