

Cherwell District Council

Planning Committee

11 August 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) 21/04166/F – The Pheasant Pluckers Inn, Burdrop, OX15 5RQ
Permission is sought to re-position and amend the structure of the previously allowed 3-bedroom building**

Officer recommendation: Refused (Delegated)
Method of determination: Hearing
Hearing date: 4th October 2022 Start Time: 10:00
Hearing Venue: River Cherwell Meeting Room, Bodicote House
Start Date: 08.07.2022
Statement due: 12.08.2022
Appeal reference: 22/00035/REF

- b) 22/00642/F – 2 Dewars Farm Cottages, Ardley Road, Middleton Stoney, OX25 4AE
Proposed single & 1.5 storey front extension (re-submission of app. No. 21/01851/F)**

Officer recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 26.07.2022
Statement due: N/A
Appeal reference: 22/00036/REF

**c) 22/00721/F – 2 East Street, Bicester, OX26 2EX
Front and rear single storey extensions**

Officer recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 28.07.2022
Statement due: N/A
Appeal reference: 22/00037/REF

3.2 New Enforcement Appeals

a) 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 22nd 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 – 18th/19th 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 – 18th/19th 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 14th 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 13th 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) 21/02804/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

- i) 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
- j) 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
- k) 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
- l) 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
- m) 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

n) 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

o) 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

p) 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

q) 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: 9th 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

r) 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

- s) 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

Appeal reference: 22/00019/NON

- t) 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

- u) 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 Inquiries and Hearings between 12 August 2022 and 8 September 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 9th 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 0TH

Inquiry start date: Tuesday 9th 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) 21/04043/F – Dismissed the appeal by Mr J Coppock against refusal of planning permission for Two storey side extension - re-submission of 21/02617/F. 37 Bicester Road, Kidlington, OX5 2LD.

Officer Recommendation: Refusal (Delegated)

Method of determination: Written Representations

Appeal reference: 22/00031/REF

The Inspector identified the main issue of the appeal to be the effect of the proposal on the living conditions of neighbouring occupiers in relation to outlook.

The inspector advised that the first-floor habitable room window enjoys an appreciable degree of outlook important in sustaining the living conditions of occupiers and that the window is the only source of outlook from this particular habitable room, which amplifies its importance in maintaining adequate living conditions.

The Inspector found that the appreciable degree of separation between the existing side elevations would be significantly eroded and there is no evidence the resultant separation distance would accord with guidance within the Council's Home Extensions and Alterations Design Guide 2007.

The inspector advised that the habitable room window would be encroached by a blank façade of built form, and this would have a harmful overbearing effect on outlook.

The Inspector also advised that at first floor level, there would be some degree of set back however the mitigation of this would be limited to the extent that significant harm would remain.

The Inspector concluded that the proposal would harm the living conditions of neighbouring occupiers in relation to outlook.

The Inspector dismissed the appeal.

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

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 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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