

Cherwell District Council

Planning Committee

6 October 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) 21/04271/F - Land South of Faraday House, Woodway Road, Sibford Ferris

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officer recommendation: Approval (Committee)
Method of determination: Written Representations
Start Date: 02.09.2022
Statement due: 07.10.2022
Appeal reference: 22/00040/REF

b) 21/04211/F – 5 Milton Street, Banbury, OX16 9PL

Two storey rear extension

Officer recommendation: Non-Determination
Method of determination: Written Representations
Start Date: 12.09.2022
Statement due: 17.10.2022
Appeal reference: 22/00041/NON

c) 22/00985/TEL56 - Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy

Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works

Officer recommendation: Refusal (Delegated)
Method of determination: Written Representations
Start Date: 13.09.2022
Statement due: 18.10.2022
Appeal reference: 22/00042/REF

d) 22/00540/F – Land adjacent 58 Corncrake Way, Bicester, OX26 6UE

Change of use of land to residential garden land in association with 58 Corncrake Way with the removal of some existing boundary fences and erection of new boundary fences.

Officer recommendation: Refusal (Delegated)
Method of determination: Written Representations
Start Date: 14.09.2022
Statement due: 19.10.2022
Appeal reference: 22/00043/REF

3.2 New Enforcement Appeals

a) 20/00236/ENF - Land Rear Of PO Merton Road And Adjoining No 2 Chapel Drive, Ambrosden, Bicester

Method of determination: Written Representations
Start Date: 13.09.2022
Statement Due: 25.10.2022
Appeal reference: 22/00043/ENF

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) 21/01818/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: Virtual Hearing
Hearing date: 6th September 2022
Start Date: 21.04.2022
Statement Due: 26.05.2022
Appeal reference: 22/00021/REF

e) 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

f) 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

g) 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

h) 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

i) 21/03445/F – 41 Fernhill Road, Begbroke, OX5 1RR

Extension and subdivision into two houses

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 10.08.2022
Statement due: 14.09.2022
Appeal reference: 22/00038/REF

j) 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

k) 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

l) 21/04112/OUT – OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton

Outline application for the erection of up to 65 dwellings, including up to 8
live-work dwellings (use class sui generis), public open space, access,
infrastructure and demolition of existing buildings (all matters reserved except
principle means of access from Station Road)

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing date: 11th October 2022 Start Time: 10:00
Hearing Venue: Council Chamber, Bodicote House
Start Date: 11.08.2022
Statement due: 22.09.2022
Appeal reference: 22/00039/REF

m) 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

n) 22/00173/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
Appeal reference: 22/00023/REF

o) 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

p) 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

3.4 Enforcement Appeals in Progress

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)

Method of determination: Written Representations
Start Date: 13.05.2022
Statement Due: 24.06.2022
Appeal reference: 22/00024/ENF

3.5 Forthcoming Public Inquires and Hearings between 6 October 2022 and 3 November 2022

a) 21/04112/OUT - OS Parcel 2778 Grange Farm North West of Station Cottage, Station Road, Launton

Outline application for the erection of up to 65 dwellings, including up to 8 live-work dwellings (use class sui generis), public open space, access, infrastructure and demolition of existing buildings (all matters reserved except principle means of access from Station Road)

Hearing date: Tuesday 11th November. Start Time: 10:00
Hearing Venue: Council Chamber, Bodicote House

3.6 Appeal Results

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

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
Appeal reference: 22/00016/REF

The Inspector identified the main of issue of the appeal to be the effect of the proposed development on highway safety.

The Inspector found that the proposed development would improve highway safety within the area and the improvement outweighs the harm cause by a reduction to the accessibility of the front door of the house as a result of any intensification of use of the parking area.

The Inspector concluded that the proposal would not have an unacceptable effect on highway safety and allowed the appeal.

b) 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
Appeal reference: 22/00025/REF

The Inspector identified the main of issue of the appeal to be the effect of the development upon highway safety and convenience, with particular regard to parking provision.

The Inspector explained that it would be reasonable in this edge of Banbury location to expect every resident of a House in Multiple Occupation to have a car and therefore a parking need of 1 space per bedroom was appropriate.

The proposed development would generate the need for one additional parking space and this could not be provided on site. The Inspector found that as the proposal would fail to provide adequate parking provision to serve the development, this would increase the number of cars parking on the street which would adversely affect highway safety and convenience to users, including pedestrians and wheelchair users impeded by cars parking on the pavement.

The Inspector concluded that the proposal would harm highway safety and convenience, with particular regard to parking provision.

The appeal was dismissed.

c) 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: 31.01.2022

Questionnaire due: 28.02.2022

The Inspector identified the main issue of the appeal to be whether the Council's decision not to issue a Remedial Notice (RN) was reasonable and appropriate.

The Inspector advised that under the Act, the Council's assessment is made as to whether the hedge adversely affects the reasonable enjoyment of a domestic property.

The Inspector did not see a reason that the Council's measurement of the hedge height was incorrect at the time it was measured.

The Inspector found that the hedge would cause some shading in the garden nearby dwellings on Oxford Road to its north and south, will also cause shading and advised that this is not unusual in suburban and mixed-use locations.

The Inspector also found that the garden is a significant length with a long open aspect to the north and south so it would enjoy a good degree of daylight including previous without shading over much of it.

The Inspector concluded that the hedge was not having a harmful effect upon the reasonable enjoyment of the complainant's property and therefore, the Council's decision not to issue a Remedial Notice was reasonable and appropriate.

The appeal 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:
Kimberley Digweed, Service Accountant
kimberley.digweed@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. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

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

Matthew Swinford, Appeals Administrator, Matthew.Swinford@cherwell-DC.gov.uk

Alex Chrusciak, Interim Senior Manager, Development Management
Alex.Chrusciak@cherwell-dc.gov.uk