

Planning Committee

Appeals Progress Report

16 August 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 **08/02495/F – Land at Willow Bank Farm, Fritwell Road, Fewcott**
– appeal by Bolsterstone Innovative Energy (Ardley) Ltd against the refusal to discharge conditions 21 and 22 of the appeal decision APP/C3105/A/09/2116152- Written Reps
- 1.2 **12/00080/OUT- OS parcel 5700, south of Salt Way at Crouch Farm, Bloxham Road, Banbury** - appeal by Mr M Horgan and Barwood Strategic Land II LLP against the non-determination of the planning application within the prescribed period of 13 weeks for OUTLINE: Residential development of up to 145 dwellings with associated access- Inquiry

- 1.3 **12/00160/F – 14 The Crescent, Twyford** – appeal by Mr & Mrs S Adams against the refusal of planning permission for the erection of a two storey extension to rear – Householder written reps

Forthcoming Public Inquiries and Hearings between 16 August 2012 and 13 September 2012

- 2.1 None

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Allowed the application by Mr R Treadwell for a full award of costs against the Council related to the refusal of application 11/01614 for the proposed change of use from former church to domestic dwelling with internal fit out and minor external alterations at the Congregational Chapel, New Street, Deddington-** The application was refused due to the absence of a satisfactory legal agreement in respect of infrastructure. On 26 January 2012, after the appeal had been made, the Council explained to the appellant that they no longer required financial contributions for infrastructure and advised the appellant to submit a further planning application. The Council's change in stance and withdrawal of the sole reason for refusal rendered the expense incurred by the appellant in submitting the appeal wasted. The Secretary of State concluded that the Council acted unreasonably by delaying development that should clearly have been permitted, which caused the appellant to incur wasted expense in submitting an unnecessary appeal.
- 3.2 **Allowed the appeal by Mr C Hayes against the refusal of application 12/00083/F for a two storey side extension at 27 Corncrake Way Bicester (Delegated)** – The Inspector did not agree with the Council that the extension would have any effect on the long term health of the adjoining planting belt within the public open space at Bicester fields and was satisfied that access to the planted area for maintenance or any other purpose would remain as it is now.
- 3.3 **Allowed the appeal by Mr V Jones against the refusal of application 11/01306/F for a new 3- bedroom detached house at Peckers Corner, North Lane, Weston on the Green (Delegated)** – The Inspector was satisfied that the new dwelling would cause no material harm to the rural character of the area, while preserving the character and appearance of the Conservation Area and the setting of the listed Williams Cottage. To prevent overlooking of the adjacent Pear Tree Cottage, the Inspector imposed a condition requiring the first floor landing window of the new house to be obscure glazed.

- 3.4 **Allowed the appeal by Mr M & Mrs M Smith against the refusal of application 12/00310/F for the replacement of a Cupressus hedge with close boarded fence with trellis above at Malvern, Twyford Avenue, Twyford (Delegated)** – The Inspector concluded that the proposed development would not cause material harm to the character and appearance of the surrounding area, in particular the streetscene, and, as such, it would not conflict with local Plan policy C28 and the NPPF.
- 3.5 **Dismissed the appeal by Mr Paul Juggins against the refusal of application 12/00181/F for the demolition of single storey rear porch and construction of two storey rear extension to form improved accommodation at 8 Maple Road, Bicester (Delegated)** – The Inspector was of the view that because of its height, massing and proximity to the boundary, the appeal scheme would cause unacceptable harm to the occupiers of No 7 Maple Road.
- 3.6 **Dismissed the application by Mr Paul Juggins for a full award of costs against the Council relating to the refusal of application 12/00181/F-** The Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense as described in Circular 03/2009 had not been demonstrated and that an award of costs was not justified.

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	
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