

# Cherwell District Council

## Planning Committee

10 July 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 **14/00085/F – Cowpasture Farm, Piddington**, appeal by Mr K Hall against the refusal of planning permission for the replacement of the existing mobile home with a 2 storey dwelling – Hearing

**13/01797/F – Herbley House, Church Road, Ardley**, appeal by Mrs Judith Moyle against the refusal of planning permission for the retention of part closed boarded fence and close boarded pedestrian gate and removal of close boarding to remainder of fence leaving timber posts to support stock proof wire fencing (resubmission of 12/00908/F) – Hearing

**13/01758/OUT- Land North East of Crouch Hill Farm adjoining Broughton Road, Banbury**, appeal by Gleeson Developments Ltd against the refusal of planning permission for OUTLINE – application for residential use of up to 117 dwellings with associated gardens, parking, landscaping, services and infrastructure and public open space, with access off Broughton Road- Inquiry

**14/00117/OUT- 308 Bretch Hill, Banbury**, appeal by Mr Michael Brown against the refusal of planning permission for OUTLINE- demolition of 308 Bretch Hill, provision of access road and construction of 4. No. dwellings with parking. Re-submission of 13/00555/OUT- Written Reps

**Forthcoming Public Inquiries and Hearings between 10 July 2014 and 7 August 2014**

- 2.2 **Inquiry at 10.00am on Tuesday 29 July 2014** in the Council Chamber at Bodicote House, White Post Road, Bodicote to consider the appeal by Cala Homes Ltd against the refusal of application 13/00996/F for proposed residential development of 26 units at OS Parcel 3491, North of Adderbury Court, Oxford Road, Adderbury

**Results**

**Inspectors appointed by the Secretary of State have:**

- 2.3 **Dismissed the appeal by Mr Geoster Asker against the refusal of application 13/00749/F for the proposed conversion of existing barn to form new dwelling at Heathfield Equestrian Centre, Islip Road, Heathfield, Nr Bletchington, Kidlington (Delegated)** – In the Inspector's view, the proposal would be inappropriate development in the Green Belt, and the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. As such the proposal would be contrary to paragraph 87 of the Framework and Local Plan policies GB1 and H18.

**Dismissed the appeal by Mr Richard Howson against the service of enforcement notice 12/00113/EBCON relating to a breach of conditions 3 and 4 of 10/00021/F at Land at OS parcel 5021, West End, Launton (Delegated)** –

The notice alleged that in respect of condition 3, the building on the land is being used as a manufacturing/machinery repairs business and not solely for the storage of tools relating to the business use and, in respect of condition 4, there is a significant amount of open storage on the land including trailers, metal work, metal containers, metal sheeting and other items in the open on the land.

The Inspector considered that the main issues are the effect of the unauthorised use on the character and appearance of the surrounding area; its effect on the living conditions of nearby occupiers with regard to noise, visual amenity and fumes; and its effect upon highway safety.

The Inspector commented that " the intended use as limited by the conditions was to involve no outside storage and was expected to enhance the area by accommodating within the building the items previously stored on the open land. Without the conditions there would be uncontrolled outdoor storage and activities on the land associated with the use of the building which would be unacceptably visually intrusive and harmful to the character and appearance of the area in this open countryside location. The comings and goings of commercial vehicles is out of place in a residential area and harmful to the quiet and suburban character of the residential area." The Inspector concluded that the conditions are reasonable and necessary to protect the character and appearance of the surrounding area and the living conditions of nearby residents; and that condition 3 is reasonable and necessary in the interests of highway safety. The enforcement notice was upheld with a compliance period of three months.

**Part allowed and part dismissed the appeals by Mr Eisan against the refusal of 13/01875/LB and 13/01533/ADV for retrospective retention of 3 no. illuminated fascia signs at Mehfil Restaurant, 35 Market Square, Bicester (Delegated)** - In the Inspector's view, the non- illuminated logo above the front door and over-light lettering are small discrete elements that respect the property and its surrounds. The black internally illuminated polycarbonate signs with silver lettering that are on either side of the central doorway over the large windows are relatively large and fill a substantial part of the gap below the first floor windows, concealing a section of the banding. As a result, the Inspector concluded that the 2 black signs harm the amenity of the locality as they detract from the special architectural and historic interest of this Grade II listed building and they fail to preserve the character or appearance of the conservation area.

### **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,

[nigel.bell@cherwell-dc.gov.uk](mailto: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](mailto: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	
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
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