

# Cherwell District Council

## Planning Committee

11 June 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

**14/01827/OBL – The Tally Ho In, 45 Ploughley Road, Arncott, OX25 1NY –** appeal by Mr John Attley against the refusal of a variation of planning obligation to approved application 13/01576/OUT.

**14/01861/F + 14/01862/LB – The Malt House, Weston Road, Bletchingdon, OX5 3DH –** appeal by Mr A Jordan and Ms N Roberts against the refusal of planning and listed building consent for the erection of two storey rear extension and first floor side extension including works to adapt dwelling. Raising roof of outbuilding to rear garden. Widening of existing entrance in frontage wall and provision of off-street car parking area.

**15/00244/PAMB – Barn West of North Aston to Somerton Road, OX25 6HX –** appeal by Mr Clive Busby against the refusal of Change of Use of agricultural building to a dwellinghouse (Use Class C3) and for associated operational development.

##### 2.2

## Results

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

**Allowed the appeal by Ms Juliana Duka against the refusal of application 14/01848/F for a single storey garden room at 4 Axtell Close, Kidlington, Oxfordshire, OX5 1TW (Delegated)** – The Inspector concluded that the main issue was the effect of the proposal on the character and appearance of the area. However considering the site locality and similar boundary treatments in the area, the Inspector did not consider that the fence would be either inappropriate or unduly prominent in the street scene. As such the proposal would not harm the character and appearance of the area and there would be no conflict with Policy C28 of the Cherwell Local Plan.

**Dismissed the costs application made by Ms Juliana Duka against the refusal of application 14/01848/F for a single storey garden room at 4 Axtell Close, Kidlington, Oxfordshire, OX5 1TW (Delegated)** – The Inspector concluded that they did not find any evidence of unreasonable behaviours resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

**Allowed the appeal by Mr and Mrs P Kyte against the refusal of 14/00447/LB and 14/00448/F for planning and Listed Building consent to build 1 no. new dwelling and repositioning of front boundary wall without complying with conditions 2 and 10 attached to planner permission 12/00059/F, dated 22 March 2012 at 17 Freehold Street, Lower Heyford, Bicester, OX25 5NS (Delegated)** – The Appeal was split into Appeal A for planning permission and Appeal B for listed building consent.

The main issues, that the Inspector took into consideration were regarding the listed boundary wall should be retained in its current form and regularised; secondly, the suitability of the vehicular access to the appeal property.

The Inspector concluded that the heritage benefits of retaining the boundary wall its current position outweigh the limited worsening of visibility on leaving the appeal site. The appeal proposal preserves the special architectural and historic interest, or the significance, of the curtilage listed wall and preserves the character and appearance of the Rousham Conservation Area. It therefore accords with Government guidance set out in the Framework and the similar objectives of Policy ESD16 of the Submission Cherwell Local Plan (January 2014) which seeks to conserve the character of the built and historic environment, including the respecting landscape features for high quality design set out in Policy C28 of the Cherwell Local Plan which is also broadly consistent with the Framework. Accordingly conditions 2 and 10 are varied in accordance with the submitted details and listed building consent is granted for the boundary wall as detailed in both applications. As the works have already been carried out there is no need for any conditions.

## 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.

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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,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.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:

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[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.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**

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
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