

# **Cherwell District Council**

## **Planning Committee**

**27 October 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 **15/01953/OUT Land North of Southfield Farm, North Lane, Weston-on-the-Green.** Appeal by Mr Tredwell against the refusal of outline planning permission for the erection of up to 26 dwellings, including the creation of a new access, associated landscaping, open space and drainage infrastructure.

**16/00798/F Orchard Barn, 40 Yew Tree Close, Launton, OX26 5AE.** Appeal by Mr Cattle against the refusal of planning permission for a single storey extension to the rear, new roof light window and summer house.

**16/00913/F 109 Courtington Lane, Bloxham, OX15 4HS.** Appeal by Mr Jones against the refusal of planning permission for change of use from dwelling to a bed and breakfast accommodation.

**16/01053/REM Parts of OS Parcels 1125 And 1621 North And East Of Home Farm Close, Ambrosden.** Appeal by Mr Gardener against the refusal of reserved matters application to 14/01981/OUT – Erection of five detached dwellings.

**16/01109/F The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX.** Appeal by Investfront Ltd against the refusal of planning permission for the redevelopment of the site (function hall) to provide for 8 no. two bedroom dwellings.

**16/00281/Q56 Field Barn, Whichford Road, Hook Norton, Oxfordshire.** Appeal by Ms J Taylor against the refusal to grant prior approval for the change of use of 3 barns to 3 dwellings (including operational development).

**16/01582/TPO 5 TY-Craig. Victoria Road, Bicester, OX26 6PP.** Appeal by Mr Hyett against the refusal of consent to carry out works to a tree which is subject to a Tree Protection Order.

- 2.2 Forthcoming Public Inquires and Hearings between 27<sup>th</sup> October 2016 and 24<sup>th</sup> November 2016.

**Planning Hearing commencing Wednesday 16<sup>th</sup> November 2016 at 10am held in the River Cherwell Meeting Room, Cherwell District Council, Bodicote House, White Post Road, Bodicote OX15 4AA.** Appeal by McDonald's Restaurant Ltd against the refusal of planning permission for a freestanding single storey restaurant with associated drive-thru, car parking and landscaping; installation of customer order display and canopy. 15/00758/F.

## 2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal By Mr Beckett against the refusal of planning permission for the erection of a single storey dwelling. 24A Fergusson Road, Banbury, OX16 3HQ. 16/00089/F (Delegated).**

The appeal related to the construction of a single storey 1 bedroom bungalow to the rear of 24A, 24B and 24C Fergusson Road. The Inspector identified the main issues as being whether the proposal would comply with local and national policy on flood risk and the effect the proposal would have on the character and appearance of the area.

On the matter of flood risk, the appeal site is located within a Flood Zone 3a area which has a high probability of fluvial flooding. Planning applications within flood zones 2 and 3 are required to apply a sequential test. No sequential test was made, nor was an exception test submitted. A Flood Risk Assessment (FRA) undertaken in 2014 was submitted in support of the appeal. The Inspector was not convinced that the FRA could be relied upon. Furthermore, since the previous approval on the site, the Council has adopted the Cherwell Local Plan 2011 – 2031 Part 1, which makes full provision for housing allocations across the plan period. This increased level of housing provision diminished any arguments in favour of housing development within the Flood Zone 3a area.

On the matter of the character and appearance of the area, the Inspector concluded that the views of the proposal would be restricted and the single storey scale of the development would not be out of character with the area.

**2) Dismissed the appeal By S&S Motors against the refusal of planning permission for the redevelopment of the site for the erection of nine 2-storey open market dwellings with associated parking spaces and upgraded access. S & S Motors, Ploughley Road, Lower Arncott, Bicester, Oxfordshire OX25 1NY. 15/02353/OUT (Delegated).**

The Inspector concluded that the main issues in the appeal were the effect on the character and appearance of the area and highway and pedestrian safety within the site.

The Inspector stated that whilst the garage part of the site is previously developed land and could be considered to be located within the developed limits of Arncott, the paddock area of the site is beyond the existing village envelope. The Inspector also noted that whilst the existing garage, the development at the Tally Ho, and Manor Farm extend back from the road frontage, the character of the residential element of this ribbon development is one of frontage development to Ploughley Road. The Inspector went on to note that proposed dwellings, which would be sited behind Nos 59-69 Ploughley Road, would be in contrast with the prevailing form of residential development in Lower Arncott and the general form of the village as a whole.

The Inspector therefore concluded that 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 NPPF.

In relation to the matter of highway safety, the Inspector stated that it is unclear whether service vehicles would be able to enter and exit in a forward gear. The Inspector also stated that because that the layout of the site is being considered at the outline stage, changes required to address these issues cannot therefore be reserved for future approval, nor could they be resolved through a suitably worded planning condition. It was concluded that the layout of the development would be likely to give rise to significant harm to highway and pedestrian safety and as such the proposal would conflict with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within NPPF.

### **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:

Nigel Bell, Team Leader – Planning, Law and Governance, 01295 221687,

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### **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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[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto: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	
None	
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