

# Planning Committee

## Appeals Progress Report

13 September 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

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The Planning Committee is recommended:

- (1) To accept the position statement.

#### Details

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##### New Appeals

- 1.1 **12/00348/LB & 12/00347/F- The Cottage, 20 Newton Purcell, Buckingham** - appeal by Mr & Mrs Markham against the refusal of listed building consent and planning permission for a proposed sun room to the rear- Written reps
- 1.2 **12/00062/OUT- Land off Byron Way, Bicester** – appeal by Threshold Investments Ltd against the refusal of planning permission for the erection of 3 no. 3 bedroom bungalows and creation of new vehicle and pedestrian access from Byron Way – Written reps

##### Forthcoming Public Inquiries and Hearings between 13 September 2012 and 11 October 2012

- 2.1 None

## Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Allowed the appeals by Mr Gordon Jones against the refusal of application 11/01682/F and the service of enforcement notice 12/00013/EUNDEV relating to the temporary stationing of a mobile home for an essential worker, associated decking and ancillary outbuilding at Field Farm, Bainton Crossroads, Stoke Lyne, Bicester (Delegated)** – The Inspector concluded that there is an essential need for a worker with an intimate knowledge of the machines to live permanently at the proposed location. This is necessary for the proper functioning of the enterprise, particularly because, from the evidence heard there is a significant risk that the enterprise would not be able to continue without a permanent on – site presence. The Inspector found that the essential need outweighed the limited harm caused by the development and that a temporary personal consent should therefore be granted.
- 3.2 **Dismissed the appeal by Schyde Investments Ltd against the service of an enforcement notice 12/00062/ECOU alleging a breach of planning control - a material change of use of the land in 2010 by reason of intensification from a use for motorcross racing and practising to a use comprising materially more noisy and more frequent motorcross racing and practising amounting to a definable change in the character of the use of the land at Arncott Motoparc, Murcott Road, Upper Arncott. (Delegated)** – The inquiry was originally scheduled to last for 3 days. In the event, on the first day negotiations took place between the principal parties culminating in agreed corrections to the notice that the Inspector was invited to endorse. The diary of events scheduled for the remainder of the year Aug – Dec 2012 was amended during the negotiations. The appellant undertook to provide a management plan to the Council every year for approval governing motorcross use of the land which would include an undertaking that no motorcross use would be carried out other than in accordance with the approved management plan.
- 3.3 **Allowed the appeal by Mr Raheem Ghorbani-Zarin against the refusal of application 11/01713/OUT for the demolition of the existing bungalow and construction of 2 no. new bungalows at 20 Green Lane, Upper Arncott (Delegated)** – In the Inspector's view the Council's concerns appeared to relate almost entirely to matters of design and layout rather than to the principle of development, and as a result were insufficient to justify withholding outline planning permission.

The Inspector concluded that subject to compliance with the usual conditions pertaining to outline planning permissions, demolishing the existing bungalow and erecting two new bungalows would cause no material harm to the streetscene or the visual amenities of the area and would preserve or enhance the settings of nearby listed

buildings.

- 3.4 **Dismissed the appeal by Mr Nigel Gardner against the refusal of application 11/01049/F for the erection of 3 no. chalet bungalows and garages and upgrading of an existing access to Crossings Lane at the rear of Far Close, Crossings Lane, Claydon (Delegated)** – The Inspector concluded that although there would not be an unacceptable effect on the safety of other highway users this matter is significantly and demonstrably outweighed by the material harm caused to the character and appearance of the surrounding area and the living conditions of the occupiers of neighbouring properties by reason of overlooking and loss of privacy.

## **Implications**

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**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**

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All

## **Document Information**

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<b>Appendix No</b>	<b>Title</b>
-	None
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
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