

Cherwell District Council

Planning Committee

2 October 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 None

Forthcoming Public Inquiries and Hearings between 2 October 2014 and 30 October 2014

- 2.2 None

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Allowed the appeal by Mr Kevin Hall against the refusal of application 14/00085/F for the replacement of an existing mobile home with a three bedroom, two storey agricultural workers dwelling for the purpose of housing the main farm worker on site – within sight and sound of the livestock kept on site throughout the year at Cowpastures Farm, Thame Road, Piddington, Bicester. (Delegated)** – The Inspector concluded that there is a functional need for a worker to live on or nearby the farm and that there appears to be a sound financial basis to support the costs of a new property on the site but that there is no

alternative accommodation nearby. As a result, there is an essential need for a rural worker to live permanently at Cowpastures farm. As such the proposal does not conflict with Policies C8 and H18 of the Cherwell Local Plan and is consistent with paragraph 55 of the Framework.

Allowed the appeal by Cala Homes Ltd against the refusal of application 13/00996/F for residential development of 26 units at Land off Banbury Road Adderbury (Committee) – In the Inspector’s view, the proposed scheme would represent high quality and inclusive design and provide an acceptable mix of affordable housing to meet the needs of the local community. The scheme would have a moderate adverse effect on landscape character and a major adverse, albeit localised, visual impact conflicting with the objectives of relevant Cherwell Local Plan policies. However, having regard to the Framework as a whole, these matters do not outweigh the significant benefit of delivering 25 units of residential accommodation of which 9 would be affordable housing in a settlement which is acknowledged as sustainable and in an area where there is a lack of a 5 year supply of housing.

Dismissed the appeal by Mrs Jackie Noquet against the service of an enforcement notice 13/00383/EUNDEV alleging a breach of planning control at Land at Bishops End, Burdrop - without planning permission, the erection of a timber cabin on the land (Delegated) - The Inspector concluded that the appeal building is harmful to the character and appearance of the conservation area and that there were no other considerations which outweigh that harm. The development is contrary to policies C7, C9, C13 and C23 of the Cherwell Local Plan.

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 nicola.jackson@cherwellandsouthnorthants.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	
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