

This report is Public.

Appeals Progress Report

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| Committee | Planning Committee |
| Date of Committee | 6 June 2024 |
| Portfolio Holder | Portfolio Holder for Planning and Development, Councillor Jean Conway |
| Date Portfolio Holder agreed report. | In progress |
| Report of | Assistant Director Planning and Development, David Peckford |

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. Recommendations

The Planning Committee resolves:

- 1.1 To note the position on planning appeals as set out in the report.

2. Executive Summary

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.
- 2.2 The report sets out the main issues of the appeal and, where determined, the decision is summarised.

Implications & Impact Assessments

| Implications | Commentary |
|---------------------|--|
| Finance | 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. Kelly Wheeler, Finance Business Partner, 14/05/2024 |
| Legal | As this report is purely for information there are no legal implications arising. Shahin Ismail, Legal Services Manager and Interim Deputy Monitoring Officer, 28 May 2024 |

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| Risk Management | 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. Celia Prado-Teeling, Performance Team Leader, 14 May 2024 | | | |
| Impact Assessments | Positive | Neutral | Negative | Commentary |
| Equality Impact | | | | |
| A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality? | | X | | Not applicable. This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation. Celia Prado-Teeling, Performance Team Leader, 14 May 2024 |
| B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users? | | X | | Not applicable |
| Climate & Environmental Impact | | | | Not applicable |
| ICT & Digital Impact | | | | Not applicable |
| Data Impact | | | | Not applicable |
| Procurement & subsidy | | | | Not applicable |
| Council Priorities | Not applicable | | | |
| Human Resources | Not applicable | | | |
| Property | Not applicable | | | |
| Consultation & Engagement | Not applicable in respect of this report | | | |

Supporting Information

3. Background

- 3.1 When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.
- 3.2 Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition then they could have appealed against the condition at the time it was originally imposed.
- 3.3 Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.
- 3.4 Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee.

4. Details

New Appeals

- 4.1 23/01265/OUT – OS Parcel 0078 North West of Quarry Close, Bloxham, Oxfordshire.

Outline planning application for the erection of up to 60 dwellings with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Method of Determination: Public Hearing.
Hearing Date: 22.05.2024. 2 Days
Planning Application: 23/01265/OUT.
Appeal Reference: 24/0005/REF.
Start Date: 07.03.2024.

- 4.2 22/03868/OUT – Land West Adj to Salt Way and West of Bloxham Road, Banbury.

Development of up to 60 homes including open space provision, parking, landscaping, drainage and associated works, with All Matters Reserved (appearance, landscaping, layout and scale) except for Access.

Method of Determination: Public Hearing.
Hearing Date: 11.06.2024. 2 Days.
Planning Application: 22/03868/OUT.
Appeal Reference: 24/0006/REF.
Start Date: 11.03.2024.

4.3 23/02338/OUT – Land of Lince Lane, Kirtlington, Oxon, OX5 3HE.

Erection of 15 detached and semi-detached single and two-storey dwellings (including affordable housing) together with access - re-submission of 22/03049/OUT.

Method of Determination: Public Hearing.

Hearing Date: 18.06.2024.

Planning Reference: 23/02338/OUT

Appeal Reference: 24/00008/REF.

Start Date: 18.06.2024.

4.4 23/02437/F – 1 Stevenson Close, Bicester, Oxon, OX26 2YJ.

Construction of pitched roof entrance porch to front elevation. Removal of rear uPVC conservatory and construction of single storey extension.

Method of Determination: Written Representation (HAS)

Planning Reference Number: 23/02437/F

Appeal Reference: 24/00009/REF

Start Date: 18.03.2024.

4.5 22/02455/OUT – Land West of Church Ley Field, Adj to Blackthorn Road, Ambrosden, OX25 2DH.

Erection of up to 55 new dwellings including affordable homes; formation of new pedestrian access; formation of new vehicular access from Blackthorn Road; landscaping and associated works.

Method of Determination: Public Hearing.

Hearing Date: 26.06.2024

Planning Reference: 22/02455/OUT

Appeal Reference: 24/00010/REF

Start Date: 19.03.2024.

4.6 23/02470/F – Offside the Green, Barford St Michael, Oxfordshire, OX15 0RN.

Erection of a 2-bedroom bungalow on vacant plot

Method of Determination: Written Representation.

