

Cherwell District Council

Planning Committee

24 April 2014

Appeals Progress Report

Report of Head of Development Management

This report is public

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.

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **13/00984/F- Land adjacent to Cedar House, High Street, Souldern.** Appeal by Mr & Mrs Iain Porteus against the refusal of planning permission for 1 no. stone dwelling with parking area – Written reps

13/01919/F – Kings Retreat formerly Nos 50 + 52 Church Lane, Yarnton

Appeal by the Brackenwood Family Trust against the refusal of planning permission for the erection of an open car shelter- Householder written reps

Forthcoming Public Inquiries and Hearings between 24 April 2014 and 15 May 2014

- 2.2 **Hearing on Wednesday 7 May 2014 at 10.00am in the Council Chamber, Bodicote House, White Post Road, Bodicote** to consider the appeal by Mr G Asker against the refusal of application 13/00749/F for the conversion of a barn to form a dwelling at Heathfield Equestrian Centre, Islip Road, Bletchingdon

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Dismissed the appeal by Mr Sean Knight-Archer against the refusal of application 13/01450/F for side extension at first floor level over the existing garage to accommodate a master bedroom with en-suite at 19 Lyneham Road, Bicester (Delegated)**- The Inspector was of the view that the development would result in harm to the living conditions of the occupiers of the neighbouring property at no.17 by reason of a loss of privacy through overlooking.

Allowed the appeal by Miller Strategic Land against the refusal of application 13/00496/OUT for the erection of up to 60 dwellings with access from Tadmarton Road, together with associated amenity space, community parkland and additional parking for Bloxham Primary School at land to the southwest of Tadmarton Road, Bloxham (Committee) – As the Council does not have a 5 year housing land supply, the provision of new housing including affordable housing, carried considerable weight and in the view of the Inspector any harm would be localised and would not be greater than that caused by any green field development. On balance, the need for housing and affordable housing together with the other benefits of the scheme outweighed any negative matters. The Inspector went on to conclude that there are no adverse impacts on the character and appearance of the countryside arising from the proposed development that would significantly and demonstrably outweigh its benefits, having regard to the development plan, the Framework and other material considerations.

Dismissed the appeal by Mr and Mrs Lancaster against the refusal of application 13/01010/F for an extension to form a dwelling with accommodation in the roof space at 49 Victoria Road, Bicester (Delegated)- The Inspector commented that “ the roof ridgeline would be significantly greater in length than that of the dwelling and would almost match the two storey width of the property itself. Combined with the partial hipping of the roof to the side, this would result in a development of considerable mass and bulk which would dominate the fronts of the dwellings at nos 49 and 50”. The Inspector therefore concluded that the development would harm the character and appearance of the host dwelling and the street.

Allowed the appeal by The Trustees of Norman Collisson Foundation against the refusal of application 13/00621/OUT for the demolition of Ambrosden Court and the erection of 45 residential units with access off Merton Road, at Amrosden Court, Merton Road, Ambrosden (Delegated) – The Inspector was of the view that the proposed development would be sustainable development in a relatively sustainable location. A development of up to 45 houses would make a contribution towards addressing the undersupply of housing in the District. With up to 16 of these dwellings being affordable it would also help provide houses for those who have been priced out of the private housing market. Collectively these factors weight heavily in favour of allowing the appeal.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

- 4.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: To accept the position statement.

Option 2: Not to accept the position statement. This is not recommended as the report is submitted for Members' information only.

5.0 Implications

Financial and Resource Implications

- 5.1 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,
kate.drinkwater@cherwelladnsouthnorthants.gov.uk

Legal Implications

- 5.2 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,
nigel.bell@cherwell-dc.gov.uk

Risk Management

- 5.3 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,
nigel.bell@cherwell-dc.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk