

Cherwell District Council

Planning Committee

16 June 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) 21/03057/F – 3 Denbigh Close, Banbury, OX16 0BQ

Change of use from HMO (Class C4) to 7 Bedroom HMO (Sui-Generis)

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 17.05.2022

Statement Due: 21.06.2022

Decision: Awaited

Appeal reference – 22/00025/REF

b) 21/04299/OUT – Reynards Lodge, North Lane, Weston On The Green, OX25 3RG

Removal of Condition 11 (no dwelling above one storey height) of 21/02146/OUT - Outline application demolition of workshops, stables and tennis court and erection of three dwellings and conversion of existing building to form a dwelling

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 18.05.2022

Statement Due: 22.06.2022

Decision: Awaited

Appeal reference – 22/00027/REF

c) 21/04199/Q56 - Quarry Farm, Oxford Road, Adderbury, OX17 3HH

Change of Use of agricultural building to dwellinghouse (Use Class C3)

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 19.05.2022
Statement Due: 23.06.2022
Decision: Awaited
Appeal reference – 22/00028/REF

d) 21/04179/LB – Trelawn House, 34 North Bar Street, Banbury, OX16 0TH

Remedial works to the external elevations of Trelawn House following the demolition of the Buzz Bingo building.

Officer recommendation – Non-determination
Method of determination: Public Inquiry (Linked with 21/04202/F appeal)
Start Date: 17.05.2022
Statement Due: 21.06.2022
Decision: Awaited
Appeal reference – 22/00026/REF

e) 21/03126/TEL56 – Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy

Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 23.05.2022
Statement Due: 27.06.2022
Decision: Awaited
Appeal reference – 22/00030/REF

f) 21/02884/F – Land To The Rear Of 16-18 Twyford Gardens And Adj To Claire House, Twyford Grove, Twyford, OX17 3LD

Erection of one new dwelling.

Officer recommendation – Refused (Delegated)
Method of determination: Written Representations
Start Date: 23.05.2022
Statement Due: 27.06.2022
Decision: Awaited
Appeal reference – 22/00029/REF

g) 21/04043/F – 37 Bicester Road, Kidlington, OX5 2LD

Two storey side extension - re-submission of 21/02617/F

Officer recommendation – Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 25.05.2022
Statement Due: N/A
Decision: Awaited
Appeal reference – 22/00031/REF

3.2 New Enforcement Appeals

a) 17/00334/ENF – 107 Middleton Road, Banbury, OX16 3QS

Without planning permission, the creation of 7No. Self-Contained units of residential accommodation (6No. Studio Flats and 1No. bedroom flat)

Officer recommendation – Refused (Delegated)

Method of determination: Written Representations

Start Date: 13.05.2022

Statement Due: 24.06.2022

Decision: Awaited

Appeal reference – 22/00024/REF

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) 20/02192/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

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 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

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) 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

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) 21/01818/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

i) 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

j) 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

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

Proposed 15.0m Phase 8 Monopole C/W wrapround 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

l) 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

m) 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

n) 21/04093/F – 5 St Peters 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

o) 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
Inquiry start date: 9th August 2022
Inquiry Location: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN
Start Date: 19.04.2022
Statement Due: 24.05.2022
Decision: Awaited
Appeal reference – 22/00019/NON

p) 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

3.4 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, theerection 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 17 June 2022 and 14 July 2022

None

3.6 Appeal Results

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

a) 20/01180/F – Allowed the appeal by R I and J M Priddle against the refusal of planning permission for Siting of timber cabin for occupation by a rural worker. OS Parcel 2172 SE Of Vicarage Lane, Piddington

Officer recommendation – Refusal (Delegated)

Method of determination: Hearing

Appeal reference – 21/00045/REF

The Inspector identified the main issue of the appeal to be whether there is an essential need for a rural worker dwelling on the site and the effect of the proposal on the character and appearance of the area.

