

# Cherwell District Council

## Planning Committee

22 January 2015

### 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 **14/01531/OUT – Corner Farm, Station Road, Kirtlington, Kidlington**, appeal by Gladman Developments Ltd against the failure of the Council to determine the planning application within the appropriate period for : OUTLINE application for the demolition of the existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space - Inquiry

**14/01525/F- 32 Sycamore Road, Launton**, appeal by Mr Peter Chaundy against the refusal of planning permission for a first floor rear extension- Householder Written Reps

**14/01247/F – South Barn, Wigginton**, appeal by Mr & Mrs M Barnes against the refusal of planning permission for the removal of existing single storey link extension and replacement with one and half storey extension. Works to fenestration on the single storey wing- SW facing- Written Reps

#### **Forthcoming Public Inquiries and Hearings between 22 January 2015 and 19 February 2015**

- 2.2 None

## **Results**

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

- 2.3 **Dismissed the appeal by Novus Solar Developments Ltd against the refusal of application 13/01133/F for the installation of solar panels and associated equipment to enable energy generation for connection to the national grid at Long Hill Shutford (Committee)** - In the Inspector's view, the proposal would have an adverse effect on the character of the area, and would harm the appearance of the area. Overall, the proposal would have an adverse effect of moderate/major significance on the local landscape. The development proposed would be temporary, but the harm to the landscape would last for 25 years, and so would be significant. The harm is a consideration that weighs heavily against the proposal. The proposed development would conflict with LP policies C7, C8, C13 and C28

**Allowed the appeal by Mr & Mrs Ward against the failure of the Council to determine the planning application 14/00918/F within the appropriate period of 8 weeks for a garden shed at Plot 2, Rosemary, Main Street, Fringford-** The Inspector commented " The retrospective grant of planning permission by the Inspector on appeal APP/C3105/A/13/2203150 presupposed that the development had commenced. In the absence of any successful challenge to that Inspector's decision, the overall development, including the dwelling on Plot 2, has planning permission. This is notwithstanding any breach of condition 2, which required alterations to Plot 1 within 6 months." The Inspector went onto conclude that the proposed garden shed would be a discreet addition to the corner of the rear garden of Plot 2.

**Dismissed the appeal by Mr & Mrs Farha against the refusal of application 14/00320/F for a change of use of the land to residential curtilage and construction of a garage/stables with storage space above at Field Cottage, Fritwell Road, Fewcott (Delegated)** – In the Inspector's judgement, the proposed change of use would cause harm to the character and appearance of an area already effected by the siting of the lawful mobile home. Bearing this in mind, the Inspector could see no justification for either the scale or design of the proposed building to be influenced by any requirements for additional non-equine storage as this would be more appropriately accommodated within the existing extent of the domestic curtilage. The Inspector also agreed with the Council's assessment that the proposed building is far larger that would be appropriate for the relatively limited equine purposes and that both its size and design have more in common with a residential building that one principally proposed for stabling and equine storage.

**Dismissed the appeal by Gleeson Developments Ltd against the refusal of application 13/01758/OUT for: OUTLINE permission with some matters reserved for development for residential use of up to 117 residential dwellings with associated gardens, parking, landscaping, services and infrastructure and public open space, with access of Broughton Road. Approval for access, the development area and zone of building heights, with all other matters reserved (Committee)** – In the Inspector's view Crouch Hill is experienced in its landscape setting over a wide area, particularly in views on the approach from the west along Broughton Road and from higher land to the north/north-west on the far side of the road. In those views, it is clear, despite the expansion of Banbury over

the years, and taking into account of the recent but as yet unimplemented Banner Homes permission and the trappings/shelter belt planting associated with the nearby 'Pick Your Own' enterprise, that the Hill is still bounded, in no small part, by agricultural land/countryside. In this regard, nothing challenges, to any material degree, the dominance of Crouch Hill in the aspect from the north and west and nothing precludes the appeal site from playing a valuable role in the setting of the Hill. The open, undeveloped nature of the lower slopes on which the appeal site lies is inextricably linked to, and affords an appreciation of the significance of Crouch Hill, emphasising its relatively imposing nature (from which its significance as a heritage asset derives) even if they are not part of the asset itself.

The erection of up to 117 dwellings on the northern field would create a much stronger urban presence than is currently the case (and will be the case on implementation of the Banner Homes scheme) and would intrude into the experience of Crouch Hill when viewed from the north and west, with the consequence that the rural foreground that now informs an appreciation of the heritage asset would be diminished. There would be some harm, therefore, to the setting of Crouch Hill, and thus its significance although, in the parlance of the Framework, the Inspector considered that harm to be less than substantial.

The Inspector went onto conclude that there would be a significant adverse impact on the character and appearance of this part of the District, which impact would be compounded by some harm to the significance of the non-designated heritage asset that is Crouch Hill. There would be substantial environmental harm therefore, in allowing unjustified development in the countryside. There would also be conflict with the economic dimension of sustainability, which seeks to ensure, among other things, the delivery of land in the right place.

### **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.

## 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.

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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	
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
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