

Cherwell District Council

Planning Committee

4 August 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 **15/00304/EUNDEV Field Farm, Stratton Audley Road, Stoke Lyne.** Appeal by Mr Jones against the serving of an enforcement notice in connection with a Mobile Home and Decking.

15/02146/F 31 Crouch Hill Road, Banbury, OX16 9RG. Appeal by Mr Kent-Baguley against the refusal of planning permission for alterations and erection of one semi-detached dwelling.

15/02316/OUT OS Parcel 0070 adjacent and North of A41, London Road, Bicester. Appeal by Mr Reid against the non-determination of a proposal for outline planning permission for proposed development of up to 69,677sqm (750,000 sq feet) of logistics floorspace, within Class B8 of the Town and Country Planning use classes order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval.

16/00018/EUNDEV OS Parcel 4400 South of Manor Farm House and East of North Aston Hall Farm, Somerton Road, North Aston, OX25 6HY. Appeal by Mrs Durnham against the serving of an enforcement notice in connection with a static caravan being permanently lived in.

16/00030/ELISTD Ground Floor, 1-2 St Johns Place, South Bar Street, Banbury. Appeal by Mr Ali and Mr Ali Sadiq against the serving of an enforcement notice in connection with unauthorised works to a listed building.

16/00366/REM The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester. Appeal by Mr O'Neill against the refusal of reserved matters on application 15/00640/OUT, with regards to layout, scale, appearance and access.

16/00401/F + 16/00402/LB St Johns Place, South Bar Street, Banbury. Appeals by Mr Ali and Mr Ali Sadiq against the refusal of planning and listed building consent for the erection of existing single storey rear extension including cladding and removal of window (existing and unauthorised).

16/00615/F – 37 Dashwood Rise, Duns Tew, OX25 6JQ. Appeal by Mr Tolputt against the refusal of planning permission for the erection of a greenhouse to the principal elevation (retrospective).

16/00719/F + 16/00720/LB Tythe Barn, Goose Walk, Church Street, Bloxham, OX15 4JD. Appeals by Mr Tibbetts against the refusal of planning and listed building consent for conversion of dovecote to library.

2.2 Forthcoming Public Inquires and Hearings between 4th August 2016 and 1st September

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Mr Miller against the refusal of planning permission for outline erection of 2 bed house with garage. Land to the of 21 to 23 Parks Close and adjacent to Church Lane, Yarnton. 15/01359/OUT (Delegated)

The Inspector concluded that the main issues in the appeal were:

- Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework 2012 (the Framework).
- The effect of the proposal on the openness of the Green Belt;
- The effect of the proposal on the character and appearance of the open countryside;
- The effect of the proposal on non-designated archaeological remains; and
- If the proposal is inappropriate development, whether the harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The Inspector concluded that the proposed development would not conform to any of the specified exceptions in Paragraph 89 of the Framework in relation to development in the Green Belt as it was considered that the site was outside the village. On the particular matter of the definition of “limited infilling”, whilst the Inspector noted that this is not defined in the Framework, he nevertheless indicated that the definition of infilling used in the Local Plan could be used as the Local Plan had only recently been found sound “in relation to, amongst other things, consistency with the Framework”. Thus, the Inspector went on to state that the proposal would amount to inappropriate development in the Oxford Green Belt. The Inspector also stated that the proposal would lead to a loss of openness.

The Inspector noted that the proposal would detract from the rural character and quality of the immediate location, because of the site’s prominent location on an approach to the village of Yarnton which forms an important visual transition between the built-up core of the village and the sporadic, open countryside development to the south of the site. The Inspector concluded that the proposal would cause significant harm to the character and appearance of the open countryside.

The Inspector was of the opinion that a suitably worded condition mitigating any potential harm to the non-designated archaeological remains could be imposed and that this would satisfy the tests set out in Paragraph 206 of the Framework.

The Inspector concluded that the 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. Thus, the Inspector concluded that the proposal would be contrary to Government guidance contained within the Framework and Policy ESD 14 of the Cherwell Local (2011-2031) Plan Part 1.

2) Dismissed the appeal by First Industrial against the refusal of planning permission for Installation of a Peak Power Generation Plant and associated development. Land North Of Office Building at Former Northern Aluminium Co Ltd, Southam Road, Banbury. 15/01685/F (Delegated).

The Inspector concluded that given the proximity and extent of the fencing that would be required to screen the proposed plant it is clear that it would lead to an over-dominant structure that would significantly erode the primary visual relationship that defines the setting of this heritage asset (the listed office building gates and war memorial), i.e. the visual juxtaposition of the gates, gate house and office building.

Moreover, as the proposal would block the access road between the gates and the office building it would also destroy the functional relationship between these structures. Whilst the Inspector acknowledges that the appellant is seeking a temporary installation, 25 years is nevertheless a significant period of time over which the predicted changes to energy supplies may not occur thus requiring the on-going use of this facility. Once established, even with a temporary permission, the granting of a further permission would be hard to resist under such circumstances. The Inspector also notes and gives weight to the fact that the proposal would lead to a need to form a secondary access point in the event

that a viable use is found for the office building and that this would further undermine the historical relationship of these structures.

The applicants failed to make a convincing argument for the importance of the generators so as to outweigh this heritage interest and therefore the appeal was dismissed.

3) Dismissed the appeal by Mr and Mrs Collisson against the refusal of planning permission for the erection of six dwellings and garages and associated works (Resubmission of 15/01483/F). Land to the Rear of Home Farm Close, Ambrosden. 15/02247/F (Delegated)

The Inspector concluded that the main issue in the appeal was the effect on the character and appearance of the area.

The Inspector noted that because the appeal proposal was for six dwellings outside the built up limits of Ambrosden, Policy Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 was of little relevance, as this policy concerns sites which are for 10 or more dwellings. It had already been agreed by the parties that the proposal was in conflict with Policy Villages 1. The Inspector noted that the Council being able demonstrate a five year supply of deliverable housing sites did not weigh in favour of the proposal. The Inspector stated that one of the core principles of the Framework is the presumption in favour of sustainable development and for decision taking, this means approving development that accords with the development plan. The Inspector went on to state that there is clear conflict with the up-to-date development plan in this case.

The Inspector was of the opinion that the development would have a significant urbanising effect and would erode the rural nature of the area to the detriment of the character and appearance of the area. The Inspector highlighted that one of the proposed plots on the site (Plot 5), would be prominent at the access to the site and stated that the side elevation of this plot, with its garage and its boundary treatment, would appear as an inactive frontage and would not relate well to the surrounding development.

Thus, the Inspector concluded that the appeal should be dismissed as the dwellings would lead to unacceptable harm to the character and appearance of the area, contrary to Policies ESD13, ESD15 and Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies H18 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework.

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:

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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:

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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:

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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	
None	
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