

Cherwell District Council

Planning Committee

12 January 2023

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) 22/02022/HPA – 59 Hazel Crescent, Kidlington

Householder Prior Approval Application for 'Ground floor rear extension with flat roof height to eaves 3m, overall height 3m, length 6m.

Officer recommendation: Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 14.12.2022

Appeal reference: 22/00052/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

a) 22/01404/F – 83 Mold Crescent, Banbury

Full planning application for single storey rear extension and part double storey rear extension

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00049/REF

b) 22/01088/F – 2A Strawberry Hill, Bloxham

Full planning application for single storey front porch extension and incorporation of garage to provide a utility room and study

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00048/REF

c) 21/03177/F – Land West of Howes Lane, Bicester

Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing Date: Tuesday 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Start Date: 04.10.2022
Statement due: 08.11.2022
Appeal reference: 22/00045/REF

d) 22/01585/F – 6 Willow Way, Banbury, OX16 9EY

Change of use of grass verge/land within applicant's ownership to enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing.

Officer Recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 18.10.2022
Final Comments Due: 06.12.2022
Appeal reference: 22/00046/REF

e) 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

f) 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

g) 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

h) 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

i) 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

j) 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

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
Appeal reference: 22/00021/REF

l) 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

m) 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

n) 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

o) 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

3.4 Enforcement Appeals in Progress

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

3.5 Forthcoming Public Inquires and Hearings between 8 December 2022 and 12 January 2023

a) 21/03177/F – Land West of Howes Lane, Bicester

Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing Date: Tuesday 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Appeal reference: 22/00045/REF

3.6 Appeal Results

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

- a) **21/04211/F – The Planning Inspector dismissed the appeal by Mr Colin Smith, against Non-Determination of an application for a Two Storey Extension at 5 Milton Street, Banbury, OX16 9PL**

Method of determination: Written Representations
Start Date: 12.09.2022
Appeal reference: 22/00041/NON

The inspector identified the main issues as the effect of the proposal on the character and appearance of the host property and the Banbury Conservation Area (CA); and the effect of the proposed development upon the living conditions of the occupiers of No 4 and No 6 Milton Street with particular regard to outlook, daylight and sunlight.

The Inspector concluded that ‘The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, for the reasons given, I conclude that the appeal should be 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:

Shahin Ismail, Interim Deputy Monitoring Officer – shahin.ismail@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, Performance Team Leader, 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, Performance Team Leader, 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, Portfolio Holder for Planning

Document Information

None

Background papers

None

Report Author and contact details

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