Planning Reference: 23/02470/F

Appeal Reference: 24/00011/REF

Start Date: 08.04.2024.

4.7 23/00020/F – Part OS Parcels 0700 and 2800, NE of Godlington Hall, Street Through Godlington, Godlington, Bicester, Oxon, OX27 9AE.

Change of Use of agricultural building to car storage falling within Use Class B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)

Method of Determination: Written Representation.

Planning Reference: 23/00020/F

Appeal Reference: 24/00012/REF

Start Date: 12.04.2024.

- 4.8 22/03245/F – Apollo Office Park, Ironstone Lane, Wroxton, Oxon, OX15 6AY.

Provision of 10 employment units (Office, Research and Development and Light Industry), associated car parking, landscaping/biodiversity enhancements/works and provision of foul water treatment plant - re-submission of 22/00928/F.

Method of Determination: Written Representation.

Planning Reference: 22/02345/F

Appeal Reference: 24/00013/REF

Start Date: 16.04.2024.

- 4.9 22/03297/F – Willow Cottage, Gravel Pits Lane, Yarnton, Oxfordshire, OX5 1PX.

Retrospective application for the erection of an outbuilding and change of use of land to domestic residential.

Method of Determination: Written Representations.

Planning Reference: 22/03297/F.

Appeal Reference: 24/00014/REF

Start Date: 23.04.2024.

- 4.10 23/03078/CLUP – Manor Cottage, Middleton Park, Middleton Stoney, Oxfordshire, OX25 4AQ.

Certificate of Lawfulness of Proposed Development:

Repositioning of existing "tarmac" driveway with a gravel driveway.

Method of Determination: Written Representation.

Planning Reference: 23/03078/CLUP

Appeal Reference: 24/00015/REF

Start Date: 23.04.2024.

- 4.11 23/03137/F – 17 The Glebe, Hook Norton, Oxfordshire, OX15 5LD.

Conversion and extension of existing utility, toilet and workshop space to provide a one bed, self-contained dwelling with off-street parking, bin/cycle storage and rear garden.

Method of Determination: Written Representation.

Planning Reference: 23/03137/F

Appel Reference: 24/00016/REF

Start Date: 01.05.2024.

New Enforcement Appeals

- 4.12 20/00295/ENF - 16 Almond Avenue, Kidlington, OX5 1EN.

Garage/Garden building converted to residential premises.

Officers Recommendation: Enforcement Notice.

Cherwell District Council

Method of Determination. Written Representation.
Enforcement Reference: 20/00295/ENF
Appeal Reference:
Start Date: 13.03.2024.

Appeals in Progress

- 4.13 21/04289/OUT - OS Parcel 1570 Adjoining and West of Chilgrove Drive And Adjoining And North of Camp Road, Heyford Park.

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5 Day)
Hearing Date: 05/12/2023.
Application Reference: 21/04289/OUT
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

- 4.14 21/00078/ENF – Cherwell Concrete – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX.

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers, and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representation
Start Date: 09.002.2023.
Appeal Reference Number: 23/00061/ENF

- 4.15 21/00078/ENF – Mr & Mrs Murphy – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX.

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representation
Start Date: 09.02.2023.
Appeal Reference Number: 23/00060/ENF

- 4.16 23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon, OX16 1SH.

Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representation.
Start Date: 15.06.2023.
Appeal Reference: 23/00080/REF

4.17 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

4.18 23/00173/OUT – Land South of Green Lane, Chesterton, OX26 1DF.

Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Start Date: 02.11.2023.
Appeal Reference Number: 23/00103/REF

4.19 21/00333/ENF – Fairway Cottage, Main Road, Swalcliffe, Oxon, OX15 5HB.

Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Start Date: 10.11.2023.
Appeal Reference: 23/000104/ENF

4.20 19/02554/DISC – The Unicorn, 20 Market Place, OX16 5JL.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Reference: 19/02554/DISC
Appeal Reference: 23/000111/REF

Start Date: 07.12.2023.

- 4.21 19/02553/DISC – The Unicorn, 20 Market Place, Banbury, OX16 5LJ.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations
Application Number: 19/02553/DISC
Appeal Reference: 23/00114/REF
Start Date: 07.12.2023.

- 4.22 23/01667/F – West End Farmhouse, 56 West End, Launton, Bicester, OX26 5DG

Replacement windows and doors.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Number: 23/01667/F
Appeal Reference: 24/0001/REF
Start Date: 11.01.2024.

- 4.23 23/00853/OUT – Land East of Warwick Road, Banbury,

Outline application for up to 170 dwellings (Use Class C3) with associated open space and vehicular access off Warwick Road, Banbury; All matters reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry
Application Reference: 23/00853/OUT
Appeal Reference: 24/00004/REF
Start Date 15.02.2024.

Forthcoming Public Inquiries and Hearings between 21 March and 6 June 2024.

- 4.24 23/00853/OUT – Land East of Warwick Road, Banbury.

Outline application for up to 170 dwellings (Use Class C3) with associated open and vehicular access off Warwick Road, Banbury; All matters reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry (6 Days)
Inquiry Dates: 4th, 5th, 6th, 7th, 11th, 12th June 2024
Application Reference: 23/00853/OUT
Appeal Reference: 24/0004/REF
Start Date: 15.02.2004.

Appeals Results

- 4.25 23/00176/F – 1 School Paddock, Bucknell, Oxon, OX27 7LR. Appeal **allowed** against the Council's refusal of planning permission for variation of condition 2 application for the erection of a new single garage at 1 School Paddock, Bucknell, Oxon OX27 7LR.

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area, and the effect of the proposed development upon the living conditions of the occupiers of a neighbouring property, with particular regard to outlook.

The Inspector held the garage would be in a similar general location within the plot as the dismissed appeal, but due to its reduced scale and simpler form and design would be materially different and not dominate the site frontage. They also noted, it would be comparable to the height of other garages in School Paddock and whilst the proposal would be of an increased scale, mass and volume than a recently approved scheme the proposal would not be an incongruous addition to the street scene.

With regards to the living amenity at Ivanhoe it was stated that despite the development being visible from the neighbours back garden, the garage would not align with rear projection and therefore not be within a direct line of sight. Based on the above and subject to conditions, the Inspector concluded that the appeal should be allowed.

- 4.26 22/02551/F – 15 Farmfield Road, Banbury. Oxon, OX16 9AP. Appeal **dismissed** against the Council's refusal of planning permission for the erection of a pair of semi-detached dwellings in the garden of No. 15 Farmfield Road, Banbury.

The application had been refused for 3 reasons, relating to visual amenity, residential amenity and visibility. Following the submission of additional information during the appeal the local highway authority withdrew its objection and so the two main issues to consider were the proposal's effect on the character and appearance of the area and on the living conditions of the occupants of No. 17 Farmfield Road.

The Inspector noted that the proposed dwellings would be similar in their footprints to the terraced dwellings on Beechfield Crescent but would differ in their design and style, pressed against the rear boundary with No. 17 and including a 'blind' projecting element that would not address the street, as well as disparate front window positions and sizes. The Inspector concluded that the design would be "clearly at odds" with the character of the area and would give "a cramped, contrived impression".

The Inspector found the proposal would not cause harmful overshadowing, but considered the siting of the dwellings, presenting an unbroken and overbearing wall "along almost half the length of the [neighbour's] rear garden", resulting in serious impairment to the neighbour's outlook, to the detriment of their living conditions.

The Inspector considered the proposal's benefits but concluded they would be modest and would be outweighed by the harm caused.

4.27 21/03522/OUT - Os Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT. Appeal **allowed** against the non-determination of application 21/03522/OUT, which sought permission for up to 540 dwellings, up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play (LEAPs), one neighbourhood equipped area for play (NEAP), up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works on OS Parcel 3672 adjoining and west of 161 Rutten Lane, Yarnton.

The land is allocated by policy PR9 of the Cherwell Local Plan 2011-2031 (Part 1) – Partial Review – Oxford's Unmet Housing Need.

The Inspector noted the allocation of the site, that it was allocated for 540 homes, that no housing has yet been provided on any of the sites identified in the Local Plan Partial Review 2020 and that at the present time the amount of deliverable housing land in the district (relating to the PR sites) is just 0.1 years supply.

Cherwell District Council withdrew all the putative reasons for refusal prior to the opening of the inquiry and did not contest any matter at the inquiry. On the second day of the inquiry, Oxfordshire County Council withdrew its objection to the scheme in respect of the school playing fields having come to the conclusion that adequate safeguards could be incorporated in the planning obligation under S106.

Yarnton Parish Council, a Rule 6 Party expressed concerns about flood risk. This was not a putative reason for refusal but evidence was presented on this topic by the Parish Council.

With respect to flood risk, the Inspector concluded that leaving aside relatively commonplace runoff events, the surface water drainage proposals would provide protection for the proposed development against all but the most extreme events and would provide more effective attenuation of the flows from the site into the village. It would be inappropriate to expect this development on its own, or in conjunction with other developments to provide a comprehensive solution to surface water management in Yarnton itself. The Grampian condition suggested by the Parish Council, under which development could not occur until a flood risk strategy for the village had been carried out would not be fairly and reasonably related to the development.

The Inspector found there would be no detrimental impacts upon the highway network, ecology, ancient woodland and veteran trees, geology, hydrology and contamination, air quality, acoustic conditions, lighting, built heritage, archaeology and the historic landscape, landscape and visual impact and health impacts subject to the imposition of conditions and the agreed planning obligation.

The Inspector found that all matters included within the final planning obligation, following the provision of sufficient evidence, were necessary to meet the needs of the development and that they therefore met the requirements of the CIL Regulations. This includes securing no less than 43% affordable housing due to reasons of viability but viability review mechanisms are in place to potentially allow for an uplift should the economics of development change. The Inspector also found that the secured

arrangement to ensure access from the proposed school playing fields to the school to be acceptable.

The Inspector concluded by finding that the scheme would provide much needed homes to meet the identified housing needs of the City of Oxford. The fact that no housing has yet been provided at the sites identified in the Partial Review Plan and that the amount of deliverable housing land in the District is just 0.1 years (for the PR sites) adds strong weight in favour of the scheme. Subject to the conditions and the S106, the scheme would satisfy the requirements of Policy PR9 apart from the slightly lower affordable housing provision which is justified. The proposal would be in accordance with the development plan as a whole. The appeal was therefore allowed.

- 4.28 22/03719/OUT - Land at Lince Lane, Kirtlington, Oxfordshire, OX5 3JY. Appeal **dismissed** against the Council's refusal of planning permission for the erection of 9 live/work units.

The Inspector considered the main issues to be (1) whether the land was previously developed; accordance with the strategy in the development plan; (2) the effect on the character and appearance of the area; (3) the impact on the setting of the Oxford Canal Conservation Area and a listed bridge; and (4) the residential mix and whether the proposal resulted in an efficient use of the land.

Whilst accepting that the land may have been previously quarried, the Inspector observed that "it has been reasonably restored and it does not look out of place in the surrounding rural landscape." The Inspector therefore agreed with officers that it should not be treated as previously developed land.

In respect of the principle of development, the Inspector concluded that the site was in an unsustainable location and failed to comply with development plan policy as well as the NPPF.

Although the Inspector acknowledged that the outline application only dealt with the principle of development, he nonetheless concluded that any development "would not be likely to integrate well into the rural landscape" and would represent a harmful visual intrusion into the countryside. Given the distance to the Conservation Area and the listed bridge, the Inspector reasoned that any harm would be limited. When the Inspector visited the site, the bridge was well screened from the appeal site by vegetation.

The Inspector concluded that the mix of development would be a matter that should be addressed at the reserved matters stage and was therefore not a determinative issue for this appeal.

The Inspector, when setting out the planning balance, recognised the benefits of the limited additional housing and the proposed off-site ecological commitments. However, the Inspector dismissed the appeal arguing that these benefits "do not clearly outweigh the harm that I have identified or the conflict with the development plan."

- 4.29 23/00716/F – Fairways, Church Lane, Mollington, Oxon, OX17 1AZ. Appeal **allowed** against the Council's refusal of planning permission for first floor side and rear

extension, roof dormers, replacement windows, entrance canopy, flue to side elevation.

The Inspector considered the main issue to be the proposal's effect on the character and appearance of the Mollington Conservation Area.

The Inspector noted that the appeal site is one of a group of bungalows locally, although unusual for the area in featuring a box dormer. The Inspector noted the group of bungalows contributes positively to the Conservation Area.

