

Planning Committee

Appeals Progress Report

8 September 2011

Report of Strategic Director, Planning Housing and 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 to:

- (1) Accept the position statement.

Details

New Appeals

- 1.1 **11/00503/F – Land at Heatherstone Lodge, Banbury Road, Finmere** – appeal by Dr R and Mrs Bonamy-Price against the refusal of planning permission for the erection of 3 no. 4 and 5 bedroom detached houses with associated garages and new access- Written Reps

- 1.2 **11/00659/F – Plumb Tree Cottage, Crumps Butts, Bicester** – appeal by Mr David Allen against the refusal of planning permission for a one bedroom two storey cottage with parking and garden. Re-submission of 11/00168/F – Written Reps

- 1.3 **11/00234/OUT – Land to rear of 17 to 23 Vicarage Road and adjacent to 26 Webbs Way Kidlington**, appeal by J A Pye (Oxford) Land Ltd against the refusal of planning permission for OUTLINE: Erection of 2 no. dwellings- Written Reps
- and
- 11/00812/OUT- Land to rear of 17 to 23 Vicarage Road and adjacent to 26 Webbs Way Kidlington** appeal by J A Pye (Oxford) Land Ltd against the refusal of planning permission for OUTLINE: Erection of 1 no. dwelling – Written Reps
- 1.4 **11/00590/F – land at 92 The Fairway, Banbury-** appeal by Mr Basharat Hussain against the refusal of planning permission for single storey and two storey extension to rear elevation and porch to front elevation – Householder Written Reps
- 1.5 **11/00138/EUNDEV – 13 Green Road Kidlington –** appeal by Mr John Shepherd against the service of an enforcement notice alleging a breach of planning control – without planning permission the material change of use of the building from a garage to a separate dwelling- Inquiry
- 1.6 **11/00144/EUNDEV – 72 Daimler Avenue Banbury -** appeal by Mr Michael Furey against the service of an enforcement notice alleging a breach of planning control – without planning permission the erection of three ornamental walls to the front of the property- Hearing

Forthcoming Public Inquiries and Hearings between 8 September 2011 and 6 October 2011

2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Mark Slaymaker against the refusal of application 11/00053/F for a two storey side extension and single storey rear with a new vehicular access to the front at 59 Blenheim Drive, Bicester (Delegated) –** The Inspector was of the view that the substantial loss of the side garden would significantly harm the spacious character and appearance of the streetscene and went onto conclude that the proposed development would cause significant harm to the character and appearance of the street scene and as such it would be contrary to Policies C28 and C30 of the

Cherwell Local Plan 1996.

- 3.2 **Allowed the appeal by Mr D Cautley against the refusal of application 11/00230/F for an extension and alterations at 35 The Rydes, Bodicote, Banbury (Committee)** – In the Inspector’s view, the bulk of the proposed side extension would be compatible with the scale and layout of the host property and its plot. The spacious and verdant character of the surrounding area would not be significantly harmed. By reason of its siting, the proposed 2-storey flank wall is sufficiently distant from no. 33 to avoid the impression of the adjacent pedestrian route and access to No. 34 being physically or visually enclosed in an unacceptable way. The selective use of timber boarding would complement the external appearance of the host property and would not significantly harm the character and appearance of the surrounding area. The Inspector then went on to conclude that the proposed development would not adversely harm the living conditions of the occupiers of the neighbouring properties, in particular the occupiers of 34 The Rydes.
- 3.3 **Allowed the appeals by Leda Properties Ltd against the refusal of application 09/01592/OUT for 140 residential units with associated parking, access and public open space at land at London Road Bicester and application 10/01316/F for engineering works comprising lowering of land to allow 1 in 100 year plus climate change flooding at Langford Park Farm Bicester (Committee)** – The Inspectors conclusion based on the evidence given at the inquiry was that the supply of deliverable housing sites is likely be well below the 5.2 years advanced by the Council. The Inspector was aware that her conclusion on housing land supply did not concur with that of the Inspector who determined the Chesterton and Adderbury appeals in June 2011. The Inspector went on to comment “In the absence of a 5 year housing land supply paragraphs 71 and 69 of PPS3 are engaged. The appeal scheme is in outline form and there is no dispute that it would achieve a high quality housing development with a good mix of housing. The offer of 40% affordable housing would be a considerable benefit within a district where need for such provision is considerable”. The Inspector considered that the land to which the application relates is within the built up limits of the settlement. With regard to the site being land that is liable to flood, the Environment Agency has agreed that the harm can be mitigated by flood compensation measures proposed at Langford Park Farm on the southern side of the A41. The necessary works will be secured by the provisions contained in the Unilateral undertaking submitted to the inquiry.

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-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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