

# Cherwell District Council

## Planning Committee

6 August 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

**15/00372/F – Land Off Rectory Close, Bicester Road, Middleton Stoney –**  
Appeal by Mr and Mrs B Sporn against the refusal of planning permission for the erection of 1 no. dwelling.

**14/01711/F + 14/01712/LB – Model Farm, Bletchington Road, Hampton Poyle, Kidlington, OX5 2QG –** Appeal by Mr J Brewer against the refusal of planning and listed building consent for the alteration and extension of Model Farm House to incorporate the change of use of existing farm buildings into ancillary residential use. Landscaping and relocation of modern agricultural building - Re-submission of 14/00483/F.

**15/00285/F – 1 Jerome Way, Shipton-on-Cherwell, Kidlington, OX5 1JT –**  
Appeal by Mrs Anna Capilli Francis against the application permitted on 27<sup>th</sup> April 2015. ( Note - this has been raised with the Planning Inspectorate as a potential error, and the appellant may be intending to appeal a later decision against the refusal of planning permission (15/00882/F) for the Erection of two storey side extension - re-submission of 15/00285/F.

**15/00454/OUT – Land North of the Green Lane and East of the Hale, Chesterton** – Appeal by Ms Philippa and Georgina Pain against the refusal of planning permission of up to 51 Dwellings with vehicular access from The Hale together with public open space and surface water retention pond and associated infrastructure

**15/00744/F – Annaway, Sibford Road, Epwell, Banbury** – Appeal by Mr and Mrs Kevin Lewis against the refusal of planning permission for the demolition of existing garage and replacement with timber frame garage.

## 2.2 **Forthcoming Public Inquires and Hearings between 6<sup>th</sup> August and 3<sup>rd</sup> September 2015**

**Hearing commencing Tuesday 25<sup>th</sup> August 2015 at 10:00 in the River Cherwell Meeting Room at Bodicote House, White Post Road, Bodicote.** Appeal by Mr John Attley against the refusal of application 14/01827/OBL for the variation of planning obligation to approved application 13/01576/OUT, at The Tally Ho Inn, 45 Ploughley Road, Arncott, Arncott, Oxfordshire.

## 2.3 **Results**

Inspectors appointed by the Secretary of State have:

**1) Dismissed the appeal by Mrs Barbara Gadd against the refusal of planning permission of demolition of existing commercial office and stable block and construction of a detached dwelling with garage, at Blenheim Cottage, Millers Lane, Hornton, Banbury (Delegated).** The Inspector concluded that the main issues in this case were, first the effect of the proposal on the setting and significance of St John the Baptist Church a Grade 1 listed Building, and, linked to that, whether the proposal would preserve or enhance the character or appearance of the Horton Conversation area; and secondly whether the proposal would represent a sustainable form of development having regard to the provisions of national and local planning policy.

The Inspector noted that the proposed dwelling, which would be two storeys in height with some single storey elements, would be located to the south-east corner of the site, in close proximity to the boundary with the Church. Given the location of the building, and the difference in levels between the two sites, the proposed dwelling would be prominent when viewed from within the Church ground and in the Inspector's judgement would visually dominate the setting of the Church. The proposed dwelling would be significantly taller than existing buildings and have greater building mass. For these reasons the proposal would affect the setting of the Grade 1 Listed building,

In terms of the conservation area, Section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. The proposed dwelling, whilst it would be constructed in stone and have a steeply pitched roof, would have a roughly T Shaped plan form with a series of roofs at different heights. As such it would have a more

complex appearance than the simple dwellings that contribute positively to the character of the conservation area. In addition, the dwelling would be located on land that has no frontage to a public highway but rather would be positioned at the end of a long access track. Consequently the proposed dwelling would have the appearance of an alien insertion that would not respect the pattern of appearance of residential development in the area.

Finally in terms of sustainability the inspector noted that whilst there is some very limited economic and social benefit from the provision of one additional dwelling, and the site lies in a reasonably sustainable location, the development would not meet the environmental role of sustainability in terms of preserving the natural, built and historic environment. The development would therefore be unsustainable and as such, contrary to the principles of sustainability set out in the Framework and to the aims of Policy H14 of the Local Plan.

### **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:

Kate Crussell, Service Accountant, 01327 322188

Kate.Crussell@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.  
Nigel Bell, Team Leader – Planning, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

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**

| <b>Appendix No</b>  | <b>Title</b>   |
|---|--|
| None  |  |
| <b>Background Papers</b>  |  |
| All papers attached to the planning applications files referred to in this report |  |
| <b>Report Author</b>  | Tom Plant, Appeals Administrator, Development Directorate                                      |
| <b>Contact Information</b>  | 01295 221811<br><a href="mailto:tom.plant@cherwell-dc.gov.uk">tom.plant@cherwell-dc.gov.uk</a> |