

Cherwell District Council

Planning Committee

18 December 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 **14/00135/ECOU – 27 Park Road, Banbury**, appeal by Mr B Hassan Hanif against the service of an enforcement notice alleging a breach of planning control in that there has been an unauthorised change of use to 4 self –contained flats- Inquiry

Forthcoming Public Inquiries and Hearings between 18 December 2014 and 22 January 2015

- 2.2 **Inquiry commencing at 10.00am on Tuesday 13 January 2015 in the Council Chamber at Bodicote House, White Post Road, Bodicote** to consider the appeal by Gladman Developments Ltd against the refusal of planning application 14/00844/OUT for OUTLINE: Erection of 54 dwellings, landscape, public open space and associated works at OS Parcel 6680 North of Hook Norton Primary School and South of Redland Farm Sibford Road Hook Norton

Hearing commencing at 10.00am on Wednesday 21 January 2015 in the Sor Brook Room at Bodicote House, White Post Road, Bodicote to consider the appeal by Pandora Trading Ltd against the refusal of planning application 14/00825/OUT for OUTLINE: Development of up to 230 residential units (C3), local retail community facilities (Classes A and D1) with associated infrastructure, parking, open space and landscaping

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Dismissed the appeal by Mrs Judith Moyle against the refusal of application 13/01797/F for the retention of part of close boarded fence and close boarded pedestrian gate, and removal of close boarding to remainder of fence leaving the timber posts to support stock proof wire fencing at Herbley House, Church Road, Ardley (Delegated)** - The Inspector commented " I agree with the previous Inspector that a traditional post and rail fence with three rails with if necessary the addition of wire mesh would be more rural in character and allow the openness to be retained while at the same time achieving the appellant's objectives. Consequently, the proposed fencing fails to preserve the setting of this heritage asset and as such to allow it retention would be to disregard the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as reflected in both national and local policy".

Dismissed the appeal by the Brackenwood Family Trust against the refusal of application 14/00595/F for the erection of a new dwelling at 50 Church Lane, Yarnton (Delegated) – The Inspector was of the view that in Green Belt terms, openness means absence of buildings. Clearly any new building on this open field would harm the openness of the Green Belt. Furthermore, development of this land as proposed would conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

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	
Report Author	Bob Duxbury, Development Control Team Leader
Contact Information	01295 221821 bob.duxbury@cherwell-dc.gov.uk