

Cherwell District Council

Planning Committee

19 May 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

To note the position on planning appeals contained within the report.

2.0 Introduction

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) 21/02909/F – 37A Hertford Close, Bicester, OX26 4UX

Erection of 1 dwelling (resubmission of 21/02218/F)

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 25.03.2022

Statement Due: 29.04.2022

Decision: Awaited

Appeal reference – 22/00017/REF

b) 21/04093/F – 5 St Peter Close, South Newington, OX15 4JL

Rear extension, porch and dormer in converted roof space (resubmission of 21/02697/F)

Officer recommendation – Refused (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 31.03.2022

Statement Due: N/A

Decision: Awaited

Appeal reference – 22/00018/REF

c) 21/04202/F – Former Buzz Bingo, Bolton Road, Banbury, OX16 5UL

Redevelopment for 80 retirement living apartments including communal facilities, access, car parking and landscaping.

Officer recommendation – Non-Determination
Method of determination: Public Inquiry, Start date: 9th August 2022
Start Date: 19.04.2022
Statement Due: 24.05.2022
Decision: Awaited
Appeal reference – 22/00019/NON

d) 21/02986/F – 2 The Orchard, Horton Cum Studley, OX33 1BW

Two storey rear/side extension and associated internal alterations

Officer recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 20.04.2022
Statement Due: N/A
Decision: Awaited
Appeal reference – 22/00020/REF

e) 21/03452/TEL56 – Street Record, Station Road, Kirtlington

Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 21.04.2022
Statement Due: 26.05.2022
Decision: Awaited
Appeal reference – 22/00021/REF

f) 21/01818/F – Pakefield House, St Johns Street, Bicester, OX26 6SL

Redevelopment of the site to form 38 no. Retirement apartments including communal facilities, access, car parking and landscaping

The appeal is a non-determination appeal however the application was heard at Planning Committee on 13th January 2022.
Officer recommendation – Refusal (Committee)
Method of determination: Written Representations
Start Date: 21.04.2022
Statement Due: 26.05.2022
Decision: Awaited
Appeal reference – 22/00021/REF

g) 22/0173/CLUP – 15 Arcott Road, Piddington, OX25 1PS

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 05.05.2022

Statement Due: 16.06.2022

Decision: Awaited

Appeal reference – 22/00023/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: 13.01.2022

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) 20/02192/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 newbuildings 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

e) 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 newbuildings 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

f) 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

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 date: 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 – Tuesday 14th June 2022 Start Date: 09.12.2021

Statement due: 13.01.2022 Decision: Awaited

Appeal reference 21/00044/REF

i) 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

j) 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

k) 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

l) 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

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 Inquires and Hearings between 19 May 2022 and 16 June 2022

a) 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

Hearing Date: Tuesday 14th June. Start time: 10.00

Hearing venue: Council Chamber, Bodicote House, White Post Road, Bodicote, Banbury OX15 4AA

3.6 Appeal Results

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

a) 21/02867/F – Allowed the appeal by Mrs N Roberts against the refusal of retrospective planning permission for Erection of a timber pergola. Barton House, 62 Mallards Way, Bicester, OX26 6WT

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Appeal reference – 22/00010/REF

The Inspector identified the main issue of the appeal to be the effect of the proposal on the character and appearance of the area.

The Inspector found that the timber pergola is screened from the public realm by the side wall and the wooden framework that can be seen above the wall is not obtrusive or at odds with the fabric and appearance of the residential estate.

The Inspector noted that the structure is used as a climbing frame for plants, and it has a simple and well considered open design and they concluded that these factors contribute to the residential character of the area rather than detract from it.

Based on this assessment, the Inspector allowed the appeal.

b) 21/02883/F – Dismissed the appeal by Miss D Whitford against refusal of planning permission for Flat roofed single garage. The Bungalow, White Post Road, Bodicote, OX15 4BN

Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Appeal reference – 21/00042/REF

The Inspector considered the main issues to be the effect of the development proposed on the character and appearance of the area and whether it would preserve or enhance

the character and appearance of the Bodicote Conservation Area and the setting of nearby listed buildings.

The Inspector noted that the frontage of the host property is relatively open and found that the proposed garage would be quite prominent and conspicuous in the street scene and that its flat roof design would be at odds with the prevailing form and pattern of development.

The Inspector held that the suggested benefits of the proposal in screening waste bins, car and garden equipment “would be greatly outweighed by the harmful visual presence of the building itself”.

The Inspector concluded that the design and materials, siting and prominence of the proposed structure would harm the general character and appearance of the area. The Inspector also found that the proposal would neither preserve or enhance the character or the appearance of the Conservation Area and would not preserve the setting of the listed building of Brown Thatch.

Therefore, the Inspector dismissed the appeal.

c) 21/00923/F – Dismissed the appeal by Mr F Shakerchi against the refusal of planning permission for Demolition of bungalow and replace with 5 no apartments (Re-submission of and amendments to 17/00917/F). 43 Oxford Road, Kidlington, OX5 2BP

Officer recommendation – Refusal (Delegated)

Method of determination: Written representations

Appeal reference – 22/00005/REF

The Inspector identified the main issues of the appeal to be the effect of the development upon the character and appearance of the area and the effect of the development upon the living conditions of occupiers of the neighbouring properties of nos. 41 and 45 Oxford Road, with particular regard to outlook and light.

On the first issue, while the street scene contains a mix of buildings that vary significantly in their scale and appearance, the Inspector found that the mixed forms of roof would be available from a public vantage point on the Oxford Road which would result in an awkward and unattractive presence within the street scene, and an unsympathetic addition to the character of the area. He held that it would represent a poorer quality of design than that previously permitted.

On the second issue, the Inspector held that appeal proposal would not have a significant enclosing effect on the side elevation windows serving no. 41 meaning that the proposed development would not cause harm to the living conditions of the occupiers of no. 41 in respect of outlook and light.

The Inspector found that the relationship of the proposed building with the window serving no. 45 would remain similar and due to the existing site context found that the proposal would not materially worsen the sense of enclosure, outlook, or natural light to the occupiers of no. 45.

However, for visual amenity reasons, the appeal was dismissed.

- d) **20/01762/OUT – Allowed the appeal by Mr Collisson against non-determination of the planning application for Outline planning application for five dwellings, with all matters reserved except means of access. Land to the Rear of Home Farm Close, Ambrosden, OX25 2NP.**

Officer recommendation – No decision. Appeal against non-determination
Method of determination: Written representations
Appeal reference – 22/00002/NON

The application sought outline permission for 5 dwellings. The appeal was against non-determination.

The Council indicated it would have refused the application on the basis of it being piecemeal development of a wider site suitable residential site which would result in the wider site not requiring affordable housing or other infrastructure contributions and would also impact on the design quality of the final development.

The inspector considered that the appeal site and surrounding sites have a clear visual and physical relationship, and such an approach would enable a broader assessment of the implications of development that would possibly facilitate the delivery of important affordable housing. However, he noted that the parcels of land are within separate ownership and a comprehensive form of development would not appear to be forthcoming.

He considered that the NPPF offered support for the Council's approach, but he noted that the Council does not have any specific policies that requires a comprehensive approach. He went on to note that the Council had not used the tools in the NPPF such as compulsory purchase powers, production of character assessments or masterplans to guide development towards a more comprehensive approach.

The Inspector noted that the NPPF is clear that the planning system should be genuinely plan-led, and held that on the basis of the evidence before him, local planning policy did not support the approach taken by the Council.

As such the appeal was allowed.

A separate costs application by the appellant was refused. The Inspector found that the Council's approach was not without merit, that its desire to make effective use of land was supported by the NPPF, that it had provided a well-articulated case at appeal and had fully justified its concerns.

