

Planning Committee

Appeals Progress Report

21 June 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:

- (1) To accept the position statement.

Details

New Appeals

- 1.1 **11/01754/OUT- Land adjacent 9 Town Close and 1 White House, Green Lane, Finmere-** appeal by Mr M Lepper against the refusal of outline planning permission for a pair of semi-detached houses-
Written Reps
- 1.2 **12/00310/F – Malvern Twyford Avenue Twyford-** appeal by Mr & Mrs M Smith against the refuse of planning permission for (Retrospective) Replacement of Cuppressus hedge with close boarded fence with trellis above – Householder Written Reps
- 1.3 **11/01932/F- Land at Willow Bank Farm Fritwell Road Fewcott-** appeal by **Bolstertone Innovative Energy (Ardley) Ltd** against the refusal of planning permission for the variation of condition 21 of APP/C3105/A/09/2116152 (08/02495) requiring -

No development shall take place until written confirmation has been provided to the Local Planning Authority that a Safety Report has been submitted to and approved in writing by the operators of London Oxford Airport in consultation with the Civil Aviation Authority in relation to the safe operation of London Oxford Airport with the proposed wind farm in place. The turbines shall only be operated in accordance with the terms of the Safety Report.- Written Reps

- 1.4 **12/00050/EUNDEV- Bishops End, Burdrop, Banbury** - appeal by Mrs Jackie Noquet against the service of an enforcement notice alleging a breach of planning control – without planning permission, the change of use of the land to use for the storage of a shipping container- Written Reps
- 1.5 **12/00182/F- 8 Maple Road Bicester** – appeal by Mr Paul Juggins against the refusal of planning permission for the demolition of rear porch and construction of a two storey rear extension – Householder Written Reps
- 1.6 **12/00299/F- Hempton Lodge, Hempton, Banbury** – appeal by Mr & Mrs J Clitherow against the refusal of planning permission for a detached dwelling with garage – Written Reps

Forthcoming Public Inquiries and Hearings between 21 June 2012 and 19 July 2012

- 2.1 **Hearing commencing at 10.00am on Tuesday 26 June 2012 in the Sor Meeting Room, Bodicote House, Bodicote, Banbury** to consider the appeals by Mr Gordon Jones against the refusal of planning permission of application 11/01682/F for the use of the land for the temporary stationing of a mobile home for an essential worker, associated decking and ancillary outbuilding (part retrospective) and the service of an enforcement notice 12/00013/EUNDEV alleging a breach of planning control – without planning permission, the change of use of the land to a mixed use of agriculture and residential use by the siting and residential occupation of a mobile home and erection of associated decking at Field Farm, Bainton Crossroads, Stoke Lyne

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Shanly Homes Ltd against the refusal of planning application 11/01286/OUT for means of access and layout of 2 detached houses at land off Stuchfield Close, Church Lane, Wendlebury (Delegated)** – The Inspector concluded that the harm to the character and appearance of the local rural area that would arise from the construction of two houses within the countryside beyond the settlement boundary would conflict with adopted development plan policies

- 3.2 **Dismissed the appeal by Mr Colin Begeman against the refusal of planning application 11/00892/F for 3 No. 2- bedroom houses and 3 No. 3 bedroom houses for local needs specific affordable housing, including associated access, hard and soft landscaping and 3m wide buffer zone at land north of DeeJay Farm, Chestnut Road, Mollington (Committee)** – The Inspector set out the circumstances in which planning permission may be granted under Cherwell Local Plan Policy H6 – On the first requirement there was no demonstration from the appellants that the proposed development was economically viable in terms of its ability to meet the need identified. The second requirement is that there should be secure arrangements to restrict the occupancy of the development to ensure it meets local needs in the long term- the appellants did not provide the necessary undertaking and thirdly policy H6 requires the proposals to be compatible with the other policies in the Cherwell Local Plan. As a projection from the built up village into the countryside, the appeal proposal would harm the countryside to a degree which also weighed against the proposal. The Inspector concluded that the appeal proposal was inconsistent with Cherwell Local Plan policy H6

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