The Inspector found that the proposed rear dormer would be set down from the ridge and set in from both sides of the roof and up from the eaves. The Inspector noted that there is "already a reasonably large box dormer at the rear" and held that the proposed dormer would not overwhelm the roof slope or appear top heavy. The Inspector concluded the enlargement of the dormer would not set a harmful precedent for the Conservation Area and would not diminish the contribution that the group of bungalows makes to the significance of the Conservation Area.

- 4.30 23/01339/Q56 – Barn at Crockwell House Farm, Manor Road, Great Bourton, Oxfordshire OX17 1QT. Appeal **allowed** against the Council's refusal of prior approval for the change of use of a barn to a dwelling and building operations reasonably necessary to convert the building.

The Inspector considered the main issue to be whether the proposed building operations would exceed that which is reasonably necessary for the building to function as a dwellinghouse. The Inspector confirmed she had regard to the judgement handed down in *Hibbitt v SSCLG* [2016] EWHC 2853 which, briefly summarised, explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible. However, she noted that, unlike in the *Hibbitt* judgement, none of the elevations of the appeal building was completely open and noted the retention of the roof structures as well as the existing steel frame. The Inspector noted that the extent of works to make the building habitable would be significant but noted that no robust evidence had been presented to counter the Appellant's structural engineer assessment as to the building's suitability for conversion.

The Inspector concluded that, in this instance, the internal insulation works proposed amounted to conversion rather than rebuilding and that the proposed works would be reasonably necessary for the building to function as a house.

The Inspector noted the concerns of the Parish Council, but also that the matters for consideration in this appeal are restricted to those set out in the relevant paragraphs of the GPDO.

- 4.31 22/03456/F and 23/01518/F – Land on south side of Clifton Road, Deddington. Appeal A **dismissed** and Appeal B **allowed** against the Council's refusal of planning permission for the erection of one dwelling with detached garage.

The Inspector noted that the scheme in Appeal B incorporated some design changes intended to address the Council's concerns regarding the scheme in Appeal A.

The Inspector considered the main issues to be the proposal's effect on the character and appearance of the area and whether the site would be suitably located with regard to the Council's settlement hierarchy.

The Inspector noted the consistency in height and roof shape of the mostly linear form of dwellings along Clifton Road at the eastern edge of Deddington. The Inspector found that the Appeal A proposal would be materially higher than the nearest dwellings in the adjacent Burrington Estates development and considered that because of its greater height and the substantial two-storey rearward projection it would be incongruously large, distinct from the neighbouring development and would particularly prominent – and dominant – when seen from the east.

The Inspector noted that, unlike in Appeal A, the plans submitted with Appeal B showed that proposed dwelling to be set down into the site by 1.2m, and that the Appeal B proposal would be comparable in height to the adjacent dwelling. In addition, the Inspector noted, it would not have a two-storey rear projection so, when seen from the east, would have a lesser bulk and depth than the Appeal A scheme. The Inspector considered that, although slightly deeper than the adjacent dwelling (No. 14) the difference would be minor and that there are other houses along Clifton Road with similar roof profiles.

The Inspector concluded that the Appeal A proposal would be excessively large and harmful to the character and appearance of the area, but that the Appeal B proposal would be acceptable in this regard.

The Inspector concluded that the site was within the built-up part of Deddington and therefore suitably located regarding the Council's housing strategy.

The Inspector **refused** the Appellant's applications for award of costs, finding that the Council's assessment to have been well reasoned and detailed. In respect of Appeal B, despite disagreeing with our conclusion, the Inspector found the Council's stance to be "fully justified" and "not unreasonable".

- 4.32 23/00379/TEL56 – Banbury Road, Deddington. Appeal **dismissed** against the Council's refusal of prior approval for a 5G telecoms installation comprising a H3G 15m street pole and additional equipment cabinets.

The Inspector considered the main issues to be (1) the proposal's effect on the character and appearance of the area, including the significance of a designated heritage asset; highway safety and the living conditions of the occupants of nearby properties with particular regard to outlook; and (2) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

The Inspector noted the appeal site was a prominent verge in the street scene that together with the line of mature trees marks the transition between the open, rural landscape and the Deddington Conservation Area, and that the open, undeveloped space on the edge of the village positively contributes to the Conservation Area.

