

Cherwell District Council

Planning Committee

19 February 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 **14/00107/F- Manor Farm Barns(The Barnhouse) Mollington Road, Claydon-** appeal by Mr R & Mrs P Ulyett against the imposition of condition 3 of 14/00107/F relating to the removal of permitted development rights on the application to extend the residential curtilage- Written Reps

14/01437/F – Fir Tree Farm Northampton Road Weston on the Green- appeal by Mr John Miller against the refusal of planning permission for (retrospective) Biomass boiler with flue- Written Reps

14/01702/PAMB – Home Farm, Mansmore Lane, Charlton on Otmoor, Kidlington – appeal by Mr & Mrs J Honour against the refusal of prior approval for permitted development rights for the Change of Use of agricultural building to a dwelling- Written Reps

14/01486/F- Telephone Exchange Stratford Road Drayton- appeal by Mr Terry Mason against the refusal of planning permission for proposed extension and alterations to disused telephone exchange to form 1 bed dwelling – Written reps

Forthcoming Public Inquiries and Hearings between 19 February 2015 and 19 March 2015

- 2.2 **Inquiry on Wednesday 18 March 2015 at 10.00am in the Council Chamber at Bodicote House, White Post Road, Bodicote** to consider the appeal by Mr D Smith against the refusal of application 13/01802/F for the change of use of land to provide 5 Romany Gypsy pitches and associated works including the construction of 5 day rooms, provision of 5 septic tanks and the laying of hardstanding at Land North West of Hill Cottage, Lower Heyford Road, Caulcott

Results

Inspectors appointed by the Secretary of State have:

- 2.3 **Allowed the appeal by Mr Norman Britton against the refusal of application 14/00847/F for the erection of a detached single-storey dwelling, double garage, driveway and associated landscaping at The Long Barn, Millers Lane, Hornton (Delegated)-** In the Inspector's view, the development of the site is a wholly logical rounding off given its position to the south west of the access to The Long Barn; at the end of the linear development this side of the road; and directly opposite the Perkins Close bungalows which form a linear development on the western side of Millers Lane. Furthermore any conflict with Local Plan Policies C27 and C28 is outweighed by the fact that the siting and high standard of design of the proposal are such that the development would be acceptable in terms of visual impact on the street scene and landscape, subject to the retention of existing trees. The conservation area, as an important designated heritage asset, would not be harmed by the appeal scheme. A final consideration, which in the Inspectors opinion added further weight albeit not in itself determinative, is the absence of any local objections to the scheme and indeed the strong support for the appellant from village residents.

Dismissed the appeal by Mr & Mrs Des O'Neill against the refusal of application 14/00153/OUT for the demolition of agricultural buildings (barns nos 2, 3, 4 & 5); Conversion of barn to dwelling (barn No. 1); Construction of two new detached dwellings & associated change of use from agricultural/equine to residential (Delegated)- The Inspector concurred with the view of the Council that the proposed development would not be within the settlement boundary and also that the appeal scheme would not be an infill development. Very limited weight was attached to the contention that the existing use of the site is harmful to the living conditions of nearby residents and the Inspector was unable to conclude that any significant environmental improvement would arise out of the proposed development. In addition, it is unclear how the loss of an equine business on the site would be a positive contribution to the vitality of the local community or rural economy. Evidence has not been presented to demonstrate that there is no market for the property as an equine business property. Therefore, it is far from clear that the appeal site is no longer suitable for an equine business or agriculture and that use of the site of the buildings for the creation of three dwellings would represent sustainable development with regard to the development's effect on the vitality of Merton.

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, 01295 221687,

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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.

Nigel Bell, Team Leader – Planning, 01295 221687,

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Comments checked by:

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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