

Cherwell District Council

Planning Committee

21 January 2016

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 **15/00949/F – Model Farm, 19 Bletchingdon Road, Hampton Poyle, OX5 2QG** – Appeal by Mr J Brewer against the refusal of planning permission for alteration and extension of Model Farm House and alterations to existing farm buildings to facilitate conversion to ancillary residential use; landscaping and relocation of modern agricultural building - re-submission of 14/01711/F.

15/00950/LB - Model Farm, 19 Bletchingdon Road, Hampton Poyle, OX5 2QG – Appeal by Mr J Brewer against the refusal of listed building consent for alteration and extension of Model Farm House and alterations to existing farm buildings to facilitate conversion to ancillary residential use - re-submission of 14/01712/LB.

15/01144/F – Garage Block Adjacent 29 Westbeech Court, Banbury – Appeal by Mr N White against refusal of planning permission for construction of 3 new houses and associated parking with access from Westbeech Court - Re-submission of 15/00300/F.

15/01289/OUT - Le Wannik, Harrisville, Steeple Aston, OX25 4RP – Appeal by Mr & Mrs R Needle against the refusal of planning permission for erection of single storey dwelling.

15/01425/F – 17 and 18 East Street, Banbury, OX16 3LL – Appeal by Mr J Kent-Baguley against refusal of planning permission for proposed second floor extension with associated internal and external works.

15/01639/F – The Bungalow, 52A Mill Street, Kidlington, OX5 2EF – Appeal by Mr G & Mrs J Moss against the refusal of planning permission for conversion and extension of outbuilding to form annexe.

15/01683/F – Land to the Rear of 62 High Street, Kidlington – Appeal by Mr Mark Hardy against refusal of planning permission for the erection of one dwelling.

15/01741/F – 12 South Street, Banbury, OX16 3LB – Appeal by Mr J Kent-Baguley against the refusal of planning permission for alterations and erection of second floor extension (Dual Application).

15/01742/F – 12A South Street, Banbury, OX16 3LB – Appeal by Mr J Kent-Baguley against the refusal of planning permission for Alterations and erection of second floor extension above first floor and rear two storey extension (Dual Application).

15/01782/F - 10 Marlborough Avenue, Kidlington, OX5 2AN – Appeal by Ms C Worth against the refusal of planning permission for two storey side extension and part two storey rear extension.

2.2 **Forthcoming Public Inquires and Hearings between and January 21 and February 18 2016**

Public Hearing commencing Tuesday 2nd February 2016 at 10am in the River Cherwell Meeting Room at Bodicote House, White Post Road, Bodicote. Appeal by Mr J Brewer against refusal of Planning and Listed Building Consent (14/01711/F + 14/01712/LB for 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

Public Hearing commencing Tuesday 2nd February 2016 at 10am at Kirtlington Village Hall, South Green, Kirtlington. Appeal by Gladman Developments Ltd against refusal of Planning permission (14/02139/OUT) for outline - Demolition of existing bungalow and agricultural buildings and residential development of up to 75 dwellings including highway works, landscaping and public open space, at Land West of Oxford Close and North of Corner Farm, Station Road, Kirtlington

2.3 **Results**

Inspectors appointed by the Secretary of State have:

- 1) Allowed the appeal by Gladman Developments Ltd against the refusal of planning permission for the erection of 54 dwellings, landscape, public open space and associated works – Land at Sibford Road, Hook Norton, Banbury – 14/00844/OUT (Committee).**

The Inquiry Inspector recommended that the appeal be allowed and Planning Permission granted subject to conditions and a planning obligation. At the time of the Inquiry the Council could not demonstrate a 5 year housing land supply. In the absence of a 5 year supply of residential land, significant weight was given to the benefit of additional housing within this sustainable location. It was concluded that the adverse impacts of granting planning permission (future occupants would be subjected to odour from the adjacent farm) are insufficient to significantly and demonstrably outweigh the benefit identified.

Following the Inquiry, the Cherwell Local Plan 2011-2031 (Part 1) was adopted and a revised Annual Monitoring Report (AMR) was published which concluded that the Council had a 5.1 year housing land supply.

