

# Cherwell District Council

## Planning Committee

26 November 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 **15/00250/OUT – Land South Of And Adjoining Bicester Services, Oxford Road, Bicester** – Appeal by CPG Development Projects Limited against the refusal of outline planning permission for 3 No Class A1 (retail); 3 No Class A3 (cafe and restaurants); 1 No Class D2 (gym); surface level car park, access, servicing and associated works.

- 2.2 **Forthcoming Public Inquires and Hearings between the November 26<sup>th</sup> and December 17<sup>th</sup> 2015.**

**Hearing commencing Tuesday 15th December 2015 at 10:00 am in the Council Chamber at Bodicote House, White Post Road, Bodicote.**

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

## 2.3 Results

Inspectors appointed by the Secretary of State have:

**1) Dismissed the appeal by Miss Helen Priestly against the refusal of Listed Building consent for the replacement of rear window with french doors – Little London, Main Street, Sibford Ferris, Banbury, OX15 5RG – 14/00382/LB (Delegated)**

The main issue in this appeal was the effect of the proposed works on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Sibford Ferris Conservation Area (CA).

The inspector commented on the attractive appearance of the existing building and noted *‘the proposed french doors are not a feature that would be found on properties such as Little London, and to my mind they would appear as an alien and entirely inappropriate feature, even on the rear elevation. Furthermore, the doors would detract from those elements that make an important contribution to its special architectural and historic interest including its (still) traditional form and appearance’*. He concluded that the proposal to insert french Doors would not outweigh any public benefits there might be.

It is worth noting that an alternative was suggested to the applicant which involved the insertion of the doors within the previously extended part of the dwelling. However, the appellant was not willing to amend the proposal in this way.

**2) Dismissed the appeal by Inglenook Properties Ltd against the refusal of planning permission for the erection of 5 new dwellings with associated landscaping – The Depot and The Bungalow, Cumberford Hill, Bloxham, OX15 4HL – 14/02147/F (Delegated)**

The Inspector in his report concluded that the excessive scale and contrasting form of the development was inappropriate and out of character with the area and would result in material harm.

The height and mass of the proposed dwellings combined with their proximity to boundaries with neighbouring properties meant that they would overshadow and be overbearing on these neighbours. The first floor windows were also criticised due to loss of privacy.

The employment site was redundant and sufficient marketing had been carried out without genuine interest being expressed. There was therefore no objection to the principle of residential development.

## 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:

Denise Taylor, Group Accountant, 01295 221982,  
[denise.taylor1@cherwellandsouthnorthants.gov.uk](mailto:denise.taylor1@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

Appendix No	Title
None	
Background Papers	
All papers attached to the planning applications files referred to in this report	
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