

Planning Committee

Appeals Progress Report

19 April 2012

Report of Head of Public Protection and Development Management

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 **11/01549/F – The Old Forge, Wroxton Lane, Banbury** – appeal by Mr R Hoddinott against the refusal of planning permission for the change of use to caravan storage- Written Reps
- 1.2 **11/01306/F – Peckers Corner, North Lane, Weston on the Green** – appeal by Mr V Jones against the refusal of planning permission for 1 no. dwelling- Resubmission of 11/00580/F- Written Reps
- 1.3 **12/00062/ECOU – Arccott Racetrack, Murcott Road, Upper Arccott** – appeal by Schyde Investment Ltd against the service of an enforcement notice alleging a breach of planning control – the intensification of the use of the land as a motorcross racing/practising use - Inquiry

- 1.4 **11/01749/F- The Flat, Westview Farm, Merton Road, Ambrosden, Bicester** – appeal by Ms A R May against the refusal of planning permission for the removal of condition 2 of 09/01833/F to allow the flat to be let separately – Written Reps

Forthcoming Public Inquiries and Hearings between 19 April 2012 and 24 May 2012

- 2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Alison Williams against the refusal of planning application 11/01272/F for the erection of fences and gates(retrospective) at 42 The Paddocks, Yarnton (Delegated)** – The Inspector considered that the enclosure significantly detracts from the characteristic openness of the estate and is not compatible with the spacious appearance of the area. The loss of mature vegetation and more particularly the erection of fencing is inconsistent with the original design approach and the prevailing character of the estate. In distinct conflict with the objectives of Cherwell Local Plan policy C30.
- 3.2 **Dismissed the costs application made against the Council by Ms A Williams regarding the refusal of planning permission for the erection of fences and gates and 42 The Paddocks Yarnton** – The Inspector commented “It seems to me that the appellant acted on the advice of her legal adviser and the most rudimentary general advice from the Council, without properly checking the position. The failings of the initial property search lie behind that, giving a false picture. For these reasons I do not consider the Council to be at fault in handling any pre- application discussions.”
- 3.3 **Allowed the appeal by Banner Homes Ltd against the refusal of application 11/00617/OUT for residential development of 82 dwellings at Land at Cotefield Farm, Oxford Road, Bodicote (Committee)** – In the Inspector’s view, the appeal site is seen in the context of immediately adjacent residential development, the large garden centre buildings and, set a short distance away, the large business buildings which, due to their design, size, and surrounding car and vehicle storage, give a distinct commercial impression. Whilst views of the proposed development would be gained from one viewpoint, the context would mean that the proposal would not

represent an unacceptable intrusion into the open countryside. The appeal site represents a suitable location for the provision of new housing, within the context of a significant shortfall in housing land supply.

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 and 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 and 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	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@Cherwell-dc.gov.uk