

Cherwell District Council

Planning Committee

29 October 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 **15/01079/F – Highfield Social Club, George Street, Bicester, OX26 2EE –**
Appeal by Highfield Social Club against the refusal of planning permission for removal of roof feature, internal alterations and the erection of a two storey front extension (revised scheme of 14/02165/F).
- 15/01354/F – Applea Banks, Lower Street, Barford St. Michael, Banbury, OX15 0RH –** Appeal by Mr Christopher Churchill against the change of use of land to the rear of Applea Banks to domestic garden.
- 15/01234/F – Adderbury House, Lake Walk, Adderbury, OX17 3PE –** Appeal by Mrs M Shingler against the refusal of planning permission for a single storey side extension; associated landscaping and restoration of garden area.
- 15/01235/LB – Adderbury House, Lake Walk, Adderbury, OX17 3PE –** Appeal by Mrs M Shingler against the refusal of Listed Building consent for a single storey side extension; associated landscaping and restoration of garden area.
- 15/01103/F – Bishops End, Burdrop, Banbury, Banbury, OX15 5RQ –** Appeal by Mr Geoffrey Noquet against refusal of removal of conditions 3 and 4 of planning

permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling.

15/01403/F – Land to the Rear of 181 and 183 The Moors, Kidlington, OX5 2AE
– Appeal by Mr Matthew Grimes against the refusal of planning for erection of a two storey building which will contain 1 No one bedroom flat, two single garages, bicycle and bin store and associated parking.

2.2 **Forthcoming Public Inquires and Hearings between the October 29th November 26th.**

None

2.3 **Results**

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Murex Energy Limited against the refusal of planning permission for erection of a single wind turbine with maximum blade tip height of 77m, formation of new vehicular access track and associated infrastructure – OS Parcel 0313 East of M40 Adjoining and South of March Road, Mollington – 14/00011/F (Committee).

The Inspector in his report concluded that the benefits of the proposal attracted significant weight in favour. The proposal would have no harmful impact on living conditions, and neither would it undermine the safety of horses and their riders, operations at Shotteswell Airfield, or aircraft. It would cause a moderate degree of landscape harm but on its own that would be insufficient to outweigh the benefits.

However, the Inspector noted that the impact of the proposal on the setting, and thereby the significance, of the Obelisk, and the significance of the Registered Park and Garden (RPG), needed to be factored in too. By dint of the operation of s.66(1) of the Act, the harm that would be caused to the setting of the Obelisk weighed heavily against the proposal. The harm that would be caused to the significance of the Obelisk and the RPG added to that. When those strong negative factors were added to the imaginary scales, it was the Inspector's conclusion that the benefits the proposal would bring forward were insufficient to outweigh the harmful impacts it would cause.

The Inspector concluded that, on that basis, the proposal failed to accord with Local Plan Policy ESD 5, which deals specifically with renewable energy proposals, and the Local Plan Policy PSD 1. A proposal of this nature that had more negative impacts than benefits could not be described as a sustainable form of development. Given that the impacts would not be, and could not be made, acceptable, the proposal also failed to accord with the framework.

2) Allowed the appeal by Mr & Mrs Kevin Lewis against the refusal of planning permission for demolition of existing garage and replacement with timber frame garage – Annaway, Sibford Road, Epwell, Banbury,

OX15 6LH – 15/00744/F (Delegated).

The Inspector concluded that the main issue was the effect of the proposed garage on the character and appearance of the area around Sibford Road in the location within Epwell. However, considering the site context, the siting (being set back within the plot), proposed landscaping of the proposal and similar development opposite the site at Westwell, the Inspector did not consider that the garage would be either inappropriate or unduly prominent in the street scene. As such, the Inspector concluded that the proposed garage would not be harmful to the character or appearance of Sibford Road and there would be no conflict with Policy C28 or C30 of the Cherwell Local Plan.

3) Dismissed the appeal by Mrs Anna Capillie Francis against the refusal of planning permission for the erection of two storey side extension - re-submission of 15/00285/F – 1 Jerome Way, Shipton-on-Cherwell, Kidlington, OX5 1JT – 15/00882/F (Delegated).

The Inspector concluded the main issue in the appeal to be whether the proposed extensions represented inappropriate development in the Green Belt and, if so, whether the harm to the Green Belt, and any other harm, was clearly outweighed by any other considerations.

The Inspector noted that the floorspace resulting from the proposed extensions, and including an earlier single-storey rear extension, would represent an addition of some 87% to the original dwelling and concluded that this would be disproportionate representing inappropriate development in the Green Belt. The Inspector also concluded that the proposal would harm the openness of the Green Belt.

The Inspector concluded that the other considerations put forward by the appellant did not clearly outweigh the harm to the Green Belt that would be caused by the proposed development, and that there were, therefore, no very special circumstances to justify the inappropriate development.

The Inspector concluded that the proposed development was therefore contrary to Policy ESD14 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the NPPF.

4) Dismissed the appeal by Mrs Kochurani Shaju against the refusal of planning permission for a two storey side extension – 41 Chatsworth Drive, Banbury, OX16 9TT – 15/00439/F (Delegated).

The Inspector concluded that the proposed extension, by virtue of its scale, orientation and proximity to neighbouring properties, would be harmful to the character and appearance of the area around this part of Chatsworth Road, and would also be harmful to the living conditions of the occupiers of No. 43 Chatsworth Road by way of the impact on light and outlook. On this basis the Inspector concluded the proposed would conflict with Policies C28 and C30 of the Cherwell Local Plan 1996 which require development to be sympathetic to the character of its urban context, and to be compatible with the layout of existing dwellings in the vicinity and with the scale of the existing dwelling, its curtilage and the character of the street scene.

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

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

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	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk