

Cherwell District Council

Planning Committee

17th December 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 **14/01601/LB – Chancel Cottage, Fir Lane, Steeple Aston, OX25 4SF – Appeal** by Mr Justin Grainger against the refusal of listed building consent for internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension.
- 2.2 **Forthcoming Public Inquires and Hearings between December 17th 2015 and January 21st.**

None

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by Mrs M Cakebread against the refusal of planning permission for the erection of outbuilding to form double garage and garden store to rear of dwelling – The New House, The Green, Horton-cum-Studley, OX33 1AE 1- 15/00588/F (Delegated)**

The only issue in this case related to harm the proposed development would have on the Oxford Green Belt. Planning permission had previously refused for a new dwelling in the appellant's rear garden. Although the principal of this follow-up application for a new garage on a similar footprint was considered to be acceptable in principle, the case officer felt that the proposed building could be significantly reduced in height without compromising the function of the building. The appellant was unwilling to compromise. The Inspector agreed with the case officer's assessment and concluded that the applicant had not demonstrated any very special circumstances to overcome the identified harm to the openness of the Green Belt.

- 2) Allowed the appeal by Mr Clive Busby against the refusal of prior approval for change of Use of agricultural building to a dwellinghouse (Use Class C3) and for associated operational development – Barn west of the North Aston to Somerton Road, North Aston, OX25 6HX – 15/00244/PAMB (Delegated)**

The Inspector considered that the main issues were whether the proposed conversion of a former sports pavilion was permitted development within Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO); which allows for the change of use of an agricultural building and land within its curtilage to a C3 (dwellinghouses) Class Use. Secondly, if it was permitted development, whether prior approval should be given, in the light of the considerations in GPDO.

The inspector considered the evidence submitted by the applicant was sufficient to demonstrate that the former sports pavilion had last been used for the purposes of agriculture and that the building could be converted without the need for new structural elements to be included in any operational development; concluding that it therefore met the criteria within the GPDO to be considered as falling within permitted rights.

The Inspector agreed with Authority's opinion that further detail was required in respect of the visual appearance of the proposed converted building and agreed with the approach suggested by officers, in terms of imposing relevant conditions to any such approval. Approval was therefore given subject to: the development being completed within a period of three years from the date of the decision and that no development was to take place until full details of the design and external appearance of the development have been submitted to and approved in writing by the Local Planning Authority'

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.Taylor@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	
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