

Cherwell District Council

Planning Committee

30 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 **14/00142/OUT – The Firs Garage, Hook Norton**, appeal by Mr Dean Wood against the refusal of planning permission for OUTLINE – Staff Cottage. Written Reps

14/00136/ECOU – The Firs Garage, Hook Norton, appeal by Mr Dean Wood against the service of an enforcement notice alleging a breach of planning control in that without planning permission, the use of the land for the siting of a mobile home; erection of a timber fence and installation of wooden decking. Written Reps

14/00320/F - Field Cottage, Fritwell Road, Fewcott, appeal by Mr & Mrs A Farha against the refusal of planning permission for the change of use of land to residential curtilage and construction of a garage/stables with storage space above-
Written Reps

14/00844/OUT – OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm, Sibford Road, Hook Norton, appeal by Gladman Developments Ltd against the refusal of planning permission for the erection of 54 dwellings, landscape, public open space and associated works – Inquiry

14/00153/OUT- Merton Stud, Merton, Bicester, appeal by Mr & Mrs Des O'Neill against the refusal of planning permission to demolish existing agricultural buildings and convert a single barn to a dwelling with the erection of two further detached dwellings – Written Reps

14/00847/F – Land forming part of the Long Barn, Millers Lane, Hornton, Banbury, appeal by Mr N Britton against the refusal of planning permission for the erection of a detached single storey dwelling, double garage, driveway and associated landscaping- Written Reps

14/01383/CLUP – Bishops End, Burdrop, Banbury, appeal by Mrs J Noquet against the refusal of an application for a Certificate of lawful use proposed for the change of use from A4 to A1- Written Reps

Forthcoming Public Inquiries and Hearings between 30 October 2014 and 27 November 2014

- 2.2 **Inquiry on Tuesday 11 November 2014, at Cherwell District Council Offices, Bodicote House, White Post Road, Bodicote at 10.00am to consider the appeal by Gleeson Developments Ltd** against the refusal of application 13/01758/OUT for an 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 at OS parcel 0051, North East of Crouch Hill Farm adjacent Broughton Road, Banbury

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Dismissed the appeal by Mr Michael Brown against the refusal of application 14/00117/OUT for the demolition of 308 Bretch Hill, the provision of an access road and the construction of four dwellings with parking (amended submission of 13/00555/OUT) at 308 Bretch Hill, Banbury (Delegated) –** The Inspector concluded that the development would appear excessively intensive and incongruous within its setting and would cause a substantial increase in the levels of noise and disturbance likely to be experienced in the rear gardens that adjoin the site to either side. In addition, the layout would cause very harmful overlooking of the garden of 310 Bretch Hill and consequently erode the living conditions of that property.

Refused the application by Mrs Jackie Noquet for an award of costs against the Council relating to an enforcement notice appeal 13/00383/EUNDEV alleging: Without planning permission, the erection of a timber cabin on the land at Bishops End , Burdrop, Banbury- The Inspector commented “ There is no persuasive evidence that the Council failed to co-operate with any request made by the appellant, or that prior discussions would have resulted in the appeal being avoided altogether or the issues being narrowed. I do not find the Council to have acted unreasonably in this regard.” The Inspector went onto conclude that an award of costs sought by Mrs Jackie Noquet against the Council is not justified.

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	
None	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk