

Cherwell District Council

Planning Committee

19 June 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 **14/00043/F- 43 Churchill Road, Bicester**, appeal by Mr Peter Harrison against the refusal of planning permission for new raised roof with 3 dormer extensions to front elevations; rear extension- Householder written reps

14/00172/F– 30 Corncrake Way, Bicester, appeal by Mr & Mrs A Lyle against the refusal of planning permission for proposed 2 storey rear extension. Loft conversion with dormer windows and rooflights. Re-submission of 13/01429/F- Householder written reps

Forthcoming Public Inquiries and Hearings between 19 June 2014 and 10 July 2014

- 2.2 None

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Dismissed the appeal by Mr Terry O’Sullivan against the refusal of application 13/01348/F for the demolition of the Centurian Public House and erection of a 53 bed C2 care facility and associated parking at The Centurian PH, Leach Road, Bicester (Committee decision) –** The Inspector commented” The adverse effects of the buildings scale and bulk would be especially apparent in the long frontage onto Kingsclere Road. This would not be as long as some of the residential terraces in the locality but the combination of its overall length and height, the full height gable and various other features at roof level would create an unduly dominant building at odds with the characteristic scale of development in the surrounding area. In particular it would tower above the very modest bungalows immediately opposite, despite the intervening trees and some space for additional landscaping” With regard to parking provision and highway safety, the Inspector concluded that the proposed parking provision would be adequate and the development would not compromise highway safety.

Allowed the appeal by the Brackenwood Family Trust against the refusal of application 13/01919/F for the erection of an open car shelter at Kings Retreat, formerly Nos 50 & 52 Church Lane, Yarnton (Delegated decision)- The Inspector was of the view that the additional volume and floorspace created would be so modest as not to result in a disproportionate addition to the original dwelling in terms of national policy and as a result concluded that the proposed development comprises development not inappropriate in the Green Belt.

Dismissed the appeal by Cala Homes against the refusal of application 13/01056/OUT for outline planning permission for up to 200 residential units, access, amenity space and associated works including new village shop/hall at Land off Fringford Road, Caversfield (Committee decision)- In his decision letter the Inspector found that significant harm would be caused to the landscape character of the area as a result of the proposed houses. The historical association of the grouping of Caversfield House, the Church and Home Farmhouse together with the surviving layout and buildings to the house amount to a heritage asset of some significance. The scheme would therefore harm the significance of the group as a heritage asset. With regard to the design of the scheme, the Inspector was of the view that the development would be an isolated housing estate tenuously linked to the north of Bicester. Without any meaningful connections, other than a single entry point, there would be no permeability or movement through the site. The proposals would be poorly integrated into the fabric of the built environment of the area. The scheme would be likely to result in an isolated bubble of housing development, separated from the rest of Caversfield and with no community facilities or services of its own. The lack of integration, the inability to move through the site in particular, would render the scheme a poor design. It would fail to comply with the policy of the framework and would not amount to sustainable development. Taken together, the adverse impacts of granting planning permission for the scheme would significantly and demonstrably outweigh the benefits.

Allowed the appeal by Mr Nigel J Davies against the imposition of conditions nos. 7 – 11 on the grant of planning permission 13/01458/F for the demolition of the existing dwelling and erection of new dwelling and alterations to drive and parking area at Lindale, Berry Hill Road, Adderbury, Banbury (Delegated decision)-

The conditions in dispute relate to land contamination that appears in some areas of Cherwell District where naturally occurring elements of arsenic, chromium and nickel exist in the soil. In these circumstances the Council consider the imposition of these conditions to be reasonable and necessary.

The Inspector was of the view that it would be more appropriate and proportionate to attach information relating to land contamination as a series of planning notes meant as a source of information to applicants. This in effect would act as a health warning, providing sensible advice including future garden practices commensurate with the perceived level of risk.

Dismissed the appeal by Mr M Beames against the refusal of application 13/01740/F for an extension to constructed garage measuring 2.4m x 3m and concrete base measuring 3m x 3m at 19 Mewburn Road, Banbury (Delegated)-

The Inspector was of the view that the proposed development would cause significant harm to the living conditions at 36 Kingsway in relation to outlook. As such, the proposal fails to provide an acceptable standard of amenity having regard to its context in relation to the neighbouring property as required by Policies C28 and C30 of the adopted Cherwell Local Plan 1996.

Allowed the appeal by Mr Williams against the refusal of application 13/01562/OUT for the erection of a new dwelling at Land North West of Windmill Barn, Cassington Road, Yarnton (Delegated)-

The Inspector was of the view that the site lies outside of the Oxford Green Belt and the appeal needs to be approached accordingly. In his conclusions, the Inspector stated that “where the Council cannot demonstrate a 5 year supply of deliverable housing sites, the provision of even one new dwelling must be seen as an identifiable benefit. Moreover, the proposal would lead to the removal of a rather unsightly electricity pylon and transformer which would be a benefit both in terms of the character and appearance of the area. The limited adverse impact of the proposal would come nowhere near significantly and demonstrably outweighing the benefits of the proposal when assessed against the policies in the Framework taken as a whole.”

Dismissed the application made by Mr Williams for a full award of costs against the Council relating to the refusal of application 13/01562/OUT for the erection of a new dwelling at Land North West of Windmill Barn, Cassington Road, Yarnton-

There was a dispute between the parties about whether the appeal site lies within the Green Belt. The Inspector concluded that it did not, but given the confusion between the various policy maps, he did not consider that the Council had acted unreasonably in believing the appeal site to be part of the Green Belt. Therefore, the reliance of the Council on the approach enshrined in the development plan, rather than the Framework, was not unreasonable.

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:

Nicola Jackson, Corporate Finance Manager, 01295 221731

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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,

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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,

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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 | |
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