

# Cherwell District Council

## Planning Committee

3 September 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 **15/00882/F – 1 Jerome Way, Shipton-on-Cherwell, Kidlington, OX5 1JT –** Appeal by Mrs Anna Capilli Francis against the refusal of planning permission for the Erection of two storey side extension - re-submission of 15/00285/F. (Note – the original reference number for this appeal had been 15/00285/F, however the error had been noted by the Inspectorate and the appeal application has now been corrected).

**15/00588/F – The New House, Horton Hill, Horton-cum-Studley, Oxfordshire, OX33 1AY** Appeal by Mrs Cakebread against the refusal of planning permission for the erection of outbuilding to form double garage and garden store to rear of dwelling.

**15/01084/F – 2 Linecraft Close, Kidlington,** Appeal by Mr and Mrs Gooch against the refusal of planning permission for a front extension.

## 2.2 **Forthcoming Public Inquires and Hearings between 3 September 2015 and the 1 October 2015**

None

## 2.3 **Results**

Inspectors appointed by the Secretary of State have:

### **1) Allowed the appeal by Mr D Berlouis against the refusal of planning permission for the conversion of existing building into a self-contained dwelling with associated Highway Safety access improvements works – re-submission of 13/00894/F Orchard Way, The Paddock, Heyford Road, Somerton, Bicester (Committee).**

The Inspector concluded that there was only one main issue, that is the effect of the proposal on the character and appearance of the area including the effect on the Somerton Conservation Area.

The Inspector noted the appeal site's extensive planning history, however he considered it is clear that majority of any harm to the settlement pattern which may be alleged would have taken place as a result of the construction of the building and the track. The effect of the proposed use on the settlement pattern, which is the matter dealt with by the LP Policy C27, is very limited. It is noted that the access track is within the Conservation Area, however the appeal site and its surroundings are excluded and as such the proposed use of the building, located some distance from the boundary would not have any effect on the Conservation Area. The widening of the access track, within the Conservation Area, necessitated for highway safety reason, would not have any significant effect of the character or appearance of the area as the track exists at present and its alteration would not be significant in conservation terms. Overall, the proposal would not harm the character and appearance of the area, and would be neutral in its effect on the Somerton Conservation Area.

### **2) Allowed the appeal by Mr David Smith against the refusal of planning permission for the change of use of land to 5 no. Romani Gypsy pitches and associated works comprising of 5 no. day rooms, 5 no. septic tanks and laying of hard-standing – Land to the North of lay-by and North-West of Hill Cottage, Lower Heyford Road, Caulcott (Committee).**

The Inspector concluded that the main issues in this appeal are whether the site is in a sustainable location for the change of use for which planning permission is sought, having regard to local and national planning policy, and whether other matters outweigh any shortcomings in terms of sustainability.

On balance the Inspector noted that the appeal site is not in an unsustainable location for a gypsy and traveller site with its location within the terms set out in Planning Policy for Travellers Site (PPTS). Other considerations of the personal circumstances of the appellant and the unmet need for sites within Cherwell District add weight in favour of the grant of planning permission. The site is well located in respect of proximity to the nearest settled community of Caulcott and, would not dominate it. Appropriate layout of the site and additional landscaping would ensure that there would be no unacceptable effect on the living conditions of the occupiers of Hill Cottage.

**3) Dismissed the cost application by Mr David Smith against the refusal of planning permission for the change of use of land to 5 no. Romani Gypsy pitches and associated works comprising of 5 no. day rooms, 5 no. septic tanks and laying of hard-standing - Land to the North of lay-by and North-West of Hill Cottage, Lower Heyford Road, Caulcott (Committee).**

The Inspector noted that the appellant did not incur unnecessary or wasted costs in the pursuit of the appeal and a full award of costs is not justified. The two additional reasons for refusal were withdrawn promptly following the submission of the appeal. The Council acted sensibly in doing so following consideration of the Grounds of Appeal. The Council's behaviour was not unreasonable and the appellant was spared the expense of providing evidence and pursuing these matters. A partial award of costs is not, therefore, justified.

**4) Dismissed the appeal by Mr and Mrs A Beadle against the refusal of planning permission for a two storey detached building for garages and home office – Resubmission of 14/01009/F– Lodge Farm, 7 Heathfield Cottages, Heathfield, Bletchington (Delegated).**

The Inspector concluded that the main issues in the appeal were, whether the proposed building would be inappropriate development in the Green Belt having regard to the NPPF and the Local Plan, the effect of the proposed building on the openness of the Green belt, and would the harm (if any) by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposed building.

The Inspector noted that the proposed building would clearly comprise a new building in the Green Belt and that the building would be of a sufficient distance from the main house so as not to be regarded as an extension of that building or any other building. Even if the proposed building could be considered to be an extension of the dwelling-house, the Inspector considered that it, together with the existing extensions to the dwelling-house and the various outbuilding within its curtilage would result in disproportionate additions over and above the size of the original dwelling at Lodge Farm.

He therefore concluded that the proposed building would be inappropriate development in the Green Belt and contrary to the relevant parts of the NPPF and the Local Plan. The Inspector did not consider that the other considerations referred to cumulatively outweigh the substantial harm that results from the inappropriate development that would be caused by the proposed building and the loss of openness that would result from the proposed building.

### **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](mailto: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.

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