

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

20 NOVEMBER 2008

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

APPEALS – PROGRESS REPORT

1 Introduction and Purpose of Report

- 1.1 This is a standard report item, the aim of which is 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 received.
- 1.2 A verbal update on any changes since the preparation of the report will be given.

2 Wards Affected

- 2.1 All wards in the southern part of the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 R Duxbury (extension 1821)

5 New Appeals

- 5.1 08/01663/OUT – appeal by Mr J Salter against the refusal of planning permission for the Change of Use of land to residential and proposed development of 5 no. two storey units consisting of 10 no. two bed and 10 no. one bed low cost flats at land west of St. Barnabas Church, Church Lane, Horton cum Studley – Written Reps
- 5.2 08/01044/F – appeal by Messrs Carter and Grossi against the refusal of planning permission for proposed internal alterations to convert office unit back to residential use at Wykham Mill Farm, Bloxham Road, Banbury – Written Reps
- 5.3 08/01239/F – appeal by Mr E Grove against the refusal of planning permission for the variation of conditions nos. 11 and 14 and removal of condition no. 12 of permission 06/00762/F at Ingleby Farm, Station Road, Enslow, Kidlington - Written Reps
- 5.4 08/00604/F – appeal by James Doran against the refusal of planning permission for the change of use of land to use as a residential caravan site for two gypsy families with a total of up to 6 no. caravans, including access improvements, construction of a driveway and laying of a hardstanding at Corner Meadow adjoining and east of Farnborough Road, Mollington - Inquiry

- 5.5 ENF 19/08 – appeal by Andrew Thorburn against the service of an enforcement notice alleging a breach of planning control – without planning permission, the erection of a dormer window on the rear elevation of the house on land at 22 Milton Street, Banbury – Written Reps

6 Forthcoming Public Inquiries and Hearings between 20 November 2008 and 11 December 2008

- 6.1 Hearing on Tuesday 25 November 2008 at 10.00am in Room 163, Bodicote House, Bodicote to consider the appeals by Mr & Mrs R J Fenemore against the refusal of applications 08/00151/F and 08/00152/CAC for the demolition of steel framed buildings and part removal of dairy building to facilitate erection of new dwelling and improvements to existing access and application 08/01799/F for the erection of 1 no. dwelling and demolition of redundant barn at Church Cottage, Wardington.
- 6.2 Hearing on Thursday 27 November 2008 at 10.00am in Room 164, Bodicote House, Bodicote to consider the appeal by Mr M Smithson against the refusal of application 08/00197/F for the change of use from agricultural land to part business and part domestic use. Existing gates to be re-positioned at The Studio, Locks Barn, Canal Road, Thrupp.

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 Dismissed the appeal by Ms L A Mines against the refusal of application 08/01140/F for the erection of fencing panels around the front and sides of a corner plot house at 1 Magdalen Close, Bicester (Delegated)- The Inspector stated “ in such a situation erecting a 1.8m fence of considerable length would be very much out of keeping, introducing a harsh and unsympathetic feature” and concluded that the proposal would harm the character and appearance of the area, contrary to the aims of the development plan
- 7.3 Dismissed the appeals by Wendy Williamson and Ian Loader against the refusal of applications 07/02372/LB and 07/02371/F for the removal of existing single storey ‘lean-to’ extension and erection of new single storey extension at the rear of house at The Malthouse, Malthouse Lane, Shutford (Delegated) – in the Inspector’s view the extension would obscure an unacceptable proportion of the elevation as a whole, detracting from the distinctive historic interest and architectural character of the house and concluded that the works and development proposed would not preserve the character of the listed building, or features of special architectural or historic interest.
- 7.4 Dismissed the appeal by Mr A Mackenzie- Wintle against the refusal of application 07/01046/F for the demolition of an existing garage belonging to 4 Petre Place and the erection of a new detached dwelling with associated parking at land adjacent to 69 Mill Street, Kidlington (Delegated) In the Inspector’s view, the proposal would cause material harm in relation to privacy at the rear of the proposed dwelling and at Nos. 61, 67 and 69 Mill Street; outlook at No. 71; and disturbance at No. 67. Such adverse impacts on occupiers’ living conditions would conflict with that part of saved Cherwell Local Plan policy C30 that requires new housing development to provide acceptable standards of amenity and privacy.

- 7.5 Dismissed the appeal by Mrs M Gibbard against the refusal of application 08/00578/F for dwelling with parking and garden at Woodview, Station Road, Ardley (Delegated) – The Inspector considered the appeal site to be located beyond the built – up limits of the village. The appeal scheme failed to satisfy the requirements of policy H18 of the Cherwell Local Plan and concluded that the proposal would not accord with the adopted policy on residential development in rural areas. In addition, the Inspector found that the appeal scheme would not preserve or enhance the character or appearance of the Conservation Area. The outlook from Westview would be affected by the built development proposed and the increase in vehicular activity in the shared courtyard would be likely to cause disturbance to the occupiers of Westview due to vehicle movements close to windows at the front of the existing dwelling.

8 Risk Assessment, Financial Effects and Contribution to Efficiency Savings

- 8.1 The following details have been approved by Eric Meadows (Ext 1552) (Financial) and Rosemary Watts (Ext 1566) (Risk)
- 8.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks from accepting the recommendation.
- 8.3 Financial effects – 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 revenue estimate.
- 8.4 Efficiency savings – there are no efficiency savings arising from this report.

9 Recommendations

- 9.1 It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Background Papers:

All papers attached to the planning application files reported in this report.