The Secretary of State recovered the appeal. The Inspector's decision was upheld and the appeal was allowed. In making his decision, he did not question the Council's 5 year housing land supply figure and consider that the proposal for 54 dwellings was contrary to Policy Village 2, as that policy does not restrict the percentage of the 750 dwellings identified in this policy that may be built in any one village. He also attached significant weight to the fact that the appellant committed to providing 35% affordable housing, when undertaking the planning balance. In respect of the Hook Norton Neighbourhood Plan, the Secretary of State gave no more than moderate weight to the conflict with Policy HN-H1.

The Council are in the process of challenging the Secretary of State's decision.

2) Dismissed the appeal by Kestrel Ridge LLP against refusal of planning permission for conversion of the existing building to form a single dwelling with associated works – The Old Generator Building, Kestrel Ridge, Hill Farm, Shennington – 14/01946/F (Delegated).

The proposals were found to result in the creation of a new dwelling in an unsustainable rural location. No special circumstances applied to outweigh the harm due to the fact that the proposed conversion of the building would cause harm to the intrinsic landscape value of the Cotswolds AONB and the immediate countryside setting. The proposals were therefore found to be contrary to the development plan and inherently unsustainable when considered against the definition of sustainability in the NPPF.

3) Dismissed the appeal by Mr and Mrs Sporn against the refusal of planning permission for the erection of 1 no. dwelling – Land off Rectory Close, Bicester Road, Middleton Stoney – 15/00372/F (Delegated).

The Inspector agreed with the Council's assessment that, although not in an isolated location, the appeal site lies in the open countryside beyond the settlement boundary of Middleton Stoney. Notwithstanding this assessment, the Inspector only attributed limited weight to Policy H18 (new houses in the countryside) of the Cherwell Local Plan 1996 as it is more restrictive than Government guidance set out in the NPPF.

As Middleton Stoney is identified as a Category C settlement (i.e. one of the smaller less sustainable villages) this form of development does not accord with Policy Villages 1 of the Cherwell Local Plan 2011-2031 as it does not constitute

infilling or a conversion. Indeed, the Inspector ultimately concluded that any benefits relating to the scheme did not overcome the site's poor sustainability credentials and the identified landscape harm.

4) Dismissed the appeal by Hill Residential against the refusal of planning permission for erection of 10 no. dwellings with associated means of access, car parking and landscaping – Land to the South of Green Lane, Chesterton – 14/01899/F (Committee).

The Inspector resolved that as the Local Plan has only recently been endorsed and adopted there is insufficient evidence to demonstrate that the Council does not have a five year housing land supply and therefore paragraph 14 of the Framework should not be engaged. On the issue of landscape impact he noted that as part of the earlier planning permission, the appeal site would have been informal open space with opportunities for planting to soften and filter views of the permitted residential development from the surrounding countryside. In dismissing the appeal the Inspector concluded that the dwellings would consolidate housing on the edge of the settlement for the reasons stated and would thereby adversely and visually intrude into its local landscape setting at a major entry point into the village.

5) Allowed the appeal by Mr and Mrs Gooch against the refusal of planning permission for a front extension – 2 Lincraft Close, Kidlington – 15/01084/F (Delegated)

The only issue in this case related to harm the proposed development would have upon the visual amenities of the locality. The Council concluded that the proposal would be an incongruous form of development that would be out of keeping with the appeal property and that it would be visually intrusive in the streetscene, contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. Whilst, the Inspector stated that there would be some conflict with the Development Plan due to the prominent position of the extension on the front of the dwelling and due to there being no other similar extensions within the locality, the Inspector noted that they were not persuaded that the character and appearance of the area is of such significance as to justify the preclusion of front extensions and that the proposed extension would not detract from the appearance of the existing dwelling. The Inspector therefore concluded that the proposal would not adversely affect the appearance of the existing bungalow or the streetscene.

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.

Comments checked by: Nigel Bell, Team Leader – Planning, 01295 221687,
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	
Background Papers	
No	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk