

Planning Committee

Appeals Progress Report

11 August 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 **10/01381/OUT – Land adjacent to Oxford Road and Middleton Stoney Road, Bicester-** appeal by Countryside Properties(Bicester) Ltd against the refusal of planning permission for OUTLINE: Construction of up to 46 dwellings with associated amenity space, car parking, access roads and public open space- Inquiry
- 1.2 **10/01617/F – Land adjacent to 103 South Avenue, Kidlington –** appeal by Mrs M Green against the refusal of planning permission for 1 No. dwelling – Written Reps

Forthcoming Public Inquiries and Hearings between 11 August 2011 and 8 September 2011

- 2.1 **Hearing starting at 10.00am on Tuesday 6 September 2011, Council Chamber, Bodicote House, White Post Road, Bodicote** to consider the appeals by Mr Derek Clarke, Mr & Mrs McCarthy, Mr Jason Willis, Ms Rebecca Lloyd, Mr & Mrs Cox, Mr I Kirkpatrick, Mr Tom Wallstrom, Ms Jeanette M Chattaway and Mr K Clarke against the service of enforcement notices alleging a breach of planning control at Land adjacent to Oxford Road and Boddington Road, Claydon

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Charles Etherington Smith against the refusal of application 10/00846/F for the conversion of a disused barn to provide self contained residential studio type unit at Hill House, Sibford Ferris (Delegated)** – The Inspector concluded that although the proposal would provide an acceptable standard of accommodation for a future occupant, this benefit is outweighed by the substantial harm it would cause to the character and appearance of the conservation area and the surrounding countryside.
- 3.2 **Dismissed the appeal by Mr K Pelton against the refusal of application 10/00999/F for a revised domestic curtilage to planning permission 03/01389/F including a change of use of agricultural land south west of the stables located between a stand of trees and an area of cultivated land to domestic at Manor Farm Noke (Delegated)** – The Inspector commented” The proposed boundary, whichever way defined, would clearly demark the land separating it form the open agricultural land of the adjacent countryside. The sense of otherness so created, would be compounded by the tended, even manicured garden area it would inevitably enclose. This strong and dissonant sense of manicured enclosure would be in conflict with the aim of sustaining the openness of the Green Belt, it’s most important attribute, and would encroach upon the countryside.”
- 3.3 **Allowed the appeal by Mr K Pelton against the refusal of application 11/00167/F for revised domestic curtilage to planning permission 03/01389/F including change of use of agricultural land to domestic land to the south of the stables comprising unmanaged grass and shrubs, enclosed by a post and wire fence at Manor Farm, Noke (Delegated)** – In the Inspector’s view, this space being of hybrid character, has the capability to serve as domestic curtilage without causing material harm to the setting of the listed buildings, though given its innate

sensitivity, this would need to be strictly controlled. Such controls, secured through condition, could determine the means of enclosing the space and the preclusion of structures within it, whilst the unilateral undertaking could control the use of the space by limiting the proliferation of domestic paraphernalia.

- 3.4 **Allowed the appeal by Mrs Gill Begnor against the refusal of application 10/00860/F for a first floor, obscure glazed window in the side elevation of the property at 42 Orchard Road, Hook Norton. (Delegated)**- The Inspector did not consider the perceived loss of privacy to neighbouring residents to be so serious to warrant the dismissal of the appeal. Given the particularly secluded nature of the adjoining neighbours patio, was reason to require that the whole window be fixed shut and permanently glazed using obscured glass
- 3.5 **Dismissed the appeal by Jessops Restaurants (Trading as Little Chef) against the refusal of application 11/00120/F for external alterations at Little Chef, Northbound, Weston on the Green. (Delegated)** – In the Inspector’s view, the unrelieved expanse of red cladding would be a dominant feature of the site readily seen by passing motorists. On balance, this would be an excessively bold and stark feature in the landscape. The extent of cladding and change in the overall appearance brought about by the materials used in the design would be unacceptable.

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 Karen Muir, Corporate System Accountant 01295 221559

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-

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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