Regarding the first issue, the Inspector found there to be an essential need for a rural worker dwelling at Manor Farm and found that, as there are no suitable or affordable alternatives to the proposed dwelling, the proposal would meet the aims of Policy ESD1 of the CLP 2015 and saved Policy H18 of the CLP 1996, and the Framework when read as a whole.

The Inspector found that the single-storey rural type development would successfully blend with the surrounding timber elevations of nearby barns and accord with the varied materials of the wider built-form.

The Inspector allowed the appeal.

A separate costs application by the appellant was refused. The Inspector concluded that the Council was carrying out the normal activities associated with a planning application, including taking into account relevant planning policy, case law and appeal decisions and the Inspector did not agree with the Appellant that the Council had acted unreasonably.

b) 20/01747/F – Dismissed the appeal by Mr Sweeney against the refusal of planning permission for 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. Land South of Widnell Lane, Piddington.

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Appeal reference – 21/00003/REF

The Inspector identified four main issues for the appeal.

- national policy, and the objectives of the development plan in respect of gypsy and traveller accommodation;
- the character and appearance of the area, having regard to its countryside location;
- the biodiversity of the site; and
- whether the proposed development would give rise to an unacceptable risk of flooding.

In respect of the first issue, the Inspector was satisfied that the site is in an acceptable location and consistent with the findings of a previous appeal decision in 2019 for application reference 17/01962/F. The Inspector noted that the 2017 GTAA and its evidence basis had been explored during recent local plans making processes and examination in public prior to their adoption and was satisfied that the data it used “holds sufficient accuracy to achieve its purpose”.

In respect of the second issue, and unlike his colleague Inspector in respect of the appeal relating to the adjacent site, the Inspector held that, while there would be some degree of harm to the character of the landscape, this harm would be minimised and was satisfied that the open countryside beyond would not be significantly affected. The Inspector concluded on this issue

that the proposed development would respect and enhance local character with appropriate mitigation and would not result in undue visual intrusion.

On the issue of biodiversity, the Inspector found that there is reasonable likelihood of legally protected species being present and being adversely affected by the development proposals. The Inspector held that it had not been satisfactorily demonstrated that the proposal would not cause harm to any protected species or their habitats which are reasonably likely to be present and affected by the development and was not satisfied that imposing a condition in an attempt to address this matter was appropriate in this particular instance. He further noted that the appeal proposals would likely lead to an offence under the Habitats Regulations and the absence of adequate survey information accompanying the application.

In respect of the flood risk, the Inspector found that the Inspector who allowed the appeal on the adjoining site addressed the matter of foul and surface water drainage by way of imposing a condition requiring that details of such be submitted to the Council for subsequent written approval. The Inspector concluded that if they were to allow the appeal, they saw no reason why they could not adopt a similar approach and impose an appropriate condition.

The Inspector noted the other issues raised by interested parties, including the sustainability of the site, highway safety and the effects of potential noise disturbance from the nearby military training area on future occupiers but found no demonstrable harm in these respects.

Weighing the planning balance, the Inspector gave significant weight to the identified local need for gypsy and traveller accommodation but concluded that the harm that would be caused to ecology and protected species of wildlife outweighed the benefits and that the proposal did not accord with the development plan as a whole. The appeal was therefore dismissed.

c) 20/03635/F – Dismissed the appeal by Threshold Investment Ltd against the refusal of planning permission for Erection of one bedroom bungalow and associated works. Land Adjacent to 1 Coleridge Close, Bicester, OX26 2XR

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representation

Appeal reference – 21/00043/REF

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

The Inspector found that the proposal would harm character and appearance of the area, but the development would bring social benefits as a result of an additional dwelling and economic benefits from the construction process together with the ongoing occupation of the dwelling.

The Inspector concluded that the identified harm significantly and demonstrably outweighed the benefits of the scheme when assessed against the policies in the Framework when taken as a whole and held that the proposal was therefore not sustainable development.

The Inspector dismissed the appeal.

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:
Donna Lee, Planning Solicitor, 01295 221 586
Donna.Lee@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

Report Author and contact details

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