

# Planning Committee

## Appeals Progress Report

13 June 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

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The meeting is recommended:

- (1) That the position statement be accepted.

#### Details

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##### New Appeals

- 1.1 **12/01718/F – Brookside Cottage, Paines Hill, Steeple Aston** – appeal by Mr & Mrs Cater against the refusal of planning permission for first floor and single storey rear extensions with associated internal and external works- re-submission of 12/00861/F – Householder Written Reps

##### Forthcoming Public Inquiries and Hearings between 13 June 2013 and 11 July 2013

- 2.1 Hearing commencing at 10.00am on Thursday 4 July 2013 at the Sor Brook Meeting Room, Bodicote House, Bodicote, Banbury to consider the appeal by Minns Estates Ltd against the refusal of application 12/00643/OUT for the demolition of existing buildings, erection of 170 sq metres of class B1 office development and 10 no. dwellings and associated access at B Line Business Centre, Station Road, Enslow

## Results

Inspectors appointed by the Secretary of State have:

- 3.1 **Dismissed the appeal by Mr Lovett and Mrs Lewis against the refusal of application 12/01197/F for the erection of 2 x 3 bedroom dwellings, vehicular access and parking. Provision of new access and parking to Rigden Hall at land adjacent to Rigden Hall, Bicester Road, Stratton Audley (Delegated) –** The Inspector concluded that as a matter of principle, the site does not represent a “small gap” in an otherwise continuous built up frontage and the proposal would not accord with the criteria for ‘infilling’ set out in LP Policy H14. In terms of detailed design, the proposal would be acceptable in terms of character and appearance in the street scene and would preserve the setting of the Stratton Audley Conservation Area. However, although no harm was found in this respect, this did not outweigh the Inspector’s conclusion that the site would not constitute an infill plot, and would not be sustainable development in the context of the Framework
- 3.2 **Dismissed the appeal by Mr Michael and Mrs Kerri Lucas against the refusal of application 12/01328/F for the construction of seven dwellings each with integral B1 office/craft unit and construction of new access without complying with conditions attached to planning permission 08/01239/F at The Dell, 4 Ingleby Paddocks, Enslow, Kidlington(Committee) -** The property is outside the boundary of a recognised settlement and is in a location where planning permission would not normally be given for residential development. The removal of conditions 11 and 13 would result in the appeal property becoming a dwelling without a requirement for the use of part of the property for work purposes. The Inspector commented” The properties have a specific combination of permitted uses which would suit only a minority of people. Consequently, it is reasonable to expect the market for the property to be limited and for the value of the property to reflect the limited market, especially in the current difficult economic climate during both the housing and commercial property markets have experienced significant difficulties, The well publicised reluctance of the banks to lend to small businesses is a reflection of the general economic climate and not an indication that the combined live-work use of the property is inappropriate. Whilst the appellants have found their property not to meet their own business and lifestyle needs, the appeal property provides a potential base for a small business. In this respect the work use of the appeal property is in keeping with the aims of sustainable development sought by the Framework.”

The Inspector went on to conclude that the principle of live work use of the appeal property is preferable to a solely residential use and that conditions 11, 12, 13 and 14 are necessary, relevant to planning and to the development and reasonable in all respects.

## 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 Kate Drinkwater, Service Accountant:

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