The Inspector found that existing street furniture in the vicinity of the appeal site is modestly proportioned and not visually prominent, and that by contrast the 15m

monopole would be conspicuously tall, highly obtrusive and utilitarian, at odds with the verdant, semi-rural character and appearance of the locality. Further, that, despite being described as slimline, the monopole would be bulky and unduly dominant, and that its proximity to residential properties would contribute to its visual dominance.

The Inspector found that personnel would have to cross the main road to access the appeal site during both the construction period and ongoing maintenance and that, in the absence of a suitable crossing point, this would be hazardous to highway safety. The Inspector also noted the lack of detail as to where maintenance and servicing vehicles would park without obstructing other highway users, adding harmfully to highway congestion.

The Inspector considered that the proposal would not be oppressive or harmful to local residents nor “unduly dominant in views” from Flux Drive properties.

The Inspector agreed with the Council that alternative locations had not been robustly explored, noting there was limited detail from the Appellant to sufficiently justify why issues cited with other locations could not be overcome. The Inspector also noted the appeal site would appear to be a considerable distance from the target search area for the mast’s location. The Inspector concluded that the identified harm would therefore not be outweighed by the need for the installation to be sited as proposed.

- 4.33 23/02770/F – 5 St Peter’s Close, South Newington. Appeal **dismissed** against the Council’s refusal of planning permission for a single storey rear extension and loft conversion.

The Inspector noted that at the time of their site visit the development was substantially complete.

The Inspector considered the main issues to be the proposal’s effect on the character and appearance of the building and surrounding area, and on the living conditions of occupiers of No 6 St Peter’s Close, with particular regard to light, outlook and privacy.

The Inspector noted that the proposal was to lower the height of the extension, squaring it off so that it would no longer be visible from the road to the front, but giving the roof an incongruous appearance. The extension would remain across the full width of the property and would dominate the dwelling rather than appear subservient. The Inspector concluded the development would appear out of scale and character with both the host dwelling and the surrounding area.

The Inspector also agreed with the Council on the proposal’s effect on the amenities of No. 6 St Peter’s Close, that it would create a dominant and overbearing presence and would cause overshadowing in the morning, and that the slight reduction in height would not address these concerns.

- 4.34 23/01952/F – 1 Elizabeth Rise, Banbury. Appeal **allowed** against the Council’s refusal of planning permission for two-storey rear extension.

The Inspector noted that the front extension, side extension, single storey rear extension and removal of chimney already benefited from planning permission and had seen on site that work had commenced.

The Inspector therefore considered the main issue to be the effect of the proposed rear extension on the character and appearance of the area and on flood risk.

The Inspector concluded that the extension would not be disproportionately large in relation to the dwelling either individually or cumulatively with the approved extensions, nor out of scale with neighbouring dwellings. The Inspector noted that large windows and balconies are not uncommon in residential areas and that the extension's design respected that of the host dwelling and would not result in overdevelopment of the site.

In respect of flood risk and surface water runoff, the Inspector noted that no additional hardstanding was proposed as part of the appeal scheme and therefore would not result in additional flood risk, remarking that if the applicant intends to carry out such work it may need a separate planning application or it may be permitted development.

The Inspector also found that the appeal proposal would not significantly affect the outlook from neighbouring properties or result in any harmful overlooking.

- 4.35 22/03626/F – Land north of Burycroft Road, Hook Norton. Appeal **dismissed** against the Council's refusal of planning permission for one dwelling, associated garage, access and new landscaping.

The Inspector considered the main issues to be (1) whether the proposed development would provide a suitable location for housing, having regard to the Council's spatial strategy and accessibility to services and facilities, and (2) whether any harm would be outweighed by other material considerations, having regard to the Council's housing land supply position and the benefits of the proposed development.

In a clear and very helpfully worded decision, the Inspector concluded in respect of the issues:

Suitability of location – that saved Policy H18 and Policy Villages 1 were both relevant and were consistent with the NPPF, that Policy Villages 2 was not relevant to the appeal proposal, and that PV1 and PV2 are intended to work together.

Relationship with built up limits – that the appeal site, albeit smaller in scale, has a similar character to the patchwork of fields further along Croft's Lane; that the site's open, undeveloped character can be clearly appreciated from the footpath crossing through the site; that the existing housing on Burycroft Road is relatively low lying and near to the frontage, following a similar building line; that the appeal site lies beyond the built up limits of Hook Norton, sitting firmly within its landscape setting. The Inspector held the site's connection to the adjacent development to be weak and that it would remain so given the proposal's design. The Inspector found the proposal's encroachment beyond the built-up limits to be "harmful in principle, notwithstanding the quality of the design approach".

