

# **Cherwell District Council Planning Committee**

**14 July 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) 21/02804/F – 19 Hastings Road, Banbury, OX16 0SE**

Erection of dwelling

Officer recommendation: Refused (Delegated)

Method of determination: Written Representations

Start Date: 14.06.2022

Statement due: 19.07.2022

Appeal reference: 22/00032/REF

###### **b) 21/03726/F – 123 Oxford Road, Kidlington, OX5 2NP**

Demolition of existing lean-to structure, erect new single storey extension. Convert existing 3-bed chalet-style house into 3 no separate apartments with off-road parking - re-submission of 21/01654/F

Officer recommendation: Refused (Delegated)

Method of determination: Written Representations

Start Date: 20.06.2022

Statement due: 25.07.2022

Appeal reference: 22/00033/REF

**c) 21/03190/F - Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Camp Road, Upper Heyford**

Erection of dwelling, detached garage, widening of vehicular access and all associated works

Officer recommendation: Non-Determination  
Method of determination: Written Representations  
Start Date: 21.06.2022  
Statement due: 27.07.2022  
Appeal reference: 22/00034/NON

**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  
Hearing Date: Tuesday 22<sup>nd</sup> November 2022  
Hearing Venue: River Cherwell Meeting Room, Bodicote House  
Start Date: 08.10.2021  
Statement Due: 26.11.2021  
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 new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)  
Method of determination: Hearing – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Statement due: 19.02.2022  
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 – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Statement due: 19.02.2022

Appeal reference: 21/00036/REF

**d) 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 14<sup>th</sup> June 2022

Start Date: 09.12.2021

Statement due: 13.01.2022

Appeal reference: 21/00044/REF

**e) 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 13<sup>th</sup> January 2022.

Officer recommendation: Refusal (Committee)

Method of determination: Written Representations

Start Date: 21.04.2022

Statement Due: 26.05.2022

Appeal reference: 22/00021/REF

**f) 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

Appeal reference: 22/00016/REF

**g) 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

Appeal reference: 22/00014/REF

**h) 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

Appeal reference: 22/00029/REF

**i) 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

Appeal reference: 22/00017/REF

**j) 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

Appeal reference: 22/00020/REF

**k) 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

Appeal reference: 22/00025/REF

**l) 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

Appeal reference: 22/00021/REF

**m) 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  
Appeal reference: 22/00018/REF

**n) 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)  
Inquiry start date: 9<sup>th</sup> August 2022  
Inquiry Location: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN  
Start Date: 17.05.2022  
Statement Due: 21.06.2022  
Appeal reference: 22/00026/REF

**o) 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  
Appeal reference: 22/00028/REF

**p) 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: 9<sup>th</sup> 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  
Appeal reference: 22/00019/NON

**q) 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  
Appeal reference: 22/00027/REF

**r) 22/00173/CLUP – 15 Arncott 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  
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, 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  
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

**c) 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  
Appeal reference: 22/00024/REF

### 3.5 Forthcoming Public Inquires and Hearings between 15 July 2022 and 11 August 2022

#### a) 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.

Inquiry start date: Tuesday 9<sup>th</sup> August 2022. Start time 10:00

Inquiry venue: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN.

Expected number of days for the Inquiry to last: 6 days

Joint Inquiry with appeal against non-determination of application reference 21/04179/LB

#### b) 21/04179/LB – Trelawn House, 34 North Bar Street, Banbury, OX16 0<sup>TH</sup>

Inquiry start date: Tuesday 9<sup>th</sup> August 2022. Start time 10:00

Inquiry venue: Parkside Suite, Whatley Hall Hotel, 17 - 19 Horse Fair, Banbury OX16 0AN.

Expected number of days for the Inquiry to last: 6 days

Joint Inquiry with appeal against non-determination of application reference 21/04202/F

### 3.6 Appeal Results

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

- a) **20/02446/F – Dismissed the appeal by W A Adams Partnership against the refusal of planning permission for 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. Glebe Farm, Boddington Road, Claydon, Banbury, OX17 1TD.**

Officer Recommendation: Approval (Committee)

Method of determination: Written Representations

Appeal reference: 21/00046/REF

The Inspector identified four main issues for the appeal.

- Whether or not the proposal is a suitable form of development given its location in the open countryside.
- Whether or not the proposal would preserve or enhance the character or appearance of the Oxford Canal Conservation Area and its setting.
- Whether or not the proposal makes adequate provision for footpath and highway improvements; and
- The effect of the proposal on highway safety.

In respect of the first issue, the Inspector found that the proposal would not accord with the policy requirement for new facilities for canal users to be within or adjacent to an existing settlement. The Inspector did identify that opportunities to provide such a facility in locations that accord with the policy within the district is limited however concluded on the issue that this does not provide a sufficient reason to justify the proposal that would be contrary to the requirements of Policy ESD16 of Cherwell Local Plan 2011 – 2031 (Part 1).

In respect of the second issue the Inspector noted that the proposed development would require a new entrance and new towpath bridge to be constructed and would result in a loss of a stretch of the towpath hedge and there would be notable engineered structures in this otherwise rural agricultural landscape. The Inspector also noted that the proposal would introduce a distinctly more urban character into the rural landscape that would be an unsympathetic addition to the setting of the canal. The Inspector concluded on this issue that the proposal would fail to preserve and would unacceptably harm and detract the character and appearance of the Oxford Canal Conservation Area and its setting.

On the issue of the provision for footpath and highway improvements, the Inspector found that the Unilateral Undertaking submitted with the appeal makes satisfactory provision for the necessary highway improvements. However, in the absence of sufficient justification, does not make adequate provision for footpath improvements.

In respect of highway safety, The Inspector found that the proposal would not have a detrimental impact on highway safety. The Inspector advised that the Local Highways Authority raised no objection subject to conditions and the provision of the passing places and were satisfied that the local road network had the capacity to deal with this increase.

The Inspector concluded that whilst they had regard to all the benefits of the proposal, they considered that taken together these do not outweigh the harm that they have identified these would cause. The appeal was therefore dismissed.

**b) 21/01488/F – Allowed the appeal by D McLindon against the refusal of planning permission for Single storey extensions and conversion of garage to habitable accommodation. The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN.**

Officer Recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Appeal reference: 22/00008/REF

The Inspector identified the main issue of the appeal to be whether the proposed single storey extension would preserve the special interest and significance of the Old Bakehouse, a grade II listed building.

In Inspector was satisfied that the timber cladding proposed on the west elevation would not harm the special interest or heritage significance of the listed building nor interfere with any appreciation of the listed building.

The Inspector found that the proposed extension would be subservient in both scale and form to the original building and the contemporary design approach, would set it apart from the original house as an obviously modern, yet sympathetic and respectful addition. Therefore, they concluded that the special interest and heritage significance of the listed building would be preserved.

The Inspector allowed the appeal.



- c) **21/01489/LB – Allowed the appeal by D McLindon against the refusal of listed building consent for Single storey extensions and garage conversion. The Old Bakehouse, Bakers Lane, Swalcliffe, OX15 5EN.**

Officer Recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Appeal reference: 22/00009/REF

Please see appeal decision summary for 3.6.a.

- d) **Withdrawn Appeal by the Appellant – 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.

Date of withdrawal: 17.06.2022

## **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](mailto: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 221586  
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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