

Cherwell District Council

Planning Committee

7 April 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) 21/02007/F – 15 Heath Close, Milcombe, OX15 4RZ

To complete driveway by replacing breeze block section with block paving to match. Also to complete the dropped kerb to fall in line with the full width of the house. To install either two or three lower trims and one angled trim.
(resubmission of 21/01238/F)

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 15.03.2022
Statement Due: 19.04.2022
Decision: Awaited
Appeal reference – 22/00016/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) 20/01180/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 – Tuesday 10th May 2022

Start Date: 09.12.2021

Statement due: 113.01.2022

Decision: Awaited

Appeal reference 21/00045/REF

c) 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

d) 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

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 – 18th/19th May 2022
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 – 18th/19th May 2022
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) 20/03635/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 date: 11.01.2022
Decision: Awaited
Appeal reference – 21/00043/REF

i) 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 – Tuesday 14th June 2022

Start Date: 09.12.2021

Statement due: 13.01.2022

Decision: Awaited

Appeal reference 21/00044/REF

j) 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

k) 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

l) 21/01403/F – 5 Chichester Walk, Banbury, OX16 1YP

Two storey extension and conversion into two separate studio flats - with on plot parking and electric vehicle charging points (resubmission of 20/01937/F)

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 22.02.2022

Statement Due: 29.03.2022

Decision: Awaited

Appeal reference – 22/00015/REF

m) 21/01474/F – 35 Longleat Close, Banbury, OX16 9TG

Change of use of amenity land to domestic garden and single storey side extension

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 04.02.2022
Statement Due: 11.03.2022
Decision: Awaited
Appeal reference – 22/00012/REF

n) 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

o) 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

p) 21/02346/F – 1 Cranesbill Drive, Bicester, OX26 3WG

Loft conversion with rooflights to front roof slope and dormer extension to rear roof slope.

Officer Recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 21.02.2022
Statement due: N/A Decision: Awaited
Appeal reference - 22/00014/REF

q) 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

r) 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

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

b) 20/00115/HH - Thames Valley Police, Headquarters South, 169 Oxford Road, Kidlington, OX5 2NX

Appeal against the decision by the Council not to issue a remedial notice on a high hedge complaint made by a local resident.

Start date: 31.01.2020
Questionnaire due: 28.02.2022

3.5 Forthcoming Public Inquiries and Hearings between 8 April 2022 and 19 May 2022

a) 20/00180/F - OS Parcel 2172 SE Of Vicarage Lane, Piddington

Siting of timber cabin for occupation by a rural worker

Hearing Date: Tuesday 10th May 2022. Start time: 10.00
Hearing venue: The Pavilion, Banbury Cricket Club, White Post Road, Bodicote, OX15 4BN

b) 20/02193/F and 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.

Hearing Date: Wednesday 18th May 2022 and Thursday 19th May. 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) 20/01984/F – Allowed the appeal by Mr A Rugg against the refusal of planning permission for Single storey extension to the front and side (resubmission of 19/02605/F). 98 Hazel Crescent, Kidlington, OX5 1EL

Officer Recommendation – Refusal (Delegated)
Method of determination: Householder (Fast Track)
Appeal reference 22/00001/REF

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 the effect on the living conditions of the occupiers of 100 Hazel Crescent, with regard to outlook and natural light.

In respect of the first issue, the Inspector found that the proposed extensions would be proportionate in scale and subservient to the host building and the single storey extensions and porches are common features in the local area and formed part of the established character. Because of this, the Inspector decided that the proposal would not harm the character or appearance of the area.

In respect of the second issue, the Inspector found that there would be a change of outlook for the residents on No 100 and there may be some loss of sunlight however the development would comply with the 45-degree rule set out in Cherwell's Home Extensions & Alterations Design Guide (March 2007) and that the Council has permitted similar front extensions elsewhere on the estate without raising any concerns over the impacts on neighbour amenity. In view of this, the Inspector concluded that the small extension being proposed would not be so significant to warrant a refusal of planning permission.

Based on this assessment, the appeal was allowed.

b) 20/03406/F – Dismissed the appeal by Punch Partnerships Limited against the refusal of planning permission for 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. The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Appeal reference 21/00038/REF

The Inspector identified the main issue as being the effect of the proposal on the special interest and setting of the Grade II listed building known as The Ben Jonson Public House and the character and appearance of the Weston on the Green Conservation Area.

It was identified that the special interest and significance of the listed building is informed by its architectural detailing and its history as a coaching inn that continues through to its current use as a public house. The building also has a degree of communal value as it has been used by the local community over many years. The special interest and significance of the listed building is also informed by its setting, including the pub garden, the pub car park and the three separate Grade II listed buildings (former stables, Oxford House and The Cottage). The Inspector considered that the garden and wall provide a gap and sense of enclosure between the listed public house and the modern suburban development along Westlands Avenue, and that they make a positive contribution to the setting of the listed public house and inform its significance and special interest. The Inspector also considered that the garden and wall present a gap and a buffer from Westlands Avenue, clearly marking the edge of the conservation area, and making a positive contribution to the conservation area and its significance. The Inspector did not consider that the lack of specific inclusion within the Neighbourhood Plan as a Local Green Space or an important internal green space diminished the contribution that the garden makes to either designated heritage asset.

The Inspector considered that the dwelling would be much larger and permanent than the existing play equipment, and that it would erode part of the gap and buffer between the public house and Westlands Avenue. Whilst the insertion into the wall for a vehicular driveway and pedestrian access would result in a very limited loss of historic fabric, it would greatly affect the enclosure that the wall provides, exacerbating the erosion of the gap and buffer and reinforcing the negative visual effect that the new dwelling would create. It was considered that the proposal as a whole would cause harm to the significance of the listed building and the conservation area. The harm to the significance of both the listed building and conservation area would be less than substantial, but it would still be important given the positive contribution performed by the wall and garden.

Whilst the development would boost the supply of housing in a district where the Council is current unable to demonstrate a 5-year housing land supply and provide employment in terms of construction work, given that only one dwelling would be delivered the Inspector considered that these public benefits could be afforded no more than moderate weight. The Inspector considered that the public benefits arising from the scheme would be insufficient to outweigh the harm to the significance of either heritage asset.

The inspector concluded that the proposal would not preserve the special interest or setting of the listed Ben Jonson Public House or preserve or enhance the character and appearance of Weston on the Green Conservation Area. It would result in harm to the significance of both heritage assets that would not be outweighed by the public benefits and the appeals were therefore dismissed.

- c) **20/03407/LB – Dismissed the appeal by Punch Partnerships Limited against the refusal of listed building consent for Partial demolition of the boundary wall to create access for new dwelling proposed under 20/03406/F. The Ben Jonson Inn, Northampton Road, Weston On The Green, Kidlington, OX25 3RA**

Officer Recommendation – Refusal (Delegated)
Method of determination: Written Representations
Appeal reference 21/00039/REF

Please see appeal decision summary for 3.6 a.

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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