- e) **21/01403/F – Dismissed the appeal by Mr A Bawa against refusal of planning permission for Two storey extension and conversion into two separate studio flats - with on plot parking and electric vehicle charging points (resubmission of 20/01937/F). 5 Chichester Walk, Banbury, OX16 1YP**

Officer recommendation – Refusal (Delegated)
Method of determination: Written representations
Appeal reference – 22/00015/REF

The Inspector identified the main issue of the appeal to be the effect of the proposal on the provision of parking and on highway safety.

The Inspector found that the development proposed would not make reasonable parking provision for the additional residential unit and the deficiency would be likely to increase parking stress in the area and result in more indiscriminate parking around the highway which would not be in the interests of highway safety.

The Inspector dismissed the appeal.

f) 21/01474/F – Dismissed the appeal by Mr M Masih against the refusal of planning permission for Change of use of amenity land to domestic garden and single storey side extension. 35 Longleat Close, Banbury, OX16 9TG.

Officer recommendation – Refusal (Delegated)

Method of determination: Written representations

Appeal reference – 22/00012/REF

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

The Inspector found that the proposed development would be noticeably closer to the footway than the side of the existing house and the separation between the extension and proposed boundary would be set away for the pavement edge would be modest. As such the proposal would be a prominent feature in the street scene.

The Inspector also found that the proposed development would project forward of the largely consistent building line formed by the dwellings to the rear of the appeal site meaning that it would diminish the open aspects of the locality and would be unsympathetic to the existing pattern of development. The proposed development would also reduce the openness of the grassed area.

The Inspector concluded that the development would be detrimental to the character and appearance of the area and so it would not accord with development plan policies when read as a whole. Accordingly, the Inspector dismissed the appeal.

A separate costs application by the appellant was refused. The Inspector noted that the Council had given the appellant forewarning of its intention to refuse the planning application, that the case officer had agreed an extension of time as requested by the applicant's agent, showing it had been open with the applicant, and had provided an opportunity to respond to concerns. The Inspector agreed that it was reasonable for the Council to conclude that other developments highlighted by the appellant failed to set a precedent that was bound to be followed in the determination of the appeal proposal.

g) 21/00824/OUT – Allowed the appeal by Mr J A Calcutt against refusal of planning permission for Outline application for the erection of a detached dwelling (3-bed) & associated works. Land Adj To Allotments Off Duns Tew Road, Hempton, OX15 0QZ.

Officer recommendation – Refusal (Delegated)

Method of determination: Written representations

Appeal reference – 22/00015/REF

The Inspector identified the main issue to be whether the development would be in a suitable location having regard to the development plan policies, the provisions of the NPPF and accessibility to services.

The Inspector found that the development would lie within the built-up part of the village of Hempton as it would be between the barns and dwellings. Whilst Hempton has very few facilities and services, the Inspector noted the explanatory text to Policy Villages 1 with regard to proximity to settlements that do, designating them as satellite villages. In this case, Deddington would be a short drive from the development, and there is a dedicated walkway and cycleway between the two villages. The Inspector therefore concluded that the development would be in a suitable location in respect of access to services.

The Inspector allowed the appeal.

A separate costs application by the appellant was refused. The Inspector disagreed with the appellant that the Council had failed to produce evidence to substantiate its objections, found that the Council's appeal statement set out a coherent case for refusing planning permission and was clearly based on accurate facts relevant to the proposal, that its opinion on the relevant issues was fair and clearly explained, and that the case turned on matters of planning judgement.

An application for costs was dismissed.

4.0 Conclusion and Reasons for Recommendations

The report provides the current position on planning appeals which Members are invited to note

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

None. The report is presented for information.

7.0 Implications

7.1 Financial and Resource Implications

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

7.2 Legal Implications

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

7.3 Risk Implications

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:

Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

7.4 Equality & Diversity Implications

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:

Celia Prado-Teeling, Interim Assistant Director – Customer Focus, 01295 221556
celia.prado-teeling@cherwell-dc.gov.uk

7.5 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 2022-2023:

- Housing that meets your needs
- Supporting 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

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