Access to services and facilities – that, although Hook Norton is a sustainable rural settlement and the appeal site is within walking distance of local services and bus stops, it is in a peripheral location where the road network lacks pavements or street

lighting, that this would deter occupiers from walking or cycling, particularly after dark; that there are some steep gradients between the appeal site and the village centre which would deter those with impaired mobility, carrying heavy shopping or accompanying small children; that the lack of street lighting itself was not a turning factor. Overall, the Inspector held that the site's "somewhat compromised accessibility weighs against the advantages of its relationship with a Category A village".

The Inspector concluded that the site was not a suitable location for housing.

The Inspector considered the Council's housing land supply, noted the conflicting positions between the parties, but held that, whether the supply figure was 4.3 years as submitted by the Appellant or less than 4 years as held by the Heyford Park Inspector, she was required to consider whether the adverse impacts of approval would significantly and demonstrably outweigh the benefits. Having considered the suggested benefits in some detail, the Inspector concluded that (1) the Council's housing strategy is consistent with the NPPF's approach to rural housing and therefore gave significant weight to the conflict with the development plan, and (2) that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

The Inspector also **refused** the Appellant's costs application. The Inspector found no clear evidence of abortive work in relation to the Statement of Common Ground or the Council's legal advice or the Council's late response to the Inspector's request for a written breakdown of housing delivery at RAF Heyford. The Inspector held that, although there was some evidence of unreasonable behaviour through missed deadlines, this had not led to unnecessary or wasted expense for the Appellant.

4.36 23/01316/F - Land to the east of Woodway Road, Sibford Ferris. Appeal **allowed** against the Council's refusal of planning permission for the erection of 5 no two-storey age-restricted dwellings with access, landscaping, and associated infrastructure.

The Inspector considered the main issues to be (1) whether the appeal site would provide a suitable location for housing having regard to the Council's spatial strategy for the district; and (2) the effect of the proposed development on the character and appearance of the area, including the setting of Sibford Ferris Conservation Area (CA) and the Cotswold National Landscape (CNL).

On the first issue, the Inspector found that with the appeal site being bounded on three sides by residential development it formed part of the main built-up area of the village, albeit at its edge.

As did the Hook Norton Inspector, this Inspector considered Policy Villages 1 and saved Policy H18.

The Inspector found the site to be sufficiently well located to amenities - convenience store and post office in Sibford Ferris as well as educational facilities, medical services, and retail across the 'cluster' with Sibford Gower and Burdrop.

The Inspector concluded the site to be a suitable one for housing having regard to the Council's spatial strategy.

On the second issue, the Inspector found that the proposal would alter the undeveloped nature and open aspect of the appeal site but would be physically and visually related to the existing housing, would not extend beyond the building lines of the new development to the south, read as part of the nucleated village, and would thus not be unduly prominent or visually intrusive.

The Inspector found the proposed design “would not be wholly uncharacteristic of the wider area” nor unduly cramped nor that it would “unacceptably detract” from the character and appearance of the existing built form.

The Inspector concluded that the appeal site would not adversely affect the wider landscape setting or the character and scenic beauty of the CNL.

The Inspector **refused** the Appellant’s costs application, concluding that the Council had not acted unreasonably. The Inspector found that the Council’s position was clearly reasoned on housing strategy and whether the site was in or out of the existing built form, that it is clear from the officer’s report that consideration was given to the type of housing proposed, and that the Council’s evidence clearly articulated its case in relation to the proposal’s effect on the character and appearance of the area.

5. Alternative Options and Reasons for Rejection

5.1 None. This report is submitted for information.

6 Conclusion and Reasons for Recommendations

6.1 The report provides the current position on planning appeals for information for Members.

Decision Information

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|---|------------------|
| Key Decision | Not applicable |
| Subject to Call in | Not applicable |
| If not, why not subject to call in | Not applicable |
| Ward(s) Affected | Appeal dependent |

Document Information

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| Appendices | |
| Appendix 1 | None |
| Background Papers | None |
| Reference Papers | All documents in respect of the planning appeal |
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