

Planning Committee

Appeals Progress Report

14 July 2011

Report of Strategic Director, Planning Housing & Economy

PURPOSE OF REPORT

This report aims to keep members informed upon applications which have been determined by the Council, where new appeals have been lodged. Public Inquiries/hearings scheduled or appeal results achieved.

This report is public

Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

Details

New Appeals

- 1.1 **11/00230/F – 35 The Rydes, Bodicote** – appeal by Mr Cautley against the refusal of planning permission for a two storey side and rear extension. Householder appeal.

Forthcoming Public Inquiries and Hearings between 15 July 2011 and 11 August 2011

- 2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Allowed the appeal by Ms Jane Benham against the refusal of application 11/00014/F for a two storey side extension at 12 Fair Close, Bicester (Delegated)** In the Inspectors view the extension of the house towards the neighbouring property would only cause a relatively limited increase in the existing level of intrusion. The proposal would not be so intrusive as to appear harmfully dominant or overbearing when viewed from No. 21 and the scheme would not therefore harm living conditions at this neighbouring property.
- 3.2 **Dismissed Appeal and Enforcement upheld by Mr Kassem Traboulsi for 10/00336/EUNDEV – Without Planning Permission the Erection of a Perimeter Fence and Gates at Eco-Fridge, Unit 2 Wedgewood Road, Bicester, (Delegated)** In the Inspectors View the fence is at complete odds with approved landscaping scheme and is therefore unacceptable as a result of its detrimental impact on the character and appearance of the area. Fence to be removed within 3 months.
- 3.3 **Dismissed the appeal by Hill Residential against the refusal of application 10/00547/OUT Land To The West And South Of Numbers 7 To 26, The Green, Chesterton for Erection of 63 dwellings, new village hall/sports pavilion and associated car parking, enlarged playing pitches, new childrens play area, access and landscaping (Committee)** The Inspector stated that the potential benefits of the scheme proposed, including the contribution towards meeting affordable housing need, the provision of a replacement village hall and enhanced sporting facilities are recognised. I am also mindful that the scheme has the support of the Parish Council and that the land is immediately available for development, with no significant physical constraints that might impede delivery. However, those considerations, even when taken together, do not justify the harm that would be caused by allowing residential development in the open countryside, with the associated adverse visual impact that I have identified, without sufficient justification. In this respect, I have found that, in all likelihood, the Council is able to demonstrate a rolling five year supply of deliverable housing sites for the District. In these circumstances, there is no suggestion in PPS3 that applications for housing should be considered favourably. I conclude on balance therefore, that the appeal should not succeed.

- 3.4 **Dismissed the appeal by Berekeley Homes (Oxford and Chiltern) Ltd against the refusal of application 10/00270/OUT OS Parcel 4100 Adjoining And South Of Milton Road, Adderbury for Erection of 65 dwellings with associated access, open space and landscape works and provision of a sports pitch with changing facilities and car park (Committee)** The Inspector stated the potential benefits of the scheme proposed, including the contribution towards meeting affordable housing need, the provision of a replacement sports pitch, and the improvement to the appearance of this edge of the village, are recognised. I am also mindful of the opportunity to bring the development forward at an early stage, with the land being available immediately for development with no significant physical constraints that might impede delivery. However, those considerations, even when taken together, do not outweigh the harm that would be caused by allowing residential development in the open countryside, with the associated adverse visual impact that I have identified, without sufficient justification. In this respect, I have found that, in all likelihood, the Council is able to demonstrate a rolling five year supply of deliverable housing sites for the District. In these circumstances, there is no suggestion in PPS3 that applications for housing should be considered favourably. I conclude on balance, therefore, that the appeal should not succeed.
- 3.5 Please be advised that Appeal Withdrawn by Draks Ltd against refusal of application 08/01001/F for Change of Use to part of building 221 for timber machining and fabrication, woodworking and admin office

Implications

- Financial:** The cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary estimate.
Comments checked by Joanne Kaye, Service Accountant 01295 221545
- Legal:** There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.
Comments checked by Nigel Bell, Team Leader- Planning & Litigation 01295 221687
- Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Nigel Bell, Team Leader-
Planning & Litigation 01295 221687

Wards Affected

All

Document Information

Appendix No	Title
-	None
Background Papers	
All papers attached to the planning applications files referred to in this report	
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