

# Cherwell District Council

## Planning Committee

9 July 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

**14/00382/LB – Little London, Sibford Ferris, OX15 5RG** – appeal by Miss Helen Priestley against the refusal of Listed Building consent for the replacement of rear window with French doors.

**14/01809/F – Land to West of No 28 The Green and Adjacent to Vespasian Way, Chesterton** – appeal by Mr Nick Parkinson against the refusal of Erection of 10 no. dwellings with associated means of access, car parking and landscaping.

**15/00439/F – 41 Chatsworth Drive, Banbury, OX16 9TT** – appeal by Mrs Kochurani Shaju against the refusal of two storey side extension.

## 2.2 **Forthcoming Public Inquires and Hearings between 9<sup>th</sup> July and 6<sup>th</sup> August 2015**

**Public Inquiry commencing Tuesday 14<sup>th</sup> July 2015 at 10:00 am in the Council Chamber at Bodicote House, White Post Road, Bodicote.** Appeal by Gladman Developments Ltd against the refusal of application 14/01531/OUT for proposed demolition of existing bungalow and agricultural buildings and residential development of up to 95 dwellings including highway works, landscaping and public open space, at Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington

## 2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) **Dismissed the appeal by Mr Miller against the refusal of a retrospective application 14/01437/F for a bio-mass burner with flue at Fir Tree Farm, Northampton Road, Weston on the Green, Oxfordshire, OX25 3QL (Delegated)** – The Inspector concluded that the proposed is not inappropriate development in the Green Belt; although there would be some effect on openness it would not cause material harm to the Green Belt. However, the Inspector found that the flue would be harmful to the character and appearance of the building, the surrounding area and nearby heritage assets all of which add significant weight. Moreover the Inspector was not satisfied based on the information submitted, that the level of smoke emanating from the flue would not be harmful to the living conditions of neighbouring residents. The Inspector is mindful that the harm identified would be permanent and in this particular case is not outweighed by any benefits the use of a sustainable energy source affords.
- 2) **Dismissed the appeal by Mrs Marion Mason-Curtis against the refusal of application 14/01853/LB for a proposed installation of a cat flap in the front door at 1 Building 29, The Parade, Caversfield, Bicester, Oxfordshire, OX27 8AD (Delegated)** – The Inspector concluded that the proposed works would have an adverse impact on the historic significance and character of the Grade II Listed Building and in turn would neither preserve nor enhance the character or appearance of the RAF Bicester Conservation Area.
- 3) **Dismissed the appeal by Mr Bliss and Mrs Hope against the refusal of application 13/01941/OUT for the erection of 7 dwellings at Land to the rear of Valley View and Orchard View, St Thomas Street, Deddington, Oxfordshire OX15 0SY (Delegated)** – The Inspector concluded that proposal would fail to preserve either the setting of Deddington Castle or the character and appearance of the Deddington Conservation Area. It would result in harm to the significance of these designated heritage assets.  
Paragraph 134 of the Framework requires this harm to be weighed against the public benefits of the scheme, including heritage benefits and other benefits. The Inspector attached little weight to the claimed heritage benefit of enhancing the view of the castle from St Thomas Street. The castle is already visible to some extent and the benefit of any additional visibility would be outweighed by the impact of the proposed development. That said, the delivery of 7 dwellings was seen as an important benefit. However the Inspectors concluded that it was insufficient to outweigh the harm that would be caused to the significance of the castle and the conservation area, whether considered individually or collectively.

Whilst the Inspector noted that the Council at the time of the appeal could not demonstrate a 5 year supply of housing sites, the presumption in favour of sustainable development set out in paragraph 14 of the Framework does not apply because the proposal would conflict with the policies of the Framework relating to designated heritage assets.

- 4) Allowed the appeal by Mr Michael Hawkins against the refusal of proposed barn/ stables at The Old Wharf, Aynho Road, Adderbury, Banbury, OX17 3NT (Delegated)** – The Inspector concluded that the main issue in the case was the effect of the proposed development on the character and appearance of the area. The Inspector noted the land lies in an isolated countryside position and that previous planning permission have been granted for alterations and extensions to the Old Wharf including the replacement of a block of stables with garaging. The proposal that forms the subject of the appeal is for stabling to replace those that will be lost plus storage for, amongst other things, machinery associated with the maintenance of the land.

The Inspector goes on to say the land that the proposed barn/stables is sited upon would not occupy an open position but instead, from long range views would be viewed against the backdrop of the vegetation, and would be partly screened by the new planting in front of it. As such the building would not be a prominent feature in the landscape. The Inspector accepts that in winter months tree coverage may not be as dense, however in her judgement the position of the building and the level of screening is sufficient to prevent the building appearing exposed.

- 5) Allowed the appeal by Mr Terry Mason against the refusal of application of Proposed extension and alterations to disused telephone exchange to form 1 bed dwelling at Telephone Exchange, Stratford Road, Drayton, Banbury, OX15 6EF (Delegated)** – The Inspector concluded that the main issue is the effect of the proposal on the character and appearance of the Drayton Conservation Area.

The appeal building is located on the edge of the village with open fields to the rear and on the eastern side. On the western side there is a group of 3 modern houses built in a traditional style. The telephone exchange probably dates from the 1950-1960's. The Inspector notes that the exchange is small, rectangular brick building under a pitched roof. It has no particular architectural interest and neither the design nor the materials are characteristic of the Conservation Area. The Inspector concluded that the proposal would not be harmful to the character and appearance of the conversation area. The character and appearance of the Conservation Area would be preserved and its significance as a designated heritage asset would be unharmed. Policy C27 of the Cherwell Local Plan (LP) seeks to ensure that developments in villages respect the historic settlement pattern. The appeal scheme would not change the siting of the building or its relationship with the settlement pattern of Drayton to any material extent. LP Policy C28 seeks to ensure that the design of development is sympathetic to its context. In this case the design would maintain the simple character of the building and it is the Inspectors view that there would be no conflict with these policies. Nor would there be any conflict with the policies of the National Planning Policy Framework (the Framework).

### **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](mailto: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, 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:

Nigel Bell, Team Leader – Planning, 01295 221687,  
[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

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Technical Support Officer, Development Directorate
Contact Information	01295 221811 <a href="mailto:tom.plant@cherwell-dc.gov.uk">tom.plant@cherwell-dc.gov.uk</a>