

Planning Committee

Appeals Progress Report

18 April 2013

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 **12/00346/EUNDEV and 12/00347/EUNDEV – Part 1 and Part 2 of OS parcel 3873 NE of Hillside House, Cropredy Road, Great Bourton** -appeals by Mr Lapper and Mr Bolton against the service of enforcement notices alleging a breach of planning control - without planning permission, the change of use of agricultural land to a mixed use comprising agricultural use, use as an exempted caravan site and domestic garden use- Written Reps
- 1.2 **12/01504/F – 34 Sheep Street, Bicester** – appeal by Lloyds Pharmacy Ltd against the refusal of planning permission for a replacement shop front- Written Reps

Forthcoming Public Inquiries and Hearings between 18 April 2013 and 16 May 2013

- 2.1 Inquiry commencing at 10.00am on Tuesday 23 April 2013 at Banbury Cricket Club, White Post Road, Bodicote to consider the appeal by Mintondale Developments Ltd against the non – determination of application 12/01139/OUT for Residential development comprising up to 85 dwellings with access and associated infrastructure at Land South of Milton Road, Bloxham

Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by The Church Commissioners for England against the service of an enforcement notice 12/00190/ELISTD alleging the alteration of the building without listed building consent by removal of part of the roof truss at first floor level to create a doorway at The Gate Lodge, Mill Street, Kidlington (Delegated)** The Inspector concluded that the severing of the bottom chord of the truss to create a doorway has unacceptably harmed the architectural and historic interest of the historic asset, for which the appellant has provided no clear or convincing justification. Therefore, the works are in conflict with the Council's saved policies and the Governments National Planning Policy Framework, To authorise the works in these circumstances would be to disregard the duties imposed by the Act, and it is not appropriate to grant Listed Building Consent merely to recognise a fait accompli.
- 3.2 **Dismissed the appeal by Mrs Judith Moyle against the refusal of a retrospective application 12/00908/F for the erection of wooden close board fencing approx. 740mm above repaired existing wall/field boundary at Herbley House, Church Road, Ardley, Bicester (Delegated)** The Inspector commented "the erection of the subject close board fence above the wall and to the rear of the coping stones has dramatically altered the appearance of the Conservation Area at this point in the village. Indeed, it looks more like an urban feature than a rural feature. It has resulted in an incongruous element which fails to preserve or enhance the character or appearance of the Conservation Area contrary to both national and local policy." The appellant had argued that removal of the fence would open up the rear view of the house and more particularly the shed. However, the paddock is not part of the curtilage of Herbley House and therefore privacy of the land is not a material consideration in this instance.
- 3.3 **Dismissed the appeal by Mr and Mrs Rose against the refusal of application 12/00909/F for 1 no. dwelling (2 bedroom bungalow) at 8 Foxglove Road, Begbroke (Delegated)** In the Inspector's view the proposed dwelling would occupy much of the width of the appeal site, and this would be out of keeping with the generally more

spacious development pattern in the vicinity. The dwelling would be sited much closer to the neighbouring property (No.10) than other dwellings in the vicinity, and this close proximity would result in a cramped appearance that would detract from the more spacious character and appearance of the street scene.

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 Kate Drinkwater, Service Accountant 01327 322188
- 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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